

Chapter 11 Littering

- 11.1 TITLE. This ordinance shall be known and cited as the Township of Freedom Littering Ordinance.
- 11.2 DEFINITIONS. The following words or terms when used herein shall be deemed to have the meanings set forth below;
- 11.2.1 The term "litter" shall include, without limitation, shavings, sawdust, refuse, rubbish, trash, chips, bricks, ice, dirt, filth, parts of machinery or motor vehicles, parts of broken furniture, stoves or other appliances or any other loose or cast-off material or articles of any kind.
- 11.2.2 The term "person" shall include all natural persons, firms, co-partnerships, corporations., and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any provision of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall be equally liable as principles.
- 11.2.3 The term "public or private property or water" includes but is not limited to the right of way of a street, road or highway, a body of water or water course, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and residential or farm properties or timberlands.
- 11.2.4 The term "vehicle" means every motor vehicle required to be registered under the provisions of MCLA 257.923, as amended, to operate on a public road.
- 11.2.5 The term "vessel" means a vessel required to be registered under the provisions of MCLA 281.1199, as amended, to operate.
- 11.3 LITTERING PROHIBITED. It shall be unlawful for any person to knowingly, without the consent of this township or the owner of private property in this township to dump, deposit, place, throw, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or water within Freedom Township other than property designated and set aside for such purposes.
- 11.4 REMOVAL OF MATERIALS ON HIGHWAYS. It shall be unlawful for a person who removes a vehicle, wrecked or damaged in an accident, on a highway, road, or street, to fail to remove all glass and other injurious substances of litter dropped on the highway, road or street as a result of the accident.
- 11.5 OWNER PRESUMED TO BE DRIVER. Except as provided for in Section 7 involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this ordinance involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the registered owner of the vehicle or vessel at the time of the violation, constitutes, in evidence, a presumption that the owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation
- 11.6 DRIVER PRESUMED RESPONSIBLE. The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed, or left from the vehicle or vessel on public or private property defined in Section 2.
- 11.7 LESSEE PRESUMED TO BE DRIVER. In a proceeding for a violation of this act involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

- 11.8 PENALTIES. Any violation of this ordinance by any person shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 and costs of prosecution, or by imprisonment not to exceed 90 days, or both. The Court, in lieu of the other sentence imposed, may direct a substitution of litter-gathering labor, including, but not limited to the litter connected with the particular violation under the supervision of the court. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent the township from using other methods or means available to it under Michigan Law pertaining to litter problems or violations.
- 11.9 SEVERABILITY. Should any section, clause, or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this ordinance or any part thereof than the part so declared to be invalid.

This ordinance shall become effective the 6th day of October, 1990.

LEGISLATIVE HISTORY				
	Date passed	Date published	Where Published	Ordinance Number
Adopted:	8-14-90	9-6-90	The Manchester Enterprise	11
Amended:				