

**TUSCOLA TOWNSHIP ORDINANCE NO. 2020-2**

**TUSCOLA TOWNSHIP LITTER ORDINANCE**

**ADOPTED: May 19, 2020**

**EFFECTIVE: July 3, 2020**

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Tuscola Township, Tuscola County, Michigan, a municipal corporation, by the regulation litter within said Township of Tuscola; to provide for violations and enforcement of this Ordinance; to repeal any Ordinance or parts of Ordinances in conflict herewith; to provide for severability and an effective date.

**THE TOWNSHIP OF TUSCOLA**

**TUSCOLA COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**NAME**

This ordinance shall be known and cited as the "Tuscola Township Litter Ordinance."

**SECTION II**

**DEFINITIONS**

*Litter* as used in this article means all garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those properly stored and used in connection with an industrial or commercial operation on the site), inoperable and/or discarded/unused appliances and equipment, broken or discarded plaster, concrete, or building material on a property which does not have a valid building permit; scrap metal; discarded motor vehicle parts; and tires.

### SECTION III

#### REGULATIONS

- A. It shall be unlawful for any person, without the consent of the public authority having supervision of public property or the owner or occupier of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other materials on any public or private property or waters within the Township of Tuscola other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
- B. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within article.
- C. The owner or occupant of any building or premises within the township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:
- (1) Such litter is temporarily stored outdoors for not more than 21 days or for longer than any period which would cause the same to be odoriferous or a breeding place of insects or rodents, whichever is the lesser period.
  - (2) Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only between regular, not less than monthly, litter collection by a public or private litter or garbage collection service.
  - (3) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 640 cubic feet in area; (2) is not located within any required building setback areas as specified in the Township of Tuscola Zoning Ordinance; and (3) complies with all applicable Township "Fire Codes" and other ordinance requirements. The limitation of 640 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with a lawful industrial, commercial or agricultural operation on the site or in circumstances where the burning of wood is the main source of heat for a residence.
  - (4) Such litter is located in a duly-licensed and properly zoned Salvage Yard where such uses or operations are legally authorized and to the extent authorized under the Township of Tuscola Zoning Ordinance.
  - (5) A special permit is first obtained therefore for a period of not to exceed 45 days from the Clerk of the Township of Tuscola or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION IV

VIOLATIONS AND ENFORCEMENT

- A. Any person or entity that violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

---	1st offense	\$ 100.00
---	2nd offense*	\$ 200.00
---	3rd or subsequent offense*	\$ 500.00

\*within 3-year period determined on the basis of the date of  
commission of the offense(s)

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. This ordinance shall be administered and enforced by the person designated by the Township Board as the Ordinance Enforcement Officer(s) of the Township or by such other person(s) as the Township Board may designate from time to time.

**SECTION V**

**REPEAL**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed including but not limited to Ordinance No. 2.20A entitled the Tuscola Township Anti-Blight Ordinance; however, legal proceedings presently pending on an Ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance. This ordinance is not to be interpreted so as to vary the terms of or to create an inconsistency with the Tuscola Township Zoning Ordinance.

**SECTION VI**

**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION VII**

**EFFECTIVE DATE**

This Ordinance shall take effect 30 days after publication following adoption.

TUSCOLA TOWNSHIP  
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