

Henrietta Township Junk and Garbage Ordinance Ordinance #23

Adopted July 9, 1990
Effective upon Publication
Amended February 28, 2002

At a regular meeting of the Township Board held in the Township Hall on the 9th day of July 1990, at 8:00 p.m., Eastern Standard Time, the following Ordinance was heard and passed:

THE TOWNSHIP OF HENRIETTA ORDAINS:

SECTION 1. LEGISLATIVE FINDINGS

It is hereby determined that there exists on privately owned parcels of land within the Township of Henrietta accumulations of junk and/or garbage and that such accumulation of junk and/or garbage constitutes a hazard to the public health, safety and welfare of the residents of the Township of Henrietta for the reasons that they provide a habitat conducive to breeding and nesting of rats, mice and other vermin and also that they contain objects with sharp edges and other hazards which could injure small children who would be attracted to play thereon without appreciating the danger thereof, and that the regulations contained in this Ordinance are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public health, safety and welfare.

SECTION 2. DEFINITIONS

- a) Junk – As used in this Ordinance, “junk” means any unused or unusable building materials, furniture, machinery, appliances, or parts thereof, including inoperable motor vehicles, which, because of mechanical condition or missing parts cannot be driven.
- b) Rubbish – As used in this Ordinance, “rubbish” includes but is not limited to: waste paper, metallic ware, metallic cans, metallic cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, lawn cuttings, plastic ware, plastic cans, plastic cuttings, pallets, and hedge trimmings.
- c) Garbage – As used in this Ordinance, “garbage” means any accumulation of trash, refuse, or litter, specifically including, but not limited to, containers once containing edible, drinkable or usable materials, as well as dead animals (or parts thereof) and discarded edible or drinkable items.

SECTION 3. UNLAWFUL ACTS

- a) Storing of Junk – No owner, occupant or possessor of land within the Township of Henrietta shall keep or permit to be kept at any two (2) times not less than seven (7) days apart within any calendar month on such parcel any accumulation of junk thereon which has a total cumulative weight exceeding forty (40) pounds or a total cumulative dimension exceeding nine (9) cubic feet unless the same is within a completely enclosed building.
- b) Storing of Rubbish and Garbage – No owner, occupant or possessor of land in the Township of Henrietta shall keep or permit to be kept at any two (2) times not less than seven (7) days apart within any calendar month on such parcel any rubbish or garbage unless the same is kept within a closely covered can or other metal, plastic or rubber container designed for same and sufficient to prevent entry by rats, mice and other vermin.
- c) Discarding of Junk, Rubbish, and Garbage – It shall be unlawful for any person to discard any junk, rubbish or garbage on any private or public property unless such property is licensed to receive such junk, rubbish or garbage. Unlawful discarding includes but is not limited to the tossing or leaving of junk, rubbish or garbage along the roadsides, on private property owned by another person, in the public roadway, in parking lots, or on public property not licensed to receive such junk, rubbish or garbage.

SECTION 4. EXCEPTIONS

This Ordinance does not apply to inventory on premises occupied by a merchant licensed under MC 205.53 and conducting a lawful business or to the property of patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station while left on the premises of either for purposes of service or repair, nor does this Ordinance apply to junk yards which can be regulated under Public Act 12 of 1929.

This Ordinance shall not prohibit composting or compost piles maintained from materials generated on the site of the compost pile.

SECTION 5. PRIMA FACIE PROOF

In any litigation arising under this Ordinance testimony that any furniture, machinery, appliance, or parts thereof have been observed in the same place on at least two (2) separate dates at least seven (7) days apart within any calendar month shall constitute prima facie proof that such machinery, appliance or parts thereof are inoperable, unused, or unusable as defined in Section 2 above. Likewise, in any litigation arising under this Ordinance, testimony that any motor

vehicle, or parts thereof have been observed in the same place for a period of thirty (30) consecutive days shall constitute prima facie proof that such motor vehicle or parts thereof are inoperable, unused, or unusable as defined in Section 2 above.

SECTION 6. PENALTY

Pursuant to the adoption of Ordinance #37, effective February 28, 2002 any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with, any of the provisions of this Ordinance or amendments hereof, commits a municipal civil infraction punishable as follows:

1st offense – minimum of \$100.00 maximum of \$500.00 fine

2nd offense (within two years of first offense) minimum of \$200.00 maximum of \$500.00 fine

3rd offense (within two years of 2nd offense) minimum of \$300.00 maximum of \$500.00 fine

Each day that a violation occurs shall constitute a separate offense.

The court may order other relief relative to the infraction(s). This may include, but is not limited to, reimbursement of actual costs incurred by the Township to attain compliance of this ordinance.

SECTION 7. DECLARATION OF NUISANCE

Any violation of any provision of this Ordinance is hereby declared to be a nuisance, and the Township may institute appropriate Court Proceedings to enjoin, abate and remove any such nuisance.

SECTION 8. SEVERABILITY

This Ordinance is hereby declared to be severable and should any part, provision or paragraph hereof be declared invalid by a Court of competent jurisdiction, it shall not affect the remaining provisions hereof.

All Ordinances, Resolutions, or Orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after the earliest date allowed by law. This Ordinance shall be published in the manner provided by law.

Members Present: R. Kill, D. Chevrie, G. Kirt, J. Loughray

Absent: None

Ayes: Four (4)

Nays: None

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Richard Kill, Supervisor

Dorothy Chevrie, Clerk