

ERIE TOWNSHIP ORDINANCE NO. 38

LITTER ORDINANCE

An Ordinance to prevent littering on private or public property in the Township of Erie, Monroe County, Michigan, and to provide penalties for the violation thereof.

PURPOSE: The purpose of this Ordinance is to preserve the public and private lands and waters of the Township of Erie, Monroe County, Michigan, in a healthy and attractive condition; to prevent accumulation of litter and wastes which tend to encourage slums and lead to slum conditions; and to prevent the cost to the Township of removal of litter.

THE TOWNSHIP OF ERIE ORDAINS:

SECTION 1.

It is unlawful for any person, firm or corporation, without the consent in advance of the owner of public or private property, to litter any public or private lands or waters by dumping, depositing, throwing, dropping, leaving or causing or permitting the dumping depositing, throwing, dropping, leaving of litter therein or thereon.

*ORD. 48 SECTION 1A.

That it shall be unlawful for any person, firm or corporation, to operate within the confines of Erie Township any vehicle for the hauling of rubbish or litter as defined in this Ordinance with open lid and that any such vehicle while in transit shall be closed or covered so as to reduce odor and the scattering of matter being carried. Any rubbish or litter that is nevertheless dropped in transit shall be promptly recovered by the carrier operator and the affected area restored to its prior condition. Any undue collection of soil matter deposited on the street or public highway by the tracking of a vehicle shall be promptly removed by the carrier operator and the affected area restored to its prior condition.

SECTION 2.

Public property does include, and private property may include, but is not limited to the right-of-way of roads, streets, highways and includes any ditches, streams, rivers or water courses or bodies of water and the shore, banks or beaches of any ditch, stream, water course or body of water, and includes the surface of any ice formed on the bodies of water.

SECTION 3.

The term "litter" is defined to include straw, ashes, dirt, chips, trash, waste material, garbage, offal, papers, cans, glass, bottles, debris or any other foreign substance.

SECTION 4.

Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor which shall be punishable upon the conviction thereof by a fine not to exceed \$500.00, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 5.

Any court imposing sentence on any person, firm or corporation upon the conviction of a violation of this Ordinance may, in lieu of any other sentence imposed direct a substitution of litter-gathering labor, including, but not limited to, the litter connected with a particular violation under the supervision of said Court.

SECTION 6.

The sentence and sub-parts thereof, including any clause, sentence, provision, paragraph, section or part of this Ordinance, are severable, and if any such clause, sentence, provision, paragraph, section or part thereof shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to such part directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

SECTION 8.

This Ordinance shall be in full force and effect thirty days after passage, and shall be published in The Monroe Evening News, a newspaper circulating within said Township within ten (10) days after passage.

I, Paul H. Steinman, Clerk of Erie Township, do hereby certify that the attached Ordinance was approved and adopted by the Erie Township Board, at the regular meeting thereof held on the 10 day of March, A.D. 1970, the vote thereon being as follows:

In favor of the Ordinance	(5)
Against the Ordinance	(0)

s/s Paul H. Steinman
Paul H. Steinman

ATTEST:

Felix Hensler s/s

ERIE TOWNSHIP ORDINANCE NO. 38-A

AMENDMENT TO ERIE TOWNSHIP LITTER ORDINANCE

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945 as amended, to amend Erie Township Ordinance No. 38, commonly known as "Erie Township Litter Ordinance"; to change the penalty provision for a violation of this Ordinance from a misdemeanor to a municipal civil infraction; and to generally provide for the public health, safety, and general welfare of the persons and property of Erie Township; and to repeal all Ordinances or parts of Ordinances in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Section 1. Amendment to Section 4 of Erie Township Ordinance No. 38.

Section 4 of Erie Township Ordinance No. 38 is hereby deleted and replaced with a new Section 4, such that the new Section 4 shall hereinafter read as follows:

Section 4. Penalties.

Any person, firm, corporation, partnership, or other organization or entity, or anyone acting on behalf of said person, firm, corporation, partnership, or other organization or entity who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined by Michigan law, and subject to a civil fine determined in accordance with the following schedule:

First violation within a two-year period*:	\$ 50.00
Second violation within a two-year period*:	\$ 100.00
Third violation within a two-year period*:	\$ 250.00
Fourth or subsequent violation within a two-year period*:	\$ 500.00

(*Determined on the basis of the date of the violation(s).)

A violation of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

Section 2. Prior and Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 3. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, or clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby directed that the remainder of the Ordinance shall not be affected. The Township Board hereby declares that it would have passed this Ordinance in each part, sentence, paragraph, section, subsection, phrase, or clause thereof irrespective of the fact that either one or more parts, sentences, paragraphs, sections, subsections, phrases, or clauses are declared invalid.

Section 4. Effective Date.

This Ordinance shall become effective on the 31st day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen
Gayle A. Burlen,
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski
Daniel J. Bonkoski,
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 12th day of June, 2001.

The vote on said Ordinance, 4 members being present and 1 members absent, was as follows:

Member's Last Name

Voting in Favor:

Bonkoski	
Baum	
Gordy	
LaPlante	

Voting Against:

0	

Abstained:


0	

Absent:

Burlen	

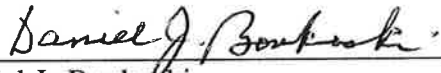
I, Gayle A. Burlen, do hereby certify that this Ordinance or a summary thereof, was published on the 27 day of June, 2001, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: June 13, 2001



Gayle A. Burlen,
Erie Township Clerk

ATTEST:



Daniel J. Bonkoski,
Erie Township Supervisor

ADOPTED: June 12, 2001

PUBLISHED: June 27, 2001

EFFECTIVE: July 28, 2001

ERIE TOWNSHIP ORDINANCE NO. 38-B

AMENDMENT TO ERIE TOWNSHIP LITTER ORDINANCE

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945 as amended, to amend Erie Township Ordinance No. 38, commonly known as "Erie Township Litter Ordinance"; to change the penalty provision for a violation of this Ordinance from a misdemeanor to a municipal civil infraction; and to generally provide for the public health, safety, and general welfare of the persons and property of Erie Township; and to repeal all Ordinances or parts of Ordinances in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Section I. Amendment to Section 4 of Erie Township Ordinance No. 38.

Section 4 of Erie Township Ordinance No. 38-A is hereby deleted and replaced with a new Section 4, such that the new Section 4 shall hereinafter read as follows:

Section 4. Penalties.

Any person, firm, corporation, partnership, or other organization or entity, or anyone acting on behalf of said person, firm, corporation, partnership, or other organization or entity who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined by Michigan law, and subject to a civil fine determined in accordance with the following schedule:

First violation within a two-year period*:	\$ 100.00
Second violation within a two-year period*:	\$ 200.00
Third violation or any subsequent violation. within a two-year period*:	\$ 500.00

(*Determined on the basis of the date of the violation(s).)

A violation of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

Section 2. Prior and Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

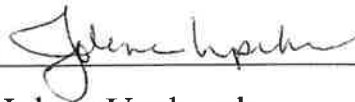
Section 3. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, or clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby directed that the remainder of the Ordinance shall not be affected. The Township Board hereby declares that it would have passed this Ordinance in each part, sentence, paragraph, section, subsection, phrase, or clause thereof irrespective of the fact that either one or more parts, sentences, paragraphs, sections, subsections, phrases, or clauses are declared invalid.

Section 4. Effective Date.

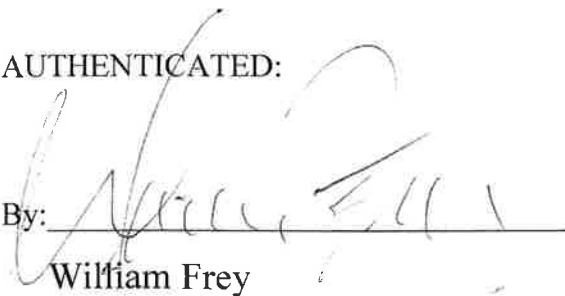
This Ordinance shall become effective on the 31st day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: 

Jolene Upchurch,
Erie Township Clerk

AUTHENTICATED:


By: _____
William Frey
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 10th day of May, 2016

The vote on said Ordinance was as follows 5 members being present, 0 members being absent.

Member's Last Name

Voting in Favor:

Frey

Upchurch

Gradi

Cousino

Wisbon

Voting Against:

0

Abstained:

0

Absent:

0

I, Jolene Upchurch, do hereby certify that this Ordinance or a summary thereof was published on the 15th day of May in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: 5-11-14

By: Jolene Upchurch
Erie Township Clerk

ATTEST:
Whitney Jones
Erie Township Supervisor

ADOPTED: 5-10-14

PUBLISHED: 5-15-14

EFFECTIVE: 6-14-14