

ALMENA TOWNSHIP
Van Buren County

ORDINANCE NO. 2024-07

LITTER & BLIGHT ORDINANCE

At a regular meeting of the Township Board of Almena Township, Van Buren County, Michigan, held at the Almena Township Hall on November 20, 2024 at 6:30 p.m, Township Board Member M.Roman moved to adopt the following Ordinance, which motion was seconded by Township Board Member K.Redmond:

An Ordinance to protect the public health, safety and general welfare of persons and property within Almena Township through the regulation, control, and prohibition of rubbish, blight, waste, litter, and debris upon public and private property within the Township; to provide penalties for the violation thereof; and to repeal any ordinances or parts of ordinances, including Ordinance No 59, in conflict therewith.

THE TOWNSHIP OF ALMENA ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and cited as the Litter and Blight Ordinance.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- A. "Abate" or "Abatement" means demolition, removal, repair, maintenance, construction, reconstruction, replacement, and reconditioning of structures, appliances, appurtenances or equipment as well as removal, transportation, purchase, disposal and treatment of refuse or other substance or media capable of causing a nuisance and the use of mechanical means to control, eradicate, and eliminate the nuisance conditions.
- B. "Building Materials" means lumber, bricks, concrete or cinder blocks, plumbing materials or equipment, pipe, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, broken or discarded plaster, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- C. "Litter" or "Junk" means all garbage, rubbish, refuse, scrap, and waste materials including but not limited to: rags; cartons; bedding; floor coverings; wallpaper; sweepings; newspapers or magazines; paper; cans; bottles; used lumber; boxes; crates; wooden skids or pallets or parts therefrom (excluding those stored and used in connection with a permitted industrial or commercial operation on the site); inoperable and discarded appliances and equipment; discarded or abandoned furniture or materials, including camping and picnic gear and equipment; organic refuse; food wastes; drug paraphernalia; ashes; excrement; dead animals; fish; animal bones; hides; yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or cut or broken tree branches, or other brush; fences in disrepair;; scrap metal; construction debris; building

materials (excluding those stored or used in connection with a permitted construction site); machinery or motor vehicle parts and tires; dismantled, partially dismantled, inoperable, neglected or unused motor homes, trailers, campers or watercraft; grease; tallow; offal; shell; industrial waste; unclean or noxious fluids or gases; any other item or material in disrepair or neglect which is a public safety or health hazard; and any other item that is a public safety or health hazard.

- D. "Personal use items" means lawn maintenance equipment; children's toys; and sporting equipment and bicycles which can be used on residential property when one or more of the following conditions exist:
1. It is not regularly used for its intended purposes at least one time per season of intended use; or
 2. It is in a state of disrepair and is not usable in its present condition; or
 3. It has broken or missing parts.

SECTION 3. REGULATIONS.

A. Prohibition and Storage Regulations for "Litter" or "Junk".

1. It shall be unlawful for any person to dump, deposit, place, throw, leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or junk or any other material on any public or private property or waters within the Township other than property approved 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.
2. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Ordinance.
3. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter or junk on such premises, subject to the following exceptions:
 - a. Garbage or other putrescible liquids or solids, when screened from the view of all adjacent properties and abutting public or private rights-of-way, and when being stored only between regular, not less than weekly collection by a public or private garbage collection service.
 - b. Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 2,500 cubic feet in area, (2) is not located within any required building setback areas as specified in the Almena Township Zoning Ordinance, and (3) complies with all applicable Township ordinance requirements. The limitation of 2,500

- cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with an industrial or commercial operation on the site.
- c. Duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Almena Township Zoning Ordinance.
 - d. A special permit is first obtained therefor for a period not to exceed 45 days from the Supervisor of Almena Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond 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 this Ordinance are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

B. Prohibition and Storage of Personal Use Items. Personal use items shall only be stored in the rear or side yard of residentially used property when not in current active use. When in usable condition and used at least once per season, large scale sporting installations, such as but not limited to, trampolines and soccer goals shall not be required to be stored in the side or rear yard.

SECTION 4. SANCTIONS.

A. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction, which shall be punishable by a civil fine as determined and set by the Township Board via resolution. The initial civil fines shall be as set for in the following schedule:

	Minimum Fine	Maximum Fine
—1st Offense within 3-year period*	\$ 150.00	\$500.00
—2nd Offense within 3-year period*	250.00	500.00
—3rd Offense within 3-year period*	350.00	500.00
—4th or More Offense within 3-year period *	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

B. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Almena Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered, exclusive of Court authorized abatement costs. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining

an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

C. Each day that a violation exists shall constitute a separate offense.

SECTION 5. SEVERABILITY. Should any section, clause, or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be invalid.

SECTION 6. REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed, including the prior blight ordinance being Ordinance No. 59.

SECTION 7. SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

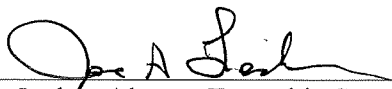
SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

YEAS: J.Wagner, P. Denny-Diget, K.Redmond, T. Kloosterman, M. Roman, J. Leduc

NAYS: None

ABSENT: S.Rickli

ORDINANCE DECLARED ADOPTED



Joe Leduc, Almena Township Supervisor

CERTIFICATE

STATE OF MICHIGAN)
) ss
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk for Almena Township, Van Buren County, Michigan, HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Almena Township Board at a meeting held on November 20, 2024.

ATTESTED:


Sandra Rickli, Almena Township Clerk