

**SYLVAN TOWNSHIP  
OSCEOLA COUNTY, MICHIGAN**

**LITTER ORDINANCE**

**ORDINANCE NO. 9616-1  
AS AMENDED YB ORDINANCE NO. 9613-3**

**ADOPTED: SEPTEMBER 6, 2016**

**EFFECTIVE: OCTOBER 19, 2016**

**EFFECTIVE DATE OF AMENDMENTS: APRIL 19, 2017**

An Ordinance to protect the public health, safety, and general welfare of persons and property within Sylvan Township through the regulation, control, and prohibition of the depositing of rubbish, 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 in conflict therewith.

**SYLVAN TOWNSHIP  
OSCEOLA COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
NAME & PURPOSE**

A. This Ordinance shall be known and cited as the **Sylvan Township Litter Ordinance**.

B. Purpose: To protect the public health, safety, and general welfare of persons and property within Sylvan Township through the regulation, control, and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township, to provide penalties for the violation thereof and to repeal any Ordinance or parts of Ordinances in conflict therewith.

## **SECTION II**

### **DEFINITIONS**

*Litter* as used in the Ordinance means all garbage, scrap, and waste materials including, but not limited to, rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and/or discarded/unused appliances and equipment, cut or broken tree branches, and broken or discarded plaster, concrete, or brick building materials.

*Litter* shall also include any machine, motorized or not, which is operated or designed to be operated for the purposes of manufacturing, processing, construction, transportation or household use; such as, but not limited to washing machines, dryers, refrigerators, motor vehicles, and tires.

*Litter* shall also include the following terms and conditions:

- A. “Dangerous mobile home” means any mobile home, as defined in MCL 125.2302(h), residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
  - (1) Condemned by the Department of Health.
  - (2) A portion of the mobile home is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the mobile home is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being section 125.401 et seq. of the Michigan Compiled Laws, or the Michigan Residential or Building Codes for a new building or structure, purpose or location and such condition has existed for at least 180 days.
  - (3) A part of the mobile home is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property and such condition has existed for at least 180 days.
  - (4) The mobile home or a part of the mobile home, because of dilapidation, deterioration, decay, faulty maintenance, or the removal or movement of some portion of the ground underneath it necessary for the support, or for other reason, is likely to partially or completely

collapse, or some portion of the foundation, chassis or underpinning of the mobile home is likely to fall, give way, or collapse and such condition has existed for at least 180 days.

- (5) The mobile home, or a part of the mobile home, is manifestly unsafe for the purpose for which it is used and such condition has existed for at least 180 days.
- (6) The mobile home is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the mobile home to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the mobile home for committing a nuisance or an unlawful or immoral act and such condition has existed for at least 180 days.
- (7) A mobile home is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers and such condition has existed for at least 180 days.

B. For the purposes of this ordinance, “mobile home” means a structure that is transportable in one or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure as defined in MCL 125.2302(h).

### **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 Sylvan Township 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, and 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 Ordinance.

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 14 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 abutting public or private right-of-way, and is being stored only between public litter collection times, which shall occur at least monthly.
- (3) Logs, branches, or other scrap wood may be neatly stacked outdoors on occupied premises, provided such storage (1) does not exceed 640 cubic feet in area; (2) is not located within the front or side yard of the main building on the premises; and (3) complies with all applicable "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 a source of heat for a residence.
- (4) Such litter is located in a state-licensed junk yard, salvage yard, or landfill.
- (5) Such machinery is an agricultural or recreational-use machine, is not inoperable and is used or usable for agricultural purposes upon the premises where located, for recreational purposes, or for its intended purposes upon the property on which it is located.
- (6) A special permit is first obtained therefore for a period of not to exceed 45 days from the Supervisor of Sylvan Township or such other officer or official as the Township board may designate to be granted after a hearing before and approval by the Township Board and 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.

- D. The owner, possessor, or occupant of any Dangerous Mobile Home, as defined in Section II, within the Township shall not be allowed to allow any of the conditions defined therein to exist for more than 180 days.

**SECTION IV**  
**SANCTIONS**

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 as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st Offense within 3-year period*	\$ 75.00	\$ 500.00
2nd Offense within 3-year period*	\$ 150.00	\$ 500.00
3rd Offense within 3-year period*	\$ 325.00	\$ 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).		

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Sylvan Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. 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. Each day that a violation exists shall constitute a separate offense.

**SECTION V**  
**VALIDITY**

Should any section, clause, or provision of the Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

**SECTION VI**  
**REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII**  
**EFFECTIVE DATE**

This ordinance shall take effect on October 19, 2016.

SYLVAN TOWNSHIP  
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