

ORDINANCE NO. 21
ANTI-LITTERING

AN ORDINANCE TO DEFINE, CONTROL, AND PROHIBIT THE LITTERING OF PUBLIC AND PRIVATE PROPERTY, ROADS, PARKS, DITCHES, OR OTHER ADJOINING LANDS, AND TO ESTABLISH THE PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

SECTION 1. DEFINITIONS:

FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING TERMS, PHRASES, WORDS, AND THEIR DERIVATIONS SHALL HAVE THE MEANING GIVEN HEREIN:

- (A) "Litter" is garbage, refuse, and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (B) "Private premises", means all property including, but not limited to, vacant land or any land, building, or other structure, designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure appurtenant thereto.
- (C) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses or fountains and any and all public parks, squares, spaces, grounds, and buildings.
- (D) "Public receptacles", means any receptacles provided by or authorized by the Township.
- (E) "Construction sites", means any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.
- (F) "Handbill", is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by United States mail, including but not limited to those which:
1. Advertise for sale any merchandise, product, commodity, or thing, or
 2. Direct attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 3. Direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.
- (G) Vehicle is every device in, upon or which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

SECTION 2. LITTERING PROHIBITED - No person shall deposit any litter within the township except in public receptacles, in authorized private receptacles for collection or in any duly approved disposal facility.

SECTION 3. PREVENTION OF SCATTERING - Persons placing litter in public receptacles, in authorized private receptacles, or in a duly authorized disposal facility, Shall do so in a manner as to prevent litter from being carried or deposited by the elements upon any public place or private Premises.

SECTION 4. UPSETTING OR TAMPERING WITH RECEPTACLES - No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

SECTION 5. OWNER TO MAINTAIN PRIVATE PREMISES -

(a) The owner or person in control of any private premises shall at all times maintain the premises free of litter.

(b) The owner or person in control of private premises shall maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

SECTION 6. LITTERING FROM VEHICLES -

(a) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(b) No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Township, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

SECTION 7. LITTER IN PARKS- no person shall deposit litter in any park within the township except in receptacles and in such a manner that the litter will be prevented from being carried, or deposited by the elements upon any part of the park or upon any other public place or private premises where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

SECTION 8. CONSTRUCTION SITES -

(a) Each contractor shall be responsible for the job site in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

(b) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

SECTION 9. HANDBILLS -

(a) PUBLIC PLACES

No person shall deposit or unlawfully sell any handbill in or upon any public place. Provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(b) PRIVATE PREMISES

No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not do so may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

Exemption for newspapers and political literature. The provisions of this section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or private premises.

(c) PLACING HANDBILLS ON VEHICLES

No person shall deposit any handbill in or upon any vehicle unless the occupant of a vehicle is willing to accept it.

(d) CLEAN-UP

It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter by or related to said landfill distribution.

SECTION 10. POSTING NOTICES PROHIBITED - no person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public upon any public place, except as maybe authorized or required by law. No person except the owner or tenant shall post any such notice on private property, without the permission of the owner or tenant.

SECTION 11. CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY TOWNSHIP - The procedure for the removal of litter from private premises and the charging of expense thereof as a lien upon such property to be collected as other taxes by the county auditor shall be in accordance with the state statutes. The township supervisor shall be responsible for the implementation of this enforcement program.

SECTION 12. PENALTY - Any person firm or corporation violating any provision of this ordinance shall be fined not less than ten dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 13. INVALIDITY - if any section, sentence, clause or phrase of this ordinance is held invalid, unconstitutional or void by any court, such section, sentence, clause or phrase shall be deemed a separate and independent provision thereof of this chapter, and such holding shall not affect the validity of the remainder of the ordinance.

SECTION 14. EFFECTIVE DATE - This ordinance shall take effect 11/1/89 (19) days from the date of final adoption.

ADOPTED: Moved by Dennis Turner, Supported by Mary Lanning, to adopt this ordinance on the 12th day of October, 1989, at a regular meeting of the Township of Iron River. AYES: Unanimous NAYS:-0-ORDINANCE DECLARED ADOPTED.

James Spicer, Township Supervisor
Joan Luhtanen, Township Clerk

**AMENDMENT TO ORDINANCE NO. 21
ANTI-LITTERING**

THE TOWNSHIP OF IRON RIVER ORDAINS:

Ordinance No. 21, Section 12 is amended to delete existing Section 1.2 and to substitute the following: **Section 12. PENALTY:**

Any person, firm or corporation violating any provision of this ordinance shall be guilty of a civil infraction, the penalty for which shall be a fine of not less than \$10.00, nor more than \$500.00 for each offense, plus all actual costs of prosecution, including actual attorney fees. Each day a condition proscribed by this Ordinance continues to exist shall be deemed a separate offense hereunder.

This Ordinance shall become effective thirty (30) days after first publication of such Ordinance. Ordained this 12th day of June, 1997. Township of Iron River

/s/James Spicer, Township Supervisor
/s/Kathleen Gibbins, Township Clerk