

**VILLAGE OF EAU CLAIRE
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 2020-2

LITTER

Adopted: March 16, 2020

Effective: April 28, 2020

An Ordinance to protect the public health, safety and general welfare of persons and property within the Village of Eau Claire through the regulation, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Village of Eau Claire; to provide penalties for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

**VILLAGE OF EAU CLAIRE
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ORDAINS:

SECTION I

NAME AND PURPOSE

This Ordinance shall be known and cited as the Village of Eau Claire Litter Ordinance. The purpose of this Ordinance is to limit and restrict the storage or unreasonable accumulation of junk upon the premises within the township; to provide restrictions concerning the storage; to avoid injury and hazards to children and others attracted to such litter; and to minimize the devaluation of property and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION II

DEFINITIONS

Litter as used in this Ordinance means all garbage, scrap and waste materials including 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, unused concrete, or unused brick building materials.

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 the Village of Eau Claire 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, 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.

- 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 Village 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 and abutting public or private right-of-ways, and is being stored only between monthly or more frequent regular disposal by the owner or occupant of the premises in a lawful manner, or by monthly or more frequent regular collection by a public or private litter or garbage disposal service.
 - (3) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 640 cubic feet in area; (2) is not located within any required building setback areas as specified in the Village of Eau Claire Zoning Ordinance; and (3) complies with all applicable "Fire

Codes" and other ordinance requirements. The limitation of 350 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 the main source of heat for a residence.

- (4) Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Village of Eau Claire Zoning Ordinance.
- (5) A special permit is first obtained therefore for a period of not to exceed 30 days from the Clerk of the Village of Eau Claire or such other officer or official as the Village Council may designate to be granted 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 30 day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

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* \$500.00		\$75.00
- 2nd Offense within 3-year period* 500.00		150.00
- 3rd Offense within 3-year period* 500.00		325.00
- 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 Village of Eau Claire 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. In addition, the Village 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 this 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 AND SAVINGS CLAUSE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. Legal proceedings presently pending on an Ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance.

SECTION VII

EFFECTIVE DATE

This ordinance shall take effect thirty days after the date of publication of a summary thereof, after adoption.

Village of Eau Claire
Shawn Foster, Clerk
6625 E. Main Street
PO Box 338
Eau Claire, MI 49111