

A RESOLUTION APPROVING AND ADOPTING WASHTENAW COUNTY'S PROPOSED REGULATION
ADDRESSING ROADSIDE DUMPING AND LITTERING CONTROL

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 2, 1992

WHEREAS, Washtenaw County, pursuant to the Michigan Public Health Code MCLA 333.1101 et seq., has drafted the Regulation "Washtenaw County Regulation for Roadside Dumping and Littering Control" that addresses the issues of roadside dumping and littering control; and

WHEREAS, the Regulation provides for the control and prohibition of littering of or on property or waters anywhere in Washtenaw County and to provide penalties for violation thereof; and

WHEREAS, this Regulation does not pre-empt the authority of townships, villages, or cities to initiate their own activities and allows but does not require the County to respond to incidents of littering or illegal dumping; and

WHEREAS, the Regulation has been distributed to clerks, township and city officials, fire chiefs, business associations, and local community groups for review; and

WHEREAS, a joint public hearing was held on August 5, 1992 between the Washtenaw County Board of Commissioners and the Environmental Appeals Board pursuant to Act 368 Section 2442 of the Public Health Code of 1978;

WHEREAS, the County Health Officer has adopted the regulation on behalf of the County Health Department

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners approves the Regulation addressing Roadside Dumping and Littering Control attached to this resolution, effective October 17, 1992.

Commissioner	Y	N	A	Commissioner	Y	N	A	Commissioner	Y	N	A	
CRAIGER	✓			MONTAGUE	✓			SHOULTZ	✓			
DURUSSEL	✓			MURRAY	✓			SMITH	✓			
EGNOR	✓			SHACKMAN	✓			STRAUB	✓			
CLERK/REGISTER'S CERTIFICATE — CERTIFIED COPY									ROLL CALL VOTE: TOTALS			900

STATE OF MICHIGAN)
COUNTY OF WASHTENAW) ss.

I, Peggy M. Haines, Clerk/Register of said County of Washtenaw and Clerk of the Circuit Court for said County, the same being a Court of Record:

Do hereby certify that the annexed is a true and compared copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 2, 1992, as appears of record in my office. That I have compared the same with the original and that it is a true transcript thereof and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at

Ann Arbor, this _____ day of _____, 19____.
PEGGY M. HAINES, Clerk/Register

By _____
Deputy Clerk/Register

Act. No. 92-0237

LL-15-90



COUNTY OF WASHTENAW

OPERATIONS BUREAU
PERSONAL HEALTH BUREAU

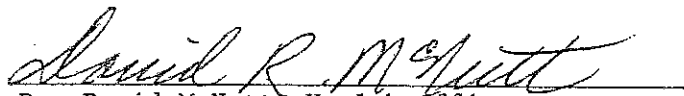


COMMUNITY HEALTH BUREAU
ENVIRONMENTAL HEALTH BUREAU

HUMAN SERVICES DEPARTMENT
PUBLIC HEALTH DIVISION

555 Towner St. P.O. Box 915 Ypsilanti, Michigan 48197
(313) 484-6640
FAX: 313 484-6634

I, David McNutt, Health Officer for Washtenaw County, acting on behalf of the Washtenaw County Health Division of the Human Services Department, hereby adopt the attached "Washtenaw County Regulation for Roadside Dumping and Littering Control" and recommend that the Washtenaw County Board of Commissioners approve such Regulation.


Dr. David McNutt, Health Officer

WASHTENAW COUNTY REGULATION FOR
ROADSIDE DUMPING AND LITTERING CONTROL

Section 1: Purpose and Preamble

Purpose

The purpose of this Regulation is to provide for the control and prohibition of littering of or on property or waters anywhere in Washtenaw County and to provide penalties for violation thereof.

Preamble

Recognizing that the proper disposal of litter prevents pollution of land, surface water and groundwater, and provides for greater enjoyment of our natural resources, and further recognizing that the cost of clean-up of litter is greater than the cost of proper disposal, and insofar as possible to prevent the creation of nuisances, sources of filth and conditions menacing the public health, this Regulation for the control and prohibition of littering is hereby established pursuant to the Michigan Public Health Code (MCLA 333.1101 et seq).

Section 2: Definitions

The following words or terms when used herein shall be deemed to have the meanings set forth below:

A. The term "litter" shall include, without limitation, wood, yard waste, brush, metal, sod, shavings, saw dust, refuse, rubbish, trash, liquids, chips, bricks, ice, dirt, filth, parts of machinery or motor vehicles, furniture, appliances or any other loose or cast-off material or articles of any kind.

B. The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any provision of this Regulation, whether as owner, occupant, lessee, agent, servant or employee shall be equally liable as principals.

C. The term "public health officer" refers to the County of Washtenaw's Public Health Officer in charge of the Public Health Department and his/her duly authorized agent in writing.

D. The term "public or private property or water" includes but is not limited to, the right of way of a street, road or highway; a body of water or water course, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and

residential or farm properties or timberlands anywhere in Washtenaw County.

E. The term "vehicle" means every motorized or unmotorized, licensed or unlicensed vehicle required to be registered under the provisions of MCLA 257.923, as amended, to operate on a public road.

F. The term "vessel" means a vessel required to be registered under the provisions of MCLA 281.119, as amended, to operate.

Section 3: Prohibition Against Littering in County

It shall be unlawful for any person to knowingly, without the consent of the Public Health Officer or the owner of private property in the County, to dump, deposit, place, throw, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on public or private property or water within the County.

Section 4: Automobile Accident Removal and Clean-Up

It shall be unlawful for a person who removes a vehicle wrecked or damaged in a crash on a highway, road or street, to fail to remove all glass and other injurious substances or litter dropped on the highway, road or street as a result of the accident.

Section 5: Littering Involving Motor Vehicles or Vessels - Presumption of Ownership

Except as provided for in Section 7 involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this Regulation involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the registered owner of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

Section 6: Littering From Vehicle or Vessel - Presumption of Responsibility

The owner and/or driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel in public or private property defined in Section 2.

Section 7: Littering From Leased Motor Vehicle or Vessel -
Presumption of Operation

In a proceeding for a violation of this act involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the lessee of the vehicle or vessel at the time of the violation constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

Section 8: Remedies

- A. The Public Health Officer shall have the authority to issue citations for any violation of this Regulation. Any person who fails to comply with any provision of this Regulation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding the sum of Two Hundred Dollars (\$200.00) or by imprisonment in the Washtenaw County jail for not more than ninety (90) days, or both. The Court, in lieu of the other sentence imposed, may direct a substitution of litter-gathering labor, including, but not limited to, the litter connected with the particular violation, or other related community service, under the supervision of the Court. Each day that a violation continues shall be deemed to be a separate violation. This Regulation shall not prevent the County from using other methods or means available to it under Michigan Law pertaining to litter problems or violations.
- B. In addition, any person who shall fail to comply with any provision of this Regulation shall be liable for monetary civil penalties of not more than One thousand (\$1,000.00) Dollars for each violation or day that the violation continues.
- C. Notwithstanding the existence or pursuit of any other remedy, the Public Health Officer may maintain an action in the name of Washtenaw County in a court of competent jurisdiction for any injunction or other appropriate process against any party to restrain or prevent violations of this Regulation.

Section 9: Severability

Should any section, clause or provision of this Regulation be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this

Regulation or any part thereof that the part so declared to be invalid,

Section 10: Procedure for Approval of Regulation and Effective Date

This Regulation shall be published in the manner required by law, a public hearing shall be held and the Regulation shall become effective forty-five (45) days after its approval by the Washtenaw County Board of Commissioners.

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