

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:

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.

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.

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.

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.

The term "vehicle" means every motorized or unmotorized, licensed or unlicensed vehicle required to be registered under the provisions of MCLA 281.119, 324.801, 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 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

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.

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) Dollars for each violation or day that the violation continues.

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.