

ORDINANCE #213

AN ORDINANCE FOR THE REGULATION OF DISPOSAL OF UNWANTED MATERIALS ON PUBLIC PROPERTY AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE VILLAGE OF SPRINGPORT ORDAINS:

No person, corporation, association, or other legal entity shall either themselves or through their agents, dump household waste consisting of discarded animal or vegetable matter, kitchen refuse, or hazardous waste and materials on any publicly owned or maintained property, with the exception of allowable recyclable materials in the approved bins located on Springport Township property, within the limits of the Village of Springport.

IT IS FURTHER ORDAINED that any person who violates this Ordinance shall be responsible for a municipal civil infraction. Civil sanctions under this section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$500, plus other costs, damages, expenses and other sanctions for each infraction.
2. A municipal civil infraction may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
3. Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
4. Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 236 of 1961, as amended.
5. A municipal civil infraction is not a crime under this ordinance, and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

Declaration of Nuisance

A violation of any provision of this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the village and is hereby declared to be a nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law.

Section 6. That the Clerk is hereby ordered and directed to cause this ordinance to be published and posted as required.

Section 7. That this ordinance shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Adopted the ____th day of ____ 2011.

Effective the ____th day of _____, 2011

Reviewed By:

Village Clerk, Marci Pochyla

Village Attorney, Stuart Saunders

Village President, Gordon Webb

Village Manager, Rosalee Terpening