

**ALAMO TOWNSHIP**  
**KALAMAZOO COUNTY, MICHIGAN**  
**ORDINANCE 41-M**

ADOPTED: \_\_\_\_\_

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN ALAMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, THROUGH THE REGULATION, CONTROL AND PROHIBITION OF THE DEPOSITING OF LITTER, RUBBISH, JUNK, WASTE, TRASH, REFUSE OR DEBRIS UPON PUBLIC AND PRIVATE PROPERTY WITHIN THE TOWNSHIP; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; TO DECLARE THE SAME A PUBLIC NUISANCE; AND TO REPEAL ANY ORDINANCE OR PARTS THEREOF IN CONFLICT HEREWITH.**

Section 1    Title.

This Ordinance shall be known and referred to as the Alamo Township Litter Ordinance:

Section 2    Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Debris. Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded or unused objects; junk comprised of equipment such as automobiles, boats and recreation vehicles which are unregistered and/or missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles; furniture; appliances; cans; boxes; scrap metal; scrap building materials; plastic; glass; tires; batteries; containers; and garbage which are in the public view.

Decay. A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten.

Dilapidated. Decayed or rotten beyond repair.

Mechanical Equipment. Any apparatus designed to operate by an internal combustion engine or designed to be towed by any apparatus propelled by an internal combustion engine.

Natural Field State. Areas where grass, weeds and brush exist in their natural, unlandscaped state.

Naturally Wooded State. Areas where trees and brush exist in the natural, unlandscaped state.

Person. Any man, woman, corporation or other legal entity capable of owning real property.

Premises. A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term *premises*, where the context requires, shall be deemed to include any buildings, dwellings, parcels or land or structures contained within the scope of this article.

Public View. Visible from any public right-of-way or neighboring property.

Structure. Any building, dwelling, fence, swimming pool or similarly constructed object.

### Section 3    Regulations.

No person owning, leasing, occupying or otherwise having possession and/or control of any premises in Alamo Township shall maintain the premises or the public right-of-way abutting the same in such a manner that allows any of the following conditions to exist thereon:

- a. Any structure which is in a state of dilapidation, decay, open to the elements or unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation or decay.
- b. Dead, decayed, diseased or damaged trees constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein.
- c. Any combination of 10 or more pieces of mechanical equipment stored outside a wholly enclosed building, except equipment regularly being used in agricultural production.
- d. Accumulated debris, but not including compost piles or piles of grass and/or brush which are not visible from a public right-of-way and do not otherwise constitute a public health or safety hazard.

- e. Landscaping on any premises, including, but not limited to, trees, shrubs, hedges, grass and plants which physically hinder or interfere with the lawful use of abutting premises, or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.

Section 4    Nuisance Declared.

Any violation of this Ordinance shall be deemed a public nuisance which shall be abated by any and all methods permitted by law.

Section 5    Penalties.

Any person who violates, disobeys or otherwise refuses to comply with any provisions of this Ordinance shall be responsible for a civil infraction and shall pay the following fines:

- a. First offense: \$100.00.
- b. Second offense within two years of first offense: \$250.00.
- c. Any subsequent offense within two years of first offense: \$500.00.
- d. The Court may also impose costs and actual attorney's fees in addition to fines.

In addition, the Court shall have such equitable power, as may be permitted by law, to enforce its Orders and to enforce this Ordinance. The Township may also seek injunctive or other relief from a Court of competent jurisdiction.

The penalties provided herein shall be deemed cumulative. The Township may avail itself of any or all of them without limitation.

Each day a violation exists shall be deemed a separate offense. The imposition of any fine shall not exempt a person from compliance with the provisions of this Ordinance.

Section 6    Repealer.

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

Section 7    Severability.

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any Court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

Section 8    Effective Date.

This Ordinance shall take force and effect on \_\_\_\_\_, 2003.

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**CERTIFICATE**

I, Kathye LaCount, Clerk for Alamo Township, do hereby certify that the foregoing Alamo Ordinance No. 41-M was adopted by the Township Board at a regular meeting held on August 11, 2003, and that the following is a record of the vote of the members of said Township Board on said Ordinance.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Kathye LaCount, Clerk