

**LYON TOWNSHIP
JUNK AND GARBAGE ORDINANCE
LYON TOWNSHIP ORDINANCE #22
EFFECTIVE DATE: AUGUST 4, 1977
REVISED: APRIL 12, 1995**

AN ORDINANCE to regulate the storage of junk, rubbish and garbage within Lyon Township and to prohibit such storage except under certain conditions and to provide penalties for violation. THE TOWNSHIP OF LYON, Roscommon County, Ordains:

Section 1. Legislative Findings.

It is hereby determined that there exists on both privately and publicly owned parcels of land within Lyon Township accumulations of junk, rubbish and/or garbage and that such accumulations of junk, rubbish and/or garbage constitute a hazard to the public health, safety and welfare of the residents of Lyon Township for the reasons that they provided a habitat conducive to breeding and nesting of rats, mice and other vermin and also that they contain objects with sharp edges and other hazards which could injure small children who would be attracted to play thereon without appreciating the danger thereof, and that the regulations contained in this ordinance are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public health, safety and welfare and maintain property values.

Section 2. Definitions.

- A. Junk.** As used in this ordinance, "junk" means any unused or unusable toys, building materials, furniture, machinery, appliances, or parts thereof, including inoperable motor vehicles which because of mechanical condition or missing parts, cannot be driven, and motor vehicles (whether operable or not) which have not been licensed for a period of eleven (11) months or more.
- B. Rubbish.** As used in this ordinance, "rubbish" means waste paper, metalware or plasticware, metal cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, lawn cuttings, and hedge trimmings.
- C. Garbage.** As used in this ordinance, "garbage" means any accumulation of trash, refuse, or litter, specifically including, but not limited to, containers once containing edible, drinkable or usable materials, as well as dead animals (or parts thereof) and discarded edible or drinkable items.

Section 3. Unlawful Acts.

- A. Storing of Junk.** No owner, occupant or possessor of land within Lyon Township shall keep or permit to be kept at any two times not less than four days apart within any calendar month on such parcel any accumulation of junk thereon which has a total cumulative weight exceeding 40 pounds or a total cumulative dimension exceeding nine cubic feet unless same is within a completely enclosed building.
- B. Storing of Rubbish and Garbage.** No owner, occupant or possessor of land in Lyon Township shall keep or permit to be kept at any two times not less than four

days apart within any calendar month on such parcel any rubbish or garbage unless same is kept within a closely-covered can or other metal, plastic or rubber container designed for same and sufficient to prevent entry by rats, mice and other vermin.

- C. Placing of Junk, Rubbish and Garbage.** No person shall place junk, rubbish and/or garbage on the property of another, including any property owned by any governmental entity with both the permission of the owner and compliance with this and all other regulatory ordinances and statutes.

Section 4. Exceptions.

This ordinance does not apply to inventory on premises occupied by a merchant licensed under MCL 205.53 and conducting a lawful business or to the property of patrons of a lawful motor vehicle repair facility, furniture or appliance repair facility, or gasoline service station while left on the premises of either for the purposes of service or repair, nor does this ordinance apply to junk yards which can be regulated under Public Act 12 of 1929. This Ordinance also does not apply to composting of leaves and grass within a structure designed for same.

Section 5. Prima Facie Proof.

In any litigation arising under this ordinance testimony that any furniture, machinery, appliance, or parts thereof have been observed in the same place on at least two separate dates of at least four days apart within any calendar month shall constitute prima facie proof that such machinery, appliance or parts thereof are inoperable, unused or unusable as defined in Section 2 above. Likewise, in any litigation arising under this ordinance, testimony that any motor vehicle, or parts thereof have been observed in the same place for a period of thirty consecutive days, shall constitute prima facie proof that such motor vehicle or parts thereof are inoperable, unused or unusable as defined in Section 2 above.

Section 6. Violations and penalties.

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

- (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions.
 - (2) Second violation within a 3 year period* \$125.00
 - (3) Third violation within a 3 year period* \$250.00
 - (4) Fourth or subsequent violation within a 3 year period* \$400.00
- (determined on the basis of the date of the violation(s))*

In addition to the above-prescribed civil fines, costs in the amount of \$10.00 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of

service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau.

In addition any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil sanctions.

Section 7. Severability.

This Ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, sub-section, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 8. Effective Date.

This ordinance shall take affect on August 4, 1977

Revised: April 12, 1995