

CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 07-2024

AN ORDINANCE TO AMEND SECTION 54.05 – UNAUTHORIZED DUMPING AND LITTERING, FOR
THE CITY OF THE VILLAGE OF DOUGLAS

THE CITY OF THE VILLAGE OF DOUGLAS DOES HEREBY ORDAIN:

Section 1. Amend: That the Ordinance Code of the City of the Village of Douglas, Michigan (the “Code”), Section 54.02 & 54.05 Unauthorized Dumping and Littering is hereby amended as follows:

52.002 Definitions

Brush. *Wood of small branches especially when cut or broken, a thicket of shrubs and small trees.*

54.05 UNAUTHORIZED DUMPING AND LITTERING.

Except as ~~permitted~~ **authorized** by the city’s brush and leaf policy, it shall be unlawful for any person to throw or deposit any ~~refuse~~ **solid waste, leaves, or brush**, upon ~~or into~~ any street, right-of-way, alley, or waterway. **It shall be unlawful to permit or allow to be permitted the placing of any solid waste, leaves or brush, upon any street, right-of-way, alley or waterway within the City of the Village of Douglas limits.** It is ~~also~~ **shall be** unlawful to place or permit the placement of any portable or non-portable container upon another’s property, public or private, without the permission of the owner, proprietor, occupant or agent in charge of such property. Even with such permission, portable containers not belonging to a participating unit shall not be placed or permitted upon the property of a participating unit for disposal by the designated collector without the designated collector’s express consent.

It shall be prima facia evidence that any solid waste, leaves or brush that are located upon any street, right-of-way, alley, or waterway immediately adjacent to, in front of or beside such property shall have come from the homeowner or business owner with which the solid waste, leaves or brush have been located.

Notwithstanding any other Sections of this Chapter, any person who is found to have violated any provisions of this Chapter or permits a violation of any provision of this Chapter, shall be fined \$50.00 for the first offense, \$150.00 for the second offense, and \$300.00 for any and all subsequent offenses. A separate offense is deemed to have been committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

If the homeowner or business owner fails or refuses to remove any solid waste, leaves or brush, after having been mailed to the address on record, a notice of such violation to abate, the City of the Village of Douglas, Department of Public Works are authorized to remove such solid waste, leaves or brush. The City of the Village of Douglas is authorized to bill the homeowner or business owner who was found to be in violation of this Chapter an amount not to exceed \$500.00 per incident. A homeowner or business owner who fails or refuses to pay any fine and/or billing as a result of having to remove any solid waste, leaves or brush, within 30 days from the date of having received notice for payment, shall have such fines and/or billings be added to their property tax bill as a special assessment.

Section 2: Severability Clause: Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Section 3: Publication: Within fifteen (15) days of its adoption, a notice of adoption shall be published by the City Clerk in a newspaper of general circulation in the City

Section 4: Effective Date: This Ordinance shall become effective upon 20 days following the publication or summary of publication of this Ordinance.

Ordinance Offered by: _____

Ordinance Supported by: _____

Ayes:

Nays:

Abstain:

Absent:

Ordinance adopted on this _____ day of _____, 2024.

Cathy North, Mayor _____ Date

Laura Kasper, City Clerk _____ Date

Ordinance Effective Date: 20 days after publication

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of the Village of Douglas at a City Council meeting held on September 3, 2024 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the City Charter and the Open Meeting Act, Public Act 267 of 1976, as amended, and that the minutes of said meeting were kept

and will be or have been made available as required by said Act.

Laura Kasper, City Clerk