

05/15/2018

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ADD NEW SECTION 46-65 TO ARTICLE III, LITTER, OF CHAPTER 46, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO DESIGNATE VIOLATIONS AS MUNICIPAL CIVIL INFRACTIONS, TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND TO PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 46-65 of Chapter 46 of the Code of Ordinances of the City of Rochester Hills shall be added as follows:

**Sec. 46-61. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Litter* means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

*Public or private property or waters* includes but is not limited to the following:

- (1) The right-of-way of any road or highway, any body of water or watercourse or the shores or beaches thereof and including the ice above such waters;
- (2) Any park, playground, building, refuge or conservation or recreation area; and
- (3) Any residential or farm properties or timberlands.

**Sec. 46-62. - Purpose.**

The dumping or disposal of waste material shall be prohibited to protect the health, welfare, and safety of the citizens.

**Sec. 46-63. - Restrictions.**

It is declared to be unlawful for any person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property or waters other than property designated and set aside for such purposes within the city.

**Sec. 46-64. - Signs and receptacles.**

- (a) *Posting of signs.* All public authorities having supervision of public property of this state or any political subdivision thereof may post notice signs and otherwise publicize the requirements of this article.
- (b) *Receptacles.* All public authorities having supervision of public property in this state may establish and maintain receptacles for the deposit of litter on the property and publicize the location thereof.

**Sec. 46-65. - Violations.**

A violation of this Article shall be a municipal civil infraction.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, plus costs and other sanctions and remedies as prescribed in Section 1-16 of this Code.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, following its publication in the *Oakland Press* on \_\_\_\_\_, 2018.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2018.

\_\_\_\_\_  
Tina Barton, Clerk  
City of Rochester Hills

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