

ORDINANCE NO. 75

TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN

TRESPASS, VANDALISM AND LITTERING ORDINANCE

An ordinance regulating trespass, vandalism and littering by individuals on Whiteford Township property and the establishment of penalties for violation thereof.

Be it ordained by Whiteford Township, State of Michigan:

SECTION 1. TITLE

This ordinance shall be known and cited as the Whiteford Township Trespass, Vandalism and Littering Ordinance.

SECTION 2. DEFINITIONS

For purposes of this ordinance, the terms “park,” “recreation area,” “cemetery” and “public property” shall mean those public areas and facilities owned or maintained by Whiteford Township.

SECTION 3. TRESPASS UPON A KEY FACILITY

(a) A person shall not intentionally and without authority or permission enter or remain in or upon the premises or a structure belonging to Whiteford Township that is a key facility if the key facility is completely enclosed by a physical barrier of any kind and is posted with signage as prescribed under subsection (c) below.

(b) As used in this ordinance, a “key facility” means a water treatment facility.

(c) A key facility shall be posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be 1 inch. Each posting sign shall be not less than 50 square inches, and the signs shall be spaced to enable a person to observe not less than 1 sign at any point of entry upon the property.

(d) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both, plus restitution for costs and expenses incurred by the township. The severities of the penalties are due to the risk of harm to the key facility and harm to residents of Whiteford township.

SECTION 4. DUMPING OF TRASH, GARBAGE AND REFUSE

Any person who shall dump, deposit or place any trash, filth, garbage or refuse on the grounds or premises of Whiteford Township, without the specific permission of the township, shall be guilty of a municipal civil infraction for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same within twelve (12) months of a previous violation.

SECTION 5. TRESPASSING

(a) A person shall not do any of the following:

- (i) enter, use, remain in or trespass in or upon any park, recreation area, cemetery or public property of Whiteford Township during any time that it is closed;
- (ii) enter, use, remain in or trespass in or upon any park, recreation area, cemetery or public property of Whiteford Township for which a permit to enter, use or remain on is required without first obtaining such a permit;
- (iii) enter, use, remain in or upon any park, recreation area, cemetery or public property in such a manner as to interfere with any authorized community, educational, instructional, sporting or athletic event, or any private gathering or other event for which participants have obtained any necessary permit for the use of the area or facility;
- (iv) Enter the lands or premises of Whiteford Township without lawful authority after having been forbidden to do so by Whiteford Township or its agent;
- (v) Remain without lawful authority on the land or premises of Whiteford Township after being notified to depart by the township or its agent;
- (vi) Enter or remain without lawful authority on fenced or posted township property without the consent of the township or its agent. A request to leave the premises is not a necessary element for a violation of this subdivision;
- (vii) This section does not apply to a person who is in the process of attempting, by the most direct route, to contact the township or its agent to request consent.

(b) A violation of this section is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation.

SECTION 6. MALICIOUS DAMAGE AND VANDALISM

(a) It shall be unlawful for any person to:

- (i) willfully and maliciously destroy, damage, injure or deface any building, monument, sign, structure, fence or other property of Whiteford Township;
- (ii) willfully and maliciously destroy, damage, injure or deface any park, cemetery or other property owned by Whiteford Township;
- (i) Willfully and maliciously, or wantonly and without cause, cut down, destroy or injure any tree, shrub or plants that are in any park, cemetery or public property owned by Whiteford Township;
- (ii) Use any paint, spray paint or similar means to mark, deface or destroy the property of Whiteford Township;

(b) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation.

SECTION 7. LITTERING

- (a) It shall be unlawful for any person to throw or deposit litter in or upon any park, recreation area, cemetery, street, sidewalk or other public place within Whiteford Township except in public receptacles or authorized private receptacles for collection;
- (b) It shall be unlawful for any person to throw or deposit litter in any park, recreation area, cemetery, street, sidewalk or other public space within Whiteford Township except in receptacles and in such a manner that the litter will be prevented from being carried away or deposited by the elements. Where receptacles are not provided, all litter shall be carried away from the park, recreation area or cemetery by the person responsible for its presence and properly disposed of elsewhere;
- (c) It shall be unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any vehicle on property owned by Whiteford Township; provided however, it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver, a noncommercial handbill to any occupant of a vehicle who is willing to accept it;
- (d) It shall be unlawful for any person to post or affix any notice, poster or other paper or device, calculated to attract the attention of the public to any lamppost, public utility pole or upon any public structure or building, except as authorized by law;
- (e) A violation of this section is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation.

SECTION 8. SUPPLEMENTAL NATURE OF ORDINANCE

This ordinance is supplemental to and does not supersede the Michigan Penal Code and Michigan Compiled Laws governing civil and criminal trespass, vandalism and littering.

SECTION 9. CONFLICTING ORDINANCE(S)

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 10: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF WHITEFORD, COUNTY
OF MONROE, STATE OF MICHIGAN

AUTHENTICATED:

By: _____
Angela Christensen,
Whiteford Township Clerk

By: _____
Walter Ruhl,
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the Township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Whiteford, County of Monroe, State of Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 20th day of October, 2020.

The vote on said Ordinance, ___5___ members being present and ___0___ members being absent, was as follows:

AYES: Sahloff, Hill, Ruhl, Christensen, Heidelberg

NAYS: None

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the 30th day of October, 2020 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: October 21, 2020

Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: October 20, 2020

PUBLISHED: October 30, 2020

EFFECTIVE: November 30, 2020