

June 5, 1997

ENROLLED ORDINANCE

No. 97-297

INTRODUCED BY COMMISSIONER(S): Hubbard, Boike, Blackwell,
Cavanagh, McCotter, O'Neil

AN ORDINANCE TO AMEND ORDINANCE 96-100 TO PROHIBIT DISPOSAL OF SCRAP, UNAUTHORIZED WASTE MATERIALS, AUTO BODIES AND PARTS, CONSTRUCTION DEBRIS, YARD CLIPPINGS AND SIMILAR LITTER AS DEFINED IN 1994 PA 451, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (NREPA) PART 89, MCL 324.8901 ET SEQ. SECTION 8901 (A) AND PART 115, MCL 324.11506 SECTION 11506 (7) ON PUBLIC OR PRIVATE PROPERTY; TO PROHIBIT THE DISCHARGE OF HAZARDOUS WASTE AND OBSTRUCTIONS INTO PUBLIC OR PRIVATE AND SURFACE WATERS IN WAYNE COUNTY; TO PROVIDE FOR MISDEMEANANT PENALTIES FOR A VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR THE REWARD OF PERSONS WHO REPORT VIOLATIONS OF THIS ORDINANCE.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CHARTER COUNTY OF WAYNE:

SECTION 1: AMENDMENT OF ENROLLED ORDINANCE NO. 96-100

Enrolled Ordinance No. 96-100 is amended to read as follows:

SECTION 1: COUNTY COMMISSION FINDINGS

The Wayne County Commission finds as follows:

(A) The County of Wayne has a central statutory role in the development and implementation of an effective county-wide solid waste disposal plan, as well as providing for air and water quality maintenance, and the general health and welfare of all Wayne County residents.

(B) The unauthorized dumping of scrap and waste materials; auto bodies, tires and parts; construction debris, yard clippings; and similar litter on public or private property has reached epidemic levels, which poses a significant solid waste disposal, fire and

smoke pollution hazard, pedestrian trip hazard, rodent harborage and mosquito breeding problems.

(C) Some persons have dumped debris and released chemicals and materials into public or private water courses which obstruct water flow, threaten human health and cause permanent harm to aquatic life and habitats.

(D) There is sufficient space in the Wayne County Jail or other contractual jail facilities to accommodate the strict enforcement of a misdemeanor ordinance.

(E) Many persons who make unauthorized disposal of scrap car bodies, tires, and parts; construction debris; and rubbish have vehicles and sufficient personal net worth to be required to reimburse the County for \$60.00 per day cost of their incarceration in the Wayne County Jail, which for a maximum 90-day term could add-up to \$5,400.00.

(F) Mass dumping is an illegal act which is mainly done for profit, and which can be effectively eliminated by taking the profit out of the crime.

(G) Municipal enforcement of littering laws has not proven to be an adequate deterrent to the problem.

SECTION 2. DUMPING PROHIBITED

(A) A person shall not without the consent of a permit from the public authority having supervision of public property or the consent of the owner of private property dump or dispose of scrap

automotive bodies, tires or parts; construction debris, waste materials, rubbish, yard clippings and similar litter materials upon public or private property or rights of way. A person who violates this ordinance is guilty of a misdemeanor and is subject to a fine of up to \$500.00, or a term in a jail of up to 90 days, or both.

(B) A person shall not dump nor dispose of objects and materials which impair the water flow in public or private water courses, nor dump nor discharge materials or chemicals into a public or private water course which degrades water quality or damages aquatic life and habitat. A person who violates this ordinance is guilty of a misdemeanor, and is subject to a fine of up to \$500.00, or a term in a jail of up to 90 days, or both.

(C) The Wayne County Prosecuting Attorney shall charge and prosecute a violation of this ordinance in the District Court of the jurisdiction within which the violation occurs. A District Court may, and is encouraged to, assess court costs which include reimbursement for the County costs of enforcing this ordinance.

(D) When appropriate, the Wayne County Prosecuting Attorney may recommend to the sentencing court that an offender be assigned to the Wayne County Alternative Work Force to specifically engage in clean up efforts on preferably public property and rights of way.

(E) The Wayne County Sheriff is directed to aggressively seek reimbursement from any person committed to the Wayne County Jail for a violation of this ordinance for the full costs of that

incarceration.

(F) ENFORCEMENT OF ORDINANCE; ADOPTION OF RULES AND REGULATIONS;
AUTHORITY TO ISSUE TICKETS.

The enforcement of this ordinance shall be the duty of the Director of the Department of Environment who is hereby authorized to adopt reasonable regulations to carry out the intent of this ordinance.

Designated Department of Environment personnel are authorized to issue tickets for violation of this ordinance. This ordinance shall also be enforceable by the directors or their designees of the Health Department, Department of Public Services and the Wayne County Sheriff Department. They are hereby authorized to develop in conjunction with the Director of the Department of Environment reasonable regulations to carry out the intent of this authorized ordinance. Departmental personnel and Wayne County Sheriffs of the above mentioned departments are hereby authorized to issue tickets for violation of this ordinance.

SECTION 3. REWARD OFFERED FOR CONVICTION

If a person reports a violation of this ordinance and testifies, if requested, in a case which results in a conviction under this ordinance, that person shall receive a reward from Wayne County of up to \$500.00. Application for a reward may be made directly to the County Commission, or by recommendation of the Department of Environment or the Wayne County Prosecuting Attorney. All Wayne County and other public employees and their immediate families are

precluded from receipt of reward.

SECTION 4. POSTING NOTICE OF PROHIBITIONS AND REWARDS

The Department of Environment shall provide or cause the posting of such signs as are useful for the effective enforcement of this ordinance, and which offer rewards for the identification and conviction of violators. The absence or vandalization of a sign shall not, however, constitute a defense to a violation of this ordinance.

SECTION 5. ORDINANCE COMPLEMENTARY TO OTHER LAW

This ordinance is in addition to prohibitions contained in the State laws pertaining to drains, roads, parks, water course management, and solid waste management. It is also in addition to other County and municipal ordinances.

SECTION 2. IMMEDIATE EFFECT

This ordinance is effective immediately upon adoption.

ADOPTED BY THE WAYNE COUNTY COMMISSION JUNE 5, 1997

(97-68-008)