

Chapter 18 – Junk Control Ordinance

Section 1. Findings and Purpose

The Township Board of the Charter Township of Eureka hereby finds that it is essential and necessary to the health, safety, well-being, and welfare of the residents of the Township and the well-being of the personal and real property located within the Township that the Township adopt this Chapter, and that the disposal and accumulation of solid and liquid waste, junk, refuse, trash, and discarded items shall occur only in a sanitary, orderly, and safe fashion. In the past, junk, waste, refuse, trash, and hazardous materials may have been improperly dumped, buried, or disposed of within the Township, which may have caused irreparable harm to property and natural resources within the Township, including but not limited to, lakes, streams, soils, groundwater, watersheds, and sensitive wetlands, all of which are essential to the health and economic well-being of the community. The Township Board further finds that the improper disposal of such materials impairs property values and poses a real and substantial risk to the health and safety of persons, pets, farm animals, and wildlife within the Township.

This Chapter is not intended to interfere with lawful farming and generally accepted farm operations or practices that comply with the Michigan Right to Farm Act. Nor shall this Chapter be deemed to prohibit or interfere with the otherwise lawful storing or spreading of manure, fertilizers, herbicides, or other soil conditioners as part of a farm operation.

Section 2. Authorization

This Ordinance is authorized and enacted pursuant to MCL 41.181 *et seq.*, Article 4, Section 52 of the Michigan Constitution of 1963 and other applicable laws.

Section 3. Prohibited Acts

Unless otherwise expressly permitted by Section 4 of this Chapter, it shall be unlawful for any person, entity, corporation, association, firm, limited liability company, or other organization to do or permit any of the following (or to assist in doing any of the following) within Eureka Charter Township:

- (A) Operate an unlicensed or unlawful dump, landfill, or sanitary landfill.
- (B) Utilize, bury or dispose of any item at an unlicensed or illegal landfill or disposal site knowing the same to be unlicensed or illegal.
- (C) Pour, inject, drain, dump, abandon, bury, or dispose of any discarded liquid which may be hazardous, toxic, nuclear, poisonous, putrid, dangerous, or biologically harmful into, below, within, or onto the ground, substrata, a road, or any soil, lake, stream, pond, or wetland or to accumulate or store such discarded liquids outdoors. For purposes of this subsection (C), the words hazardous, toxic, nuclear, poison, putrid, dangerous, or biologically harmful shall be as defined by any federal or Michigan law. This prohibition shall include, but not be limited to, gasoline, oil,

cleaning fluid, heating oil, industrial or commercial waste, medical waste, paint waste, processed food byproducts or waste, flammable liquid, or liquid industrial by-products.

- (D) Deposit, dump, drain, or cause to be drained, any harmful or hazardous liquid, sewage, or industrial waste substance from any sink, tank, motor vehicle, or any other thing, onto the surface of any land or into any open ditch, lake, stream, pond, or wetland, or into any pipe or conduit which directly or indirectly empties or deposits any such substance onto the surface of any land or into any open ditch, lake, creek, wetland, or stream.
- (E) Place, throw, bury, dump, abandon, store, or accumulate outdoors any empty or partially filled cans, food containers, broken or whole bottles, trash, rubbish, garbage, litter, junk, rags, used or broken glass, mobile homes not meeting township ordinance requirements, debris, used tires, used tanks, discarded or scrap plastic, waste, boxes, barrels, scrap metal, cardboard, inoperable or partially assembled equipment or machinery, scrap rubber, crockery or utensils of any kind, automobile or vehicle bodies or parts of automobiles or vehicles (except in a duly licensed junk yard), old stoves or appliances, furniture, parts of machinery, contaminated soil, illegal pesticide, illegal fertilizer, refuse, scrap Styrofoam, paper, broken pallets, cloth, batteries, mattresses or bed springs, flammable matter or substances, offal, medical waste, industrial byproducts or waste substances, or objects of a similar nature, upon, under, or on any land in the Township, or to permit any such things or substances to accumulate on land or water over which the person permitting the same occupies, owns, leases, or has control.
- (F) Allow the accumulation of materials which provide rat harborage or which may serve as food for rats or is accessible to such rodents or in or around which flies, insects, rodents, or vermin may exist, breed, or multiply, or to suffer or permit upon any premises stagnant or filthy water deemed a health hazard by the Montcalm County Health Department (excluding natural wetlands), dead animals or unwholesome meat, or any other unwholesome, filthy, deleterious, or offensive thing or substance.
- (G) Litter on any property or roadway within the Township.
- (H) Accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash or junk outdoors on any property within Eureka Charter Township, except in a lawful sanitary landfill, a lawful junk yard, or not to exceed eight (8) days' storage in watertight storage receptacles designed for the temporary accumulation of trash.

Section 4. Exceptions to this Ordinance

The following activities shall not be subject to the requirements of Section 3 of this Chapter:

- (A) The lawful disposal of materials or items into or within a lawful sanitary landfill, hazardous materials landfill, or facility or incinerator properly licensed by the state of Michigan.
- (B) The lawful disposal of materials or items into or within a lawful waste disposal site which has been expressly approved or authorized by the Township under its zoning ordinance or other ordinances.
- (C) The otherwise lawful storage, use, and application of lawful fertilizers (excluding human waste), herbicides, and insecticides pursuant to agricultural, landscaping, lake weed control, or horticultural uses.
- (D) The accumulation or spreading of animal (non-human) manure for agricultural purposes.
- (E) The composting of plant, vegetative, or crop matter.
- (F) Winter treatment of roads, sidewalks, steps, and other ways for snow and ice removal.
- (G) The lawful storage of automobile or vehicle bodies or parts at a lawful and approved junk yard.
- (H) Lawfully and properly maintained feed, chemical, fertilizer, fuel, or liquid storage tanks, whether above or below ground, including the contents thereof.
- (I) The outdoor storage of bona fide farm equipment, farm implements and farm vehicles, if being used for active ongoing farm operations and if in compliance with any and all other applicable Grant Township ordinances and also in compliance with the Michigan Right to Farm Act.
- (J) The lawful disposal of human and conventional household waste pursuant to a lawful municipal or underground septic disposal system, or as otherwise expressly allowed pursuant to any applicable ordinance or by law.
- (K) Notwithstanding any provision of this Chapter, the following items may be buried or disposed of within the Township:
 - (1) Clean fill.
 - (2) Crops, natural compost or vegetative items.
 - (3) Rocks or untreated wood.
 - (4) Cables, conduits, pipes and tubes which are being utilized for utilities, drainage or irrigation purposes.
 - (5) Cement.

- (6) Basements, shelters, foundations, lawful structures and nontoxic pilings or anchors.
- (7) Conventional firewood.
- (8) Cemetery uses and burial of pets.
- (9) Approved and lawful underground storage tanks.
- (10) Burying of dead farm animals if buried on land comprising the farm where the animals were from.
- (11) Approved, lawful underground septic systems.
- (12) Burying of any road killed animal at or near the site killed.
- (13) Disposal of game or fish remnants by the hunter or fisherperson involved if the game was lawfully killed.