

March 7, 1996

ENROLLED ORDINANCE

No. 96-100

INTRODUCED BY COMMISSIONER(S): Hubbard, Beard, Bell, Plawecki and Solomon

AN ORDINANCE TO PROHIBIT disposal of scrap, waste materials, auto bodies and parts, construction debris, and similar mass litter on County or Drain District property; to prohibit the discharge of hazardous wastes and obstructions into County water courses; to provide for misdemeanor 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: 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; and similar mass litter on county rights of way, park land, or drain district property has reached epidemic levels, which poses a significant solid waste disposal, fire and smoke pollution hazard, pedestrian trip hazard, and mosquito breeding problems.

(C) Some persons have dumped debris and released chemicals and

materials into County water courses which obstruct water flow 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 the \$60 per day cost of their incarceration in the Wayne County Jail, which for a maximum 90-day term could add-up to \$5,400.

(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 dump or dispose of scrap automotive bodies, tires or parts; construction debris, waste materials, rubbish, and similar mass waste materials upon County-owned or drain district property or rights of way without a permit from the Department of Public Services. A person who violates this ordinance is guilty of a misdemeanor and is subject to a fine of up to \$500, 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 county drains and water courses, nor

dump nor discharge materials or chemicals into a County drain or water course which degrade water quality or damage 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, 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 county-owned and drain 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.

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. Application for a reward may be made directly to the County Commission, or by recommendation of the Department of Public Works or the Wayne County Prosecuting Attorney.

SECTION 4. POSTING NOTICE OF PROHIBITIONS AND REWARDS

The department of public works shall post 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 LAWS

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 6: IMMEDIATE EFFECT

This ordinance is effective immediately upon adoption.

ADOPTED BY THE WAYNE COUNTY COMMISSION 7 MARCH 1996

(96-68-007)