

HOUSE BILL No. 6179

November 8, 1990, Introduced by Rep. Joe Young, Jr. and referred to the Committee on Urban Affairs.

A bill to amend the title of Act No. 106 of the Public Acts
of 1963, entitled

"An act to define, control and prohibit the littering of public and private property and waters; to prescribe penalties for violation of this act; and to repeal certain acts and parts of acts,"

as amended, being sections 752.901 to 752.906 of the Michigan Compiled Laws; and to add section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 106 of the Public Acts of
2 1963, as amended, being sections 752.901 to 752.906 of the
3 Michigan Compiled Laws, is amended and section 1b is added to
4 read as follows:

5	TITLE
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6 An act to define, control, and prohibit the littering of
7 public and private property and waters; TO PROVIDE FOR A CAUSE OF

1 ACTION FOR DAMAGES AND EQUITABLE RELIEF; to prescribe penalties
2 for violation of this act; and to repeal certain acts and parts
3 of acts.

4 SEC. 1B. (1) AN OWNER OR OCCUPANT OF RESIDENTIAL PROPERTY
5 SHALL NOT KNOWINGLY ACCUMULATE, OR ALLOW TO ACCUMULATE, LITTER
6 THAT IS JUNK OUTDOORS ON RESIDENTIAL PROPERTY LOCATED WITHIN THE
7 BOUNDARIES OF A CITY, TOWNSHIP, OR VILLAGE.

8 (2) A PERSON MAY BRING A CIVIL ACTION AGAINST AN OWNER OR
9 OCCUPANT OF RESIDENTIAL PROPERTY VIOLATING SUBSECTION (1) FOR
10 DAMAGES OR EQUITABLE RELIEF, OR BOTH. A PERSON MAY SEEK A COURT
11 ORDER TO COMPEL AN OWNER OR OCCUPANT TO PROPERLY REMOVE LITTER
12 ACCUMULATED IN VIOLATION OF SUBSECTION (1).

13 (3) AN OWNER OR OCCUPANT WHO FAILS TO COMPLY WITH A COURT
14 ORDER ISSUED UNDER THIS SECTION IS SUBJECT TO THE CONTEMPT POWERS
15 OF THE COURT, AND, IF GUILTY, MAY BE IMPRISONED FOR NOT MORE THAN
16 6 MONTHS, OR FINED NOT MORE THAN \$1,000.00, OR BOTH.

17 (4) THE COURT MAY AWARD A PLAINTIFF WHO PREVAILS IN AN
18 ACTION FILED UNDER THIS SECTION REASONABLE ATTORNEY FEES AND
19 COSTS.

20 (5) AS USED IN THIS SECTION, "JUNK" MEANS 1 OR MORE OF THE
21 FOLLOWING ITEMS THAT ARE DAMAGED, DETERIORATED, OR IN A CONDITION
22 SUCH THAT THE ITEM CANNOT BE USED FOR THE PURPOSE FOR WHICH THE
23 ITEM WAS MANUFACTURED:

24 (A) A MOTOR VEHICLE.

25 (B) MACHINERY.

26 (C) AN APPLIANCE.

27 (D) FURNITURE.