

**SENATE BILL NO. 274**

February 9, 1999, Introduced by Senators YOUNG, MURPHY, LELAND,  
V. SMITH and VAUGHN and referred to the Committee on Natural  
Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 8901 (MCL 324.8901) and by adding section  
8902a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8901. As used in this part:

2       (a) "Litter" means all rubbish, refuse, SCRAP, waste materi-  
3 al, garbage, offal, paper, glass, cans, bottles, trash, debris,  
4 or other foreign substances.

5       (b) "Public or private property or water" includes, but is  
6 not limited to, any of the following:

7       (i) The right-of-way of a road or highway, a body of water  
8 or watercourse, or the shore or beach of the body of water or  
9 watercourse, including the ice above the water.

1       (ii) A park, playground, building, refuge, or conservation  
2 or recreation area.

3       (iii) Residential or farm properties or timberlands.

4       (C) "SCRAP" MEANS AN ITEM THAT IS DAMAGED, DETERIORATED, OR  
5 IN A CONDITION SUCH THAT THE ITEM CANNOT BE USED FOR THE PURPOSE  
6 FOR WHICH THE ITEM WAS MANUFACTURED AND MAY INCLUDE, BUT IS NOT  
7 LIMITED TO, ANY OF THE FOLLOWING:

8       (i) A MOTOR VEHICLE.

9       (ii) MACHINERY.

10      (iii) AN APPLIANCE.

11      (iv) FURNITURE.

12      (D) ~~(c)~~ "Vehicle" means every motor vehicle registered  
13 under the Michigan vehicle code, ~~Act No. 300 of the Public Acts~~  
14 ~~of 1949, being sections 257.1 to 257.923 of the Michigan Compiled~~  
15 ~~Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

16      (E) ~~(d)~~ "Vessel" means a vessel registered under ~~the~~  
17 ~~marine safety act, Act No. 303 of the Public Acts of 1967, being~~  
18 ~~sections 281.1001 to 281.1199 of the Michigan Compiled Laws~~ PART  
19 801.

20      SEC. 8902A. (1) AN OWNER OR OCCUPANT OF RESIDENTIAL PROP-  
21 erty SHALL NOT KNOWINGLY ACCUMULATE, OR ALLOW TO ACCUMULATE,  
22 LITTER ON RESIDENTIAL PROPERTY.

23      (2) A PERSON MAY BRING A CIVIL ACTION AGAINST AN OWNER OR  
24 OCCUPANT OF RESIDENTIAL PROPERTY WHO VIOLATES SUBSECTION (1) FOR  
25 DAMAGES OR EQUITABLE RELIEF, OR BOTH. A PERSON MAY SEEK A COURT  
26 ORDER TO COMPEL AN OWNER OR OCCUPANT TO REMOVE AND PROPERLY  
27 DISPOSE OF LITTER ACCUMULATED IN VIOLATION OF SUBSECTION (1).

1           (3) AN OWNER OR OCCUPANT WHO FAILS TO COMPLY WITH A COURT  
2 ORDER ISSUED UNDER THIS SECTION IS SUBJECT TO THE CONTEMPT POWERS  
3 OF THE COURT AND MAY BE PUNISHED BY IMPRISONMENT FOR NOT MORE  
4 THAN 6 MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

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