

**TOWNSHIP OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

PRIVATE GATE ORDINANCE

AN ORDINANCE TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC IN NEW BUFFALO TOWNSHIP BY PROHIBITING CONSTRUCTION, MAINTENANCE OR OPERATION OF STRUCTURES, GATES, OR OTHER DEVICES WHICH IMPEDE INGRESS, EGRESS AND TRAVEL ON PRIVATE ROADS BY POLICE, FIRE, AMBULANCE, PUBLIC UTILITY, OR SIMILAR TYPE EMERGENCY VEHICLES AND OTHER MOTOR VEHICLES.

NEW BUFFALO TOWNSHIP ORDAINS:

This Ordinance shall be known as the Private Gate Ordinance.

Structures and Gates

It shall be unlawful for any person, firm, corporation, association or partnership to establish, maintain or operate, on a private road, any structure, gate or other device for the purpose of impeding access to, egress from, or use by a motor vehicle, of road as defined by the New Buffalo Township Private Road Ordinance, as may be amended from time to time.

Conflicting Regulations

In the event of any conflict between the provisions of this Gate Ordinance and the New Buffalo Township Private Road Ordinance, this Ordinance shall take precedence.

Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Retroactivity

This Ordinance shall not apply to any structure, gate or other device erected for this purpose of impeding access to, egress from, or use by a motor vehicle, of a private road, which is in lawful existence prior to the adoption of this Ordinance.

Penalties for Violation

Any person, firm, corporation, association or partnership which violates any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed ninety days (90), or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by suit for injunction, damages, or other appropriate legal action.

Effective Date

This Ordinance shall take effect thirty (30) days after publication.

Motion To Adopt Ordinance

Motion by Melendy and supported by Jacobs that the foregoing Ordinance be adopted.

Vote:

Ayes: Jacobs, Melendy, Rahm

Nays: Prusa, Conway

Ordinance declared ADOPTED November 17, 1997.