

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

LITTER AND DEBRIS ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, A MUNICIPAL CORPORATION, BY THE REGULATION OF THE ACCUMULATION, STORAGE AND DISPOSITION OF JUNK, DEBRIS, WASTE MATERIAL, COMBUSTIBLE MATERIAL, AUTOMOBILE AND OTHER MISCELLANEOUS UNUSED MATERIAL AND EQUIPMENT WITHIN SAID TOWNSHIP; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE NEW BUFFALO TOWNSHIP BOARD OF BERRIEN COUNTY MICHIGAN

ORDAINS:

SECTION I. Title

This Ordinance shall be known and cited as the New Buffalo Township Litter and Debris Ordinance.

SECTION II. Regulations

- (A) No person, firm, or corporation shall permit any junk, debris, waste material, combustible material, or other miscellaneous unused, unsanitary or dangerous material or equipment, or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, on, or adjoining the property owned or occupied by such person, firm, or corporation. The Township Ordinance Enforcement Officer, based upon the following standards, shall make the determination of whether such accumulation is unreasonable and abnormal.
- (1) The use district classification in which such property is located under the provisions of the New Buffalo Township Zoning Ordinance with residential use district classifications permitting less such accumulations than commercial or industrial use district classifications.
 - (2) The density of population or building structures in the area adjoining such property with the restrictions against such accumulations becoming more strict as the population or building structures become more dense.
 - (3) The existence of disease, rodents, or other evidence of unsanitary conditions or causes of sickness connected therewith.

- (4) The likelihood of such accumulation creating a nuisance or cause of sickness or an unsanitary or unsafe condition.
- (B) The owner or occupant of every dwelling or other building located within the Township of New Buffalo shall provide the same with proper and appropriate covered receptacles of non-absorbent material for holding garbage, refuse, ashes, rubbish, or other waste material, commensurate with use being made of such building. Such receptacles shall further be kept clean and sanitary at all times and shall be regularly and frequently emptied, either by a rubbish and garbage collection agency recognized and approved by the Township Board of the Township, or by the occupant or owner of the premises, in properly designated areas off the premises. Such receptacles shall further be used by the occupants of the premises for all such garbage, refuse, ashes, rubbish, and other waste material not otherwise disposed of off the premises in properly designated areas.
- (C) No person, firm or corporation shall park or store on premises primarily used or zoned for residential purposes within the Township, any motor vehicle which is not in operating condition and which cannot be propelled under its own power for more than fourteen days in any one year, unless the same is located within an enclosed building, or unless a special permit therefore is first obtained from the Supervisor or Clerk of New Buffalo Township or such other officer as the Township Board may designate, to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.
- (D) No person, firm or corporation shall park or store upon premises primarily used or zoned for residential purposes within the Township, more than 1 motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is located within an enclosed building or unless a special permit thereof is first obtained from the Supervisor or Clerk of New Buffalo Township or such other officer as the Township Board may designate, to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.
- (E) Any motor vehicle being dismantled for the sale of parts there from or any motor vehicle which has main component parts missing or unattached shall be deemed inoperable for the purpose of this ordinance. The foregoing is not to be construed to be inclusive of all inoperable vehicles covered by this ordinance, but merely descriptive of a particular class of such vehicles.
- (F) The purpose of these regulations pertaining to motor vehicles is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars or vehicles, unused cars or vehicles, and dilapidated non-operating motor vehicles upon premises used or zoned for residential purposes, to thereby avoid injury and hazards to children attracted to such vehicles, and the

psychological ill effect of the presence of such vehicles upon adjoining residents and property owners.

SECTION III. Validity

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinances as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV. Sanctions For Violations

- (A) Civil Fines. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction. Any person or other entity who violates any of the provisions of the Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to payment of a civil fine of not less than Twenty-Five (\$25) Dollars or more than Five Hundred (\$500) Dollars for each infraction. Repeat offenses or infractions shall be subject to an increased civil fine as established by the Municipal Ordinance Violations Ordinance, being Ordinance No. 960819.
- (B) Cost. In addition to the foregoing civil fine, the violator shall pay costs, which include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall cost less than \$9.00 or more than \$500.00 be ordered.
- (C) Violator Included. The owner or tenant of any building, structure, premise or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation shall be considered to be a violator and such person may each be charged and found responsible for a separate civil infraction and suffer the sanctions herein provided.
- (D) Separate Violations. Each day a violation of the Ordinance continues to exist constitutes a separate violation.
- (E) Additional Remedies. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

SECTION V. Effective Date

This Ordinance shall take effect on the 21st day of July, 1969. All ordinances or parts of in conflict with any provision of this Ordinance are hereby repealed.