

VILLAGE OF GRAND BEACH

COUNTY OF BERRIEN

STATE OF MICHIGAN

ORDINANCE NO. 2022-103

Adopted: May 18, 2022

Effective: July 1, 2022

AN ORDINANCE TO REQUIRE TRASH RECEPTACLES IN THE VILLAGE OF GRAND BEACH TO BE REMOVED FROM THE CURB OR THE EDGE OF THE STREET AND PLACED IN AN APPROPRIATE AREA ON THE PROPERTY DURING CERTAIN TIMES AND DATES IN ORDER TO INCREASE SAFETY ON VILLAGE STREETS BY GIVING DRIVERS A CLEAR LINE OF SIGHT WHILE DRIVING IN THE VILLAGE; TO ALLEVIATE BLIGHT AND RELATED FACTORS CAUSED BY TRASH, LITTER, DEBRIS, ODOR, RODENTS, VERMIN, INSECT INFESTATION FROM TRASH RECEPTACLES; TO AVOID RELATED NUISANCES REGARDING TRASH THAT NEGATIVELY IMPACT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF VILLAGE RESIDENTS; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

NOW THEREFORE IT IS ORDAINED:

It is the intent and purpose of this Ordinance to encourage, promote, and require that trash receptacles within the Village be appropriately located away from Village streets during certain dates and times to allow clear lines of sight for persons driving in the Village, and to avoid odors from rotting or decaying trash emanating in the Village, to prevent the accumulation of litter, debris, and trash on curbs, roadways, and yards within the Village, and to help prevent rodents, insects, and vermin from infesting trash receptacles, and to otherwise prevent related nuisances that occur when trash receptacles are not properly stored in between trash collections. Properly storing trash receptacles is necessary to prevent the detrimental issues described above to protect the public health, safety, and welfare of Village residents and visitors to the Village.

Section 1. Definitions:

- A. "EST" means Eastern Standard Time.
- B. "Trash Receptacle" is defined as and shall include any roll cart, trash can or container, and/or recycling container used by a homeowner to collect trash or recycling materials which is then placed on or near the curb or edge of the street to be collected by the Village's then-current trash collection company during any trash collection date.
- C. All other words and phrases not otherwise defined in this Ordinance shall have their usual dictionary meaning.

Section 2. Rules and Regulations: Trash Receptacle Requirements.

- A. Trash receptacles cannot be placed at the edge of the street or curb before 12:00 p.m. EST the day before trash pickup is scheduled to occur, or before 12:00 p.m. EST the day before a late trash pickup is scheduled due to a holiday.

- B. Trash receptacles must be pulled away from the edge of the street or curb and stored next to or inside of a garage, home, fence, or other enclosure by 8:00 p.m. EST on the day of trash pickup or by 8:00 p.m. of the day of a trash pickup that is delayed due to a holiday. In no event shall a trash receptacle be moved and stored less than ten (10) feet away from the roadway unless such trash receptacle is placed in an enclosed area such as a garage or fence, or moved immediately adjacent to the home.
- C. If a homeowner, renter, resident, or other responsible party fails to comply with the above requirements, trash receptacles will be pulled back from the curb or edge of the road by a Village employee on the morning after trash pickup.
- D. Village homeowners, renters, residents, and/or other responsible parties are responsible for following the requirements of this Ordinance on the property that they own, rent, reside in, or for which they are otherwise responsible.
- E. Due to unique topographical issues, being extremely steep inclines where strict compliance with the above regulations is impossible, the following streets are exempt from these regulations: High Point and Golf Road.

Section 3. Violations – Charges Added to Water Bill/Violation as Municipal Civil Infraction.

- A. Charge to Move Trash Receptacle to Appropriate Location. There will be a Five Dollar (\$5.00) charge per week for homeowners, renters, residents, and/or other responsible parties that refuse to comply with the requirements of this Ordinance, and Village employees will move and pull back the trash receptacles after the regular trash pick-up days detailed in Section 2 above.
- B. Charge to Appear on Water Bill for Affected Parcel. The charge of Five Dollars (\$5.00) per week for a Village employee to move a trash receptacle to the appropriate location on any property shall be billed on the property's water bill.
- C. Violation as Municipal Civil Infraction. If a homeowner, renter, resident, and/or other responsible party refuses to pay this fee, or upon a property having repeated violations of these Ordinance provisions, the homeowner, renter, resident, and/or other responsible party shall be responsible for a municipal civil infraction, with a fine of not less than \$50.00 for a first violation, and up to \$150.00 for a subsequent or repeat violation, and any outstanding Five Dollar (\$5.00) fees as described above shall be added to the cost of the fines. The Village reserves the right to collect the fines and fees included herein, and to enforce the provisions of this Ordinance through any legal or equitable means available to the Village, including but not limited to filing a cause of action in Small Claims, District Court, or Circuit Court in Berrien County.

Section 4. Severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Adoption. This Ordinance shall take effect on July 1, 2022. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

AYES: James Bracewell, Peter Doerr, Paul Leonard Jr., Deborah Lindley and Blake O'Halloran.

NAYS: None.

ABSENT: None.

Ordinance Declared Adopted.

Date: May 18, 2022

Mary Robertson, Village Clerk

Certification

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting held on May 18, 2022, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary Robertson, Village Clerk