

VILLAGE OF GRAND BEACH

RENTAL PACKET

6/1/2022

Please Check Each Year with Clerk's Office to Find Out if the Packet Was Updated.

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KEY VILLAGE RULES, REGULATIONS AND SERVICES

SHORT TERM RENTAL PROCESS FOR PROPERTY OWNERS

Due to increased rental complaints such as excess trash, parking, fireworks and noise, the Village has adopted a Rental Permit program for properties with rental complaints. Please read the Resolution carefully because **rental complaints such as these will require that the owner apply for a "Special Land Use Permit"** to be able to continue to rent as provided in the Resolution.

POLICE DEPARTMENT

Dial **9-1-1** in an emergency. If you are calling with a non-emergency matter, you can contact the police department at (269) 469-5000. If you leave a message, the officer will check the answering machine throughout the day. You can also contact Berrien County dispatch at (866) 630-7679 to request a visit from an officer for non-emergency calls.

DRIVE SAFELY

Please watch your speed while driving in the Village. The speed limit is 25 mph in most areas, and 15 mph near the park. Please drive safely and pay close attention because our roads are shared by cars, trucks, golf carts, walkers (including small children), runners, bicyclists and many deer. Please drive responsibly and do not use your cell phone while driving. Golf cart operators must be at least 16 years old and have a valid driver's license with them to drive on the streets.

PETS

- Pets are not allowed to run at large within the Village. They must be restrained on a leash when not confined to their own yard per Michigan State law and Grand Beach ordinances. This includes the beaches.
 - Dogs must have an annual license and must be current with their vaccines.
 - Dogs or other pets are not allowed on the golf course or in the parks.
 - The Village Council adopted a "Beach Ordinance" that allows residents to take their dogs to any of the Village beaches at any time between October 2nd and April 30th, and to any Village beach between the hours of 6:00 PM EST and 11:00 AM EST from May 1st through October 1st, except for hours when the beach is closed.
 - Please be considerate of other people and pick up after your pets.
-

BEACH FIRES

All beach fires require a permit issued by the Grand Beach Clerk's Office or Police Department. If there is a burning ban in place in New Buffalo Township, beach fire permits will not be issued. You are required to clean up the beach when you leave.

FIREWORKS

The use of fireworks is **illegal** in the Village of Grand Beach on all public lands and beaches. For more information, read full ordinance no. 2020-99 (attached).

Parking Requirements (Off Street)

Per sections 4.10(B), 5.10(B) and 6.10(B) of the Village of Grand Beach Zoning Ordinance #2010-80:

Off-street outdoor parking of motor vehicles shall be a minimum of two (2) spaces and no more than five (5) passenger vehicles per dwelling unit. The outdoor parking of Motor Homes, Travel Trailers, Recreational Vehicles, etc. is prohibited for periods in excess of two (2) weeks. Vehicles, including travel trailers, motor homes and other recreation vehicles shall be permitted for a period of time not exceeding two weeks, upon application by the owner for the issuance of a "Temporary Permit" by the Zoning Administrator (or the Clerk or Police Chief if the Zoning Administrator is unavailable). Application shall be made at least seven (7) days prior to the date of arrival. A "Temporary Permit" may only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for the maximum period of two weeks. Extensions of time shall not be permitted and the recreation vehicle shall be removed from the property on or before the expiration of the permit period. The vehicle may park but is not to be lived in.

Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the front yard only on an established driveway. Seasonal parking of golf carts, small boats (covered), kayaks, canoes, jet skis, snowmobiles, trailers, etc. in good condition is allowed in the side or rear yard. This seasonal parking is limited to five (5) such vehicles per dwelling unit. No boats and/or boat trailers longer than 6 meters (20 feet) will be permitted to be stored in the Village unless such item is stored in a fully enclosed and weather-tight accessory building or private garage. All vehicles must be properly registered and licensed if required by law.

The full Zoning Ordinance #2010-80 can be viewed at grandbeach.org or in the Clerk's office.

Golf Course Rules

Players must register before playing and must retain the receipt upon their person

This means that all golfers must start by signing in at the Pro Shop and proceeding to the First Tee to begin the round. The Rangers will validate the golfer's receipt. Starting at any hole other than the First Tee will be at the discretion of the Ranger or Pro Shop staff.

Every player must have their own bag and clubs

This is very simple. Players must have a bag and clubs to play. Players will not be allowed to play out of one bag. The Pro Shop has rental clubs for golfers without clubs.

Playing groups are limited to a maximum of four players per group

Foursomes are the maximum group size allowed on the course. Rangers have the discretion to allow more, provided the course is not crowded.

Players must wear shoes with soft spikes

No bare feet, no sandals, no steel spikes, no flip flops, no slippers, just shoes.

Male golfers must wear shirts with sleeves

Yes, a Tee Shirt is required as minimum dress for men. This is a relaxed rule from other courses that require collared shirts.

Golfers coming off the 9th green to play another round must alternate with golfers waiting to tee off on the First Tee.

This is the way to ensure a steady flow on the course and eliminate argument. Grand Beach Golf Course is a 9-hole facility and requires golfers' cooperation to make the game a pleasant experience for all who play.

Golfers must repair ball marks on greens, repair divots in fairways, rake traps, keep carts away from greens and traps and use refuse containers.

The golf course is maintained by a professional staff that does exemplary work to keep the course in top form. By repairing ball marks, replacing divots and using the trash containers, the golfer is helping save money on the cost of maintaining the course for future play.

GRAND BEACH POLICE DEPARTMENT

**48200 PERKINS BLVD.
GRAND BEACH, MI 49117**

PHONE: 866-630-7679 (Dispatch) OR 269-469-5000 (Office)

EMERGENCY: 9-1-1

EMAIL: rlayman@michianavillage.org

VILLAGE OF GRAND BEACH GOLF CART RULES

ALL CART OPERATORS MUST BE 16 YEARS OLD WITH A VALID DRIVER'S LICENSE TO OPERATE A CART ON THE VILLAGE STREETS.

ALL CART OPERATORS MUST BE 14 YEARS OLD TO OPERATE A CART ON THE GOLF COURSE.

1. Driver of cart must possess a valid driver's license to operate cart on the streets.
2. Carts must obey all traffic laws:
 - Stop at stop signs
 - One-way streets
 - Allow faster traffic to pass
3. Cart must have a working head and tail light to operate at night.
4. The number of persons on the cart must not exceed the seating capacity of the cart
 - All persons must be in a seat.
 - Children cannot be held in the lap of the driver.
 - The driver's ability to safely operate the cart must not be impaired by too many people in the seat.
 - There is no riding backwards on the front of the cart.
 - There is no riding on the back where the golf clubs are strapped in.
5. **All** carts must have an annual Village of Grand Beach sticker and have numbers on both sides of the cart.
6. **Carts rented from an outside cart agency are required to be stickered while they are in the Village of Grand Beach. Temporary cart stickers should be purchased at the Pro Shop. Cart operators without temporary stickers will be ticketed.**
7. Carts that are rented from the Pro-Shop are for use on the golf course only and are not allowed on the streets. The driver of a rental cart must be 18 years old.
8. No carts are allowed on the golf course from 1/2 hour after dark until 1/2 hour before dawn.

These few simple rules should help keep our Village Streets safe. If anyone sees infractions being committed, contact the Grand Beach Police Department by calling Berrien County Dispatch at 866-630-7679. Remember, infractions on golf carts may result in points on your driving record. Serious infractions such as operating a cart recklessly or intoxicated may also result in arrest.

Thank you for your cooperation.

Recycle & Trash

You should have one recycle and one trash cart at your home. If you have extras, please contact the clerk's office at (269) 469-3141 so we can pick them up. If you need a second trash cart, you can rent one from Able Disposal by contacting them at (219) 929-1150.

Trash pickup is provided by Able Disposal. In case of a missed pickup, contact (219) 929-1150. Trash is picked up on Mondays, except between July 1st and the Friday after Labor Day when trash is picked up on both Mondays and Fridays.

Recycle pickup is provided by Able Disposal and is picked up on alternating Mondays, except between July 1st and Labor Day when it is picked up every Monday. Recycling will be picked up on the Tuesday after Labor Day due to the Labor Day holiday. Please refer to schedule on the next page for 2022 recycle dates. Call Able Disposal at (219) 929-1150 in case of a missed pick-up.

Recycle and trash carts must be placed at the edge of the street by 6:00 a.m. EST on the day of pickup. Carts should face out so that the automatic arm can pick them up, and the carts should be moved back up to the house after they are emptied.

If you rent your home to others, or have family and friends that use your home, please inform them of the difference between the two carts so that they don't put trash in the recycle cart. If you put trash in the recycle cart, it will not be emptied by the recycle truck or the garbage truck. The recycle driver will not take trash and the garbage truck will not dump the recycle carts.

Because many carts were left at the edge of the street after being emptied, the Village has adopted an ordinance, which is attached.

Thank you for your cooperation and please contact the Village Clerk's office at (269) 469-3141 with any questions.

Recycling Dates 2022

January 3, 17, 31
February 14, 28
March 14, 28
April 11, 25
May 9, 23
June 6, 20
July *5, 11, 18, 25
August 1, 8, 15, 22, 29
September *6, 12, 26
October 10, 24
November 7, 21
December 5, 19

HOLIDAYS OBSERVED BY ABLE DISPOSAL

Able Disposal observes the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. If trash pickup falls on one of these holidays, the pickup will be moved to Tuesday.

ALLOWABLE RECYCLE ITEMS

The following is a list of materials that can be placed together in the recycling cart. Items can be placed in the cart together and do not need to be separated. Please rinse food residue out of cans and milk jugs.

Paper and Cartons: Books, Cardboard, Catalogs and Magazines, Cereal and Cracker Boxes, Computer Paper and Office Paper, Egg Cartons, Gift Wrap, Juice Boxes and Cartons, Junk Mail, Milk Cartons, Newspaper and Inserts, Paper Bags, Shoe Boxes, Shopping Bags and Telephone Books.

Metals: Empty and rinse cans. Aerosol Cans, Aluminum Cans (empty), Aluminum Furniture, Aluminum Pie Pans and Foil, Bimetal Containers, Food Cans and Pet Food Cans, Metal Lids and Caps from Glass Bottles and Pots and Pans.

Glass: Empty and rinse bottles and jars. Brown, Clear and Green Glass Bottles and Jars (e.g. Beverage Bottles, Food Jars, Wine Bottles).

Plastics and Polystyrene: All plastics labeled on or near the bottom with a number and letters contained within and beneath a triangle shaped "chasing arrows" symbol. Beverage Bottles (e.g. Soda, Water,) Bleach and Household Cleaner Bottles, Flower Pots, Food Containers (e.g. Cottage Cheese and Margarine Tubs, Yogurt Cups), and Prescription Bottles.

No garbage in the recycle can!

“SHORT TERM RENTAL PROCESS”

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

RESOLUTION NO. 2014-03

At a Regular Meeting of the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, held in the Village Hall, 48200 Perkins Blvd., Grand Beach, Michigan on the 20th day of August, A.D., 2014, at 7:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Council Members James Bracewell, Paul Leonard Jr., Deborah Lindley, Kaye Moriarty and Blake O'Halloran.

ABSENT: None.

The following preamble and resolution were offered by Council Member Paul Leonard Jr., supported by Council Member Kaye Moriarty.

RESOLUTION

WHEREAS, the Village of Grand Beach (“Village”) has experienced a significant increase in rental complaints involving excessive noise, trash, occupancy, parking and other nuisances. To insure the protection of the health, safety and “quality of life” of Village residents and to maintain property values in our residential neighborhoods, the Village has determined it appropriate to regulate the rental of residential dwellings, and

WHEREAS, the Village Zoning Ordinance provides that short term rentals (less than one year) are only permitted as a special land use in our strictly residential zoning districts and that owners shall be liable for the conduct of their tenants. Article XII of the Zoning Ordinance sets out the requirements to obtain a special land use permit, and

WHEREAS, the Village primarily relies upon citizen complaints to investigate and prosecute rental violations where appropriate.

NOW THEREFORE BE IT RESOLVED that the Village of Grand Beach hereby adopts the following Short Term Rental Special Land Use Process;

Short Term Rental Special Land Use Process

In the event the Village receives a complaint(s) involving a rental home and confirms that the home is being rented, the Village will require the owner to apply for a special land use rental permit as required by the Zoning Ordinance to continue to rent the dwelling.

Registration:

Owners of rental dwellings registering the rental property with the Village shall do so on an application form provided by the Village. At the time an application is filed, a registration and/or inspection fee in an amount established from time to time by the Village Council shall be paid in full.

The Registration application shall include:

- a. Address of the rental dwelling.
- b. Name, residence address, business address, business phone number, personal phone number, and email address of the owner, and property manager or local agent.
- c. Proposed number of occupants.

Registration shall be effective for three (3) years. Changes in registration information require re-registration within thirty (30) days.

Certification:

The Village shall issue a Certificate of Compliance when, following an inspection by the building inspector/ zoning administrator and/or his designee, it is determined the rental dwelling complies with the requirements herein.

The Certificate shall be valid for three (3) years. It may be revoked upon findings that the property fails to comply with Rental Permit conditions and/or for violations of the Village's codes and ordinances, or other applicable laws and regulations.

Inspections:

Before issuing a Certificate of Compliance, the Village shall inspect a rental dwelling to determine whether it is in compliance with the Village's codes and ordinances, the 2012 International Property Maintenance Code, and other applicable laws and regulations. Upon written notice from the Village, it shall be the owner's responsibility to schedule and allow the Village's inspection of the rental dwelling.

If the inspection reveals that the dwelling is not in compliance, the owner will be provided with a written list of deficiencies or violations that must be corrected before a rental permit is issued. An additional inspection fee may be incurred for follow-up inspections.

The Village may conduct additional inspections as it deems necessary, upon reasonable notice such as when (i) a complaint is filed with the Village, and (ii) the Village otherwise has reasonable cause to believe a dwelling is in violation of any Village ordinance or other applicable laws and regulations.

Records:

The owner or local agent shall obtain and maintain a document signed by the person responsible for renting the dwelling acknowledging the occupancy limit of the rental property,

certifying the number of persons who will be occupying the property and acknowledging Village regulations applicable to the rental property.

Each tenant shall sign a document acknowledging the occupancy limit and Village regulations applicable to the rental property, which document shall be maintained by the owner or local agent for inspection and copying by the Village. Compliance may be achieved by inclusion of the required information into a rental agreement (lease) signed by each tenant.

The owner or local agent shall obtain and maintain for Village inspection and copying the name, address and other contact information of each tenant/occupant.

Display of Applicable Ordinances:

The owner or local agent shall prominently display a full-size copy of the Certificate of Compliance, and a full-size copy of applicable Village ordinance sections including, but not limited to, trash, noise, occupancy and parking requirements.

Rental Permit:

Following registration, inspection and issuance of a Certificate of Compliance, the Planning Commission and Council will complete the Special Land Use process of Article XII of the Zoning Ordinance, including a public hearing with appropriate notice, and determine whether to approve a Rental Permit.

Revocation:

Rental permits may be revoked and rentals shall cease if rental permit conditions are not complied with or violations of Village or other applicable laws or regulations occur.

In the event there is a violation, and a second violation occurs within 12 months, the Permit will be revoked until re-issue by the Village; if a third violation occurs within 12 months, the Permit will be revoked for not less than one year.

Permit revocation will be determined by the Village Council with opportunity for hearing.

AYES: James Bracewell, Paul Leonard Jr., Deborah Lindley and Kaye Moriarty.

NAYS: Blake O'Halloran.

ABSTAIN: None.

RESOLUTION DECLARED ADOPTED.

MARY J. ROBERTSON, Village Clerk

CERTIFICATION

I, MARY J. ROBERTSON, duly appointed Village Clerk in and for the Village of Grand Beach, County of Berrien, State of Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Village Council during its regular meeting, held August 20, 2014, and that 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 J. ROBERTSON, Village Clerk

VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 2014-88
Effective: December 9, 2014

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, ODORS, OFFENSIVE CONDUCT AND CONDITIONS, AND THE PRODUCTION OF DUST WITHIN SAID VILLAGE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Village of Grand Beach Anti-Noise and Public Nuisance Ordinance.

Section 2. Definition

A nuisance shall be deemed whatever annoys, injures, or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake, river or stream; or in any way renders the public insecure in life and property. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. All such conditions are hereby declared to be public nuisances.

Section 3. Public Nuisance Prohibited

It shall be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Village.

Section 4. Certain Public Nuisances Enumerated

The following acts, equipment, apparatus, and structures are hereby declared to be public nuisances per se, however, this enumeration shall not be deemed to be exclusive:

A. Disturbing the public peace:

No person shall disturb the public peace and quiet by loud or boisterous conduct or by engaging in any disturbance, fight, brawl, or quarrel in any public place.

B. Noise:

It shall be unlawful for any person to create, assist in creating, or as owner, lessee or occupant of the property on which the activity is located, permit the continuance of any of the following acts:

(1) *Musical instruments and electronic sound-producing devices.* The playing of any amplified or unamplified musical instrument, radio, television set, phonograph, loudspeaker, tape recorder, compact disc player, or other electronic sound-producing devices, in such a manner or with volume that:

- a. The operation of any such musical instrument or electronic sound-producing device disturbs the comfort, repose or peace of others by being plainly audible to persons other than that from which it is generated; or
- b. The bass has caused vibrations within a dwelling unit or within a vehicle other than that from which it was generated.

(2) *Shouting and whistling.* Continuous or repeated yelling, shouting, loud whistling, or loud singing, so as to disturb the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling or other type of residence other than that from which it originates.

(3) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(4) *Whistles or sirens.* The blowing of any amplified or electronic whistles, air horns or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(5) *Engine exhaust.* The discharge into the open air of the exhaust of any engine except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(6) *Devices to attract attention.* The continuous or repeated use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention so as to disturb the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling, hotel, hospital, or other type of residence other than that from which it originates.

(7) *Other excessive noise.* The creation of any other excessive or unreasonably loud noise which disturbs the comfort, repose or peace of others within the Village by being plainly

audible to persons within any dwelling or other type of residence other than that from which it originates.

C. *Trash accumulation:*

No person owning or occupying property in the Village shall fail to keep the exterior area of that property free from accumulations of trash. "Trash" means refuse, garbage and rubbish, as well as scrap materials, including, but not limited to, wrecked or scrapped vehicles, rags, paper products, scrap metal, used appliances, scrap plumbing supplies, or parts of any of the foregoing or similar property.

D: *Parking:*

No person owning or occupying property in the Village shall permit the outside parking and storage on residentially-zoned property of vehicles or boats in violation of the Village of Grand Beach Zoning Ordinance.

E. *Party or other social gathering:*

A social gathering or party which is conducted on premises within the Village and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on neighboring public or private property: public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consumption of intoxicating beverages; the unlawful deposit of trash or litter; the destruction of property; the generation of pedestrian or unlawful vehicular traffic, standing, or parking which obstructs the free flow of traffic or interferes with the ability to render emergency services; excessive, unnecessary, or unusually loud noise which disturbs the comfort, quiet, or repose of the neighborhood, including public disturbances, brawls, fights, or quarrels; or conduct or condition which injures, or endangers the safety or health of the neighborhood, or results in any indecent or obscene conduct, or results in any immoral exhibition or indecent exposure by persons attending the social gathering or party, is hereby declared to be an unlawful public nuisance.

F. *Dust, ash, and odors:*

No person, firm, or corporation shall create, cause, or maintain any public nuisance within the Village of Grand Beach by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.

Section 5. Exceptions

None of the prohibitions hereinbefore enumerated shall apply to any of the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

(2) Excavation or repair of bridges, streets or highways by or on behalf of the

Village of Grand Beach, State of Michigan, or County of Berrien, between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.

Section 6. Enforcement

A. Except as otherwise specifically provided in this Ordinance, violations of any provision of this Ordinance shall be a municipal civil infraction punishable by a fine of not more than \$250.00. A second offense of same shall be punishable by a fine not exceeding \$500.00, and a third or subsequent offense shall be punishable by a fine not exceeding \$1,000.00. Each such act which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section.

B. Should any fine for a municipal civil infraction not be paid within the required time period, or should any municipal civil infraction not be resolved by the Municipal Ordinance Violations Bureau, or a court of competent jurisdiction within the required time period, such violation shall become a misdemeanor.

C. If the penalty for violations of any section of this Ordinance is not paid within 45 days, it may be charged as a lien against the land, building, or structure involved in the violation by recording a copy of the court order and enforcing the lien in accordance with the provisions of MCL 600.8731, as amended.

D. The cost of abating a nuisance as defined by this Ordinance shall, to the extent reasonably necessary to protect the public health and safety, be charged against the premises and the owner thereof as costs in any enforcement action and shall include, but not be limited to, the following expenses: overtime expenses and labor and equipment expenses of Village officials or enforcement officers, fire department and emergency services, labor and equipment expenses, plus 15 percent of each of the foregoing expenses for administrative burden.

Section 7. Validity

The several provisions of this Ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

Section 8. Repealer.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

ORDINANCE DECLARED ADOPTED.

PAUL A. LEONARD JR.,
Village President

MARY J. ROBERTSON, 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 the 19th day of November, 2014, 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 J. ROBERTSON, Clerk

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STATE OF MICHIGAN

COUNTY OF BERRIEN

VILLAGE OF GRAND BEACH

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE IGNITION, DISCHARGE
AND USE OF CONSUMER FIREWORKS IN THE VILLAGE OF GRAND BEACH.**

ORDINANCE NUMBER 2020-99

Effective Date November 16, 2020

Purpose. This is an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, Act 634 of the Public Acts of Michigan of 2018, being MCL 28.451, et seq., as amended.

The Village of Grand Beach finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other zoning districts. The Village of Grand Beach endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

The Village of Grand Beach ordains:

Section 1. Definitions.

As used in this chapter, the following definitions shall apply:

- (1) "*Act 634*" means the Michigan Fireworks Safety Act, Act 634 of the Public Acts of Michigan of 2018, being MCL 28.451, et seq., as it may be amended from time to time.
- (2) "*Consumer fireworks*" means that term as defined in Act 634.
- (3) "*Firework*" or "*fireworks*" means that term as defined in Act 634
- (4) "*Homemade fireworks*" means that term as defined in Act 634.
- (5) "*Retailer*" means that term as defined in Act 634.
- (6) "*Village*" means Village of Grand Beach.

(7) "Wholesaler" means that term as defined in Act 634.

Section 2. Compliance with Applicable Ordinances and Codes.

The manufacture or sale of fireworks is prohibited within the Village unless otherwise provided by the Village Zoning Ordinance, as well as all building codes and regulations.

Section 3. Use of Consumer Fireworks Prohibited.

(a) Unless otherwise provided in this Ordinance, no person shall ignite, discharge, or use

consumer fireworks in the Village.

(b) A person may only ignite, discharge, or use consumer fireworks on private property owned or controlled by that person, or with the owner's permission in the Village of Grand Beach on the following days, after 11:00 a.m.:

- a. December 31 until 1:00 a.m. on January 1.
- b. The Saturday and Sunday immediately preceding Memorial Day, until 11:45 p.m. on each of those days.
- c. June 29 to July 4 until 11:45 p.m. on each of those days.
- d. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- e. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(c) No person shall ignite, discharge, or use consumer fireworks on any public property in the Village of Grand Beach at any time, including on any public street, in any Village park, on the golf course or driving range, on any Village beach, on the pier, or on any other Village owned property.

(d) Burn Ban. Due to the Village's natural topography, location on Lake Michigan, and the extreme weather events, including severe draughts that have become more common in recent years, the Village has a considerable amount of natural dune grasses which are highly flammable in the event of unusually high temperatures combined with very dry or draught-like conditions. In extreme circumstances, the Village's Police Chief or New Buffalo Township's Fire Chief may issue a burn ban to protect the Village residents' health, safety and welfare. In the event of a Village-wide ban on burning, the discharge of fireworks of any nature or sort shall also be temporarily prohibited until the burn ban is lifted.

Section 4. Firework Safety.

No person shall individually, or in concert with another person, recklessly endanger the life, health, safety, or well-being of any person, by the ignition, discharge, or use of consumer fireworks.

Section 5. General Restrictions.

- (a) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, a residential structure, a vehicle, or in any enclosed structure, garage, tent, or shed, or under any canopy, or overhanging cover, of any nature.
- (b) No person shall, either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.

Section 6. Applicability of General Ordinances.

Nothing in this Ordinance or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

Section 7. Violations, Fines and Penalties.

Any person violating the provisions of this ordinance shall be guilty of a municipal civil infraction, punishable by a fine of \$1,000.00, plus the cost of prosecution.

Section 8. Repealer.

Village Ordinance Number 2014-85 and 2019-97 are hereby repealed in their entirety. Any other ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

Section 9. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Village that this ordinance shall be fully severable.

Section 10. Effective Date.

This Ordinance shall become effective after publication in accordance with the Charter of the Village of Grand Beach.

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

NAYES: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Deborah Lindley, Council President

Mary J. Robertson, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of October, 2020, 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.

Mary J. Robertson, Village Clerk

ORDINANCE No. 37

**AN ORDINANCE TO IMPOSE A CURFEW ON CERTAIN MINORS IN
THE VILLAGE OF GRAND BEACH AT NIGHT**

THE VILLAGE OF GRAND BEACH OF ORDAINS:

SECTION 1. Ordinance No. 11 pertaining to the regulation of children under 12 years of age in the Village of Grand Beach at night is hereby repealed and rescinded.

SECTION 2. It shall be unlawful for any person under the age of 17 years to be present at or remain in or upon any street, alley, or public place in the Village of Grand Beach, Michigan, between the hours of 11:00 p.m. and 6:00 a.m. village time, on the following days: Monday, Tuesday, Wednesday, and Thursday of each week; and between the hours of 12:00 p.m. and 6:00 a.m. village time on the following days: Friday, Saturday, and Sunday of each week, unless accompanied by his or her parent, guardian, or other person having legal custody and control, or unless such minor is performing an errand or duty as directed in writing by his or her parent, guardian, or other person having legal custody or control, and such writing shall state the reason it is necessary, for said minor to violate the curfew.

SECTION 3. It shall be unlawful for any parent, guardian or other persons having legal custody and control over a minor under the age of 17 years to allow or permit such minor to be present at or remain in or upon any street, alley or public place in the Village of Grand Beach, Michigan, during the curfew period and hours specified in preceding Section 2 of this Ordinance, unless such minor is accompanied by his or her parent, guardian, or other person having his or her legal custody and control, or unless such minor is performing an errand or duty as directed in writing by his or her parent, guardian, or other person having his or her legal custody or control.

SECTION 4. Violation of this Ordinance shall be punishable by a fine of not more than \$100.00 or by imprisonment for not more than 90 days, or both, subject to the laws of the State of Michigan pertaining to juvenile offenders.

SECTION 5. This Ordinance shall take effect one week after its adoption or 10 days after its publication, whichever is later.

Enacted by the Village Council this 22nd day of August 1967.

John R. Rohde, Clerk.

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ORDINANCE NO. 33

AN ORDINANCE TO PROHIBIT CONSUMPTION OF INTOXICATING LIQUORS IN PUBLIC PLACES THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. No person shall drink or consume beer, wine or alcoholic or intoxicating liquor of any kind or offer beer, wine alcoholic or intoxicating liquor of any kind to any other person on any street, sidewalk, alley, public building, public park; public beach or any public place in the Village of Grand Beach or in any automobile which is parked or being driven on any street, alley or public place in the Village of Grand Beach.

Section 2. No person shall deposit, place or throw any bottle, can or container sold for transportation and storage of beer, wine or alcoholic or intoxicating liquor of any kind, whether such container is filled, partially filled or empty; on any street, alley, sidewalk or public place in the Village of Grand Beach.

Section 3. Any person who shall violate this ordinance or any section thereof shall, upon conviction, be punished by a fine not to exceed One Hundred Dollars (\$100.00) and costs of prosecution or by imprisonment for not to exceed ninety (90) days, or both, in the discretion of the Court. In the event a fine is imposed the Court shall have the power to imprison the violator until such time as the fine. is paid, not to exceed, however, ninety (90) days from the date of commitment.

Section 4. This ordinance shall take effect ten (10) days after its publication.

Passed by the Village Council of the Village of Grand Beach this 23rd day of July, 1955.

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ORDINANCE 52
PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THAT PREMISES ARE FREE OF LITTER, NOXIOUS WEEDS, AND DANGEROUS OR HAZARDOUS CONDITIONS.

THE VILLAGE OF GRAND BEACH ORDAINS:

A. Unfit dwellings or buildings.

Section 1. **Definitions.** The following terms whenever used or referred to in this ordinance shall have the following respective meanings unless a different meaning clearly appears from the context:

- a. "Owners" shall mean the holder of fee simple title.
- b. "Parties in interest" shall mean all individuals, associates, and corporations who have a mortgage or other interest of record in a dwelling or building or who are in possession thereof.
- c. "Dwelling" shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto.
- d. "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.
- e. "Building" shall mean structure or part thereof.
- f. "Public record" shall mean deeds, mortgages, and other instruments of record relating to land titles.
- g. "Occupant" shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit,
- h. "Public officer" shall mean the code enforcement or a law enforcement officer or officers who are authorized by law to exercise the powers prescribed by this article.

Section 2. **Unfit dwelling and buildings defined.** Any dwelling or building which fails to meet the minimum standards of the BOCA National Property Maintenance Code, as shall be in effect from time to time, shall be deemed unfit for human habitation.

Section 3. **Renting an unfit dwelling or building.** It shall be unlawful for any owner or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building which is unfit for human habitation for any reason set out in paragraph 5 of this article, due to the dilapidation, leaking water lines, leaking gas lines, electrical defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building unsafe or unsanitary or dangerous.'

Section 4. **Nuisance.** Any dwelling unfit for human habitation is hereby declared to be a public nuisance, and shall be repaired or removed from site as a serious continuing health hazard and public nuisance pursuant to the laws of the State of Michigan.

B. Litter regulations.

Section 1. **Depositing of litter prohibited.** It shall be unlawful for any person, firm or corporation, in person, or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the city or any public water, drain, sewer, or receiving basin within the jurisdiction of the Village any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Village in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the Village; or to articles or things deposited in or conducted into the Village storm system through lawful drains in accordance with the ordinances of the Village relating thereto.

Section 2. **Litter on Private Property.** For purpose of this Ordinance, the term "litter on private property" is defined to mean any condition or use of premises or of building exteriors which is materially detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located or creates a haven for vermin and pests or creates a health or safety hazard. This includes, but is not limited to the keeping or the depositing on, or the scattering over the premises of any of the following:

- a. Lumber, junk, trash, or debris;
- b. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

Section 3. **Duty of maintenance of private property.** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any litter thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. Nor shall any person maintain premises as a health or safety hazard.

C. Plants and weeds.

Section 1. **Weeds - declared a nuisance.** Any weeds such as jimson, burdock, cocklebur, or other weeds defined as "noxious weeds" pursuant to Act 359 of Public Acts 1941, as amended (MCL

247.61 et. seq.) of a like kind, found growing in any lot or tract of land in the city are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Section 2. **Height.** It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding twelve inches anywhere in the city; any such plants or weeds exceeding such height are hereby declared to be a nuisance. This shall not apply to dune grasses or other vegetation designed to preserve the dunes or reduce erosion.

Section 3. **Removal - notice.** It shall be the duty of the Code Enforcement Officer to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance within ten days as provided under said Act 359. A failure to remove after said Notice shall result in the Village eradicating or cutting the weeds and charging the same to the Owner.

D. **Swimming pools.**

Section 1. **Compliance required.** It shall be unlawful to operate, maintain, or use any swimming pool in the Village except in compliance with all the provisions of this Ordinance. Each swimming pool maintained in the Village shall have the following accessories, fixtures, safety equipment, and areas of protection:

a. **Walk areas.** Unobstructed walk areas not less than thirty-six inches wide shall be provided to extend entirely around the pool. The walk area shall be constructed of impervious material, and the surfaces shall be of such as to be smooth and easily cleaned and of non-slip construction. The slope of the walks shall have a pitch of a least one-fourth inch to the foot, designed so as to prevent back drainage from entering the pool.

b. **Fences.** All outdoor swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be six feet in height above the grade level and shall be constructed of a minimum number 9 gauge woven wire mesh corrosion-resistant material, or similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

c. **Steps or ladders.** Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep and shallow end of the pool. Treads of steps and ladders shall be constructed of non-slip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

d. **Skimmers.** In every swimming pool, at least one skimming device shall be provided for each eight hundred square feet of surface area or fraction thereof.

e. **Recirculation system and appurtenances.** The swimming pools' recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, together with

the necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for back washing filters, and facilities and equipment for disinfection the pool water.

Section 2. **Inspection.** The building inspector or code enforcement officer periodically shall inspect all swimming pools to determine whether or not the provisions of the ordinances regarding health, sanitation, and safety applicable thereto are being complied with.

Section 3. **Nuisance.** Any swimming pool that fails to meet the minimum standards set forth above shall be declared a nuisance. The Building Inspector shall issue a notice of violation setting forth the remedial actions' required. In the event the owner of the swimming pool shall fail to correct the violation prior to Memorial Day following said Notice if issued between September 2 and February 28 or within ninety (90) days if issued between June 1 and September 1, the owner shall remove the pool and fill the site.

E. Penalties. Any person or firm convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not more than Five Hundred and no/100 (\$500.00) Dollars or imprisonment in the County Jail of Berrien County for a period of not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court.

F. Existing Conditions. The provisions of this ordinance shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this ordinance, and to conditions which, in the opinion of the enforcement officer, constitute a distinct hazard to life or property.

G. Effective Date.

This Ordinance shall become effective on this 11th day February, 1998 following publication hereof.

H. Conflicting Ordinances.

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ORDINANCE DECLARED ADOPTED.

CAROLE S. NAGY, 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 the 21st Day of January, 1998, 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.

CAROLE S. NAGY, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**LOW SPEED VEHICLE ORDINANCE NO. 53
(AS REVISED 12/20/2001 BY ORDINANCE NO. 55)**

**AN ORDINANCE TO REGULATE THE USE AND OPERATION OF LOW SPEED VEHICLES
IN THE VILLAGE OF GRAND BEACH AND THE REGISTRATION THEREOF.**

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Definitions.

1. "Low Speed Vehicle" shall mean a bicycle, golf cart, lawn mower, or moped when operating upon any roadway in the Village.
2. "Operator" shall mean an individual, at least sixteen (16) years of age, possessing a valid driver's license.
3. "Street, Roadway, Alley or Public right-of-way" shall mean all public ways under the jurisdiction of the Village.
4. "Village" shall mean the Village of Grand Beach, New Buffalo Township, Berrien County, Michigan.

Section Two. General Regulation. (REVISED BY ORDINANCE NO. 55)

A. Compliance with Uniform Traffic Code and Chapter III - Michigan Vehicle Code. All low speed vehicles operated on the public ways of the Village shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of state police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

All persons operating low speed vehicles, except bicycles, on the public ways of the Village shall possess a current valid motor vehicle operators license.

B. Operation on Roadway. A person operating a bicycle, low-speed vehicle, or moped upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. A person riding a bicycle, motorcycle, or moped upon a roadway shall not ride more than two (2) abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

Where a usable and designated path by bicycles is provided adjacent to a roadway, a bicycle rider shall be required to use the path. Low-speed vehicles shall not be operated on a sidewalk constructed for the use of pedestrians.

Section Three. Lights.

All low-speed vehicles, including animal drawn vehicles, implements of husbandry, road machinery, road rollers, and farm tractors, not otherwise required under this Act to be equipped with head or rear lamps, shall at the times specified herein below be equipped with at least one (1) lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.

Lights, as above set forth, shall be required at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons or vehicles on the roadway at a distance of 500 feet.

Section Four. Occupant.

A low speed vehicle shall not be used to carry more persons at one time than the number for which it is designed and equipped.

Section Five. Regulation of Low Speed Vehicles on the Grand Beach Municipal Course.

Only registered and stickered golf carts shall be operated on the golf course. Each owner shall annually secure a sticker from the Village Clerk based on such fees as shall be set from time to time by the Village Council. All operators shall be at least fourteen (14) years of age. The golf course manager or any ranger may revoke any sticker and ban further access by any golf cart, when in the opinion of the golf course manager or ranger, the golf cart is being used in a manner to cause damage to property or other members of the public or course personnel. Golf carts shall not be allowed on the golf course property after a half hour after sunset to one-half hour prior to sunrise.

Section Six. Penalties for Violation. (REVISED BY ORDINANCE NO. 55)

A. Uniform Traffic Code. Any person, firm or corporation who violates Section Two A of this Ordinance shall, in addition to the other provisions of this Ordinance, be responsible for the penalties set forth under the applicable Section of the Uniform Traffic Code as herein referenced.

B. Civil Infractions. A person who violates Sections Two B, Three, Four, or Five of this Ordinance is responsible for a civil infraction punishable by a fine of not more than \$100.00 and which shall be processed pursuant to the terms of the Michigan Vehicle Code. Any person who is cited for a repeat or second violation of the above Sections within a period of twenty-four (24) months from date of first citation shall be deemed guilty of a misdemeanor as set forth in Section Six A above.

This Ordinance shall become effective after public hearing, adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

Section Seven. Conflicting Ordinances.

Ordinance #44 and any other or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after the adoption and publication thereof.

ORDINANCE DECLARED ADOPTED.

CAROLE NAGY, 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 17th, 2001 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.

CAROLE NAGY, Village Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

SECOND AMENDMENT TO ORDINANCE NO. 53

**ORDINANCE NO. 63
Effective: August 3, 2003**

An Ordinance to amend Ordinance 53, the Slow Moving Vehicle Ordinance of the Village of Grand Beach to modify certain provisions concerning identification.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Section Five of Ordinance No. 53 is hereby deleted and the following inserted in its place and stead:

Section Five. Regulation of Low Speed Vehicles within Grand Beach.

Only stickered golf carts shall be operated within the Village of Grand Beach. Each owner shall annually secure a sticker from the Village Clerk based on such fees as shall be set from time to time by the Village Council and each cart shall have three inch (3") numerals to be placed on both sides of the cart. All operators on the Grand Beach Municipal Golf Course shall be at least fourteen (14) years of age. The golf course manager, any ranger, or any police officer may revoke any sticker and ban further access on any public way or public property by any golf cart, when in the opinion of the golf course manager, ranger, or officer that the golf cart is being used in a manner to cause damage to public property or members of the public or Village employees. Golf carts shall not be allowed on the golf course property from a half-hour after sunset to one-half hour prior to sunrise.

This Ordinance shall become effective after adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

ORDINANCE DECLARED ADOPTED.

MARY J. ROBERTSON, Clerk

JAMES BRACEWELL, President

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 the 16th day of July 2003, 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 J. ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**AN ORDINANCE TO AMEND ORDINANCE NO. 55, THE SLOW MOVING VEHICLE ORDINANCE,
AND TO PROVIDE FOR CIVIL INFRACTION PENALTIES**

**ORDINANCE NO. 2010-78
Effective Date: September 11, 2010**

An Ordinance to amend the provisions of Ordinance No. 55 to provide for revised civil infraction penalties.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Ordinance No. 55 is amended to repeal Section 6B and to insert the following in its place and stead:

Section 6.B. Civil Infraction. Any person who violates Sections 2B, 3, 4, or 5 of this Ordinance is responsible for a civil infraction punishable by a fine of \$100.00, which shall be processed according to the Michigan Vehicle Code.

Section Two. Ordinance No. 55 is amended to insert the following section entitled Section 6C.

Section 6C. Any person who is cited for the same offense under any section of this Ordinance within a period of one year from the date of the first citation shall be charged with misdemeanor as set forth in Section A above.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, 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 the 18th day of August, 2010, 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 J. ROBERTSON, Clerk

FIRE CONTROL
VILLAGE OF GRAND BEACH
ORDINANCE NO. 62

**AN ORDINANCE REGULATING THE STARTING OF FIRE IN THE VILLAGE
OF GRAND BEACH, AND FOR THE ELIMINATION OF FIRE HAZARDS, AND
FOR THE PREVENTION OF FIRES.**

**THE VILLAGE OF GRAND BEACH ORDAINS THAT WITHIN THE VILLAGE
LIMITS:**

SECTION 1. WASTE ACCUMULATION

That no person shall allow or permit any rags, waste, chips, trash, rubbish, waste paper, ashes, oil, excelsior or other or combustible material to accumulate on or in any lands, premises or building owned or occupied by him, except in metal or other fireproof containers so located as not to constitute a fire hazard, nor shall any person keep or maintain any paint, varnish or similar material unless the same shall be kept in closed containers when not being applied.

SECTION 2. FIRE HAZARD

That no person shall construct or maintain on or in any lands, premises or building owned or occupied by him any boiler, stove, water tank or heater, furnace, chimney, pipe, duct or other devise for the production or transmission of heat, smoke or gas, or any electric wiring, which is so constructed, operated or located, or which is in such a condition of disrepair, as to constitute a fire hazard or to subject such lands, premises or building or other property in the vicinity thereof to the danger of fire or explosion.

SECTION 3. DANGEROUS STRUCTURE

That no person shall erect or maintain on any lands or premises owned or occupied by him any building or structure which by reason of improper construction, want of repair or other conditions therein is especially liable to fire or explosion or is so situated as to endanger other property in the vicinity thereof.

SECTION 4. OPEN FIRES

No person shall kindle or maintain any open fire (for purposes of lot clearing or farming purposes) in the Village of Grand Beach without having first obtained a written burning permit from the Zoning Administrator. Such permit shall be issued by the Zoning Administrator without charge on forms provided by him / her at Village expense. Such permit shall state the date of issuance, the length of time (not to exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. No permit shall be allowed for the burning of yard waste. Even though a burning permit is obtained as aforesaid, no open fire shall be kindled or maintained unless the same shall be located more than fifty feet from any building and shall be constantly attended until completely extinguished. Recreational fires for the purpose of recreation or meal preparation are authorized without permit provided they are no closer than fifteen feet from a building and are constantly attended until completely extinguished and confined to a burning pit or outdoor grill. The Police Chief or any officer of the police department shall have the authority to order extinguishment of any fire whenever in his / her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance.

SECTION 5. BEACH BONFIRES

No person shall kindle or maintain any bonfire on the public beaches in the Village of Grand Beach without having first obtained a written burning permit from the Village Police Department. Such permit shall be issued by the Police Department without charge on forms provided by the Department. Such permit shall state the date of issuance, the length of time (not to exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. Even though a burning permit is obtained as aforesaid, no open fire shall be kindled or maintained unless the same shall be located more than fifteen feet from a building and are constantly attended until completely extinguished. The Police Chief or any officer of the Police Department shall have the authority to order extinguishment of any fire whenever in his / her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance.

SECTION 6. YARD WASTE

The burning of yard waste is strictly prohibited by the Village of Grand Beach. Yard Waste includes all grasses, weeds, leaves, and shrub clippings less than four (4) feet in length and two (2) inches in diameter, flowers, and basic waste resulting from landscaping and yard and lawn maintenance activities.

SECTION 7. EXEMPTION

The provisions of this Ordinance shall not apply to the Village of Grand Beach, when discharging a public function.

SECTION 8. ACCESS

The Zoning Administrator is hereby authorized to enter upon or into any lands, premises, building or structure within the Village at all reasonable hours for the purpose of inspecting the same to determine whether any fire hazard exists therein, or whether the provisions of this Ordinance are being observed, or whether all safety structures or other devices required hereby have been installed and are in good working order.

SECTION 9. DELEGATION

The Zoning Administrator shall have authority to designate any other official of the Village to perform the permitting or inspection duties imposed upon him or her by the terms of this Ordinance, or for the issuance of permits.

SECTION 10. PUBLIC NUISANCE

Every fire hazard of whatever nature or origin is hereby declared to be a public nuisance and the same may be abated and removed or its continuance enjoined in any manner provided or permitted by law for the abatement of nuisance. The term "fire hazard" as used in this Ordinance shall mean and include every building, structure, place, thing or condition which by reason of its nature, location, occupancy, condition or use may cause loss, damage or injury to persons or property by reason of fire or explosion.

SECTION 11. VIOLATION

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not

exceeding ninety (90) days or both, such fine and imprisonment in the discretion of the Court, together with costs of prosecution, and in default of payment to ninety (90) days.

SECTION 12. DEFINITION

The term "person" as used herein shall mean and include natural persons, firms, partnerships, and corporations, and their agents, receivers, servants and trustees. The term "fire" or "bonfire" shall mean the open burning of any flammable material in the Village of Grand Beach, except a fire in a furnace, stove, boiler, fireplace or campfire restricted to recreational or meal preparation contained in a pit no larger than thirty-six (36) inches in diameter if circular or nine (9) square feet if square or rectangular.

SECTION 13. REPEALER

Ordinances 50, 57, and all other provisions or any other ordinance of the Village of Grand Beach in conflict with the provisions of this Ordinance are expressly repealed.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication after adoption.

ORDINANCE DECLARED ADOPTED.

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien. State of Michigan, at a Regular Meeting, held on the 16th day of January, 2003, 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, Clerk

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VILLAGE OF GRAND BEACH
BEACH REGULATION ORDINANCE

Ordinance No. 2005-66

AN ORDINANCE TO REGULATE AND CONTROL THE USE AND ENJOYMENT OF PUBLIC BEACHES IN THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS, AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF GRAND BEACH ORDAINS:

ARTICLE I
ADMINISTRATION

SECTION 1. GENERAL SUPERVISION

A Law Enforcement employee shall have authority to enforce all ordinances, rules, or regulations, pertaining to the beach and activities and no person shall willfully disregard any lawful order to obey this ordinance, any rules, or regulations nor interfere with or hinder any employee while such employee is engaged in his assigned duties and activities.

SECTION 2. RULES AND REGULATIONS

The Village Council may, from time to time, adopt, revise and amend rules or regulations for use of the Beach not in conflict with the provisions of this Ordinance to be observed by all persons using or enjoying the property, facilities and grounds referred to in this Ordinance, which rules and regulations, amendments or revisions thereof shall be printed and posted in a conspicuous place or places or posted on signs on or near the beach, grounds or facilities of the Beach. All such rules and regulations displayed on signs or printed and posted in the Beach shall be given full force and effect under the provisions of this Ordinance as though they were fully set out in this Ordinance and incorporated herein by reference.

ARTICLE II
BEACH RULES

SECTION 1. UNLAWFUL CONDUCT

The following acts are deemed unlawful and in violation of this Ordinance and are expressly prohibited anywhere on the Beach; use of profane, obscene, lewd, threatening or abusive language, fighting or quarreling, loud, boisterous, unruly or disorderly conduct, offenses against decency or good morals, carrying, taking or possession of glass bottles or containers of any kind of sort whatsoever upon the beach, littering, dumping or depositing papers, garbage, rubbish or other offensive substances anywhere in the Beach, except in containers expressly provided for that purpose, and the violation of any posted Beach rule, regulation or signs anywhere in the Beach.

SECTION 2. DAMAGE TO PROPERTY

It shall be unlawful for any person to write on, cut, mutilate, deface, damage, remove, or destroy in any manner any equipment, structure, sign, sand or any other property real or personal or any appurtenances thereto, owned or operated by the Village and located upon or in the beach area or belonging to any person and rightfully upon the beach area.

SECTION 3. INJURY TO PLANTS AND TREES

It shall be unlawful for any person to cut, remove, mutilate, damage or injure any trees, shrubs or plantings that are growing and located on the beach.

SECTION 4. BEACH HOURS

The use of the beach shall be restricted to a period two hours before sunrise to two hours after sunset; provided, such hour as may be modified by Resolution, from time to time by the Village Council to address public events or special occasions. After the designated hour for the closing of the beach, all persons within the beach areas shall immediately depart therefrom. Any unauthorized vehicles, unauthorized watercraft, or equipment remaining on the beach after the closing hour or prior to opening hour shall be towed or hauled away and the cost thereof, including reasonable storage fees, shall be assessed against the owner or operator of the vehicle, watercraft or equipment. Further violators of this section shall be subject to a fine as set by the Village Council.

SECTION 5. ANIMALS

It shall be unlawful for any person to permit any domestic animal to run at large on the Beach, nor shall any dog be allowed therein, except on a leash. No person shall permit any domestic animal whether under restraint or not, on any public beach of the Village of Grand Beach, except between the hours of 6:00 P.M. and 11:00 A.M. from May 1st through October 1st of each year.

Further, the owner or person in control of any domestic animal shall remove any animal waste or feces discharged or deposited by such animal on the beach. The depositing of domestic animal waste or feces is declared to be a public nuisance;

No person shall permit any dog to continue any loud and offensive barking which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the beach area. The making or causing of such disturbance is declared to be a public nuisance.

A dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf person or audibly impaired person or a service dog for a physically limited person is not subject to the provisions of this Ordinance. As used in this section, the following terms are defined as:

(i) "Audibly impaired" means audibly impaired as defined in section 1 of Act No. 82 of the Public Acts of 1981, being section 752.61 of the Michigan Compiled Laws.

(ii) "Blind person" means a blind person as defined in section 1 of Act No. 260 of the Public Acts of 1978, being section 393.351 of the Michigan Compiled Laws.

(iii) "Deaf person" means a deaf person as defined in section 1 of Act No. 82 of the Public Acts of 1981, being section 752.61 of the Michigan Compiled Laws.

(iv) "Physically limited" means physically limited as defined in section 1 of Act No. 1 of the Public Acts of 1966, being section 125.1351 of the Michigan Compiled Laws.

The riding or leading of horses and other riding animals is expressly prohibited anywhere in the Beach area including the roads and streets therein.

SECTION 6. SWIMMING

All swimming by children shall be under the immediate supervision of an adult. Parents or persons *in loco parentis* are responsible for the supervision and safety of minors under their care.

SECTION 7. DIVING FROM PIER

No persons shall at any time “dive” and/or “jump” from the Grand Beach Pier.

SECTION 8. USE OF VEHICLES

No person shall at any time use any beach or dune buggy, snowmobile, automobile, truck, motorcycle or other mechanically propelled vehicle of any kind of sort whatsoever upon the beaches, except on the streets, roads and parking areas adjacent thereto, where such use is limited solely to vehicles used for providing transportation to beach patrons for carrying persons or their equipment into and out of the beach area. No person shall park any motor vehicle within said beach area, other than police and emergency vehicles in the line of duty.

SECTION 9. OFFERING ARTICLES FOR SALE

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy any article or thing or take up any collection or solicit or receive contributions of money or anything of value in the beach areas, except when authorized to do so by a permit obtained from the Village Council.

SECTION 10. FIREARMS AND FIREWORKS

No person shall carry or discharge firearms or discharge or set off any rocket, firecracker or torpedo or other fireworks or things containing any substance of an explosive nature in the beach areas.

SECTION 11. OPEN FIRES

No person shall build or cause to be built any open fires anywhere upon the sand beaches along the water front, except by permit issued by the Grand Beach Police Department in the areas as designated in said permit on the date of the permit. An open fire is defined as any fire not in a grill or fireplace or other receptacle constructed and provided for that purpose. Ashes and coals shall not be dumped or disposed of on the beaches or in the water.

ARTICLE III PENALTIES

SECTION 1. PENALTIES

Any person, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$500.00 or imprisonment not exceeding ninety (90) days or both such fine and imprisonment in the discretion of the Court.

**ARTICLE IV
SAVING CLAUSE**

SECTION 1. SAVING CLAUSE

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 Ordinance as a whole, or any part thereof other than the part or parts so declared to be invalid.

ARTICLE V

REPEAL

SECTION 1. REPEAL

This Ordinance repeals all Ordinances or part of Ordinances heretofore enacted by the Village of Grand Beach that may be in conflict with this Ordinance.

**ARTICLE VI
EFFECTIVE DATE**

SECTION 1. EFFECTIVE DATE

This Ordinance was adopted by the Village Council of the Village of Grand Beach on the 16th day of November, 2005, and was ordered to be made effective 30 days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16th day of November, 2005, 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 J. ROBERTSON, Clerk

**STATE OF MICHIGAN
COUNTY OF BERRIEN
VILLAGE OF GRAND BEACH
ORDINANCE NUMBER 2017-89
Effective April 2, 2017**

AN ORDINANCE TO REGULATE THE USE OF PIERS, DOCKS, PILINGS, BREAKWATERS, AND RELATED STRUCTURES IN THE VILLAGE OF GRAND BEACH FOR THE BENEFIT OF THE HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC.

The Village of Grand Beach ordains:

Section 1. Diving or jumping from any pier, dock, piling, breakwater, or related structure prohibited. No person shall jump, dive, fall, or otherwise enter the waters of Lake Michigan from any pier, dock, piling, breakwater, or related structure within the Village of Grand Beach, except in the case of rescue or emergency, or when necessary to perform authorized maintenance.

Section 2. Pushing, shoving, or causing any person to fall, dive, or jump from any pier, dock, piling, breakwater, or related structure prohibited.

No person shall push, shove, or take any action which shall cause any person to fall, dive or jump into the waters of Lake Michigan from any pier, dock, piling, breakwater, or related structure within the Village of Grand Beach.

Section 3. Authorization to Issue Municipal Civil Infraction Ticket.

Any law enforcement officer in the Village of Grand Beach is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has violated either Section (1) or (2) of this Ordinance. A violation of Section (1) or (2) is a municipal civil infraction punishable by a fine as outlined by the Village Municipal Civil Infraction Fine Schedule, plus court costs if applicable.

Section 4. Enforceability.

If any phrase or portion of this Ordinance is found to be unenforceable by a court of competent jurisdiction for any reason, such phrase or portion of the Ordinance shall be declared a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this Ordinance.

Section 5. Effect.

This Ordinance shall take effect and be in force ten (10) days after the date when notice of the adoption is published in a newspaper of general circulation in the Village.

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

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Mary Robertson, Village Clerk

CERTIFICATION

I, MARY ROBERTSON, the duly qualified and acting Clerk of the Village of Grand Beach, Berrien County, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council at a meeting held on March 15, 2017, the original of which is on file in the Village Office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

Mary Robertson, Village Clerk

**STATE OF MICHIGAN
COUNTY OF BERRIEN
VILLAGE OF GRAND BEACH**

**ORDINANCE NUMBER 2017-90
Effective April 2, 2017**

AN ORDINANCE TO REGULATE THE LICENSING, KEEPING, AND OWNER'S CONTROL OVER DOGS AND CATS WITHIN THE VILLAGE OF GRAND BEACH FOR THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

The Village of Grand Beach ordains:

Section 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

On a suitable leash means both: (1) That the dog is attached to a leash that is no more than sixteen (16) feet in length and of such material that the leash is capable of restraining, and does restrain the type and size of dog to which it is attached; and (2) That such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the dog from being out of that person's physical control. A leashed dog that chases a person or domesticated animal a greater distance than sixteen (16) feet, or that bites a person or other domesticated animal constitutes prima facie evidence that such dog is not kept on a suitable leash.

Owner, when applied to the proprietorship of a dog or cat, means every person having a right of property in such dog or cat, and every person who keeps or harbors such dog or cat or has it in his or her care, and every person who permits such dog or cat to remain in or about any premises occupied by such person.

Reasonable control, as it relates to a dog, means keeping a dog on a suitable leash.

Reasonable control of a cat, recognizing the nature of this animal, requires that the owner take all reasonable efforts to ensure that a cat does not become a nuisance to any other person by a violation of or destruction to any person's private or public property.

Section 2. Yards, exercise runs; sanitation.

Yards and exercise runs shall be kept free of dog and cat droppings and uneaten food and shall be maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for flies and vermin.

Section 3. Licensing, vaccination.

- (a) It shall be unlawful for any person to keep a dog which is six (6) months or older without obtaining a proper license and vaccination as required by the county and state.
- (b) It shall be unlawful for any person to keep a cat which is six (6) months or older without obtaining

a certificate of vaccination for rabies and being able to produce such proof of vaccination at the request of an officer of the Village.

Section 4. Confinement, control.

- (a) It shall be unlawful for any dog not to be confined upon the premises of its owner or custodian at all times except when the dog is otherwise under the reasonable control of the owner or custodian, is within a portion of a publicly owned and operated dog park that is designated for dogs without leashes, is confined in a closed automobile or shipping receptacle, or has the express permission of the owner or occupant of the private property.
- (b) It shall be unlawful for any cat not to be under the reasonable control of the owner or custodian at all times.

Section 5. Number of dogs or cats.

It shall be unlawful for any person to own, possess, shelter, keep, harbor or maintain more than three (3) dogs and/or three (3) cats six (6) months of age or older on the premises at any one time; however, this provision does not apply to duly licensed pet shops, veterinarians or veterinarian hospitals.

Section 6. Defecation, etc., Prohibited; Disposal, Owner's Responsibility.

No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat to soil, defile, defecate or to commit any nuisance on a public thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of such property unless:

- (1) The person who so owns, harbors, keeps or is in charge of such dog or cat shall immediately remove all droppings deposited by such dog or cat by any sanitary method. The person shall possess a container of sufficient size to collect and remove above-mentioned droppings and exhibit the container, if requested by any official empowered to enforce this article.
- (2) The droppings removed from the aforementioned areas shall be disposed of by the person owning, harboring, keeping or in charge of such dog or cat in a sanitary method on the property of the person owning, harboring or in charge of such dog or cat.

Section 7. Remedy for damage by cats.

Any owner of a cat who is unable to keep the cat on their own premises due to the nature of the animal shall accept as their full responsibility the cost of any damage to any other person's private or public property.

Section 8. Enforceability.

If any phrase or portion of this Ordinance is found to be unenforceable by a court of competent jurisdiction for any reason, such phrase or portion of the Ordinance shall be declared a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this Ordinance.

Section 9. Violation as Civil Infraction.

Any law enforcement officer in the Village of Grand Beach is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has violated any section of this Ordinance. Any person who violates any section of this Ordinance shall be responsible for a *municipal civil infraction* and shall pay a fine in accordance with the Village's Municipal Civil Infraction Fine Schedule.

This Ordinance shall take effect and be in force ten (10) days after the date when notice of the adoption is published in a newspaper of general circulation in the Village.

AYES: James Bracewell, Frank Giglio, Paul Leonard Jr. and Blake O'Halloran

NAYS: Deborah Lindley

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Mary Robertson, Village Clerk

CERTIFICATION

I, MARY ROBERTSON, the duly qualified and acting Clerk of the Village of Grand Beach, Berrien County, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council at a meeting held on March 15, 2017, the original of which is on file in the Village Office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

Mary Robertson, Village Clerk

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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