

**2001 LITTER AND DEBRIS ORDINANCE**

**TOWNSHIP OF BAINBRIDGE  
BERRIEN COUNTY, MICHIGAN**

**Ordinance  
No. 14  
No. 11 C**

Ordinance No. 15 originally Adopted: January 5, 1976

Amended: July 2, 2001

Published: July 11, 2001

Effective: August 12, 2001

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the Township of Bainbridge, Berrien County, Michigan, a municipal corporation, by the regulation of the accumulation, storage and disposition of junk, debris, waste material, combustible material, automobile and other miscellaneous unused material and equipment within said Township; to regulate nuisances, dangerous buildings, disposal of rubbish, maintenance of inoperable automobiles and trucks, machinery and equipment, to provide penalties for the violation thereof, and to repeal all Ordinances and parts of Ordinances in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BAINBRIDGE, BERRIEN COUNTY, MICHIGAN, ORDAINS;**

**SECTION I**

**Title**

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

**SECTION II**

**Regulations**

- a. No person, firm, or corporation shall permit any junk, debris, waste material, combustible material, or other miscellaneous unused, unsanitary or dangerous material or equipment, or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, or on the property owned or occupied by such person, firm, or corporation. The determination of whether such accumulation is unreasonable and abnormal shall be made by the Township Board upon the advice and report of the zoning administrator or building inspector of the Township, based upon the following standards:

- (1) The use district classification in which such property is located under the provisions of the Bainbridge Township Zoning Ordinance with residential use district classifications permitting less such accumulations than commercial or industrial use district classifications.
  - (2) The density of population or building structures in the area adjoining such property with the restrictions against such accumulations becoming more strict as the population or building structures become more dense.
  - (3) The existence of disease, rodents, or other evidence of unsanitary conditions or causes of sickness connected therewith.
  - (4) The likelihood of such accumulation creating a nuisance or cause of sickness or unsanitary or unsafe condition.
- b. The owner or occupant of every dwelling or other building located within the Township of Bainbridge shall provide the same with proper and appropriate covered receptacles of non-absorbent material for holding garbage, refuse, ashes, rubbish, or other waste material, commensurate with the use being made of such building.

Such receptacles shall further be kept clean and sanitary at all times and shall be regularly and frequently emptied, either by a rubbish and garbage collection agency recognized and approved by the Township Board, or by the occupant or owner of the premises, in properly designated areas off the premises. Such receptacles shall further be used by the occupants of the premises for all such garbage, refuse, ashes, rubbish, and other waste material not otherwise disposed of off the premises in properly designated areas.

### **SECTION III**

#### **Maintaining a Nuisance**

- a. Nuisances are not to be created or maintained. No owner or occupant, firm, or corporation having control or management of any dwelling or building, structure, excavation, business pursuit, matter or thing, shall allow any nuisance to be created or to exist on the premises which such person, firm, or corporation is the owner or exercises control or management; nor shall any person, firm or corporation occupying any public or private street, alley way, or any premises whatever, or having control or management thereof, within the limits of the Township create or maintain a nuisance thereof.

### **SECTION IV**

#### **Noise Producing Devices**

The operating or maintaining of noise making, noise amplifying or noise producing instruments or devices by which the peace or good order of the neighborhood is disturbed is hereby declared a public nuisance. No person, firm, association or corporation by himself or another

shall operate or maintain any radio, phonograph, player piano, calliope or other noise making, noise amplifying or noise producing instrument or device in any public or private place in any manner by which the peace and good order of the neighborhood is disturbed or persons occupying property in the neighborhood are disturbed or annoyed. Reasonable use of bird frightening devices for agricultural purposes is permitted.

## **SECTION V**

### **Smoke, Soot, Cinders, Noxious Acids, Fumes and Gases**

- a. No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fumes and gases in such place of manner as to be detrimental to the public or to endanger the health, comfort, and safety of any person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is hereby declared to be a public nuisance.

## **SECTION VI**

### **Lights**

- a. No person shall use or maintain any lighting facilities connected with any use of land or the operation of any place of business or factory so as to unreasonably reflect light upon any residential use adjacent to such lighting facilities; nor shall any person use or maintain any facilities connected with any use of land or the operation of any place of business or factory so as to deflect light upon or toward a public highway in such a manner or way as would tend to create a hazard to traffic on said highway. The usage or maintenance of lights in such a manner is hereby declared to be a public nuisance.

## **SECTION VII**

### **Burning of Garbage**

- a. No person, except the operator of a lawfully licensed landfill, shall set fire to or burn any material commonly classified as garbage. The burning of garbage is hereby declared to be a public nuisance.

## **SECTION VIII**

### **Parking of Garbage, Trash and Refuse Trucks**

- a. No person shall park, or allow the parking of, any vehicle used in the collection and/or hauling of garbage or other materials commonly classified as waste, rubbish, refuse or junk on premises in any primarily residential area.

## SECTION IX

### Dangerous Buildings

- a. No owner, or the agent, or tenant thereof, shall keep or maintain any dwelling or part thereof which is a dangerous building as defined in Section 139 of Act 61 of the Public Acts of 1969, being MCL 125.539, which definition is incorporated herein by reference. The keeping or maintaining of a dangerous building as defined herein is hereby declared to be a public nuisance.

## SECTION X

### Disposal of Rubbish

- a. No person, firm or corporation shall dump or cause to be dumped any garbage, tin cans, papers, automobile or truck bodies or parts, machinery, stoves, refrigerators, junk, movable structures or waste materials of any kind or description on any land, private or public, situated in Bainbridge Township, unless such place has been expressly designated as a public dumping ground to receive such materials by the Township Board as hereinafter provided.
- b. The dumping of garbage, except in a duly licensed sanitary landfill anywhere in the Township is expressly prohibited as a menace to public health.
- c. The dumping of papers, tin cans, general household refuse, brush and tree limbs only, is permitted only on a public sanitary landfill. designated by and subject to the rules established therefor by the Township Board.
- d. The dumping and accumulation of rubble, used building materials, waste from razed structures, trees and stumps is expressly forbidden on any land, public or private, including any aforesaid designated public sanitary landfill, provided, however, nothing in the section is intended to preclude the use of such materials for fill or in approved conservation practices where such materials are to be covered in reclaiming land or preventing the erosion thereof.
- e. Automobile and truck bodies or parts, and junk or inoperable machinery, and equipment **will be disposed of in a licensed auto salvage or junkyard**. Open storage of farm machinery and equipment anywhere in an agricultural zone is expressly permitted under this Ordinance, provided further, that building materials and equipment may be so stored during a specified construction period as shown by the existence of a valid building permit given for the erection, structural alteration or enlargement of a building on the site where such building is to be erected, altered or enlarged.
- f. The disposal of waste, fruit, brush, trimmings, trees and other similar materials on the land as part of generally accepted farm practices is exempted from the provisions of this Section. In addition, farmers shall be permitted a reasonable accumulation of such farm wastes prior to disposal according to generally accepted practices.

## SECTION XI

### Junk Cars or Inoperable Cars and Trucks

- a. No person, firm, or corporation shall park or store on premises primarily used or zoned for residential purposes within the Township any motor vehicle which is not in operating condition and which cannot be propelled under its own power unless the same is located within an enclosed building, or unless a special permit therefor is first obtained from the Zoning Administrator, to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.
- b. No person, firm, or corporation shall park or store on premises primarily used or zoned for commercial or industrial purposes within the Township an unreasonable number of motor vehicles, which motor vehicles are not in operating condition as defined in this Ordinance, the same not being located within an enclosed building.

Where said commercial or industrial premises are being used for repair and reconditioning of motor vehicles, a number of motor vehicles in excess of one (1) for each four hundred (400) square feet of space inside the building located upon said premises shall be considered to be an unreasonable number.

With regard to commercial or industrial premises where the use is other than the repair and reconditioning of motor vehicles, whether or not the number of such vehicles is unreasonable shall be determined by the Township Board. When such a determination is made, said Board shall thereafter given written notice, in person or by certified mail to the person, firm, or corporation which owns or operates said premises and the vehicles which have been designated unreasonable excess shall be removed within thirty (30) days after the personal delivery or mailing of said notice to said owner or operator.

The owner or operator of said premises shall have the right, within ten (10) days after the service of said notice, to request, in writing, a hearing by the Township Board. The Township Board, after reasonable notice and a hearing afforded the owner or operator shall affirm, modify, or reverse its original decision.

The Township Board in making its decision shall consider the size of the subject premises, the nature of the business constructed thereon, the zoning classification, proximity of neighboring parcels, the nature and type of occupation in the neighborhood, and the health, safety, and welfare of the public.

- c. A motor vehicle, for the purpose of this Ordinance, shall be deemed not in operating condition when:
  1. Said vehicle is being dismantled by the removal of parts therefrom or which has main component parts missing, unattached, inoperable, or unserviceable, or
  2. Said vehicle does not bear a currently valid motor vehicle license registration plate and number, or

3. Said vehicle cannot be propelled under its own power for a minimum distance of 100 feet, or
4. Said vehicle has not been used or operated for the purpose for which it was designed and constructed for the preceding six (6) months.

The foregoing is not to be construed to be inclusive of all vehicles not in operating condition covered by this Ordinance but merely descriptive of a particular class of such vehicles.

- d. The purpose of these regulations pertaining to motor vehicles is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars or vehicles, unused cars or vehicles, dilapidated motor vehicles, and motor vehicles not in operating condition upon any premises located in Bainbridge Township and to thereby avoid injury and hazards to children attracted to such vehicles, and the psychological ill effect of the presence of such vehicles upon adjoining residents and property owners.

## **SECTION XII**

### **Mobile Homes**

All mobile homes used for temporary farm labor housing shall be licensed by all applicable state licensing agencies. The owner or occupant of land upon which such temporary housing is located shall remove same within 365 days of the expiration of said license.

## **SECTION XIII**

### **Violations**

- a. Any person or other entity who violates any of the provisions of this ordinance is responsible for a civil infraction and shall be subject to a civil fine determined in accordance with the penalties set forth in Section V of Ordinance No. 34 of Bainbridge Township. Further, each day a violation of this Ordinance continued to exist constitutes a separate violation.
- b. In addition to the imposition of the foregoing fines and penalties, if any person, firm, or corporation refuses or neglects to comply with an Order of the Township Board, Township Supervisor, or Township Building and Zoning Inspector, issued under this ordinance, the Township Board may cause the said nuisance, source of filth, cause of sickness, or unreasonable accumulation to be removed from the premises, impounded, destroyed, and/or sold and the cost thereof assessed against the owner or occupant of the premises on which the same is located. If the owner or occupant of such premises shall refuse, upon demand, to pay such expenses so incurred, such sums shall be assessed against the real estate involved and shall be collected and treated in the same manner as are taxes assessed under the general laws of the State of Michigan.
- c. If the occupant or any other person shall have caused or permitted such violation to exist, he shall be liable to the owner of said premises for any amount so paid by such

owner or assessed against said property, which amounts shall be recoverable in an action at law.

- d. In the event of a sale of any such material or equipment by the Township, the proceeds from such sale shall be first used to reimburse the Township for the costs incurred therein, and the balance, if any, shall be returned to the owner or occupant of the real estate involved, as the case may be.

#### **SECTION XIV**

##### **Validity**

- a. If any portion of this ordinance shall become legally invalid, the validity of the remaining portions of the ordinance shall not be affected.

#### **SECTION XV**

##### **Repealing Clause**

- a. All other Township ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

#### **SECTION XVI**

##### **Publication**

- a. This ordinance shall be published in full in The Tri-City Record, a newspaper of general circulation in the Township within ten (10) days after its adoption by the Township Board.

#### **SECTION XVII**

##### **Effective Date**

- a. This ordinance shall take effect and be enforce from and after thirty-one (31) days after publication as above provided.

I hereby certify that the foregoing is a true copy of an ordinance adopted by the Bainbridge Township Board on the 2nd day of July, 2001, a true copy of which may be inspected or obtained at the Office of the Township Clerk.

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Debra Grieser, Clerk  
Bainbridge Township

A motion that said "Litter and Debris Ordinance" be enacted was made by John Yetzke, and supported by Don Baiers, at a regular meeting of the Bainbridge Township Board on the 2nd day of July, 2001.

The names of the Bainbridge Township Board members and their votes as recorded are:

<b>NAME</b>	<b>YES</b>	<b>NO</b>
Patty Hiler – Molter, Supervisor	X	
James J. Lull, Treasurer	X	
Debra A. Grieser, Clerk	X	
Donald Baiers, Trustee	X	
John Yetzke, Trustee	X	

I hereby certify that the forgoing ordinance was published in The Tri-City Record, Watervliet, Michigan, on the 11day of July, 2001.

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Debra Grieser, Clerk  
Bainbridge Township