

**ORDINANCE NO. 4**

**35.000**                    **GARBAGE AND REFUSE; REGULATION  
TOWNSHIP OF SOUTH HAVEN, MICHIGAN**  
   effective October 21, 1962

An Ordinance to promote public health and fire protection by controlling dumps, the deposit and disposal of garbage, rubbish, waste materials and noncommercial junk.

**THE TOWNSHIP OF SOUTH HAVEN ORDAINS:**

**35.001**                    **Sec. 1. DEFINITION.**

The word "person" as used in this Ordinance shall refer to and mean and include an individual, collection of individuals, co-partnership, corporation, or any combination thereof.  
(ord. no. 4 eff. Oct. 21, 1962)

**35.002**                    **Sec. 2. DUMPING WITHOUT PERMIT PROHIBITED; EX-  
CEPTIONS.**

No person shall dump or deposit or burn or in any other manner dispose of any garbage, rubbish, waste materials, or noncommercial junk upon any lands within the Township of South Haven without first obtaining a permit from the Township Board therefore, provided however, that this section shall not apply to such dumping and depositing upon any lands within the Township of South Haven, provided however, that this section shall not apply to such dumping and depositing upon any land where the garbage, rubbish, waste materials, or noncommercial junk so dumped or deposited is a direct resulting residue or product from the immediate use and occupancy of the same land where such dumping and depositing may occur.  
(ord. no. 4 eff. Oct. 21, 1962)

**35.003**                    **Sec. 3. LANDOWNER; CONTROLLER; PERMIT RE-  
QUIRED TO DUMP.**

No person owning, controlling, or in the possession of any land, shall transport thereto, cause to be transported thereto or permit any other person to transport thereto, and deposit or burn or in any other manner dispose of upon such land any garbage, rubbish, waste materials, or noncommercial junk without first obtaining a permit therefor from the Township Board.  
(ord. no. 4 eff. Oct. 21, 1962)

**35.004**                    **Sec. 4. VIOLATIONS AND PENALTIES.**

Any person violating any of the provisions of Sections 2 and 3 of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof in a Court of competent jurisdiction shall be punished by a fine of not more than \$100.00 and the costs of prosecution, and in addition thereto be subject to imprisonment in the County Jail for a period of not more than 90 days, or by both such fine and imprisonment in the discretion of the Court.

Each and every day that such violation continues after notification may constitute a separate offense.  
(ord. no. 4 eff. Oct. 21, 1962)

**35.005**                    **Sec. 5. ABATEMENT OF NUISANCE.**

Violation of any provision of this Ordinance, or regulation lawfully adopted hereunder, is hereby declared to be a nuisance per se, and the South Haven Township Board, after resolution duly adopted, may take action in any Court of competent jurisdiction to cause the abatement of such nuisance, and such remedy shall be in hereof as provided in the next preceding section.  
(ord. no. 4 eff. Oct. 21, 1962)

**35.006**                    **Sec. 6. APPLICATION FOR PERMIT; PROCEDURE.**

Any person desiring a permit required by Section 2, or by Section 3, of this Ordinance shall make written application to the Township Clerk setting forth the name and residence of the applicant, the time for which such permit is desired, the quantity, kind, type and source of the materials to be dumped or deposited, and a description of the lands and part thereof where the dumping or depositing is to be made and the Clerk shall present the same to the Township Board at its next meeting. Upon receiving such application, the Township Board shall make inquiry and investigation with respect thereto, and if the Board finds that the granting of such permit shall not be injurious to public health, welfare and safety, cause appreciable diminution of property values, or be likely to create a public or private nuisance, or constitute a fire hazard, then a permit shall be issued to the applicant as requested for a period of time not to exceed one year, provided however, that no permit shall be granted for the dumping or depositing of any garbage, rubbish, waste materials, or noncommercial junk, produced, originating or transported from outside the Township of South Haven.  
(ord. no. 4 eff. Oct. 21, 1962)

35.007

**Sec. 7. PERMIT; NONTRANSFERABLE; REVOCATION.**

Any permit issued hereunder shall be nontransferable and shall be revoked by the Township Board upon any attempted transfer thereof by the holder and may be revoked by the Board at any time when the exercise of the use of the permit is contrary to the conditions required for original issuance, or contrary to, or outside of, any statements and representations made in the written application.  
(ord. no. 4 eff. Oct. 21, 1962)

35.008

**Sec. 8. GROUNDS FOR REVOCATION.**

Any person granted a permit hereunder shall at all times, upon the request of the Township Board or its representative, furnish any information concerning any matters for which the permit was issued and shall permit or procure permission for the inspection of any land used for dumping and depositing of materials with respect to which the permit was issued and any failure, neglect or refusal in regard thereto shall be sufficient grounds to revoke the permit.  
(ord. no. 4 eff. Oct. 21, 1962)

35.009

**Sec. 9. TOWNSHIP EXPENSE TO BE REIMBURSED.**

As a condition for the issuance of any permit hereunder, the Township Board may require the payment of any expense of the Township in connection therewith, but not to exceed the sum of \$10.00.  
(ord. no. 21 eff. Oct. 4, 1962)

35.010

**Sec. 10. SEVERABILITY.**

Should any section, clause or provision of this Ordinance, be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.  
(ord. no. 4 eff. Oct. 21, 1962)

35.011

**Sec. 11. EFFECTIVE DATE.**

This Ordinance shall become effective thirty days from the first day of the publication thereof.  
Effective: October 21, 1962.