



City of New Buffalo
REGULAR COUNCIL MEETING
SEPTEMBER 15, 2025 AT 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda
 - a. City Council Minutes: August 18, 2025 (regular)
 - b. Receive Monthly Reports: Police, Fire, Water, Park, Building, Streets, Code Enforcement and Treasurer
 - c. Monthly Account Payable
6. Public Comment
7. Public Hearings
8. Unfinished Business
 - a. Addendum to Extraterritorial Fire Service Agreement
9. New Business
 - a. Special Event Application – Community Halloween Parade
 - b. Leaf and Branch Collection Policy (Revision)
 - c. Site Plan Approval – 16 North Eagle
 - d. Site Plan Approval – 211 South Whittaker
 - e. Repair and Upgrade to Transient Marina Parking Lot
 - f. Resolution of Support for Regional Economic Activity Collaboration
 - g. Traffic Control Order #52 Resolution
 - h. Traffic Control Order #53 Resolution
 - i. Second Reading of an Ordinance to repeal and replace Chapter 6, Article III of the Code of Ordinances
 - j. Second Reading of an Ordinance to Amend Chapter 7, Article I, Section 7-2 (A) of the Code of Ordinances
10. Discussion(s)
 - a. Request for vacation of a portion of Clinton Street
 - b. New Construction Sidewalk Installation
 - c. MEDC Public Spaces Community Places Program (Petite Acres)
11. Pokagon Fund Update
12. City Manager Comments
13. City Council Comments
14. Adjournment



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Addendum to the Extraterritorial Fire Services Agreement

ITEM BEFORE THE COUNCIL:

Approval of an addendum to the Extraterritorial Fire Services Agreement with New Buffalo Township

DISCUSSION:

The City Council confirmed the appointment of an Acting Fire Chief for the City of New Buffalo, following Chief Huston's retirement. Recently, representatives of the municipalities met to discuss compensation for the duties performed by the Acting Chief. It was decided that the city would provide a stipend, which requires an addendum to the agreement.

RECOMMENDATION:

That the New Buffalo City Council approves the addendum to the Extraterritorial Fire Services Agreement to provide a stipend to New Buffalo Township for Chief Flick serving as Acting Fire Chief for the City of New Buffalo.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**ADDENDUM TO THE EXTRATERRITORIAL FIRE SERVICES AGREEMENT WITH NEW BUFFALO
TOWNSHIP**

WHEREAS, City Council confirmed the appointment of an Acting Fire Chief for the City of New Buffalo, following Chief Huston's retirement; and

WHEREAS, representatives of the municipalities met to discuss compensation for the duties performed by the Acting Chief; and

WHEREAS, it was decided that the city would provide a stipend, which requires an addendum to the agreement.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the addendum to the Extraterritorial Fire Services Agreement to provide a stipend to New Buffalo Township for Chief Flick serving as Acting Fire Chief for the City of New Buffalo.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 15th day of September 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Special Event Application – New Buffalo Community Halloween Parade

ITEM BEFORE THE COUNCIL:

Approval of the New Buffalo Halloween Parade Special Event Application

DISCUSSION:

The City of New Buffalo has been hosting an annual Halloween Parade since 1975. This year, the request is to host the parade on Sunday, October 26, 2025 beginning at 3:00 PM. Additionally, it is requested that Trick-or-Treat hours be set from 3:30 – 5:30 PM on October 26, 2025.

RECOMMENDATION:

That the New Buffalo City Council approves the Special Event Application for the New Buffalo Community Halloween Parade to be held on October 27, 2025 at 3:00 PM. Additionally, the City Council establishes Trick-or-Treat hours from 3:30 – 5:30 PM on October 26, 2025 in the City of New Buffalo.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

COMMUNITY HALLOWEEN PARADE AND TRICK-OR-TREAT HOURS

WHEREAS, the City of New Buffalo has been hosting an annual Halloween Parade since 1975; and

WHEREAS, this year, the request is to host the parade on October 26, 2025 beginning at 3:00 PM; and

WHEREAS, additionally, it is requested that Trick-or-Treat hours be set from 3:30 – 5:30 PM on October 26, 2025; and

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the Special Event Application for the New Buffalo Community Halloween Parade to be held on October 26, 2025 at 3:00 PM.

NOW THEREFORE BE IT FURTHER RESOLVED, that the New Buffalo City Council establishes Trick-or-Treat hours from 3:30 – 5:30 PM on October 26, 2025 in the City of New Buffalo.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 15th day of September 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Brush and Leaf Policy 20-01 (Revision)

ITEM BEFORE THE COUNCIL:

Approval of revisions to Brush and Leaf Policy 20-01

DISCUSSION:

The city has a long-standing practice of picking up branches after storms and removing leaves. Instructions and descriptions for this practice were found in multiple policies and made enforcement and scheduling problematic. Moreover, the service morphed into a daily request for branch chipping and year-round leaf pick up requiring an unreasonable commitment of manpower and equipment.

In June 2020, the City Council approved revisions to the previous branch and leaf policies due to conflicts in the schedule. The 2020 revision combined the previous policies and established a schedule. Also, it sought to clarify the policy and make it easier to understand by the public.

More recently, there were some concerns about the policy that warranted additional revisions. These revisions also sought to clarify the policy, make it easier to understand by the public, and improve on efficiencies of the program.

RECOMMENDATION:

That the New Buffalo City Council approves the revisions to the Brush and Leaf Policy of the City of New Buffalo.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

APPROVAL OF REVISIONS TO BRUSH AND LEAF POLICY FOR THE CITY OF NEW BUFFALO, MI

WHEREAS, the city has a long-standing practice of picking up branches after storms and removing leaves; and

WHEREAS, instructions and descriptions for this practice were found in multiple policies and made enforcement and scheduling problematic; and

WHEREAS, the service morphed into a daily request for branch chipping and year-round leaf pick up requiring an unreasonable commitment of manpower and equipment; and

WHEREAS, in June 2020, the City Council approved revisions to the previous brush and leaf policies due to conflicts in the schedule; and

WHEREAS, the 2020 revision combined the previous policies and established a schedule; and

WHEREAS, it sought to clarify the policy and make it easier to understand by the public; and

WHEREAS, more recently, there were some concerns about the policy that warranted additional revisions; and

WHEREAS, These revisions also sought to clarify the policy, make it easier to understand by the public, and improve on efficiencies of the program.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the revisions to the Brush and Leaf Policy of the City of New Buffalo.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 15th day of September 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Site Plan Approval

ITEM BEFORE THE COUNCIL:

Approval of site plan for construction of a single-family residence to be located at 16 North Eagle

DISCUSSION:

The city received a site plan application from Marcin Orpik, owner of 16 North Eagle. The applicant is requesting site plan approval for the construction of a single-family dwelling, attached garage and swimming pool on the property.

On September 2, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council.

RECOMMENDATION:

That the New Buffalo City Council approves the site plan for 16 North Eagle.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

SITE PLAN APPROVAL FOR 16 NORTH EAGLE

WHEREAS, the city received a site plan application from Marcin Orpik, owner of 16 North Eagle;
and

WHEREAS, the applicant is requesting site plan approval for the construction of a single-family dwelling, attached garage and swimming pool on the property; and

WHEREAS, on September 2, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the site plan for 16 North Eagle.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 15th day of September 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Site Plan Approval

ITEM BEFORE THE COUNCIL:

Approval of site plan for construction of a 2-story detached accessory building and pool to be located at 211 South Whittaker

DISCUSSION:

The city received a site plan application from Heidi Hornaday on behalf of Patrick and Christine Roche, owners of 211 South Whittaker. The owners are requesting site plan approval for the construction of a 2-story detached accessory building and pool on the property.

On September 2, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council.

RECOMMENDATION:

That the New Buffalo City Council approves the site plan for 211 South Whittaker.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

SITE PLAN APPROVAL FOR 211 SOUTH WHITTAKER

WHEREAS, the city received a site plan application from Heidi Hornaday on behalf of Patrick and Christine Roche, owners of 211 South Whittaker; and

WHEREAS, the owners are requesting site plan approval for the construction of a 2-story detached accessory building and pool on the property; and

WHEREAS, on September 2, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the site plan for 211 South Whittaker.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 15th day of September 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Repair and Reconfiguration of the Municipal Marina Parking Lot

ITEM BEFORE THE COUNCIL:

Approval of the repair and reconfiguration of the Municipal Marina Parking Lot by Affordable Asphalt Paving and Bulldozing

DISCUSSION:

The Parks Department has requested that the Municipal Marina Parking lot be repaired and reconfigured prior to next year's summer season.

The current parking lot was patched and seal coated 4 years ago. With the improvements to the marina, and the other upgrades to the area, there will be a need for more parking.

Proposals were received from Affordable Asphalt Paving and Bulldozing and Arnt Asphalt, with staff recommending the work be done by Affordable Asphalt Paving and Bulldozing in the amount of \$43,850. Funding will be coming from Park Improvement and is anticipated to be completed Spring 2026.

RECOMMENDATION:

That the New Buffalo City Council approves the repair and reconfiguration of the Municipal Marina Parking Lot by Affordable Asphalt Paving and Bulldozing in the amount of \$43,850.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**REPAIR AND RECONFIGURATION OF MUNICIPAL MARINA PARKING LOT BY AFFORDABLE
ASPHALT PAVING AND BULLDOZING**

WHEREAS, the Parks Department has requested that the Municipal Marina Parking lot be repaired and reconfigured prior to next year's summer season; and

WHEREAS, the current parking lot was patched and seal coated 4 years ago; and

WHEREAS, With the improvements to the marina, and the other upgrades to the area, there will be a need for more parking; and

WHEREAS, Proposals were received from Affordable Asphalt Paving and Bulldozing and Arnt Asphalt, with staff recommending the work be done by Affordable Asphalt Paving and Bulldozing in the amount of \$43,850; and

WHEREAS, Funding will be coming from Park Improvement and is anticipated to be completed Spring 2026.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the repair and reconfiguration of the Municipal Marina Parking Lot by Affordable Asphalt Paving and Bulldozing in the amount of \$43,850.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 15th day of September 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Southwestern Michigan Economic Development Joint Collaboration

ITEM BEFORE THE COUNCIL:

Affirmation of the City of New Buffalo's commitment to an Economic Development Joint Collaboration with neighboring municipalities in Southwestern Berrien County

DISCUSSION:

Economic development is not only vitally important in local government because it creates more opportunity and a better way of life for constituents. It also increases funds to improve municipal service delivery and allows public sector businesses to grow in revenue as well.

Since the COVID-19 pandemic, the culture has shifted from being in offices every weekday to a "work from anywhere" mentality. As a result, there are many reasons for municipal governments to be excited about local economic development in their communities.

Trending shows that Americans are moving out of large expensive cities into smaller secondary cities and suburban neighborhoods. This means that municipalities of all sizes should prepare for an increase in new businesses, the need for the adoption of new zoning, and the advent of more advanced digital and physical infrastructure to accommodate population growth.

The importance of local economic development is more obvious now than ever, with ongoing inflation only increasing nationwide. Local governments must prioritize economic growth to create jobs, keep up with rising costs, and maintain a competitive advantage over other municipalities or regions that potential constituents might also be considering a move to.

Leaders from the City and neighboring municipalities throughout the Southwestern Berrien County region have been participating in a Cross Municipal Collaborative group. This group has identified a significant number of characteristics, needs, and opportunities related to economic development, shared by municipalities in the Region.

RECOMMENDATION:

That the City Council of New Buffalo hereby adopts the economic development framework as developed by the CMC and declares the City's commitment to participating in a collaborative effort with other municipalities in the Region to offer more robust economic development programs and services. Also, the City Council approves the use of funds from The Pokagon Fund of up to \$52,542, designated for projects approved by the City Council (also known as the "Municipal allocation"), to support these collaborative economic development efforts.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**RESOLUTION AFFIRMING THE CITY OF NEW BUFFALO'S COMMITMENT TO A JOINT,
COLLABORATIVE EFFORT TO INCREASE ECONOMIC OPPORTUNITIES IN SOUTHWESTERN
BERRIEN COUNTY**

At a meeting of the City of New Buffalo (the "City"), Berrien County, Michigan, held on September 15, 2025, located at 224 West Buffalo Street at 6:30 PM.

PRESENT _____

ABSENT _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, leaders from the City and other municipalities throughout the Southwestern Berrien County region ("Region") have been participating in a Cross Municipal Collaborative group ("CMC") through which a significant number of characteristics, needs, and opportunities related to economic development that are shared by municipalities in the Region have been identified; and,

WHEREAS, the City recognizes its critical role in managing, strengthening, and expanding economic activity within its own borders and how this economic activity both affects and is affected by economic activity in the Region; and,

WHEREAS, the CMC has developed a framework to simultaneously increase the capacity within the City and the Region to manage economic development activity and proactively address some related challenges including the current seasonality of robust economic activity, housing, infrastructure, workforce development and retention, and others within the Region; and,

WHEREAS, the City Council recognizes that it would be fiscally responsible and a benefit to taxpayers if it were to collaborate with other municipalities in the Region to deliver economic development programs and services to the City's existing and potential businesses;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of New Buffalo hereby adopts the economic development framework as developed by the CMC and declares the City's commitment to participating in a collaborative effort with other municipalities in the Region to offer more robust economic development programs and services; and,

BE IT FURTHER RESOLVED that the City Council approves the use of funds from The Pokagon Fund of up to \$52,542, designated for projects approved by the City Council (also known as the "Municipal allocation"), to support these collaborative economic development efforts.



ADOPTED this 15th day of September 2025, by the City Council of New Buffalo, MI.

A vote on the above Resolution was taken and was as follows:

YEAS _____

NAYS _____

ABSENT _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF BERRIEN)

I, Ann M. Fidler, the duly appointed City Clerk of the City of New Buffalo, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings of the City Council of New Buffalo, MI at a meeting held on the 15th day of September 2025, at 6:30 PM.

Ann M. Fidler, City Clerk



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

Traffic Control Order #52

ESTABLISHMENT OF THREE-HOUR PARKING PARAMETERS IN THE CENTRAL BUSINESS DISTRICT

WHEREAS, in accordance with the City of New Buffalo's Code of Ordinances 10-13, as amended, the City of New Buffalo Police Department has completed an investigation into traffic patterns in the Central Business District; and

WHEREAS, because of the investigation, the Police Department does hereby direct that:

1. Three-hour parking limitations shall begin the Friday before Memorial Day and shall run until 5:00 PM on Labor Day.
2. Three-hour parking limitations shall run from 8:00 AM to 8:00 PM daily.
3. The limitation shall apply to curbside parking on the following streets:
 - Whittaker Street from Michigan Street to Water Street.
 - Barton Street from Buffalo Street, north to railroad right-of-way.
 - Thompson Street from Buffalo Street, north to railroad right-of-way.
 - Mechanic Street from Taylor Street to Barton Street.
 - Merchant Street from Townsend Street to Barton Street.

NOW THEREFORE BE IT RESOLVED that the City Council hereby adopts Traffic Control Order #52 for the establishment of three-hour parking parameters in the Central Business District; and

THEREFORE, BE IT FURTHER RESOLVED that Traffic Control Order #43 is rescinded.

Dated: _____

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

RESOLUTION DECALRED:

CERTIFICATION

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, do hereby certify that the above is a true and correct copy of a resolution adopted by the City Council of the City of New Buffalo, Michigan, on this 15TH day of September 2025.

Ann M. Fidler, City Clerk



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

Traffic Control Order #53

**ESTABLISHMENT OF FOUR-WAY STOP AT INTERSECTION OF WEST MECHANIC STREET AND
NORTH WILLARD STREET**

WHEREAS, in accordance with the City of New Buffalo's Code of Ordinances 10-13, as amended, the City of New Buffalo Police Department has completed an investigation into traffic patterns of the intersection of Mechanic and Willard; and

WHEREAS, because of the investigation, the Police Department does hereby direct that:

- The intersection of West Mechanic Street and North Willard Street shall be a four-way stop.

NOW THEREFORE BE IT RESOLVED that the City Council hereby adopts Traffic Control Order Number 53 for the establishment of a four-way stop at the intersection of West Mechanic Street and North Willard Street.

Dated: _____

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

RESOLUTION DECALRED:

CERTIFICATION

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, do hereby certify that the above is a true and correct copy of a resolution adopted by the City Council of the City of New Buffalo, Michigan, on this 15TH day of June, 2021.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Second Reading of Ordinance Amendment (Chapter 6)

ITEM BEFORE THE COUNCIL:

Approve the second reading of an ordinance to amend Chapter 6, Article III of the Code of Ordinances

DISCUSSION:

The City of New Buffalo's Public Safety Departments continue to respond to several emergency and potential emergency events each year. In addition to the response to events, more and more regulations are being implemented concerning training and equipment. This places an increased demand on how public safety services must be performed. Maintaining an effective response time and meeting new regulations ultimately decrease insurance company costs.

City residents pay taxes for public safety services, in the form of property taxes. To increase the taxes paid by residents, for the services rendered to individuals who do not pay property taxes to the city, would be unfair. Staff has researched the implementation of a fair and equitable procedure to recover costs associated with public safety services rendered.

The purpose of cost recovery for municipalities is to recoup the expenses incurred for providing public services by charging fees those who benefit from them. This helps municipalities maintain financial sustainability, reduce the reliance on taxpayer funding, and ensure services are funded by those who use them most.

Costs shall be charged to the responsible or at fault person and filed with their insurance carrier as a claim for negligent acts, damages of vehicles, property and/or injuries. If an insurance company declines payment or the negligent at fault person is uninsured, the negligent at fault party will be held financially responsible.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of an ordinance to amend Chapter 6, Article III of the Code of Ordinances.

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. _____**

At a regular meeting of the City Council for the City of New Buffalo held at City Hall on September 15, 2025 and commencing at 6:30 PM, the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

**AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY
OF NEW BUFFALO**

THE CITY OF NEW BUFFALO (the "City") ORDAINS:

Section 1. Amendment. Chapter 6, Article III of the Code of Ordinances of the City of New Buffalo is hereby amended to read in its entirety as follows:

ARTICLE III COST RECOVERY FOR EMERGENCY SERVICES

Sec. 6-26 Purpose.

In order to protect the City from extraordinary costs associated with providing police, fire, rescue, and emergency medical services within the City limits, the City Council finds that it is necessary to charge certain costs for these services. This Article authorizes the imposition of charges to recover costs incurred in responding to incidents and providing such services. The City is authorized to provide for the collection of fees for emergency services pursuant to, without limitation, the Police and Fire Protection Act, MCL 41.806a, *et seq.* This Article is enacted to enable the City to bill for and collect cost recovery charges from responsible parties.

Sec. 6-27 Definitions.

The following terms, phrases, words and their definitions shall have the meaning set forth below unless the context otherwise requires:

- A. *City Manager* means the City Manager of the City of New Buffalo or his or her designee.
- B. *Emergency services* means a response by the City's police department, fire department, or other responders or personnel on behalf of the City to an emergency, a reported or perceived emergency, or a call for assistance.
- C. *Emergency service fee* means the direct and reasonable costs incurred by the City in connection with providing emergency services, including police, fire, or other support services within the City, and includes, without limitation, the following:
 - 1. Costs and expenses incurred by City personnel (including City police officers, firefighters, and emergency medical service personnel), other public officials, and third parties engaged by the City in connection with providing emergency services, including any response, investigation, supervision, administration, reporting, and/or prosecution related to the incident giving rise to the emergency services. Such costs and expenses shall include, without limitation, the cost of equipment, operations, personnel, materials used, and other expenses, including, but not limited to, salaries, wages, and fringe benefits of the personnel involved, administrative overhead, and costs of equipment, including depreciation.
 - 2. Other costs and expenses incurred by the City in providing the emergency services or attempting to collect fees or expenses related to the emergency services, including legal and engineering fees,

costs, and expenses.

3. Costs associated with the administration of providing emergency services, including billing, accounting, and collection costs.
 4. Costs associated with the deployment of personnel and resources, including costs associated with dispatch and return of emergency resources.
 5. Costs associated with mutual aid, laboratory equipment and facilities, fuel costs, water usage costs, and medical expenses incurred in connection with providing emergency services.
- D. *Responsible party* means any individual, firm, corporation, association, partnership, limited liability company, government entity, or any other entity responsible in whole or in part for the provision of emergency services, or any owner, tenant, occupant or party in control of real and personal property from which, onto which, or related to which there is an emergency or need for emergency services, and their heirs, estates, successors and assigns. Each such person shall be jointly and severally responsible.

Sec. 6-28 Liability for emergency service fees.

The City may recover all of its emergency service fees incurred in connection with emergency services provided within its boundaries from any or all responsible parties, including with respect to the following incidents:

- A. Any accident or fire involving or related to any motor vehicle, trailer, aircraft, boat, snow mobile, water craft, or other vehicles owned or operated by a non-resident of the City.
- B. Any fire which could be set with a permit, but for which a permit was not obtained.
- C. Any fire which could be set with a permit, but which becomes uncontrolled regardless of whether a permit was obtained.
- D. Any incident or emergency involving a non-resident of the City within the areas of the City opened to the public, such as parks, roads, highways and places of business.
- E. An illegal fire under federal, state or local law. Charges under this sub-section are payable by the responsible party causing in whole or in part, or responsible in whole or in part for, such illegal fire.
- F. An activity, event, or incident in violation of federal, state, or local laws involving the illegal use of fireworks or malicious destruction of property.
- G. An activity, event, or incident involving threats of harm to any person (including threats of self-harm) or to property, which if carried out, would be a violation of federal, state, or local law.
- H. Utility line failure involving the disabling of any transmission or service line, cable, conduit, pipeline, wire, or the like used to provide, collect, or transport electricity, natural gas, water, sewer, communication, or electronic signals (including, but not limited to, telephone, computer, cable, television, or other electronic impulses, if the owner, or party responsible for the maintenance of such utility line does not respond, employ personnel to the scene within one hour of a request to repair, or correct such failure.).
- I. Any incident or request for emergency services at a particular location, if an emergency response has occurred at such particular location in excess of three (3) times within the current quarter of a calendar year. "Particular location" shall mean the entire area of land occupied by a business, including structures, parking areas, and other improved areas utilized, or otherwise legally owned. In the case of a single family home, or condominium, "particular location" shall mean the dwelling unit, any accessory structure, such as sheds or garages, and any other property in which an ownership interest exists. In the case of an apartment complex, "particular location" shall refer to all areas of the apartment complex for owners, and the dwelling unit rented and common areas which may be occupied without special permission, in the case of renters.

- J. Any incident on a body of water where emergency services are necessary.
- K. Any false alarm. As used in this subsection, “false alarm” means intentionally or unintentionally requesting or summoning emergency services or emergency service personnel in the absence of an actual need for emergency services. The determination that there was no actual need for emergency services shall be made by the most senior emergency service person responding to the incident.
- L. Any other incident where emergency services are necessary.

Sec. 6-29 Invoice for emergency services.

- A. Following the provision of emergency services, the City may seek to recover the emergency service fees incurred in accordance with the procedures set forth in this section.
- B. The head of the City police department or fire department, as applicable, shall certify to the City Manager the costs incurred to provide the emergency services and shall make a recommendation to the City Manager regarding the allocation of the emergency service fees to any responsible parties.
- C. The City Manager shall thereafter prepare an itemized invoice for emergency services, which shall be delivered by first class mail to the last known address of each responsible party. The invoice shall include a notice that identifies the location of the emergency service response, provides a brief summary of the incident and response, and informs the recipient of the appeal procedures set forth in this Article.
- D. An invoice under this Section is due and payable within thirty (30) days of the date of mailing or delivery, whichever occurs first. Overdue unpaid amounts shall bear interest at the rate of twelve (12%) percent per annum simple interest. If a responsible party appeals the emergency service fees pursuant to Section 6-31 hereof, such costs, if upheld in whole or in part, shall be due and payable within 30 days from the date of the determination of the appeal, and any late payment fees shall apply thereafter.
- E. If the City determines not to assess all or part of the emergency service fees against a responsible party, such decision shall not in any way extinguish or limit a responsible party’s liability to other parties for any costs or damages relating to the emergency incident.

Sec. 6-30 Fee schedule.

The City Council, from time to time, may adopt and amend a schedule of assessable costs and/or charges which shall be available at the office of the City Clerk for inspection by the public during regular business hours. Such schedule may set forth charges established on an hour or fractional hour basis for apparatus equipment and personnel. Actual additional costs incurred shall be chargeable to responsible parties, notwithstanding that the same were not expressly provided in such fee schedule.

Sec. 6-31 Appeal.

Any person deemed to be a responsible party may appeal that determination by filing a written statement of appeal to the City Manager setting forth the reasons for the appeal. Such written statement shall be filed within twenty-one (21) days following the mailing of any invoice, or if not mailed, the date of delivery by other means. While an appeal is pending, payment shall not be due until a final determination is made by the City Manager. The appellant may present information and evidence in support of the appeal. The City Manager shall make a final determination on any appeal within fourteen (14) days of the filing of any appeal, and such determination shall be in writing.

Sec. 6-32 Other remedies.

Notwithstanding the provisions of this Article, the City shall be entitled to pursue any other remedy provided by law and may institute an appropriate action or proceedings in a court of competent jurisdiction to collect emergency service fees from any responsible party.

Sec. 6-33 No limitation of liability.

The City's recovery of emergency service fees under this Article shall not limit the liability of a responsible party to any other person or entity for any costs or damages relating to the emergency incident.

Section 2. Severability. Should any word, phrase, sentence, or clause of this Ordinance be declared by a court of competent jurisdiction, to be invalid, or unenforceable, the same shall not affect the validity or enforceability of any other provision or part.

Section 3. Administrative Liability. No officer, agent, or employee of the City shall be rendered liable for any damage or injury that may occur to any person or property as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 4. Publication and Effective Date. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS:

NAYS:

ABSTAIN:

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Vance Price, Mayor

CERTIFICATION

I, Ann Fidler, the Clerk of the City of New Buffalo, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the City Council for the City of New Buffalo, Berrien County, at a meeting of the City Council called and held in accordance with the required statutory procedures.

Ann Fidler, Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 15, 2025

RE: Second Reading of Ordinance Amendment – Chapter 7

ITEM BEFORE THE COUNCIL:

Approve the second reading of an ordinance to amend Chapter 7, Article I, Section 7-2 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

In February 2024, the city separated the Parks Harbor Board into the Parks Board and Harbor Commission.

Since the separation, it has been difficult to find persons to serve on the Harbor Commission. In reviewing the composition of the commission, there needs to be five (5) members who shall be resident electors of the City. It was recommended to reduce the number of members from five (5) to three (3). This amendment will hopefully make appointing members to the commission easier.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of an ordinance to amend Chapter 7, Article I, Section 7-2 of the City of New Buffalo's Code of Ordinances.



**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. ____**

**AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE I, SECTION 7-2 OF THE CITY OF NEW BUFFALO
CODE OF ORDINANCES**

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Amendment. Article I, Section 7-2 (A) "Composition", of Chapter 7, is hereby amended in its entirety to read as follows:

Composition. The Harbor Commission shall consist of **three** members, who shall be resident electors of the City. The following individuals are ineligible to serve as members: City Council members, the City Manager, Department of Public Works Director, or any other elected official and/or employee of the City.

Section 2. Publication and Effective Date. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS:

NAYS:

ABSTAIN:

ABSENT: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the New Buffalo City Council held on September 15, 2025.

Vance Price, Mayor

Amy Fidler, Clerk

Adopted:
Published:
Effective: