

Hamilton Township – Clare County
Harrison Michigan 48625

ORDINANCE NUMBER 53 as amended

SECTION 1 PURPOSE & INTENT

The purpose of this Ordinance is to establish guidelines for the usage of all beaches, parks and boat launch areas which are the property of Hamilton Township

The goals are as follows:

- A. To promote the safe, effective, and efficient use of the above areas.
- B. Preserve and protect public health, safety, welfare, and quality of life by governing the usage of the above areas.
- C. To establish standards and procedures by which the operation, and maintenance of the above areas shall be regulated.

SECTION 2 BEACH, PARK and BOAT LAUNCH RULES

The Township of Hamilton, Clare County resolves that the following rules shall be established for all beaches, parks and boat launch areas which are the property of the Township. The term “these areas” applies to all of the afore mentioned except as stated in the following regulations.

- A. **HOURS:** – These areas are closed to the general public for normal recreational usage from 30 minutes after sunset, local time, as recognized by N.O.A.A. (National Oceanographic & Atmospheric Administration) until 7:00 A. M., local time, unless posted.
- B. **REGULATIONS:**
 - 1. No person shall cause, create, or make noise at any time which will disturb the peace of the citizens of the area (Ref. Hamilton Township Anti-Noise and Public Nuisance Ordinance, Section 4, General Prohibitions).
 - 2. Excessive volume from loudspeakers or sound amplifying equipment of any kind, including: radio, television, phonograph, tape player, stereo equipment or any other device which would violate No. 1 above will not be permitted.
 - 3. Violent, abusive, loud, vulgar, lewd, obscene, boisterous, wanton or otherwise disorderly conduct tending to create a breach of peace is unlawful.
 - 4. No motor vehicle may be operated within these areas in a manner which would result in excessive noise or disturb the peace and quiet of the area.
 - 5. No alcoholic beverages or other controlled substances may be possessed or consumed in these areas.
 - 6. No person shall be allowed in these areas who is under the influence of intoxicants or controlled substances.
 - 7. No glass containers are allowed on the swimming beach.
 - 8. All pets must be on a leash, no pets in the immediate area of the beach; and horses are not allowed in these areas.

9. Bonfires or other non-cooking fires shall not be permitted; only grills or fire pits provided shall be used for cooking.
10. All refuse and litter shall be placed into trash receptacles, if provided, or removed from these areas. It is unlawful for anyone to deposit waste or refuse of any kind generated outside of these areas into these areas, including into trash receptacles located in these areas.
11. Bicycles and /or motorized vehicles are not permitted beyond the designated parking areas.
12. Fishing and/or boat launching will not be permitted in the swimming beach area.
13. Parking is not permitted in the boat launch area, a designated area is provided in the beach/park area; and no overnight storage of any vehicles, trailers, boats or any other personal property is permitted.
14. Swimming and fishing are not permitted in the boat launch area.
15. Camping is not permitted in any of these areas.
16. It is unlawful to remove, damage, destroy or deface any tree, shrub, wildflower or other vegetation; or to remove, damage, destroy or deface any facility or other equipment.
17. It is unlawful to peddle, solicit, post bills or advertisements or to operate a concession stand within these areas.
18. It is unlawful to leave a fire unattended.
19. It is unlawful to carry or possess a firearm or bow on these areas, unless totally unloaded, disassembled and encased, in accordance with State of Michigan Department of Natural Resources and Environment guidelines.

SECTION 3 ENFORCEMENT

The Hamilton Township Board authorizes the following to enforce the provisions of this Ordinance; Hamilton Township Zoning Administrator, Hamilton Township Attorney, Clare County Sheriff's Department and the Michigan State Police.

SECTION 4 PENALTIES

- A. **First Violation is a Municipal Civil Infraction.** A violation of this Ordinance, first offense, is a municipal civil infraction. Any property owner or legally responsible party who violates this Ordinance shall, as a first offense, be responsible for a civil infraction, for which the fine shall be \$250.00 plus fines, costs and restitution.
- B. **Second Violation (within two years after municipal civil infraction).** A second or repeat violation (within two years after a municipal civil infraction) is a misdemeanor. Any property owner or legally responsible party who violates any provision of this Ordinance a second time within 24 months of the date a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for some other offense under this Ordinance) shall upon conviction and in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00 plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.
- C. **Third Violation (within two years after municipal civil infraction)** Any property owner or legally responsible party who violates any provision of this Ordinance a third

time within 24 months of the date of a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for some other offense under this Ordinance) shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00 and/or imprisonment for a period of not more than 93 days, plus court costs and costs of prosecution that may be ordered by the court. For purposes of the Ordinance, each day that a violation occurs shall constitute a separate offense.

- D. **Enforcement.** Enforcement of the provisions of this Ordinance shall be the Hamilton Township Zoning Ordinance Enforcement Officer (or such other Hamilton Township Official as may be designated by the Hamilton Township Board), the Hamilton Township Zoning Administrator, the Hamilton Township Attorney, the Clare County Sheriff's Department and/or the Michigan State Police.
- E. **Continuing Offense.** Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
- F. **Remedies Not Exclusive.** In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.
- G. **Judge or Magistrate.** The Judge or Magistrate shall also be authorized to impose costs, damages, and expenses as provided by law.
- H. **Civil Contempt.**
 - 1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the District Court, upon motion of Hamilton Township or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
 - 2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
 - 3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for a payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
 - 4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.

SECTION 5 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, section, subsection, paragraph or sentence is declared to be void or inoperable for any reason, it shall not affect any other portion thereof.

SECTION 6 EFFECTIVE DATE

The Ordinance shall become effective immediately upon publication as required by law following adoption by the township board.