

Hamilton Township – Clare County
Harrison Michigan 48625

Ordinance for the Control and Regulation of Campers as
amended

Date Amended: February 12, 2019

An ordinance to provide for the regulation and control of Campers in all Zoning Districts situated in the Township of Hamilton, Clare County, Michigan pursuant to MCLA 41.181, et sea: the purpose of the Ordinance being to protect the Health, Safety, and General Welfare of persons and property in the Township of Hamilton; and, to provide penalties for the violation thereof; except, that nothing in the Ordinance shall be deemed to conflict with the laws of the State of Michigan which supersedes Township Ordinances.

The Township Board of Trustees of the Township of Hamilton, Clare County, Michigan, ordains:

A) Definition: **Built lot** is one on which there is a permanent residence.

SECTION 1
TITLE

This Ordinance shall be known as the Township of Hamilton Ordinance for the Regulation and Control of Campers.

SECTION 2
PURPOSE

The purpose of this Ordinance shall be to protect the people and property of persons, and of property owners, of the Township of Hamilton, in regards to their health, safety and general welfare, and to Regulate and Control the placement and use of Campers.

SECTION 3
CAMPERS

Campers, as hereinafter defined, shall be allowed in all. zoning districts, subject to the conditions set forth, herein:

- A. Campers are all dwellings of less than 500 square feet of living space, which may reasonably and normally be used for temporary occupancy by people, including (but not limited to) – travel trailers, trailers, motor homes, fifth wheel trailers, tent campers, pop-up campers, pickup campers, and other items of similar manufacture

or use, whether or not, normally licensed for transportation purposes by the State of Michigan;

- B. In no case, may any Camper be placed in the Township of Hamilton for the purpose of permanent occupancy, nor may it be used as a permanent residence;
- C. No Camper shall be parked or stored within twenty-five (25) feet of any lake, stream, river, or other waterway in the Township of Hamilton;
- D. The site placement of all Campers shall conform to normal "set-back" standards (as defined in the Township of Hamilton Zoning Ordinance) for the parking or storage of any Camper, placed within any given Zoning District, with regard to roads, streets, alleys, and right-of-ways;
- E. No Camper shall be permanently connected or hooked-up to a water supply, electrical supply, telephone system, septic system, natural gas supply, nor permanently attached to a foundation, except that in a properly zoned campground or campground condominium, as permitted pursuant to the laws of the State of Michigan;
- F. No skirting, permanent tie-downs, or attachments to permanent buildings shall be allowed in regards to any Camper, except that skirting and tie-downs may be allowed in a properly zoned campground or campground condominium, as permitted pursuant to the laws of the State of Michigan;
- G. No "gray water" or sewage shall be drained or dumped from any Camper, except into such collection vehicles, or septic disposal systems as may be approved by the Clare County Department of Health;
- H. All Campers shall maintain and display a current license/registration plate, if such license is normally required for routine transportation purposes or movement along the roads and highways of the State of Michigan;
- I. One unoccupied camper may be stored on a built lot, no more than two (2) may be stored on five (5) or more acres without the necessity of obtaining a permit under this ordinance;
- J. A property owner, occupant, or possessor of a built or unbuilt lot shall be entitled to (a) camping permit(s) for the use of campers on said built or unbuilt lot according to the following schedule:
 - (1) Subject to other provisions of this ordinance, a Special Exception permit may be applied for at the Township office for property owners of lots consisting of five (5) or more acres in size, whether built or un-built-

(2)A fifteen (15) day grace period on a built lot without a permit.

K. No Camper may be placed for temporary occupancy in the Township of Hamilton, except;

(1) for temporary occupancy while building a permanent dwelling, and such occupancy would be restricted to one (1) temporary unit, for a ninety (90) day period, and that period would be renewable by the Zoning Administrator of the Township of Hamilton-

(2) In no case shall the total number of days exceed one hundred seventy (170) days per calendar year.

L. At the end of a time period, as outlined in above sub-section K., the Camper must be removed from the site upon which it was placed;

M. The Township of Hamilton Board of Trustees shall periodically review use and siting of Campers in the Township of Hamilton, and may exercise the option of establishing a fee schedule, unique to Campers, for the purpose of collecting reimbursement for rubbish removal and pickup, and associated administrative costs.

N. All trash must be disposed of in proper trash receptacles.

SECTION 4 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.

SECTION 5 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 this 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 6
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 7
EFFECTIVE DATE**

This Ordinance shall take effect after publication, and supersedes all previously dated Ordinances regarding Campers.