

**TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 126

Adopted: November 9, 2006

AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS TO CONTROL AND GOVERN THE USE OF PUBLIC BEACHES, ROAD END BEACHES, PARKS AND PRESERVES LOCATED IN CHIKAMING TOWNSHIP, BERRIEN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Chikaming Township Ordinance No. 67 adopted May 14, 1992 and Ordinance No. 82 adopted May 9, 1996, are hereby repealed in their entirety on the effective date of this Ordinance.

Section 2. The following rules and regulations shall be applicable to, and shall govern the use of, the public beaches, road end beaches, parks and preserves owned and/or located in and/or maintained by Chikaming Township, including the following:

Harbert Community Park	Harbert
Townline Beach	Union Pier
McKinley Avenue Beach	Union Pier
Miller Beach	Union Pier
Berrien Street Beach	Union Pier
Pier Street Beach	Lakeside
Cherry Beach	Harbert
Harbert Beach	Harbert
Harbert Road Preserve	Harbert
Chikaming Township Park and Preserve	Lakeside

This ordinance shall be enforced by all law enforcement officers.

Section 3. No person shall litter or dump on the beaches, road end beaches, parks and preserves refuse matter of any kind or sort whatsoever, including but not by way of limitation, sacks, cans, papers, containers, cartons, garbage, food, food scrap, trash, rubbish, refuse, junk or waste material. All dog litter shall be picked up, bagged and properly disposed of.

Section 4. No person shall take upon any public beach, road end beach, public park or preserve any glass bottle, receptacle or container.

Section 5. No person shall bring alcoholic beverages, or controlled substances, nor drink or use the same at any time nor shall any person be under the influence of alcoholic beverages or controlled substances on a public beach, road end beach, in a public park, or preserve. No person shall be in possession of any glass, can or open container containing alcoholic beverages on any public beach, road end beach, in any public park, or preserve.

Section 6. No person shall kindle, build, maintain or use a fire on any public beach, road end beach, public park or preserve except in authorized park grills provided for such purpose.

Section 7. No person shall camp or stay overnight on any public beach, road end beach or in any public park or preserve.

Section 8. No person shall permit any domestic animal to run at large in any park or preserve. No person shall bring dogs except working dogs, horses, ponies, or other domestic animals on to any public beach, road end beach or approaches thereto. Dogs are allowed on a six foot leash in the parks and preserves. Horses and ponies are not allowed in the parks and preserves.

Section 9. No person shall operate any device which produces an excessive sound or noise, the same being louder than a normal conversational tone at a distance of 50 feet or more from its point of origin..

Section 10. The public beaches, road end beaches and parks in Chikaming Township shall be closed during the hours from 10:30 P.M. to 8:00 A.M., daily, and the Harbert Road Preserve and the Chikaming Township Park and Preserve shall be closed from dusk to dawn. The parking of vehicles in said parks, beaches and preserves during such hours is expressly forbidden. All vehicles left unattended and parked within a public beach, road end beach or parks and preserves in Chikaming Township during the closed hours shall be towed away and impounded at the owner's expense. In addition, any violation of this Section may also be prosecuted as provided in Section 25 of this Ordinance.

Section 11. No person shall block the entrance of any public beach, road end beach, park or preserve with an automobile or other vehicle nor shall any person double park a vehicle along the roads leading to an entrance to the above referenced public beaches, road end beaches, parks or preserves.

Section 12. No person shall drive or operate an off the road vehicle, recreational vehicle, or trailer carrying personal water craft over or across, enter upon or be located on the parks, preserves and beaches of Chikaming Township, except vehicles designated to assist the impaired on an ADA trail with the proper state authorized sticker or sign. Vehicles authorized by Chikaming Township and emergency vehicles responding to an emergency are exempt from this prohibition.

Section 13. From and after the effective date of this Ordinance, no person shall:

- a. launch any personal water craft from a public park or public beach area whether there is or is not a designated boat launching ramp,

- b. transport, possess or be in control or possession of any personal water craft on a public park or public beach area,
- c. launch any boat, except a kayak, from a public beach area or road end beach,
- d. operate a motorized boat or the like on any inland lake on park or preserve property.

Section 14. For the purposes of this Ordinance:

- a. off the road vehicles or recreational vehicles, are motorized vehicles such as dune buggies, snowmobiles, motorcycles, motorized trail bikes, all terrain vehicles or other vehicles of like or similar kind, the enumeration of the foregoing vehicles is intended by way of illustration and not by way of limitation,
- b. personal water craft are small vessels which use an outboard motor, or an inboard motor powering a water pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Section 15. From and after the effective date of this Ordinance, no person, firm or corporation shall move construction machinery in, upon or across the land, roads, bluffs, and facilities at a public park, preserve or beach without first securing a written permit therefore from Chikaming Township. Such a permit may be obtained during regular business hours by applying at the Chikaming Township Hall. The express purpose of this provision is to safe guard and prevent the damage of any water intake pipes or other similar facilities, structures, dunes and/or beaches located in the public parks, preserves or beaches.

Section 16. No person shall engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace on any public beach or road end beach, or in any park or preserve within Chikaming Township. Additionally, no person shall interfere with or in any manner hinder any employee, contractor or agent of the Park Board or Chikaming Township in the performance of his or her duties.

Section 17. No person shall remove or disturb any new or natural plant life, material or wildlife.

Section 18. No person shall swim, wade or bathe in any Township park or preserve, inland lake or pond.

Section 19. No person shall hunt or trap in any manner whatsoever on any public beach or road end beach, or in any park or preserve within Chikaming Township.

Section 20. Non-motorized bicycles shall be permitted only on park roads and on trails designated for bicycle riding.

Section 21. No person shall, at any time, bring into or upon on any public beach or road end beach, or in any park or preserve within Chikaming Township, nor have in their possession, nor discharge

or set off upon said properties any air gun, water gun, paint ball gun, or bow that discharges projectiles either by air or mechanical force.

Section 22. No person shall at any time fire, discharge or have in their possession any rocket, firecracker, torpedo, squib or any other substances of an explosive nature.

Section 23. No person shall deface or destroy park property in any manner, including by turfing.

Section 24. All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 25. Any person who violates any of the provisions of this Ordinance, in addition to the other provisions of this Ordinance, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction.

Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

As used herein "person" means any individual, partnership, association or corporation.

Section 26. This ordinance was adopted by the Chikaming Township Board at a regular meeting held in the Chikaming Township Center on the 9th day of November, 2006, and shall take effect the 19th day of December, 2006, the same being more than thirty (30) days after the date of publication in a newspaper published or circulated in the municipality.

Elizabeth Bohac, Clerk
Township of Chikaming

Attest:

Jeanne S. Dudeck, Supervisor
Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 126, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 9th day of November, 2006. I further certify that Simmons moved the adoption of said ordinance and Marske supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Marske	<u> X </u>			
Gibson	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Simmons	<u> X </u>			
Bohac	<u> X </u>			
Dudeck	<u> X </u>			

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the ___ day of November, 2006, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the South County Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 18th day of November, 2006.

Dated: November ____, 2006

Elizabeth Bohac, Clerk
Township of Chikaming