

VILLAGE OF PORT AUSTIN

HURON COUNTY, MICHIGAN

Ordinance No: 124-11

**BEACH PARK ORDINANCE**

AN ORDINANCE TO REGULATE AND CONTROL TRAFFIC, OVERNIGHT CAMPING, PARKING, DOMESTIC ANIMALS, NOISE, AND DUMPING OF GARBAGE AND RUBBISH AT THE VILLAGE OF PORT AUSTIN'S VETERAN'S WATERFRONT PARK AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF PORT AUSTIN HEREBY ORDAINS:

Section 1: Purpose

The purpose of this Ordinance is to regulate the use of the park, beach and recreational areas in the Village of Port Austin Veteran's Waterfront Park in order that all residents and their guests may enjoy and make use of the park, beach, parking lots and recreational areas in a safe manner and to protect the rights of those owning property adjacent to the park.

Section 2: Definitions - As used in this Ordinance,

- (a) "Domestic animal" means a dog, cat, reptile, horse, pig, duck, goose, chicken, guinea hen, ferret, or other domesticated animals.
- (b) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- (c) "Park" means the Village of Port Austin's Veteran's Waterfront Park.
- (d) "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- (e) "Rubbish" means nonputrescible solid wastes including ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, bags, rags, and demolished materials.

### Section 3: Regulations

No person shall do any of the following within the park:

- (a) Utilize any part of the park, beach, parking lots or recreational areas as an overnight camping or overnight sleeping place.
- (b) Willfully bring in and dump, deposit, or leave any household or commercial garbage or rubbish at any area of the park, beach, parking lots or recreational areas.
- (c) Allow a domestic animal under his or her control or custody to run at large in any area of the park, beach, parking lots or recreational areas. Such domestic animals shall be restrained at all times by adequate leashes or other means to keep the animal physically restrained.
- (d) Take a domestic animal under his or her control or custody to the beach or any area of the park that has posted signs "No Pets on Beach".
- (e) Grill, kindle, or build a fire in any area of the park, beach, parking lots or recreational areas, except in the fire pits provided for such use or in grills or other receptacles specifically designated for such use. Upon leaving such fire, the person last using it shall fully extinguish the fire.
- (f) Deposit any ashes from a fire in any location other than receptacles specifically designated for fires.
- (g) Intentionally make any noise or play any sound producing device between the hours of 11:00 p.m. and 8:00 a.m. which is audible from any adjoining property or from any public highway.
- (h) Park or store a motor vehicle, camper or boat in the designated fire lane or in any other area other than an established or designated parking area.
- (i) Operate any motor vehicle at a rate of speed exceeding ten (10) miles per hour or without due care and caution within the confines of the park.
- (j) Ride or drive any motor vehicle within the park, except on the paved park roads or parking areas.

Section 4: Penalties

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961; being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:

- (a) For a first offense, the person shall be fined not less than \$25.00, nor more than \$100.00 plus the costs of prosecution and other sanctions provided by law.
- (b) For a second or subsequent offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$50.00 nor more than \$200.00, plus the costs of prosecution and other sanctions provided by law.

Each day this Ordinance is violated shall be considered a separate violation.

Section 5: Enforcement Officers

Officers of the Michigan State Police, Huron County Sheriff's Department and Village officials designated by resolution of the Village Council are hereby designated as the officials authorized to issue municipal civil infractions under this Ordinance directing offenders to appear in court.

Section 6: Nuisance per Se

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 7: Separate Court Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8: Severability

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

