

ORDINANCE NO. 17-11-15-2

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWNSHIP OF WORTH, SANILAC COUNTY, CHAPTER 250 ARTICLES I AND II TO REGULATE PROPERTY USE AND PARKING AT BIRCH BEACH FARMS AND TO PROVIDE PENALTIES FOR VIOLATION.

The Township of Worth, Sanilac County, Michigan Ordains:

CHAPTER 250

VEHICLES AND TRAFFIC

ARTICLE I

Parking at Birch Beach Farms

This Ordinance is adopted pursuant to Public Act 246 of 1945 MCL 41.181 *et seq* pursuant to the Township authority to adopt ordinances to regulate the public health, safety, and general welfare of persons and property, ordinances concerning fire protection, traffic, parking of vehicles, and protection of public property.

250-1. Parking and standing prohibited in certain areas.

Except as hereafter provided, it shall be unlawful to park or to permit any vehicles to stand in the public right of way in any of the following Worth Township properties:

- A. Lot 10 of Goodson & Bolles Subdivision of Birch Beach Farms.
- B. Lot 19 of Goodson & Bolles Subdivision of Birch Beach Farms.
- C. Lot 20 of Goodson & Bolles Subdivision of Birch Beach Farms.
- D. Lot 29 of Goodson & Bolles Subdivision of Birch Beach Farms.
- E. Lot 30 of Goodson & Bolles Subdivision of Birch Beach Farms.
- F. Park Avenue (between Lot 7 on the north Block G and Lot 1 on the south in Block F)
- G. Purdy (Lot 21)

250-2. Parking regulations.

- A. Parking shall be permitted only on the west side of fence/post or other boundary designation erected on the above described lots.
- B. No vehicle shall be parked to the east of said fence/post or other boundary designation erected on lots described in 250-1A through G.
- C. Vehicles on the west of said posts shall be parked only one deep in an east-west direction perpendicular to the roadway.
- D. No vehicles shall be parked on the west side of the fence/post between the hours of 11:00 pm and 6:00 am.
- E. No overnight parking is permitted.
- F. No person can use the parking area for anything other than beach use.

- G. No motorized vehicles are allowed on the beach at any time unless necessary for handicapped access/use.
- H. The parking of vehicles in places where parking is prohibited or the parking of vehicles in violation of the terms of this article is hereby declared a nuisance.

250-3. Park and Access Area Use.

- A. No grilling or open flames are allowed on the beach, park area or parking area.
- B. No life guard is on duty. Swim at own risk.
- C. No restroom facility is available.
- D. No trash receptacles available. Park users must remove all waste, trash, and other materials brought into the park and access areas.
- E. Dogs are allowed on the property. Animal must be accompanied by an adult (18 years of age or older) and on a leash at all times.
- F. All pet waste shall be immediately removed and disposed of in a safe and sanitary manner.

250-4. Destruction of Township Property

Misdemeanor. Tampering, alteration or destruction of any Township property, including but not limited to moving, altering, or destruction of fencing, posts, rocks, planters, or other boundary identification areas shall constitute a misdemeanor offense punishable by a fine of up to \$500 and/or imprisonment up to 90 days. Each day that a violation continues to exist shall constitute a separate offense. The foregoing fines and penalties shall be in addition to any other prosecution under State law and the right to obtain injunctive relief in a court of proper jurisdiction.

250-5. Signage.

The Township Board or designee shall cause signs to be posted in all areas where parking is limited and/or prohibited indicating such limitations and/or prohibition.

250-6. Authority to Tow Vehicles.

Sanilac County Sheriff's Department, a Special Deputy Sherriff and/or Michigan State Police are hereby authorized to remove and tow away, or cause the removal and towing away by commercial towing service any vehicle illegally parked in the areas described in 250-1A through G at the owner's expense.

250-7 Recordkeeping.

The Worth Township Treasurer is hereby designated as the Township's agent, authorized to receive and account for all citations issued and funds received under this Article.

250-8. Issuance of parking citations and notices.

Sanilac County Sherriff Department, Special Township Deputy designated by the Sanilac County Sherriff Department, State of Michigan Police or other local law enforcement agency are authorized to enforce this ordinance including to issue parking citations and affix notice of violation stickers or citations to violating vehicles, and may tow vehicles, issue appearance tickets and request prosecution to the fullest extent of the law.

250-9 Violations and penalties.

Unless otherwise stated in this Ordinance and as provided under Section 250-4, each established violation of this Article is a civil infraction and shall carry a civil fine of \$250.00 plus the cost of prosecution as allowed by law.

Civil parking violation citations may be paid to the Township Violation Bureau or as otherwise allowed by law.

250-10 Adoption of the Uniform Traffic Code and a portion of the Natural Resources and Environmental Protection Act, 1994 PA 451.

Worth Township adopts the revised Uniform Traffic Code (UTC) effective on October 30, 2002 by reference and adopt Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82610. Violations for the Uniform Traffic Code are as stated in the Code.

250-11. Saving Clause.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

250-12. Repealer, Severability, Publication and Effective Date

A. This Ordinance repeals and replaces Chapter 250 Articles I and II adopted 8-28-1978 in its entirety

B. The Township Clerk shall publish the Ordinance, or summary of the Ordinance, within 30 days after the passage of the Ordinance by inserting either a true copy or a summary of the Ordinance once in a newspaper of general circulation within Worth Township or as otherwise required pursuant to Section 4 of Public Act 246 of 1945, as amended (MCL 41.184).

D. The Township Clerk shall designate in the publication the location in the Township where a true copy of the Ordinance can be inspected or obtained.

E. Following adoption and publication of the Ordinance a true copy shall be available to review or obtain at the Worth Township Office and at the office of the Sanilac County Clerk.

F. This Ordinance shall take effect 30 days after the publication.

I. Record of Ordinances. Upon enactment, the Ordinance shall be recorded by the Township Clerk in the codification and the Record of Ordinances.

MOTION AND VOTE

ON THIS 15 DAY OF November, 2017, A MOTION WAS MADE BY WORTH TOWNSHIP TRUSTEE Woodruff, SECOND BY WORTH TOWNSHIP TRUSTEE Wylie, TO ADOPT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWNSHIP OF WORTH, SANILAC COUNTY, CHAPTER 250 ARTICLES I AND II TO REGULATE PROPERTY USE AND PARKING AT BIRCH BEACH FARMS AND TO PROVIDE PENALTIES FOR VIOLATION.

Roll Call vote on this Ordinance was as follows:

	Yes	No	Abstaining
Philip G. Essenmacher, Supervisor:	<u>X</u>	<u> </u>	<u> </u>
Jennifer Stanyer, Clerk:	<u>X</u>	<u> </u>	<u> </u>
Jennifer Woodruff, Treasurer:	<u>X</u>	<u> </u>	<u> </u>
Walter F. Badgerow, Trustee:	<u>Excused</u>	<u> </u>	<u> </u>
John R Wylie, Trustee:	<u>X</u>	<u> </u>	<u> </u>

AUTHENTICATION AND CERTIFICATION

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by a majority vote at a Regular Meeting of the Worth Township Board at the Township Hall on the 15 day of November, 2017.

Philip G. Essenmacher
Philip G. Essenmacher, Supervisor

Jennifer Stanyer
Jennifer Stanyer, Clerk

PUBLICATION

I do hereby further certify that this Ordinance or summary was published as required by State Law in the Sanilac County newspaper published and circulated in Worth Township, Michigan, on the 1 day of December, 2017.



Jennifer Stanyer, Clerk