

CHARTER TOWNSHIP OF EAST BAY
ORDINANCE No. 3 of 2019

AN ORDINANCE PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1947,
AS AMENDED, TO REGULATE ACTIVITIES WITHIN BROWN BRIDGE
QUIET AREA PARK AND TO PROVIDE PENALTIES FOR VIOLATIONS
THEREOF

THE CHARTER TOWNSHIP OF EAST BAY ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Brown Bridge Quiet Area Park Ordinance.

Section 2. Definitions. As used in this Ordinance,

- (a) "Brown Bridge Quiet Area" means that property established as a natural area for quiet recreation by the Traverse City City Commission by resolution on March 21, 1977, and July 1, 1991, on the City-owned property including frontage on the Boardman River commonly known as "Brown Bridge Quiet Area" and legally described as: All of Section 15 and Section 14, except the North ½ of the Northeast 1/4, East Bay Township (T26N, R10W) and the Northeast 1/4 of the Northwest 1/4 of Section 22, Paradise Township (T26N, R10W), Grand Traverse County, Michigan.
- (b) "Rules" shall mean the City of Traverse City Brown Bridge Quiet Area Rules as adopted by the East Bay Charter Township and City of Traverse City, owner, of the Brown Bridge Quiet Area inclusive of additional definitions provided in the Rules.

Section 3. Regulations.

See attached Rules, and applicable regulations, Sections III through Section XIX.

Section 4. Violations and Penalties.

- (a) Any person who violates any provision of this Ordinance, shall be responsible for or a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
 - (1) For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

- (2) For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
- (3) For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.

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

Section 5. Enforcement Officials.

The Township Ordinance Enforcement Officer and by any Authorized Representative, including, but not limited to, the Grand Traverse Conservation District, Michigan Department of Natural Resources, and officers of any authorized governmental agency having jurisdiction.

Section 6. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be 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 or a criminal prosecution, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8. Validity.

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

Section 9. Effective Date.

This ordinance shall become effective the day following its publication by the Township as required by Section 8 of the Charter Township Act, MCL 42.8.

Ordinance No. 3 of 2019 was adopted on June 10, 2019, by the East Bay Charter Township as follows:

Motion by: Bartlett second by: Walters to approve.

Roll call vote:

Yes: Bartlett, Walters, Lile, Marrow, Friend

No: Courtade, Hentschel

Beth Friend, Supervisor

Susanne M. Courtade CMMC/MMC, Clerk

CERTIFICATION

I Susanne M. Courtade, being the duly elected and acting Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Township Board at a regular meeting held on June 10, 2019, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Susanne M. Courtade CMMC/MMC, Township Clerk

ORDINANCE DATES

Introduced: May 13, 2019

Introduction Posted: May 16, 2019

Introduction Published: May 20, 2019

Adopted: June 10, 2019

Adoption Posted: June 11, 2019

Adoption Published: June 16, 2019

Effective: June 17, 2019