

**CHARTER TOWNSHIP OF ALPENA
ORDINANCE NO. 133**

AN ORDINANCE TO PROTECT AND REGULATE THE USE OF PUBLIC LAND OWNED BY THE CHARTER TOWNSHIP OF ALPENA; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS AND PROPERTY; TO PROVIDE FOR ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF, PURSUANT TO THE ENACTING AUTHORITY OF MICHIGAN PUBLIC ACT 359 OF 1947, AS AMENDED.

THE CHARTER TOWNSHIP OF ALPENA ORDAINS:

SECTION 1. PURPOSE AND AUTHORITY.

Consistent with the letter and spirit of Michigan Public Act 359 of 1947, as amended, which authorizes a township to acquire property for public purposes; to maintain and operate public buildings, parks, and facilities needed in the performance of the powers and functions, express and implied, granted, possessed, and required of a township by said Public Act; to control and regulate the use of public places of the township; and to enact such ordinances as may be deemed necessary to provide for the public peace and health and for the safety of persons and property therein, it is the purpose of this ordinance to protect and regulate the use of public property within the Charter Township of Alpena.

SECTION 2. RESTRICTIONS.

While on land owned by the Charter Township of Alpena, no person shall:

- A. Damage, deface, destroy, or remove any signage; tree; shrub; flower; natural or historic feature or resource, including, but not limited to, a feature or resource that has archaeological, architectural, or cultural significance; or other public property;
- B. Throw or deposit litter other than in designated containers;
- C. Drive or park any motor vehicle except on roads and in parking areas designated for such purposes;
- D. Camp overnight;
- E. Post, paint, or affix any sign, advertisement, notice, poster, pamphlet, or statement, or display any banner, emblem, design, or logo, without obtaining a written permit in advance from the Charter Township of Alpena Board of Trustees, as provided in Section 3 of this ordinance.
- F. Offer for hire, vend, or sell any service, food, beverage, merchandise or other personal property, or conduct any other business, occupation, or commercial activity, without obtaining a written permit in

advance from the Charter Township of Alpena Board of Trustees, as provided in Section 3 of this ordinance.

SECTION 3. TOWNSHIP LAND PUBLIC USE PERMIT.

A. *Application.* Applicants who wish to engage in any of the activities as described in Sections 2-E and 2-F of this ordinance must complete an application form as required by the Township. The application shall, at a minimum, include the following information:

- (1) Name, mailing address, phone number, copy of driver's license or state identification card, and signature of the applicant;
- (2) Legal name, organizational form, address, and resident agent of any profit or nonprofit association or entity involved in the activities;
- (3) Dates and time periods for the proposed activities;
- (4) Location of the Charter Township of Alpena land to be used;
- (5) A specific description of the proposed activities;
- (6) A description of the supervision and maintenance to be performed in connection with the proposed activities.
- (7) All safety or other precautions or measures to be taken in order to protect the health, safety, peace, and general welfare of persons and property located on and near the subject land.

B. *Application Fee.* The Charter Township of Alpena Board of Trustees may establish, by motion or resolution, an application fee to be submitted by the applicant with the application.

C. *Township Land Public Activities Fee.* The Charter Township of Alpena Board of Trustees may establish, by motion or resolution, reasonable fees for any of the activities as described in Section 2-F of this ordinance, taking into account the nature of the activity, the time involved, the number of people who will use the land, and the expense to the Township.

D. *Insurance.* Applicants who receive approval from the Charter Township of Alpena Board of Trustees for any of the activities as described in Section 2-F of this ordinance shall, before engaging in the activity, provide the Township Supervisor with a certificate of insurance, which names the Township as an additional insured, in a form and in an amount as required by the Charter Township of Alpena Board of Trustees when approving the application.

E. *Duration of the Permit.* When approving a township land public use permit, the Charter Township of Alpena Board of Trustees shall state the duration of the permit, which shall not exceed six (6) months.

SECTION 4. STANDARDS FOR APPROVAL OF APPLICATION.

The following standards shall be used by the Charter Township of Alpena Board of Trustees in reviewing an application submitted under Section 3 of this ordinance. The Charter Township of Alpena Board of Trustees shall approve an application, with or without conditions, if it finds that:

- A. The application has been properly completed;
- B. The application fee has been paid, if required;
- C. The activities will not endanger the health, safety, or welfare of persons;
- D. The activities will not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, or other amenities at the site to be used;
- E. The activities will not unreasonably disturb other persons who may use the land or adjacent land;
- F. The activities will not violate local, state, or federal ordinances, statutes, rules, requirements, or regulations.

SECTION 5. PENALTIES AND ENFORCEMENT.

- A. Any person or organization who violates any of the provisions of this ordinance or a permit issued pursuant to this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended (“the Act”).
- B. The Charter Township of Alpena Supervisor, the Charter Township of Alpena Zoning Administrator, and other Charter Township of Alpena officials and employees as may be authorized by the Charter Township of Alpena Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.
- C. A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.
- D. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.
- E. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable

in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

F. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of the Act.

G. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of the Act within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of the Act, as applicable.

H. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

I. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its publication as required by law.

SECTION 7. PUBLICATION; RECORDATION; AUTHENTICATION.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

SECTION 8. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on the ____ day of _____, _____.

I further certify that the following Board members were present at the meeting: _____, and that the following Board members were absent: _____.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this ____ day of _____, _____, by the Charter Township of Alpena Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: _____

Nathan Skibbe
Charter Township of Alpena Supervisor

Dated: _____

Karie Bleau
Charter Township of Alpena Clerk