

VILLAGE OF EMPIRE
Leelanau County, Michigan

Ordinance No. 150 Amended

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 EMPIRE'S
LAKE MICHIGAN BEACH PARK, AND TO PROVIDE FOR THE HEALTH,
SAFETY, AND WELFARE OF RESIDENTS AND GUESTS, AND TO PROVIDE
PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EMPIRE 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 Empire's Lake Michigan 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 Empire's Lake Michigan Beach Park.
- (d). "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- (e). "Rubbish" means non-putrescible 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.
- (f). "Feces" means a body's solid waste matter.

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 or leave domestic animal feces ~~on the beach~~. **anywhere in aforementioned places**. 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 any area of the park in which dogs are prohibited as indicated by posted signs.
- (d). Grill, kindle, or build a fire in any area of the park, beach, parking lots, recreational areas or the beach walls, 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 fires.
- (e). 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.
- (f). The use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property regardless of the day. This includes the Village of Empire Beach Park and Shalda Park. (Village Ordinance 138)
- (g). Park a motor vehicle, camper, or boat in the designated fire lane or in any other area other than an established or designated parking area.
- (h). Park or store any motor vehicle, camper, or boat overnight.
- (i). Park any vehicle over 22 feet from July 1st through Labor Day.
- (j). All boat trailers must be parked in designated areas.
- (k). Ride or drive a motor vehicle at a rate of speed exceeding fifteen (15) miles per hour or operate a motor vehicle without due care and caution within the confines of the park.
- (l). Ride or drive any motor vehicle within the park, except on the paved park roads or parking areas.
- (m). Ride vehicles, such as, but not limited to, scooters, motor bikes, skateboards, skates (regular or in-line), on beach walls.
- (n). Park any motor vehicle, scooter, motor bike, ~~or camper RV or boat~~ in any designated parking areas **between the hours of 10 a.m. and 8 p.m. when the pay parking machine is present** without evidence of:
 - i.) An official residential parking pass affixed to the lower or upper drivers side windshield of the vehicle, (or in the case of multi-family residential ownership, an official residential parking pass affixed to an object permitting an unobstructed display ~~ed~~ of said pass on the driver's side dashboard), or
 - ii.) A displayed receipt of paid parking.
- (o). Jet Ski's are not permitted in the swim area.
- (p). Fishing is not permitted off of the swimming dock when swimmers are present.**

Section 4. Parking Fees

Parking fees in an amount to be determined from time to time by the Village Council as established in the Village Fee Schedule shall be collected between the hours of 10a.m. and 8 p.m. when the pay parking machine is present.

Section 5. Penalties. Violations

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction. See Village Fee Schedule for fines concerning this Ordinance.

~~Each day this Ordinance is violated shall be considered a separate violation as provided for in Ordinance No. 107, being the Village of Empire's Municipal Civil Infraction Ordinance, as amended, and as authorized under Chapter 87 of the revised Judicature Act, Act 236 of the Public Act of 1961, as amended [MCL 600.8701, et seq.], and other applicable laws.~~

~~(See 2020 Fine and Fee Schedule for Beach Ordinance Violations).~~

- ~~(a). For a violation of section 3(1), the person shall be fined not less than \$15.00;~~
- ~~(b). For a first offense, other than 4(a), the person shall be fined not less than \$25.00, nor more than \$150, plus the costs of prosecution and other sanctions provided by law.~~
- ~~(c). 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 \$500, plus the costs of prosecution and other sanctions provided by law.~~

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

Section 6. Enforcement Officers.

Enforcement Officers are as provided in Ordinance No. 107, being the Village of Empires Municipal Civil Infraction Ordinance, as amended, and as authorized under Chapter 87 of the Revised Judicature Act, Act 236 of the Public Act of 1961, as amended [MCL 600.8701, et seq.], and other applicable laws.

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. Civil Remedies

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 8-7. 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.~~

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph, or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

Section 8. Savings Clause.

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 9. Prior Ordinances Repealed.

Ordinance No. 72, Ordinance No.105, Ordinance No. 106, and Ordinance No.123 are hereby repealed in their entirety.

Section 10. Effective Date.

~~This amended Ordinance shall become effective thirty (30) days after publication.~~

The provisions of this Ordinance are ordered to take effect (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Village of Empire.

Section 11. Adoption.

This Ordinance was duly amended and adopted by the Village of Empire Council at its regular meeting called and held on the ___ day of _____, 2024.

~~The forgoing Ordinance was amended by the Village of Empire Village Council on the __ day of ____; adoption of the forgoing ordinance was motioned by _____ and supported by _____.~~

~~Voting for:~~

~~Voting against:~~

VILLAGE OF EMPIRE

By: _____

By: _____

~~Date of Approval~~

Section 12: Publication

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within the Village of Empire within thirty (30) days after adoption.

AYES: MEMBERS: _____

NAYS: MEMBERS: _____

ORDINANCE DECLARED ADOPTED.

Sue Palmer, President, Village of Empire

Derith Smith, Clerk, Village of Empire

STATE OF MICHIGAN)

) ss.

COUNTY OF LEELANAU)

I, the undersigned, the duly qualified and acting Clerk of the village of empire, Leelanau County, Michigan (the "Village"), do hereby certify that the foregoing is a true copy of an ordinance adopted by the Village Council at a regular meeting on the ____ day of _____, 2024, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this ____ day of _____, 2024.

Derith Smith, Clerk
Village of Empire