

# Torch Lake Township

The following Ordinance was adopted by the Torch Lake Township Board on APRIL 25, 2023 and replaces the relevant sections of PP Ordinance #2020-01.

## WILLIAM K. GOOD DAY PARK ORDINANCE

### PP ORDINANCE # 2023-01

The purpose of this Ordinance is to ensure the health, safety and welfare of township resident(s) and others who use the William K. Good Day Park (herein Park), located at 12283 Public Dock Road, Kewadin, Michigan 49648, including the swimming area. It is also the intent of this Ordinance to create a safe family friendly Park where the uses, procedures and limitation will ensure that the facility, as a township entity, is a good neighbor to the surrounding residential area.

#### **Safety for Swimmers**

The swimming area for the Park is the area parallel to the shore from the south-east corner of the Pier southward and parallel to the shore to a point opposite the south boundary line of the Park, then along said boundary line westward to the shore. Because serious injury or death can result, the Pier is not to be used as swimming access to the water. Using the Pier as means to enter the water, jumping, and diving from the Pier into the lake are prohibited. Under no circumstances is watercraft of any kind allowed in the swimming area. Watercraft of any kind are not to be launched, anchored, or beached in the swimming area or on the swimming beach. Any watercraft in the swimming area will be ticketed. The swimming area does not have a lifeguard on duty. People swim at their own risk.

#### **Prohibited Activities**

- Glass containers.
- Open fires other than in designated grills.
- Fireworks in the park or in any parking area.
- Motorized vehicles within the Park, except on clearly marked roads and drives, and in designated parking areas.
- Activities that endanger the safety or life of participants and spectators.
- Activities or operation of equipment in a manner that disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- Use of devices that amplify sound, music, and/or voice.
- Conduct in a manner as to create a public or private nuisance.
- Creation of any display exhibition, show, play, entertainment, or amusement of an obscene nature.
- Creation of a disturbance by obscene or disorderly conduct.
- Removal or destruction of any vegetation.
- Destruction of any property, public or private.
- Construction or making of any improvements and/or alterations without the written permission of the Torch Lake Township Board.
- Parking of private vehicles except during Park hours of operation.

- Storage of private property at any time.
- There will be no use of the Park between the hours of 10:00 PM and 8:00 AM.
- No smoking or vaping is allowed in the Park. The Park is designed as Smoke Free. (See Appendix B).

## **Parking**

Single vehicle parking is allowed only in the designated areas and only during the Park hours. Motor homes, travel trailers and campers are not allowed in the Park. Overnight camping, parking or use is prohibited. Improperly parked vehicles may be ticketed and/or towed at the owner's expense.

Seasonal Dates and Hours of Operations: The Park is open from May 15-October 15. Park hours are from 8:00 AM to 10:00 PM.

## **Vendors**

Outside vendors are not allowed to use any of the Park property for sales and/or commerce.

## **Pavilions**

There are two Pavilions in the Park that may be rented through the Torch Lake Township Clerk's office at the Community Services Building. Applications for rental are on the website.

## **Trash**

To reduce the cost of trash removal, Park users are asked to take their trash with them when they leave and to use the trash receptacles on a limited basis. It is a violation of this Ordinance to deposit household trash at the Park, violators are subject to civil fines.

## **Penalties**

A violation of this Ordinance is a municipal civil infraction, the sanction shall be a civil fine as set forth below plus any costs, damages, expenses, and other sanctions, as authorized under the Torch Lake Township Municipal Civil Infraction Ordinance, Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

1. The civil fines for a violation of this Ordinance shall be not less than \$100.00 plus, costs and other sanctions, for each infraction.
2. Increased civil fines may be imposed for repeated violations of this Ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by the same person and (ii) for which the person admits responsibility or is found to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for repeat offense shall be as follows:
  - A. The fine for any offense that is first repeat offense shall be not less than \$200.00, plus costs.

B. The fine for any offense that is second repeat offense or any subsequent repeat offense shall be not less than \$400.00 plus costs.

Any person(s) who violates any provision of this Ordinance may be ordered to leave the subject property where the violation occurred and failure to comply with an order shall constitute a separate and additional violation of the Ordinance.

**Non-exclusivity**

The regulations in this Ordinance shall be in addition to, and not exclusive of other local ordinances or laws or state laws or regulations.

**Severability**

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

**Effective Date**

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Torch Lake Township. This Ordinance shall take effect 30 days after the date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance was offered for adoption by Township Board Member: Kathy Windiate and was seconded by Township Board Member: Robert Cook, the roll call vote being as follows:

**ORDINANCE DECLARED ADOPTED.**

---

Township Supervisor – Robert H. Cook

Date: April 27, 2023

**TORCH LAKE TOWNSHIP BOARD APPROVAL APRIL 25, 2023**

**ROBERT COOK – YES**

**SHARON SCHULTZ – YES**

**KATHY WINDIATE – YES**

**JASON MERCHANT – YES**

**ALAN MARTEL – YES**

**APPROVED 5-0**

## Appendix A

### WM. K. GOOD DAY PARK SMOKING PROHIBITION

*Park's Smoke Free Environment Further Defines the following Prohibited Smoking Activities:*

SMOKING, ELECTRONIC CIGARETTES, VAPORIZERS AND OTHER SIMILAR ACTIVITY:

#### **Section 1-1: Definitions:**

For purposes of this section, "smoking" is defined as the smoking of any tobacco product or other plants, including but not limited to marijuana, shisha, or alternative nicotine products using smoking devices, including but not limited to cigarettes, cigars, pipes, hookah pipes, bongs, vaporizers or vape products, or e-cigarettes. E-Cigarette means an electronic, noncombustible device that employs a heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form and the use or inhalation of which simulates smoking. This term shall include any device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other such product name or descriptor.

#### **Section 1-2: Prohibited areas:**

- a. Throughout all areas in the Wm. K Good Day Park, including but not limited to Pavilions, Playground, Restrooms, Picnic Areas, and Swimming Areas. Smoking is permitted in parking lots.

#### **Section 1-3: Posting of signs not required:**

- a. The prohibitions in this article are enforceable whether or not signs declaring the prohibitions are posted.

#### **Section 1-4: Penalty:**

Although Wm. K Good Day Park ("Park") employees, Park patrons, Wm. K. Good Day Park Committee member, Torch Lake Township employees may request violators to cease smoking immediately, civil infractions may be cited only by persons authorized to do so.

Any violation of a section in this article shall constitute a civil infraction, which shall be punishable by a fine of not less than \$100 and as further defined in the "Penalties" section of this Ordinance.