

TORCH LAKE TOWNSHIP

The following ordinance was adopted by the Torch Lake Township Board on June 21, 2016, revised on February 21, 2017, February 19, 2019, and August 18, 2020.

Effective Date: September 26, 2020

WILLIAM K. GOOD DAY PARK ORDINANCE

ORDINANCE # 2020-01

The purpose of this ordinance is to ensure the health, safety and welfare of a township resident(s) and others who use 1) the William K. Good Day Park (herein Park), located at 12283 Public Dock Road, Kewadin, Michigan 49648, including the boat launch, Park Pier (herein Pier), and swimming area. It is also the intent of this ordinance to create a safe, family friendly Park and safe boat launching area where the uses, procedures and limitations will ensure that the facility, as a township entity, is good neighbor to the surrounding residential area. In addition, this ordinance is meant to insure, that the boat launch and the Pier, provide access to Torch Lake for water rescue and water for fire emergencies.

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. The Pier is not to be used for entry to the swimming area by any means or manner. 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 circumstance 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 life guard on duty. People swim at their own risk.

Use of the Pier and Mooring of Boats at the Boat Launching Sites

The primary uses of the Pier are for temporary tying of a boat while launching or taking a boat out of the water and for access to the water by emergency personnel. Mooring of boats along the Pier, except as needed to launch a boat and to bring a boat out of the water, is prohibited. Long term (longer than ten minutes) or overnight mooring to the Pier is prohibited.

Beach activities such as sun bathing, picnicking, and games are prohibited on the Pier. Bicycles, chairs, tables, ATVs, golf carts and roller blades or other such objects are prohibited on the Pier. The Pier is not to be used to access the water. No swimming, jumping or diving into the water is allowed from the Pier.

Prohibited Activities

- Open fires other than in designated grills.
- Fireworks.
- 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 is allowed in the Park. The Park is designated as Smoke Free. (see Appendix B).

USE OF THE PARK BOAT LAUNCH

The use of the boat launch herein includes the launching or transferring of a boat into the water and the removal of that boat. This use includes jet skis, kayaks, specialized watercraft designed for special purposes, and any kind of shoreline or floatation equipment, such as docks, boat hoists, swimming platforms, etc. Any reference in this ordinance to use of the boat launch for launching any kinds of equipment is herein referred to as “boat launching.”

A. TOWNSHIP PROPERTY OWNERS - FEES AND OTHER REQUIREMENTS

Except as noted in #4 below, there is no cost to use the Park boat launch for Torch Lake Township property owners who meet the following conditions:

1. The boat is within the size limits of this ordinance (see Boat Size and Power Loading).
2. They launch their own boat without commercial assistance.
3. They have a current non-transferable township permit displayed in the proper place on the boat trailer.
4. **\$100** seasonal permit to launch their own boat that is larger than specified in the ordinance. The township reserves the right to deny such a permit if the boat size is unreasonable for our facility.
5. There is no charge to commercial marine businesses located within the township who launch boats that are owned by township property owners and are within the size limits of this ordinance.

B. NON-TOWNSHIP USERS, FEES AND OTHER REQUIREMENTS

1. **\$10.00** per launch charge to launch their own boat that is within the size limits specified in this ordinance and without the help of an approved commercial user. If parking in the designated area the daily permit must be properly displayed or risk a parking citation and/or having their vehicle towed out of the Park.
2. **\$5.00** launch charge for each non-motorized watercraft.

C. COMMERCIAL USERS

1. Will be requested to sign a seasonal base line agreement with the township for the use of the boat launch at the Park for customer boats whose size is within as well as larger than the size limits of the ordinance. The township reserves the right to deny such a permit if the boat size is unreasonable for our facility.
2. Commercial users are not permitted to use any Park property for safety procedures briefings, education on the operation of the craft, paper work, and any other training or instructions.

Permits

Boat launching permits are available at the township offices during normal business hours. Proof of property ownership (driver's license, property tax receipt) as well as boat trailer & registration are required when seeking a permit. Applications are available on the township web site <http://www.torchlaketownship.org> and can be filled out prior coming to the township offices or, if requested, they can be mailed. (See Appendix A Fee Schedule)

Boat Size and Power Loading

The size of the boat that can be launched at the boat launch is limited to the following:

1. Twenty-six feet in length,
2. Combined length (vehicle with boat on trailer) of forty-eight feet,
3. Combined weight of boat and trailer no greater than 6500 pounds, and
4. Boat trailers with two axles or less.

Power loading and unloading under any circumstances is NOT ALLOWED.

Parking

Vehicle parking at the Park is not allowed along Public Dock Road. Single vehicle parking in the Park 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. No overnight parking of vehicles, trailers or watercraft is allowed.

Vehicles with boat trailers must park in the designated area at the Park following the posted instructions for vehicle/trailer parking. When this area is full, there is no other designated area for vehicle with trailer parking in the Park. Improperly parked vehicles with trailers may be ticketed and/or towed.

Seasonal Dates and Hours of Operation: The Park is open from May 15 – October 15. Park hours are from 8:00 AM to dusk. Overnight camping, parking or use is prohibited.

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 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 and boaters 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.

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 fine 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 a 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 a 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 this Ordinance.

Nonexclusively

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 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: PETERSEN and was seconded by Township Board Member: _____, the roll call vote being as follows:

- 1. Y Martel 2. Y Schultz 3. Y Windiate 4. Y Petersen 5. Y Cook

Total: 5 Yeas 0 Nays. 0 Absent/Abstain Motion: Passed

ORDINANCE DECLARED ADOPTED.

Kathy Windiate Aug 18, 2020
Kathy Windiate, Township Clerk Date

Appendix A

BOAT* and NON-MOTORIZED WATERCRAFT LAUNCHING FEE
SCHEDULE

TORCH LAKE TOWNSHIP DAY PARK

Boat Size	Property Owners With Permit**	Non-Property Owners	Commercial Users With Agreement	Commercial Users Without Agreement
Meets Ordinance Size Limitations	No Fee	\$10/launch	By Agreement	Not Allowed
Larger than Ordinance Size Limitations	\$100 Seasonal Permit	Not Allowed	By Agreement	Not Allowed
Non-Motorized Watercraft	No Fee	\$5/launch	Not Allowed	Not Allowed

*Includes any watercraft, shoreline equipment and swim platforms. Without a special permit or commercial agreement, the size of the boat that can be launched at the boat launch is limited to the following:

1. Twenty-six feet in length,
2. Combined length (vehicle with boat on trailer) of forty-eight feet,
3. Combined weight of boat and trailer no greater than 6500 pounds, and
4. Boat trailers with two axles or less.

**Launch permits are available on line at <<http://www.torchlaketownship.org>>

Appendix B

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. G. Good Day Park, including but not limited to Pavilions, Parking Lots, Playground, Pier, Boat Launch, Restrooms, Picnic Areas, and Swimming Area.

Section 1-3: Posting of signs not required

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 members, 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.