

GERRISH TOWNSHIP CAMPING ORDINANCE XXXV

An ordinance to provide for the regulation and control of camping, outside of commercial or State Park facilities, on a built lot situated in the Township of Gerrish, Roscommon County, MI

Section 1. Legislative Findings. It is hereby determined that on some occasions, tents and campers as defined herein may need to be used on properties within Gerrish Township. Pursuant to MCLA 41.181 et seq. to insure the health and safety of residents, it is necessary to make such use compatible with the permitted uses of property, and not to diminish property values, whereby the provisions in this ordinance are the minimum regulations required outside of established commercial campgrounds or State Park facilities.

Section 2. Title. This Ordinance shall be known and cited as the Gerrish Township Camping Ordinance.

Section 3. Definitions. For purposes of this ordinance, the following terms when used shall have the meaning(s) as set forth below:

- a. **Recreational units** shall be defined to include:
 - 1) **Tent:** A portable shelter usually made of canvas or plastic stretched over a framework and typically used as a sleeping place.
 - 2) **Camper:** The term shall include but not be limited to items commonly referred to as camper trailer, travel trailer, motor home, fold-down or pop-up trailer, or fifth-wheel trailer typically used as a sleeping place.
- b. **Built lot:** A lot or parcel upon which there is a dwelling with sanitary facilities that comply with Michigan Health Department regulations.
- c. **Waste water:** Any water that has been used in sinks, showers, tubs, washers, etc. or discharged from a toilet. Sometimes called 'grey water' or 'sewage water'.
- d. **Camping Period:** The period of time when a recreational unit is begun to be used for living or sleeping quarters until it ends which is less than four (4) consecutive days (ninety-six (96) consecutive hours).

Section 4. Lawful Uses.

- a. An unoccupied recreational unit owned by the owner, occupier or possessor of the built lot may be stored on a built lot without the necessity of obtaining a permit under this ordinance.
- b. A recreational unit may be occupied or used for the purpose of temporary or emergent conditions of the main building by the owner, occupant, or possessor of a built lot for periods of less than four (4) consecutive days (96 consecutive hours) during any seven (7) day period without the necessity of obtaining a permit under this ordinance.
- c. A property owner, occupant, or possessor of a built lot shall be entitled to and may apply for a "camping permit" for the use of recreational units on his or her built lot as an extension of living or sleeping quarters adjacent to the dwelling to accommodate the property owner, occupant or possessor's family members or guests according to the following schedule:
 - 1) A four (4) consecutive day camping period. Not more than three permits under this subsection shall be allowed each calendar year.
 - 2) A ten (10) consecutive days camping period. Not more than one permit under this subsection shall be allowed each calendar year.

- d. Subject to other provisions of this ordinance, a “special exception permit” may be applied for at the Township office for property owners of a built lots, or by the owner(s) of parcels consisting of five (5) or more acres in size whether built or un-built, for authority to exceed the time limits allowed by Section 4 (c), for a family event or other non-commercial special occasion.
- e. Conditions may be imposed for the issuance of any permit under this section. The permit fee for a camping permit or special exception permit, if any, will be established pursuant to the Township Fee Schedule. Only one (1) special exception permit under Section 4(d) will be granted during any calendar year.
- f. All permits issued under this ordinance must be posted in full view on the property in a conspicuous place visible from the road.

Section 5. Unlawful Use. It shall be unlawful for the owner, occupant, or possessor of a built lot to do one or more of the following:

- a. Failure to obtain and/or post a proper camping or special exception permit as required in this ordinance.
- b. Discharge or allow the discharge of any waste water upon the ground.
- c. Allow camping without sanitary facilities available on the property which comply with Michigan Health Department regulations.
- d. Charge a fee to, or requiring a service to be provided by, the occupants of tents or campers on non-commercial property in exchange for the use of the property for camping.
- e. Keep, permit or allow the use of a recreational unit to be used contrary to the lawful uses or beyond the time limits allowed under Section 4, or contrary to any conditions imposed upon a permit.

Section 6. Revocation of Permit, Responsible Party, Prima Facie Proof.

- a. The Gerrish Township Police Department may at any time revoke any permit for violations of this Ordinance. In addition, refusal to abate any violation after revocation of a permit by the Gerrish Township Police Department shall constitute a violation of this Ordinance.
- b. In any prosecution or civil action under this ordinance, if a permit has not been obtained for a regulated activity, the current listed property owner as described in the Gerrish Township tax roll shall be deemed responsible for any violations which have occurred, in addition to the occupant if not the same as the owner. If a permit has been obtained and a violation of any provision of this ordinance occurs, in addition to the permit being revoked under Section 6, any prosecution or civil action may include both the listed owner of the property and/or the permit holder both of whom shall be deemed responsible for the violation.
- c. In any litigation arising under this Ordinance, evidence that an electric cord and/or water hose was running to the recreational unit in question, whether by testimony of an officer or otherwise, shall constitute prima facie proof that the vehicle or unit is being used as living or sleeping quarters for the day in which said observation is made for purposes of establishing violations of the Ordinance.

Section 7. Penalties.

a. Any person who violates this Ordinance shall be responsible for a municipal civil infraction. Civil sanctions under this section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

1) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75.00, plus other costs, damages, expenses and other sanctions for each infraction.

2) Increased civil fines may be imposed for repeat violations. The increased fine for a first repeat offense shall be not less than \$250.00, plus costs. The increase fine for a second repeat or any subsequent repeat offense shall be not less than \$500.00, plus other costs.

3.) The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

4) A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.

5) Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for term not to exceed 90 days, or both fine and imprisonment.

6) Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 236 of 1961, as amended.

7) A municipal civil infraction is not a crime under this ordinance, and is not a lesser included offence of a criminal offence or an ordinance violation that is not a civil infraction.

8) Each day on which any violation of this ordinance occurs or continues constitutes a separate offense subject to separate sanctions.

Section 8. Declaration of Nuisance.

A violation of any provision of this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the township, and is hereby declared to be a nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law. The township or any owner or owners of real estate within the township may bring an action to enjoin such alleged violation activity.

Section 9. Severability.

It is the legislative intent of the Township Board that all provisions of this Ordinance be liberally construed to protect and preserve the peace, health, safety, and welfare of the inhabitants of the Township. Should any provision of this Ordinance or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remaining provisions, and the remainder of this Ordinance shall stand, notwithstanding the validity of any such provisions.

Section 10. Effective Date.

This Ordinance shall be effective upon thirty (30) days after publication.

Amended: July 10, 2001

Amended: February 11, 2003

Amended: May 7, 2007 (Published May 17, 2007)

Amended: June 12, 2007 (Published June 21, 2007)

Amended: September 8, 2015 (Published September 17, 2015)