

VILLAGE OF GRAND BEACH BEACH REGULATION ORDINANCE

Ordinance No. 2005-66

AN ORDINANCE TO REGULATE AND CONTROL THE USE AND ENJOYMENT OF PUBLIC BEACHES IN THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS, AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF GRAND BEACH ORDAINS:

ARTICLE I ADMINISTRATION

SECTION 1. GENERAL SUPERVISION

A Law Enforcement employee shall have authority to enforce all ordinances, rules, or regulations, pertaining to the beach and activities and no person shall willfully disregard any lawful order to obey this ordinance, any rules, or regulations nor interfere with or hinder any employee while such employee is engaged in his assigned duties and activities.

SECTION 2. RULES AND REGULATIONS

The Village Council may, from time to time, adopt, revise and amend rules or regulations for use of the Beach not in conflict with the provisions of this Ordinance to be observed by all persons using or enjoying the property, facilities and grounds referred to in this Ordinance, which rules and regulations, amendments or revisions thereof shall be printed and posted in a conspicuous place or places or posted on signs on or near the beach, grounds or facilities of the Beach. All such rules and regulations displayed on signs or printed and posted in the Beach shall be given full force and effect under the provisions of this Ordinance as though they were fully set out in this Ordinance and incorporated herein by reference.

ARTICLE II BEACH RULES

SECTION 1. UNLAWFUL CONDUCT

The following acts are deemed unlawful and in violation of this Ordinance and are expressly prohibited anywhere on the Beach; use of profane, obscene, lewd, threatening or abusive language, fighting or quarreling, loud, boisterous, unruly or disorderly conduct, offenses against decency or good morals, carrying, taking or possession of glass bottles or containers of any kind of sort whatsoever upon the beach, littering, dumping or depositing papers, garbage, rubbish or other offensive substances anywhere in the Beach, except in containers expressly provided for that purpose, and the violation of any posted Beach rule, regulation or signs anywhere in the Beach.

SECTION 2. DAMAGE TO PROPERTY

It shall be unlawful for any person to write on, cut, mutilate, deface, damage, remove, or destroy in any manner any equipment, structure, sign, sand or any other property real or personal or any appurtenances thereto, owned or operated by the Village and located upon or in the beach area or belonging to any person and rightfully upon the beach area.

SECTION 3. INJURY TO PLANTS AND TREES

It shall be unlawful for any person to cut, remove, mutilate, damage or injure any trees, shrubs or plantings that are growing and located on the beach.

SECTION 4. BEACH HOURS

The use of the beach shall be restricted to a period two hours before sunrise to two hours after sunset; provided, such hour as may be modified by Resolution, from time to time by the Village Council to address public events or special occasions. After the designated hour for the closing of the beach, all persons within the beach areas shall immediately depart therefrom. Any unauthorized vehicles, unauthorized watercraft, or equipment remaining on the beach after the closing hour or prior to opening hour shall be towed or hauled away and the cost thereof, including reasonable storage fees, shall be assessed against the owner or operator of the vehicle, watercraft or equipment. Further violators of this section shall be subject to a fine as set by the Village Council.

SECTION 5. ANIMALS

It shall be unlawful for any person to permit any domestic animal to run at large on the Beach, nor shall any dog be allowed therein, except on a leash. No person shall permit any domestic animal whether under restraint or not, on any public beach of the Village of Grand Beach, except between the hours of 6:00 P.M. and 11:00 A.M. from May 1st through October 1st of each year.

Further, the owner or person in control of any domestic animal shall remove any animal waste or feces discharged or deposited by such animal on the beach. The depositing of domestic animal waste or feces is declared to be a public nuisance;

No person shall permit any dog to continue any loud and offensive barking which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the beach area. The making or causing of such disturbance is declared to be a public nuisance.

A dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf person or audibly impaired person or a service dog for a physically limited person is not subject to the provisions of this Ordinance. As used in this section, the following terms are defined as:

- (i) "Audibly impaired" means audibly impaired as defined in section 1 of Act No. 82 of the Public Acts of 1981, being section 752.61 of the Michigan Compiled Laws.
- (ii) "Blind person" means a blind person as defined in section 1 of Act No. 260 of the Public Acts of 1978, being section 393.351 of the Michigan Compiled Laws.
- (iii) "Deaf person" means a deaf person as defined in section 1 of Act No. 82 of the Public Acts of 1981, being section 752.61 of the Michigan Compiled Laws.
- (iv) "Physically limited" means physically limited as defined in section 1 of Act No. 1 of the Public Acts of 1966, being section 125.1351 of the Michigan Compiled Laws.

The riding or leading of horses and other riding animals is expressly prohibited anywhere in the Beach area including the roads and streets therein.

SECTION 6. SWIMMING

All swimming by children shall be under the immediate supervision of an adult. Parents or persons *in loco parentis* are responsible for the supervision and safety of minors under their care.

SECTION 7. DIVING FROM PIER

No persons shall at any time “dive” and/or “jump” from the Grand Beach Pier.

SECTION 8. USE OF VEHICLES

No person shall at any time use any beach or dune buggy, snowmobile, automobile, truck, motorcycle or other mechanically propelled vehicle of any kind of sort whatsoever upon the beaches, except on the streets, roads and parking areas adjacent thereto, where such use is limited solely to vehicles used for providing transportation to beach patrons for carrying persons or their equipment into and out of the beach area. No person shall park any motor vehicle within said beach area, other than police and emergency vehicles in the line of duty.

SECTION 9. OFFERING ARTICLES FOR SALE

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy any article or thing or take up any collection or solicit or receive contributions of money or anything of value in the beach areas, except when authorized to do so by a permit obtained from the Village Council.

SECTION 10. FIREARMS AND FIREWORKS

No person shall carry or discharge firearms or discharge or set off any rocket, firecracker or torpedo or other fireworks or things containing any substance of an explosive nature in the beach areas.

SECTION 11. OPEN FIRES

No person shall build or cause to be built any open fires anywhere upon the sand beaches along the water front, except by permit issued by the Grand Beach Police Department in the areas as designated in said permit on the date of the permit. An open fire is defined as any fire not in a grill or fireplace or other receptacle constructed and provided for that purpose. Ashes and coals shall not be dumped or disposed of on the beaches or in the water.

**ARTICLE III
PENALTIES**

SECTION 1. PENALTIES

Any person, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$500.00 or imprisonment not exceeding ninety (90) days or both such fine and imprisonment in the discretion of the Court.

**ARTICLE IV
SAVING CLAUSE**

SECTION 1. SAVING CLAUSE

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part or parts so declared to be invalid.

ARTICLE V

REPEAL

SECTION 1. REPEAL

This Ordinance repeals all Ordinances or part of Ordinances heretofore enacted by the Village of Grand Beach that may be in conflict with this Ordinance.

**ARTICLE VI
EFFECTIVE DATE**

SECTION 1. EFFECTIVE DATE

This Ordinance was adopted by the Village Council of the Village of Grand Beach on the 16th day of November, 2005, and was ordered to be made effective 30 days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16th day of November, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk