

30.0100

**ROAD RIGHTS-OF-WAY
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 39 eff. Aug. 20, 1980**

An Ordinance to regulate the use of certain portions of the public road rights-of-way in the Township in order to promote the general welfare and safety of the public pursuant to the Township's authority contained in MCLA 41.181.

30.0101

Sec. 1 GENERAL

No person shall use that portion of the public road rights-of-way as hereinafter described in any manner contrary to the provisions of this ordinance.
(ord. no. 39 eff. Aug. 20, 1980)

30.0102

Sec. 2 DEFINITION

"Portions of the public road rights-of-way" as used in this ordinance shall mean that part, section, piece, or parcel of unimproved, unpaved, ungraveled, or undeveloped public road rights-of-way which are within the Township and lie between the improved roadway and the shores of public waters.
(ord. no. 39 eff. Aug. 20, 1980)

30.0103

Sec. 3 HOURS OF USE

No person shall use or occupy any such portion of the public road rights-of-way between the hours of ten o'clock p.m. and seven o'clock a.m.
(ord. no. 39 eff. Aug. 20, 1980)

30.0104

Sec. 4 NO FIRES

No person shall cause or maintain any open fires on any such portion of public road rights-of-way. **"Open fire"** as used here shall mean any flame caused by the combustion of any materials, whether liquid or solid, but shall not include any flame incident to smoking tobacco.
(ord. no. 39 eff. Aug. 20, 1980)

30.0105

Sec. 5 NO LITTER

No person shall cause or suffer any litter to remain in any such portion of the public road right of way. **"Litter"** as used here shall have the same meaning as in the common usage. By way of illustration only, litter includes waste paper and empty food or beverage containers.
(ord. no. 39 eff. Aug. 20, 1980)

30.0105A Sec. 5A PETS

No person shall bring any pet, whether owned by the person or under the person's temporary care, control or custody to a portion of the public road right-of-way regulated by this Ordinance except as follows:

1. No pets are permitted on or in the public road rights-of way regulated by this Ordinance during the period from Memorial Day through and including Labor Day of each year.
2. No pets are permitted at any time of the year on or in the portion of the Buchanan Street right-of-way regulated by this Ordinance.
3. All pets on or in the portion of the public road rights-of-way must be under the immediate control of a person. "Immediate control" shall mean:
 - A. That the pet is on a leash which is in the grasp of a person, or
 - B. That the pet is otherwise subject to the control of a person because of training, familiarity, and proximity to the person.
4. All feces deposited or dropped by the pet must be completely cleaned up and removed from the portion of the public road right-of-way. "Completely cleaned up and removed" shall mean that the feces have been picked up from the ground or other area where deposited or dropped by the pet and deposited in a trash container or receptacle, or otherwise removed from the road right-of-way. 'Otherwise removed from the road right-of-way' shall not include depositing the feces in Lake Michigan, the Grand River, or any of the tributaries or bayous of the Grand River."
(ord. no. 39 eff. Aug. 20, 1980; amend. by ord. no. 123 eff. Apr. 22, 1989; amend. by ord. no. 249 eff. Aug. 25, 1996)

30.0105B Sec. 5B RECREATION AREAS

For purposes of this Ordinance, portions of the public road rights-of-way shall be included in the recreation areas for purposes of the Township's Park Rules and Regulations Ordinance, Ordinance No. 59, as amended. In the event there is a conflict between this Ordinance and the terms of the Park Rules and Regulations Ordinance, this Ordinance shall control.
(ord. no. 481 eff. Sept. 13, 2010)

**30.0105C Sec. 5C BUCHANAN STREET PORTION OF THE PUBLIC ROAD
RIGHT-OF-WAY**

In Douglas Kool v Board of Ottawa County Road Commission and the Township of

Grand Haven, Case No. 94-20493-CH, the parties (including the Township) and the Ottawa County Circuit Court approved a Settlement Agreement which limits the use of the Buchanan Street portion of the public road right-of-way to no more than 90 people at any one time. That limitation is incorporated into and made a part of this Ordinance.
(ord. no. 481 eff. Sept. 13, 2010)

30.0106 Sec. 6 VIOLATIONS

Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six (6) months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), an authorized Township official, any law enforcement officer of the Ottawa County Sheriff's Department or the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.
(ord. no. 39 eff. Aug. 20, 1980, amend. by ord. no. 220, eff. June 11, 1995; amend. by ord. no. 487, eff. Dec. 15, 2010)

30.0107 Sec. 7 ENFORCEMENT

An authorized Township official shall be responsible for the enforcement of this Ordinance.
(ord. no. 39 eff. Aug. 20, 1980; amend ord. no. 487 eff. Dec. 15, 2010)

30.0108 Sec. 8 EFFECTIVE DATE

This ordinance shall be effective thirty days after publication in a newspaper of local circulation.
(ord. no. 39 eff. Aug. 20, 1980)