

**VICTORY TOWNSHIP, MASON COUNTY, MICHIGAN****Victory Township Park Regulation Ordinance****Adopted Nov. 5, 1979****Effective Dec. 13, 1979****Revised Aug. 6, 2001(dock permits)****Revised Sept. 10 2012**

An ordinance to establish rules and regulation for the use and maintenance of Victory Township parks, beaches and places of recreation, including the hours which the same shall be open to the public, and provide penalties for the violation thereof.

**THE TOWNSHIP BOARD OF VICTORY TOWNSHIP, MASON COUNTY, MICHIGAN ORDAINS:****SECTION 1. Name.**

This ordinance shall be known as the Victory Township Park Regulation Ordinance, and shall be related to all Township parks.

**SECTION 2. Boats/boat trailers**

- A.) Power boats shall only be launched within the designated launch area.
- B.) Power boats may not operate within 50' of the waters edge at a speed greater than that to maintain control.
- C.) Boat trailers may only be parked within the areas designated for the parking of boat trailers.
- D.) No power loading

**SECTION 3. Tents and Campers**

No tents, travel trailers, or campers shall be allowed overnight accommodation or camping.

**SECTION 4. Animals**

A.) It is prohibited to possess a dog or other animal unless the same shall be under immediate control on a leash; to leave a dog or other animal unattended at any time; to permit a dog or other animal to run loose, create a disturbance or to fail to properly control a dog or other animal. Any dog found not in the possession or under the immediate control of its owner, or the owner's agent, or any dog creating a nuisance or disturbance, may be removed from the park.

- B.) All pet owners are required to properly dispose of their pets' solid waste

**SECTION 5. General use**

- A.) Township property shall not be damaged or defaced and shall be treated with respect for the next user.
- B.) Township parks and places of recreation shall be open from 7 A.M. until 10 P.M. of each day. Special hours may be allowed for sport fishing, contact the Township Supervisor or the Township Clerk with request.
- C.) Any fires for cooking must be made within the grill provided for the purpose or within other privately owned grills which are designed to retain the ashes and prevent there deposit upon the ground.

- D.) All ground based fires shall be within the provided fire rings. Fire rings are not to be moved or used for purposes other than wood burning camp fires.
- E.) Wood(standing or fallen timber) may not be harvested from Township Park property without written consent of a representative of the Township Board.
- F.) Township park users may not bring in or deposit refuse, garbage, or foreign waste materials. Township waste receptacles placed in the park may only be used for the deposit of garbage, refuse or other waste which arise out of the recreational use of the park. Furthermore, it is unlawful to deposit rubbish, refuse, waste, glass, paper, cans, or other debris upon the Township park property or the lake adjoining the park property. All trash and debris must be deposited within the containers provided for that purpose and must not be allowed to remain on the ground. The deposit of fish cleaning by-products into Township receptacles is expressly forbidden.
- G.) No motorized vehicles may be operated within the Township parks excepting;
- 1.) Those that are state-licensed
  - 2.) Those that conform to the conditions set forth in the Victory Township ORV ordinance.
- All vehicles are to be confined to the roadways within the Township parks and must be operated at speeds no greater than 15 miles per hour.
- H.) Hunting and the discharge of firearms within Township parks is prohibited at all times.
- I.) It is prohibited to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace or to disturb or annoy others.

#### SECTION 6. Penalties

Any person, firm or corporation which violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment in the county jail of not more than 90 days, or by both such fine and imprisonment. In addition to the foregoing, any person violating the provisions of this ordinance may be required to leave the Township park or place of recreation by the supervisor in charge thereof.

#### SECTION 7. Validity

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 this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### SECTION 8. Effective Date

This ordinance shall take effect on Dec. 13 1979.  
August 6<sup>th</sup> 2001 revision effective September 6<sup>th</sup> 2001  
September 10<sup>th</sup> 2012 revision effective 30 days after publication

### VICTORY TOWNSHIP BOARD

Supervisor

James Mazur

Clerk

Barbara Egel

Treasurer

Patti Deers

Trustee

Jerome Zaper

Trustee

Willie King



**SUMMARY OF AMENDMENT TO  
VICTORY TOWNSHIP PARK  
REGULATION ORDINANCE**

Victory Township has amended the Park Regulation Ordinance previously adopted November 5, 1979 the following is a summary of the Amendment adopted August 6, 2001:

- The purpose of the Amendment is to provide public access to Township Park property located in Section Six (6) of Victory Township. The ordinance allows property owners adjoining the Township Park property to place docks, subject to the restrictions and conditions stated in the ordinance. The ordinance requires persons receiving dock permits to provide one (1) space for public use for purposes of accessing Township Park property. In addition to public use, permittees will be allowed to use the docks for purposes associated with the adjoining residential uses subject to the restrictions contained in the ordinance. The ordinance provides for a procedure to apply for and for the issuance of permits and specifies the requirements for the issuance of permits, as well as for revocation of permits and for appeals for denials or revocation of permits. A full copy of the ordinance may be reviewed or a copy obtained by contacting Barbara Egeler, Victory Township Clerk, at 4118 North Victory Corner Road, Ludington, Michigan 49431, or by telephone (231) 843-3607.
- The Ordinance provides for penalties for violation of the Ordinance. The Ordinance is effective thirty (30) days from this publication.

**SECTION 5A. Dock Permits.** On April 23, 1917, Warren Cartier and Kate Cartier, his wife, conveyed property to Victory Township "to be used exclusively for park purposes by the residents of said Victory Township and their friends and guests and are to be improved and put in reasonable shape for said purposes by the officers and residents of said Victory Township as their judgment seems best." Much of the property is accessible only from Hamlin Lake. Because Victory Township has limited resources, it is the finding of the Victory Township Board that a reasonable and appropriate way of providing public access to such properties is to grant dock permits to property owners who adjoin such Township property, for the placement of docks on Hamlin Lake so long as such docks can also be used by the public to access the Township Park property. In order to avoid commercial use and to provide adequate surveillance of such docks, permits are only to be issued to properties upon which a residence or cottage is located. Permits may be issued only pursuant to the following regulations.

- a.) **Application.** Property owners that qualify as described below, who wish to place a dock upon the adjoining Victory Township Park property, shall complete and submit an application provided by the Township showing that all of the requirements for the issuance of a permit are met. Along with said application, the applicant shall pay a nonrefundable permit fee of **ONE HUNDRED FIFTY and 00/100 (\$150.00)** Dollars. Applications shall be filed annually and permits shall be issued for the period of April 1 to November 15. In addition, permits shall be issued only for periods when Hamlin Lake levels have been raised to summer levels by the Michigan Department of Natural Resources. The application for a permit shall be signed by all of the owners of the adjoining property for which a permit is being requested.
- b.) **Insurance / Security Deposit.** Along with the application and application fee, the applicant shall submit the following items:
  1. **Liability Insurance.** Proof of liability insurance for the full term of the permit along with proof of payment of all premiums shall be provided insuring Victory Township, including Township officials and employees or agents, in an amount of not less than \$1,000,000.00 for injuries to persons, including death, and an amount not less than \$100,000.00 for damage to property. Such insurance shall be issued by a company acceptable to Victory Township. Such insurance may insure the owners of the adjoining property for which the application is being filed as additional insured. Any such policy shall require the insurer to notify Victory Township at least thirty (30) days prior to cancellation. Such insurance must cover the entire period of the permit and the premium for said term must be paid prior to the issuance of a permit.
  2. **Security Deposit.** A security deposit of **ONE HUNDRED FIFTY and 00/100 (\$150.00)** Dollars shall accompany such application. In the event that the dock subject to the permit is not removed prior to November 16, Victory Township may use the security deposit to remove such dock.



c.) Requirements for Issuance of Permit. In addition to requirements provided above, the applicant for a permit shall supply proof of the following:

1. DNR Approval. Issuance by the Michigan Department of Natural Resources or other applicable State Agency of all permits required under State law.
2. Residential Use. The property for which a permit is requested shall be limited to property upon which a residence or cottage is located. Permits shall not be issued to cottages which are part of a commercial use, including developments of more than one cottage, where such cottages are rented, except where such rental cottages would meet all requirements for a single family residence under the zoning ordinance applicable to such property. Only a permit for one dock shall be issued per residence. Where more than one residence or cottage is located upon the property in common ownership, the Township may issue a permit for one dock applicable to more than one residence or cottage. In addition to the use by the public as provided below, such dock may only be used by the occupants of the residence or cottage, or their guests. Under no circumstances shall such dock or any portion of such dock be rented, leased or otherwise used by other persons.
3. Proof of Ownership. An applicant shall supply Victory Township with proof of ownership of the adjoining property, including a copy of a title insurance policy or opinion of title, along with a copy of the last deed or land contract of record.
4. Prior Violation. No permit shall be issued to any property where the owner of such property has previously been in violation of the provisions of this ordinance or of a prior permit issued pursuant to this ordinance. This provision shall not apply to docks existing at the time of adoption of this ordinance where such owner complies with this ordinance within a reasonable time after notice from the Township.
5. Limited Area. Dock permits will only be issued to property adjoining that portion of the Township Park property located within Section Six (6), Victory Township.
6. Length. No dock shall be of greater length than forty (40) feet.
7. Visible. All docks placed pursuant to a permit issued, shall be at such a height as to be clearly visible. Docks shall be clearly marked with reflectors or similar markings to be visible in low light situations, such as early morning or late evening. Any lights placed on such dock shall be placed in such a way as not to become a nuisance to adjoining property owners or persons using Hamlin Lake.

8. Electrical Connection. In no event shall any electrical service be provided to the docks. All lights or other facilities shall be battery powered only.
9. Safety. All docks must be designed to provide adequate safety for persons using such docks including members of the public, and the Township Board reserves the right to deny a permit where the applicant has not provided sufficient information for the Township Board to be assured of the safety of such dock.
10. Temporary Structure. Any dock placed pursuant to the permit issued under this ordinance shall be temporary and seasonal, and shall be easily removable. No permanent structures shall be placed in connection with the placement of such docks.
11. Posting Permit. Any permit issued for the placement of a dock under this ordinance shall be posted conspicuously either upon the dock or upon a post within 15 feet of the dock. Such permit shall be posted from the time of placement of such dock until the removal of such dock.

d.) Public Use. Between the hours of 7:00 am and 10:00 pm, the owners of all docks for which permits have been issued under this ordinance, shall reserve a minimum space of not less than twenty (20) feet in length on one side of a dock as available for transient use by the public. Such space shall be located at the outer portion of the dock (furthest from land). The person or persons to whom a permit has been issued shall be responsible to provide adequate facilities for the public to tie up to such dock for the purposes set forth in this subsection, which shall be of a transient nature only as described below, and which shall be subject to the restrictions described below in this subsection.

1. Transient Use. Members of the public may, for purposes of accessing the Township Park property, between the hours of 7:00 am and 10:00 pm.
2. Accessing Park Only. Members of the public using such docks to access the adjoining Township Park property may not use the docks for fishing, sunbathing, swimming or for any other purpose than passage to and from the Township Park property.
3. Barriers. No barriers may be placed to impede the access by members of the public to the Township Park property. However, nothing contained in this ordinance or the permit issued pursuant to this ordinance, shall require any permittee to erect or place any additional facilities, in addition to the dock, to enhance such access.

e.) Signs. No signs may be placed on any dock that would indicate or suggest that the dock is for private purposes only, or which would in any way indicate that the Township Park property is private, including no trespassing signs. Nothing contained in this ordinance shall prevent



property owners from placing signs at the boundary of the Township Park property. However, any sign placed upon the adjoining property must clearly indicate that it is the boundary of the Park property. No sign may be placed upon or within five (5) feet of such boundary unless the language of such sign has been approved by Victory Township. Such approval may be withheld if the Township reasonably believes that the sign will discourage the public from using the Township Park property. No signs may be erected upon the Township Park Property except the permit as provided in subsection 5(c) (11).

f.) Inspection. Upon placement of any dock pursuant to a permit issued pursuant to the provisions of this ordinance, the applicant shall notify the Township within three (3) business days. Any applicant, by filing an application, consents to entry of the property of such applicant for which an application is granted, for purposes of inspecting such dock and the adjoining area to insure compliance with this ordinance or any other laws or regulations pertaining to such dock. In the event that the Township shall find that any requirements of this ordinance or any other laws or regulations have not been complied with, or that there are concerns for safety involving the dock, the Township shall notify the applicant of such violation and corrective action reasonably necessary to remove the violation, and shall identify a reasonable date by which all of such violations or safety concerns must be corrected. If the applicant shall fail to make such corrections within such reasonable period of time, the applicant shall be in violation of this ordinance, and such permit may be terminated as provided in subsection 5(g) below.

g.) Revocation of Permit. The Township may revoke a permit in the event that any of the following shall occur:

1. Violation of Ordinance. That the applicant shall be in violation of any of the requirements of this ordinance or the permit issued pursuant to this ordinance.
2. Violation of Law. Any violation of any state or local laws or regulations pertaining to such dock.
3. Termination of Insurance. Termination of liability insurance coverage as required by this ordinance.

h.) Denial / Revocation Procedure. In the event that the Township shall deny the insurance of a permit or shall find that the basis for the revocation of a permit may exist, the Township shall notify the applicant of such denial or intent to revoke the permit. Such notice shall be served ten (10) calendar days prior to the revocation of the permit or following denial in the event a permit is denied. Such notice shall be in writing and shall state the reasons for the action of the Township. If the applicant or permittee shall request a hearing in writing, served upon the Township, within such 10 calendar day period in the event of Notice of Revocation or within ten (10) days of Notice of Denial, the Township Board shall afford the permittee or applicant an opportunity to address the Township Board and to present testimony or other evidence as to why the permittee or applicant believes that the basis for the revocation or denial does not exist. Following such hearing, the Township Board may



1. Issue a permit or determine that the denial stands;
2. Identify requirements to be met for issuance of a permit;
3. Revoke the permit;
4. Order that additional corrective action be taken and the time in which such corrective action must be completed and that failure to complete the corrective action within the time specified would cause the permit to be there upon revoked without further hearings of the Township; or
5. Determine that the basis for revocation does not exist.

i.) Removal of Dock Upon Revocation. Upon revocation of the permit as provided above or upon termination as provided in subparagraph 5(m), the applicant or permittee shall remove the dock and all associated improvements within thirty (30) days of notice by the Township. In the event that such applicant or permittee shall fail to remove the dock or associated improvements within such thirty (30) day period, the Township may do so and may apply the security deposit to the cost of such removal. In the event that such security deposit shall be insufficient to cover the cost of removal, the applicant or permittee shall be liable to the Township for any excess over such security deposit, together with the cost to the Township incurred in collecting such deficiency, including but not limited to reasonable attorney fees and court costs.

j.) Removal of Docks. In addition to removal as provided for revocation or termination of a dock permit, all docks placed pursuant to a permit under this ordinance shall be removed no later than November 15 each year. In the event that any dock shall not be removed by such date, the Township may do so and may apply the security deposit to the cost of such removal. In the event that such security deposit shall be insufficient to cover the cost of removal, the applicant shall be liable to the Township for any excess over such security deposit, together with the cost to the Township incurred in collecting such deficiency, including but not limited to reasonable attorney fees and court costs.

k.) Waiver of Claims. By filing an application for a dock permit pursuant to this ordinance, the applicants shall waive all claims against the Township for any loss or damages resulting from the placement of such docks, for any injuries resulting from such docks, or for any other claim for damages, including but not limited to any determination by a Court that the Township did not have authority to issue such dock permit, or that granting such dock permit violated any provisions of the restrictions contained in the deed conveying the Township Park property to the Township. However, nothing in this ordinance or the granting of any permit shall waive any claim by the Township or the applicants concerning any property rights. The filing of an application shall not be deemed as a waiver of any claimed property rights by the applicants, and the issuance of a permit by the Township shall not be deemed as a waiver of any claims by the Township concerning the Township Park property or the boundaries of such property.

l.) Notices. Any notice authorized or required by this ordinance shall be deemed served as follows:



1. Applicant / Permittee. Upon the applicant or permittee by service upon the person designated in the application to receive service, or when mailed by first class mail, addressed to the person at the address identified in the application.
2. Township. Upon the Township when served upon the Township Clerk.
3. Time. Service shall be deemed given when served personally or one (1) day following the deposit with the U.S. Postal Service, postage prepaid.
4. Address. In the event that an address provided in an application ceases to be a correct address, an applicant or permittee shall immediately notify the Township of a change in address. In the event that service is not received by an applicant or permittee by reason of the failure of an applicant or permittee to provide the Township with such new address, service shall be deemed completed one (1) day following mailing as provided above, even though the applicant or permittee never receives such notice.

m.) Conflicts. In the event that the requirements of this ordinance shall vary from any other laws or regulations, the most restrictive provisions shall apply. Nothing in this ordinance shall relieve an applicant from meeting all requirements of state or federal laws or regulations, or other local ordinances or regulations. In the event that any Court shall determine that any other laws or regulations substantially preempt this ordinance, or in the event that any Court of competent jurisdiction shall hold that the Township does not have the authority or right to issue such dock permit or that such dock permit would violate the restrictions contained in the deed granting the property to the Township all permits issued pursuant to this ordinance shall immediately terminate.

n.) Assignment. A permit issued pursuant to the terms of this ordinance shall not be assignable. In the event that any property shall be sold or transferred, whether by sale, devise or otherwise, the permit issued for such property shall terminate and a new permit must be applied for by the successor in interest. Nothing in the issuance of a permit shall obligate or require the Township to issue a permit to any successor in interest, and such successor in interest must meet all of the requirements of this ordinance.

o.) Amendments. This ordinance may be amended from time to time. Any permit issued prior to any such amendment shall be subject to all the terms and conditions of any amendments to this ordinance, as if incorporated in the permit as initially issued.

p) Prohibited Docks. All docks located upon the property owned by Victory Township other than docks placed by the Township or docks placed pursuant to a permit issued under the ordinance are prohibited.

**SECTION 6. Penalties.** Any person, firm or corporation which violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail not to exceed 90 days, or by both such fine and imprisonment. In addition to the foregoing, any person violating the provisions of this ordinance may be required to leave the Township park or place of recreation by the supervisor in charge thereof. In addition the Township shall have the right to enjoin any violation of this Ordinance by proceeding in Circuit Court for Mason County effective thirty (30) days after publication.