

**TOWNSHIP OF MARTIN**

**ORDINANCE NO 108**

**AN ORDINANCE TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF PUBLIC HEALTH, SAFETY AND WELFARE, CAMPGROUNDS IN MARTIN TOWNSHIP, COUNTY OF ALLEGAN, STATE OF MICHIGAN.**

**ADOPTED: April 11, 2012**

**EFFECTIVE: \_\_\_\_\_, 2012**

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1.     Title. This Ordinance ("Ordinance") shall be known and cited as the "Martin Township Campground Ordinance."

Section 2.     Purpose. The Board ("Board") of Martin Township (the "Township") finds and declares that the interests of the public health, safety and welfare of the citizens of Martin Township require the regulation, licensing and control of campgrounds located within the Township.

Section 3.     Definitions.

"Campground" means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.

"Department" means the Michigan Department of Environmental Quality.

"Licensee" means any person to whom the Department issues a campground permit.

"Recreational unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mount on or drawn by another vehicle which is self-powered.

"Tent" means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

Section 4.     License Required. A person shall not operate a campground in the Township without first obtaining a campground license from the Department, its agent or representative, or a representative of a designated local health department.

Section 5. Location. A campground shall not be located where it may be detrimental to the public health, safety, or welfare. No campground may be located on a parcel or tract of land containing an area of less than 20 acres. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, or existing primary road.

Section 6. Roads and vehicles. A licensee shall provide a road right-of-way that is not less than 20 feet wide. A licensee shall ensure that the right-of-way is free of obstructions and provides free and easy access to abutting sites. A campground owner shall provide space for vehicle parking on the same parcel as the campground equal to a minimum ratio of 1.5 times the number of sites in a campground.

Section 7. Water and Sewer Facilities. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities. If no public water and sewer exists, an acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department of Health.

Section 8. Water Supplies. A licensee shall provide a potable water supply in accordance with Act No. 399 of the Public Acts of 1976, as amended, being MCL 325.1001 *et seq.*, rules promulgated thereunder, being R 325.10101 *et seq.*

Section 9. Sewage and Wasterwater Control. A licensee shall comply with all applicable statutes and rules regulating the methods and facilities for the collection, treatment, and disposal of sewage and other wastewater. A licensee shall ensure that the nature, capacity, maintenance, and operation of the methods and facilities do no create unlawful pollution of the waters of the state, a nuisance condition, or a menace to health or safety.

Section 10. Rules and Regulations. The campground shall be in compliance with Section 11.3 of the Martin Township Zoning Ordinance; the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health, including R 325.1551, *et seq.*, Campgrounds; and any other applicable provision of state or local law.

Section 11. Violations. It shall be unlawful for a licensee, his employee, or any other person to knowingly:

- a. Advertise, promote or offer or sell site space in or to a campground not licensed by the Department.
- b. Set up a recreational unit or otherwise engage in any form of camping on a campground not licensed by the Department.
- c. Conduct or operate a campground in such a manner as to create a public or private nuisance.

d. Conduct or permit, within the campground, any obscene display, exhibition, show, play, entertainment or amusement.

e. Permit any person at the campground to cause or create a disturbance in, around, or near the campground by obscene or disorderly conduct.

f. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the campground.

g. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other controlled substances as defined by state law on the campground.

Any of the above-enumerated violations is a separate offense, is a nuisance *per se* immediately enjoined in the circuit courts. Without limiting the foregoing, any violation of this ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or by both such fine and imprisonment. It is further provided that any of the above violations is a sufficient basis for the immediate enjoining in the circuit court of the campground.

Section 12. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 13. Non-Repeal. This Ordinance shall not be construed to repeal by implication any other ordinances of the Township of Martin pertaining to the same or similar subject matter.

Section 14. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Martin, Michigan.

Moved by Tiemeyer, seconded by Brenner, that the foregoing Ordinance be adopted.

YEAS: Brenner, Sipple, Coburn, Tiemeyer, and Leep

NAYS:

ABSENT:

That the Ordinance as set forth above was adopted by the Township Board of the Township of Martin in regular session on April 11, 2012, and that it was published in the Penassee Globe on \_\_\_\_\_, 2012. Further, I certify that the attested copy of the Ordinance was filed with the Township Clerk on April 11, 2012.

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Carrie Coburn  
Martin Township Clerk

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