

BUTMAN TOWNSHIP
GLADWIN, MICHIGAN

ORDINANCE #10

AN ORDINANCE PROHIBITING FISHING, SWIMMING, GATHERING, LOITERING, PARKING, CLIMBING, STANDING, DIVING, AND ANY OTHER RECREATIONAL ACTIVITY FROM OR ON THE BRIDGE LOCATED UPON HOCKADAY ROAD, BUTMAN TOWNSHIP, GLADWIN COUNTY, MICHIGAN AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

The Township of Butman, Gladwin County, Michigan, Ordains:

Section I DEFINITIONS:

- A. This ordinance shall be known as the "No fishing, loitering, and swimming ordinance" in its short form
- B. For the purposes of this ordinance the following terms shall have the following meanings.
 1. Fishing: The art or practice of catching fish from their natural state in the water.
 2. Swimming: To move along in, or float in water by movement of bodily limbs.
 3. Gather: To bring persons together into one company or aggregate; to get together from various places or sources; collect gradually.
 4. Recreational Activity: An exercise or event entered into or attended by an individual or persons with the purpose of refreshment by means of some pastime, agreeable expenditure of energy, or of the like.
 5. Parking: The stopping of a motor vehicle (as defined by the Michigan Motor Vehicle Code and its Amendments) upon the bridge or its entry way for any purpose other than a recognized emergency involving injury to persons and /or property.
 6. Loitering: The activity of lingering idly or aimlessly in or about a place.
 7. Dive: To plunge or cause to be plunged into water.
 8. Jump: To spring or leap from a support.

9. Bridge: A structure spanning Lake Lander, and being further part of Hockaday Road, Butman Township, Michigan.
10. Climbing: To mount or ascend, especially by using both hands and feet.
11. Person: This term shall include all natural persons, firms, copartnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, servant or employee shall except as herein otherwise provided, shall be liable as principal.

Section II ENABLING AUTHORITY:

This ordinance is a recognition of a township government's responsibility in protecting the health and safety of its citizens, further, this ordinance is adopted pursuant to Act No. 246 of Public Acts of 1945 and amendments thereto, being sections 41.181 to 41.183 and Act No 191 of Public Acts of 1939, and amendments thereto, being sections 41.191 to sections 41.192 of compiled laws.

Section III VIOLATIONS:

It Shall be Unlawful:

1. For any person to fish from the bridge or its entrance way at any time of the day or nights.
2. For any persons to swim, pump or dive from the bridge or climb upon same at any time of the day or night.
3. For any persons to stand, gather, or loiter upon the bridge at any time of the day or night
4. For any person to park or stop a motor vehicle on the bridge or its immediate entryway at any time except for recognized emergency purposes.
5. For any person to conduct any recreational activity from the bridge at any time of the day or night.

Section IV PENALTIES:

Any violation of the provisions of this ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or imprisonment in the county jail not to exceed 90 days, or by both such fine and imprisonment.

Section V VALIDITY OF ORDINANCE

Should be section, sentence, clause, phrase, portion or provision of this ordinance be declared invalid or unconstitutional by court of competent jurisdiction, such section, sentence, clause, phrase, portion or provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of remaining portions of such section of this ordinance or any part thereof other than the part so declared to be invalid or unconstitutional.

Section VI EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from publication hereof.

Henry J Mailley

Township Supervisor

Janet Eslick

Township Clerk

Date: September 6, 1994