

AU TRAIN TOWNSHIP, ALGER COUNTY, MICHIGAN  
ORDINANCE 2020-001

AN ORDINANCE PROHIBITING FISHING, GATHERING, LOITERING, PARKING, CLIMBING, STANDING, DIVING, AND ANY OTHER RECREATIONAL ACTIVITY FROM OR ON THE BRIDGE LOCATED UPON STATE HIGHWAY M28 AT AU TRAIN RIVER, RAILROAD TRESTLE UPON STATE HIGHWAY M28 AT AU TRAIN RIVER, DOUCETTE BRIDGE ON AU TRAIN FOREST LAKE ROAD AND CAMERON BRIDGE ON AU TRAIN FOREST LAKE ROAD, AU TRAIN TOWNSHIP, ALGER COUNTY, MICHIGAN AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

The Township of Au Train, Alger County, Michigan, Ordains:

Section I DEFINITIONS:

- A. This ordinance shall be known as the “No jumping, diving, fishing, throwing and loitering ordinance” in its short form;
- B. For the purposes of this ordinance the following terms shall have the following meanings.
  1. Fishing: The art of practice of catching fish from their natural state in the water.
  2. Jump: To spring or leap from a support.
  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. Bridge: A structure spanning over a body of water in Au Train Township, Alger County, Michigan.
  9. Climbing: To mount or ascend, especially by using both hands and feet.

10. 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 as it relates to the following bridges: STATE HIGHWAY M28 AT AU TRAIN RIVER, RAILROAD TRESTLE UPON STATE HIGHWAY M28 AT AU TRAIN RIVER, DOUCETTE BRIDGE ON AU TRAIN FOREST LAKE ROAD AND CAMERON BRIDGE ON AU TRAIN FOREST LAKE ROAD, AU TRAIN TOWNSHIP, ALGER COUNTY:

1. For any person to fish from the State Highway M28 at the Au Train River bridge at any time of the day or night.
2. For any persons to jump or dive from any bridge, as noted above, or climb upon same at any time of the day or night.
3. For any persons to stand, gather, or loiter upon any bridge, as noted above, at any time of the day or night
4. For any person to park or stop a motor vehicle on any bridge or its immediate entryway, as noted above, at any time except for recognized emergency purposes.
5. For any person to conduct any recreational activity from any bridge, as noted above, at any time of the day or night.
6. For any person to throw, drop or cause to be thrown or dropped any object or projectile from any public bridge located within the Township of Au Train.

#### 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 any 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 take effect on November 20, 2020.

Approved by the Au Train Township Board at a Regular Board Meeting held on October 12, 2020

Motion made for approval by: Trustee Carr

Second: Trustee Miller

Ayes: Carr, Miller, Doucette, Cota, Johnson

Nays: None

Motion declared passed by the Au Train Township Supervisor.

By: Mary Walther Johnson, Au Train Township Clerk

Date: October 12, 2020

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