

OFFENSES

51.000 **TOWNSHIP TRESPASS ORDINANCE NO. 110**

Adopted: October 10, 1989
Effective: November 23, 1989

An Ordinance to protect the public health, safety and general welfare of the persons and property of the Township of Cooper by prohibiting certain trespasses upon property within the Township of Cooper through regulating the operation of motorized vehicles upon such property; to provide for penalties for the violation of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

A. Title

This Ordinance shall be known and cited as the Cooper Township Trespass Ordinance.

B. Purpose

The purpose of this Ordinance is to prohibit certain trespasses on private or public property within the Township by any person or persons on motorized vehicles, and is adopted pursuant to the authority of Act No. 246 of the Public Acts of 1945 & Act No. 359 of the Public Acts of 1947 of the State of Michigan, as amended.

C. Definitions (As used in this Ordinance:)

Trespass means going or entering upon the lands owned or leased by another, or public lands, without the express permission of the owner, other than upon public roads, except in cases of fire, police or medical emergencies, or in conjunction with maintenance and operation of public utilities by employees of such public utilities in the normal course of their duties.

Motorized Vehicle means any snowmobile, trail bike, motor scooter, motor bike, motorcycle, dune buggy, or any other vehicle modified, designed or actually used for travel off of a public road.

Private Property means any land, title to which is held by one or more natural persons or corporations, co-partnerships, voluntary associations or other entities.

Public Land includes any real property owned, leased or operated by the State of Michigan or any political subdivision thereof and includes, but is not limited to, township parks and property owned by school districts.

Owner in the case of motorized vehicles, includes both the Lessor and the Lessee or contract purchaser, and, in the case of private property, includes the titleholder, land contract vendee and Lessee.

Registered Owner means that person, firm, corporation or other entity in whose name the license plates upon the vehicle or the title to the vehicle are registered by the appropriate means.

Person shall mean natural person, corporation, firm, partnership or other entity.

D. Regulation (Amended by Ord. No. 209)

- 1. No person shall trespass on private or public property located within the Charter Township of Cooper.
- 2. No person, using a motor vehicle, shall trespass on private or public property in the Charter Township of Cooper and no owner or operator of a motorized vehicle shall permit the same to trespass on private or public property in the Charter Township of Cooper.
- 3. No property owner shall be required to post property as private property of “no trespassing.”
- 4. Persons having the written consent of a property owner for entry onto private or public property must have supporting documentation in their possession and provide same upon the request of any Peace Officer or person with authority to enforce this Ordinance.
- 5. No person shall, by any means, assist, aid, abet, allow, permit or encourage any other person to violate the provisions of this Ordinance. Any person who does so shall be deemed responsible for violation of this Ordinance.

E. Enforcement; violations and penalties

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense.....	\$ 75.00
Second offense within three years of first offense.....	\$ 150.00
Third offense within three-year period.....	\$ 325.00
Fourth offense within three-year period.....	\$ 500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance. (Amended by Ord. No. 132)

F. Severability

Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, unconstitutional or of no force and effect, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

G. Effective date and repeal

This Ordinance took effect November 23, 1989. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 132, Eff. 08/25/1994]

[Amended by Ord. No. 209, Eff. 30 days after publication]