

CHARTER TOWNSHIP OF HAMPTON ORDINANCE NUMBER 20

HORTON TRESPASS ORDINANCE

An Ordinance to regulate trespass upon any lands or within the limits of the right of way of any public highway adjoining or abutting upon such lands; to prohibit the posting or enclosing of lands except by the owner or lessee of lands or by his authorized agents; and to provide for the public peace, health, safety and general welfare of persons or property in the Charter Township of Hampton, Bay County, Michigan.

NOW, THEREFORE, the Charter Township of Hampton, Bay County, Michigan, ordains:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and cited as the "Horton Trespass Ordinance".

SECTION 2. FARM LANDS AND WOOD LOTS; HUNTING OR FISHING CLUB LANDS; PRIVATE WATERS; FISHING, HUNTING, POSTING OR ENCLOSING WITHOUT CONSENT PROHIBITED; PUBLIC HIGHWAY, DEFINITION, POSSESSION OR DISCHARGE OF LOADED FIREARM PROHIBITED.

A person shall not fish in any private lake, pond or stream, nor hunt with firearms or dogs, or in any other manner, upon any farm lands or farm wood lots connected therewith or within the enclosed and conspicuously posted lands of any hunting or fishing club without the consent of the owner or lessee of such lands. No person shall, without due authority for posting or enclosing from the owner or lessee of any lands in this Township, erect posters or enclosed lands so as to prohibit the public enjoyment of hunting, trapping, fishing or other recreational activities on said lands. No hunter shall possess a loaded firearm or discharge same within the right of way of any public highway or abutting upon any lands without the consent of the owner or lessee of such abutting lands. The term "public highway" as used in this Ordinance, shall be deemed to be any road or highway under the jurisdiction of the State Highway Department or the Road Commission of Bay County.

SECTION 3. WRONGFUL POSTING OF RESTRICTIONS; PENALTY.

Any person who, knowingly has no legal right to do so, posts or causes to be posted, signs or notices restricting or purporting to restrict or prohibit hunting, fishing or trespassing on any lands, public or private, shall be guilty of a misdemeanor.

SECTION 4. HUNTING WITHOUT LAND OWNER'S OR LESSEE'S CONSENT,
PREREQUISITES TO PROHIBITION.

A person shall not knowingly enter in or remain upon any lands of another for the purpose of hunting in any manner without the consent of the owner or lessee of the lands under any of the following conditions:

(a) The lands are fenced or enclosed in a manner to exclude intruders.

(b) Notice to stay off or leave if personally communicated to him by the owner or lessee of the lands or some authorized person.

(c) Notice against trespass if given by posting in a conspicuous manner.

SECTION 5. OPERATION OF SNOWMOBILE ON LANDS OF ANOTHER;
PREREQUISITES TO PROHIBITION.

While operating a snowmobile, a person shall not enter in or remain upon premises under any of the following conditions:

(a) The premises are enclosed in a manner so designed to exclude intruders.

(b) The premises are fenced.

(c) The premises are posted in a conspicuous manner against entry.

(d) Notice against trespass if personally communicated to him by the owner or lessee of the land or other authorized person.

SECTION 6. PROSECUTIONS, FORM, COURT, LIMITATIONS.

All prosecutions under this Ordinance shall be in the name of the People of the State, and shall be brought before the District Court for the County of Bay, State of Michigan, and within one (1) year from the time the offense charged was committed.

SECTION 7. PENALTY.

Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction

thereof shall be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars, and may be committed to the County Jail until such fine and costs of the proceedings are paid; not exceeding thirty (30) days; and for a second or any subsequent conviction, he shall be punished by a fine of not exceeding One Hundred (\$100.00) Dollars, and in addition thereto shall be imprisoned in the County Jail for a period of not more than thirty (30) days.

SECTION 8 SEPARABILITY.

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

SECTION 9. ORDINANCES REPEALED.

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that the within Ordinance is not to be construed as being in conflict with the provisions of the Charter Township of Hampton Ordinance Number 19, being the Discharge of Dangerous Weapons Ordinance. Furthermore, pursuant to and in accordance with Ordinance Number 19, it shall still be unlawful to discharge dangerous weapons in that area of the Township which lies West of Pine Street from Youngs Ditch Road on the South to Nebobish Road on the North.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication thereof.

C E R T I F I C A T I O N

I, ELLA JANE MARTINI, as Clerk for the Charter Township of Hampton, Bay County, Michigan, hereby certify the following relative to the foregoing Ordinance:

1. That same was introduced by the Charter Township of Hampton Board on the 19th day of June, 1972;
2. That same was published in The Bay City Times on the 23rd day of June, 1972;

3. That same was adopted by the Charter Township of Hampton Board on the 26th day of June, 1972; and

30th 4. That same was published in The Bay City Times on the day of June, 1972.

Ella Jane Martini
ELLA JANE MARTINI, Clerk
Charter Township of Hampton
Bay County, Michigan