

The Garfield Township Board of Kalkaska County

GARFIELD TOWNSHIP PARK ORDINANCE #5

AN ORDINANCE TO REGULATE CONDUCT IN PUBLIC PARKS, FOR THE USE, PROTECTION, REGULATION AND CONTROL OF PARKS SERVICES, FACILITIES AND PARKS, RECREATION, CONSERVATION, EDUCATION, HISTORIC, AND SCENIC AREAS.

Section 01 Title: This Ordinance shall be known as the “Garfield Township of Kalkaska County Public Park Ordinance”

Section 02 Definitions:

Camping: The overnight lodging or sleeping of a person or persons on the ground, in a sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any conveyance erected, parked or placed within any park.

Parks Board: The Garfield Township Parks Board.

Motor Vehicle: Any vehicle which is self-propelled by any means whatever, including all devices in, upon, or by which any person or property may be transported or drawn, excluding wheelchairs or other ambulatory assistance devices.

Park, Park Property and Township Park Property: Any property, real or personal, owned by the Township, to include buildings, bridges, tables, benches, paving, public utilities, monuments, tributes, water/sewer/electric lines, recreation equipment and signs, and identified as a park or natural area in the Parks and Recreation Master Plan.

Parking: The stopping or standing of a vehicle whether occupied or not”.

Rules and Regulations: Written rules and regulations and any amendments thereto concerning the use and maintenance of township park property, adopted by the Parks Board and approved by the township board. Copies will be available to the public at the Town Hall and the Clerk’s Office.

Section 03 Emergency Powers: The Township may establish emergency rules necessary to protect the health, safety and welfare of Park visitors and to protect Park Property, including but not limited to, ordering all persons off Park Property, and closing all or portions of a Park.

Section 04 Township Park Personnel: Nothing contained in this ordinance shall be construed as prohibiting Township employees, recognized volunteers or agent of the Township from performing work or activities at any Township Park at a time and in a manner directed by the

Township Board. No person shall interfere with, or in any manner hinder, any employee or agent of the Township while performing their official duties, which include the enforcement of this Ordinance.

Section 05 Recreation Activities: All recreation activities taking place with the Township Park Property, scheduled or unscheduled, shall be under the supervision of the Parks and Recreation Board and the Township Board and any regulations promulgated therein.

Section 06 Special Park Permits:

- (a) The Township Board may grant a permit for a special Park uses which are otherwise prohibited by this Ordinance, when, in its sole discretion, the township board determines that adequate sanitary and safety precautions will be taken, that the activity will not unreasonably interfere with the use of the Park and neighboring property owners, and that there is adequate security against damages to Township Park Property and the Township.
- (b) An activity which involves an exhibition or performance which may reasonably be expected to cause large numbers of persons to congregate shall be considered a special park use requiring a permit under this ordinance. Outdoor gatherings of persons in excess of 300 in number must also comply with the provisions and requirements of Garfield Township's Ordinance Number 7 (Outdoor Gathering Ordinance) which regulates such assemblies.
- (c) Application for a special park permit shall be made 60 days in advance of the time the special park use is being requested.

Section 07 Fees and Charges: Fees and charges may be assessed for the use of any Township Park Property, Park facility, land, natural area or program in accordance with the Townships Schedule of Fees.

Section 08 Sanitation: No person shall dump, deposit or leave therein any debris, bottle, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or household refuse on the grounds of any Township Park Property. Approved Township trash receptacles are provided for the disposal of the rubbish, trash or waste resulting from activities conducted at the Park. Such trash Receptacles are NOT for household refuse and the dumping, depositing or use of such trash receptacles for such purpose is prohibited and shall be deemed a violation of this Ordinance. If no approved Township receptacle is provided, all such debris, rubbish, trash or waste shall be carried away from the park by the person(s) responsible for its presence and legally disposed of elsewhere.

Section 9 Intoxicating Beverages: No person shall:

- (a) Have in their possession, or use, or sell any alcoholic or intoxicating beverages, unless a special use permit (section 7) has been approved by the Township Board.
- (b) Appear in any Park while under the influence of intoxicants, drugs, narcotics or possess, use, sell or distribute any drugs or narcotics while within any Township Park Property.

Section 10 Hours of Operation: No person shall remain upon Township Park Property between sundown and sunrise, except by a special park use permit. In unusual circumstances and emergencies, the Township Police Department shall have the authority to declare any section of the Park, or the entire Park, closed as is reasonably necessary.

Section 11 Removal from Park: No person shall create a disturbance which will unreasonably impair the quiet enjoyment or lawful pursuit of other members of the public using the Park. The Township Police Department shall have the authority to eject disorderly persons from any Township Park Property and person(s) acting in violation of this Ordinance.

Section 12 Reservation of Facilities: A group or gathering of ten or more persons may use an area within a Park, to the limited exclusion of others, only by a special use permit in accordance with the rules and regulations on reservations. The use of any athletic field within Township Park Property for organized competition or practice shall be by Park use permit.

Section 13 Destruction of Park Property: No person on Township Park Property shall damage, deface, destroy or remove any shrub, tree, flower or natural resource or other public property. Throwing or depositing trash or litter on Township Park Property except in designated containers is prohibited.

Section 14 Hunting, Weapons and Park Wildlife:(subject to all state and local laws) No person on Township Park Property shall hunt, trap, catch, wound or kill or attempt to trap, catch, wound or kill any bird or animal or molest or rob any nest of any bird or any lair, den or burrow of any animal. Fishing shall be allowed in any Township Park. Any use or practicing with any weaponry is prohibited on any Township Park Property.

Section 15 Dogs and Other Pets.

- (a) *Permitted.* Dogs/Pets may be brought upon Park Property, unless posted otherwise.
- (b) *Control.* Any dog or Pet on Park Property shall be on a leash of six feet or less and shall be under the immediate control of a competent person at all times.
- (c) *Pet Feces.* Any person having custody of a dog on Park Property shall immediately remove a feces deposited by such dog or Pet on any public footpath, athletic field,

picnic area, playground or other area frequented by the public and shall dispose of same in a sanitary manner.

- (d) Application to Guide, Service and Leader Dogs. This section does not prohibit the use of guide dogs, service dogs or leader dogs as provided and defined in the Michigan Penal Code (MCL 750.502c).
- (e) *Other Animals.* No person shall allow any cows, sheep, horses, goats, pigs or any other hoofed animal, large or small, to enter or remain on any Township Park Property.

Section 16 Bicycles: Unless posted otherwise, bicycles may be ridden in any Township Park and shall remain upon designated paths, trails and roadways.

Section 17 Motor Vehicle Traffic and Parking:

No person shall:

- (a) Fail to comply with all applicable provisions of the Uniform Traffic Code;
- (b) Fail to obey all traffic officers and Park/Township employees directing traffic whenever and wherever needed as provided by the Chief of Police in supplementary regulations.
- (c) Fail to obey all traffic control devices indicating speed, direction, caution, stopping or parking pursuant to the orders of the Chief of Police.
- (d) Drive any motor vehicle, motorcycle or other motorized conveyance on any area except Park roads or parking areas or other areas specifically designated by the Chief of Police.
- (e) Operate any motorized vehicle on any designated pathway or trail.
- (f) Leave, or cause to be left, any motor vehicle upon park property when the park is closed. The Garfield Police Department is authorized to remove any such motor vehicle at the owner's expense.
- (g) Park vehicles in any area of the Park, other than those designated Parking Areas; roadways will not be blocked and Parking Area pattern will be complied with.
- (h) Township approved maintenance/security vehicles are exempt from these provisions.

Section 18 Camping: No person shall camp on any Township Park Property, except in designated areas for such purposes and in accordance with the rules and regulations on camping in parks and public grounds.

Section 19 Fires: The following provisions shall govern fires on the Township Park Property:

- (1) No person shall willfully set or cause to be set on fire any tree, woodland, brush land, grassland or meadow within Park Property.
- (2) No person shall drop, throw or otherwise scatter lit cigarettes, matches, or cigars or any other freely burning material within Park Property.

- (3) No person shall build any fire within Park Property except in designated grills, fire pits, receptacles or open spaces designated for such purpose. All cooking within Park Property shall be restricted to Township supplied grills.
- (4) Fires within Park Property shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.
- (5) Fires within Park Property are subject to the Fire Danger conditions and restrictions set forth by the DNR.

Section 20 Fireworks: No person shall fire, discharge or have in their possession any rocket, firecracker, torpedo, squib or other firework of any nature, including any substance of an explosive nature within Park Property.

Section 21 Model Airplanes and Drones: No person shall operate a motorized model airplane or Drone on Township Park Property without prior approval of the Township Board.

Section 22 Loudspeakers: No person shall use a loudspeaker, public address system or amplifier within Park Property without a special park use permit.

Section 23 Golfing: No person shall hit, drive or putt golf balls in any Township Park Property.

Section 24 Peddling and Soliciting: No person on Park Property shall peddle or solicit business of any nature whatsoever, distribute handbills or other advertising matter, post any unauthorized sign on any Park Property, water, structure or property, or use such land, water, structure or property for peddling or soliciting without a special park use permit.

Section 25 Installation, Construction or Maintenance: No installation, construction or maintenance shall be made above or below ground or across Township Park Property by any person, except duly authorized park personnel, without prior written permission of the Township for such installation, construction or maintenance in detail the work to be done and any conditions to be met.

Section 26 Penalties: Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) dollars for each offence.

Violation of any state law, township or county ordinance or any of the provisions herein shall be enforced by Township Supervisor, Township, State or County Police Departments.

Section 27 Severability: The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the

particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 28 Effective date: This ordinance shall take effect on April 8th, 2018. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

THIS ORDINANCE IS DECLARED ADOPTED ON FEBRUARY 8, 2016, BY VOTE OF THE GARFIELD TOWNSHIP BOARD OF TRUSTEES.

Yeas 5, nays 0,

Juanita Persons, Clerk for Garfield Township

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Juanita Persons, the duly elected Clerk of the Township of Garfield, Kalkaska County, MI, certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Garfield on February 8, 2018. That said meeting was conducted and a public notice of said meeting was given pursuant to and in full compliance with the open meetings act, being Act 267 Public acts of Michigan, 1976 and the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on March 8th, 2018 in The Kalkaska Review, a newspaper circulated in the Township of Garfield.

Juanita Persons, Clerk