

LAKETON TOWNSHIP ORDINANCE #14

PUBLIC PARKS

AN ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS; PROVIDING FOR ENFORCEMENT; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

The Township Board of Laketon Township, Muskegon County, Michigan, ordains:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as “Laketon Township Ordinance Regulating Conduct in Public Parks and Township Hall Property”.

SECTION 2. DEFINITIONS.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

(1) “Township” is the Township of Laketon, County of Muskegon, State of Michigan.

(2) “Park” is a park, reservation, playground, beach, recreation center or any other area in the Township, owned or used by the Township, and devoted to active or passive recreation.

(3) “Township Hall” refers to the Laketon Township Hall and its adjacent and adjoining property located at 2735 W. Giles Road, Township of Laketon, County of Muskegon, State of Michigan.

(4) “Person” is any person, firm, partnership, association, corporation, company or organization of any kind.

(5) “Vehicle” is any wheeled conveyance or snowmobile whether motor powered, animal drawn, or self propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the Township Parks and Township Hall.

SECTION 3. PARK PROPERTY AND TOWNSHIP HALL PROPERTY.

No person in a park or at the Township Hall shall:

(1) Buildings and other Property

(a) Disfiguration and Removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of Natural Resources. Dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downed timber or other wood or material, or make any excavation by tool, equipment, blasting, or other means or agency.

(d) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

(2) Trees, Shrubbery, Lawns.

(a) Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing Trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences, gun carriages or upon any other property not designated or customarily used for such purposes.

(c) Hitching of Animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild Animals, Birds, etc.

(a) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.

(b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substance.

SECTION 4. SANITATION.

No person in a park or upon Township Hall property shall:

(1) Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and Trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or

Township Hall property, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park or Township Hall property by the person responsible for its presence, and properly disposed of elsewhere.

SECTION 5, RECREATIONAL ACTIVITIES.

No person in a park or upon Township Hall property shall:

(1) Bathing and Swimming.

(a) Designated Areas. Swim, bath, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. NO shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Township Supervisor by the finding that such use of the water would be dangerous or otherwise inadvisable.

(b) Certain Hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Township Supervisor for such purposes for each individual area.

(c) Structure on Beach. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(d) Costume. Allow himself to be so covered with a bathing suit as to indecently expose his person or call forth merited criticism. No person shall appear in bathing costume at any place in the parts or Township Hall property except within the limits of designated bathing places or areas, and all bathing costumes shall conform to commonly accepted standards.

(e) Bathhouses. Dress or undress on any beach, or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(2) Boating.

(a) Designated Areas. Bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the Township Supervisor. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(b) Public Docks. Use the public docks for dockage or other purpose without first making arrangements for such accommodation with the Township Supervisor, who shall assign space and collect reasonable rental charges in conformity with established regulations and rates.

(c) Operation of Boats. Navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten the occupants of any other boat.

(d) Prohibition During Closing Hours. Launch, dock, or operate any boat of any kind on any waters between the closing hour of park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the said closed hours of the park.

(3) Fishing.

(a) Commerce Prohibited. Engage in commercial fishing, or the buying or selling of fish caught in any waters.

(b) General Prohibition. Fish in any waters, whether fresh or salt, and whether by the use of hook and line, net, trap, or other device, except in waters designated by the Township Supervisor for that use and under such regulations and restrictions as have been or may be prescribed by the Township Supervisor.

(c) Offshore. Fish offshore from the lake beaches except from such portions thereof as may be staked off and posted therefor, nor shall any person at any time fish in any area where bathing is permitted.

(4) Hunting and Firearms. Hunt, trap or pursue wildlife at any time. No person shall use, carry, or possess firearms of any descriptions, or air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas or Township Hall property from beyond the park or Township Hall properties is forbidden.

(5) Picnic Areas and Use.

(a) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulations that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first serve".

(c) Nonexclusive. Use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(d) Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(6) Camping. Camp in other than permanent cabins for organized camping, which might be provided by the Township in its discretion, and used by groups of persons under adequate supervision. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park or upon Township Hall property after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as housetrailer, camp trailer, camp wagon, or the like.

(7) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects, balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football or baseball is prohibited except on the fields or courts or areas provided therefor.

(8) Horseback Riding. Ride a horse except on designated bridal trails which might be established in the discretion of the Township. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

SECTION 6. BEHAVIOR.

No person in a park or upon Township property shall:

(1) Intoxicating Beverages.

(a) Prohibition. Have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park or upon Township Hall property.

(b) Exceptions. At certain specifically designated recreation centers where meals or luncheons are served under concession privileges the sale of alcoholic beverages by such concessionaire may be permitted under the strict regulation and control of the Township Supervisor.

(c) Drunkenness. Have entered or be under the influence of intoxicating liquor.

(2) Fireworks and Explosives. Brought, or have in his possession, or set off or otherwise cause to explode or discharge, any firecracker, torpedo, or rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(3) Domestic Animals. Have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "domestic animals permitted in this area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than ten feet in length.

(4) Dress. Appear at any place in proper clothing.

(5) Alms. Shall solicit alms or contributions for any purpose, whether public or private.

(6) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Township Supervisor. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or Township Hall property area or on any highway, road or street abutting or contiguous thereto.

(7) Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

SECTION 7. MERCHANDISING, ADVERTISING AND SIGNS.

No person in a park or upon Township Hall property shall:

(1) Vending and Peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by the authority or regulation of the Township Supervisor.

(2) Advertising. Announce, advertise, call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any signs, placard, advertisement, or inscription whatever nor shall any person erect or cause to be erected any sign whatever on public lands or highways or roads adjacent to a park.

SECTION 8. OPERATING POLICY.

(1) Powers. The park and Township Hall property shall be open those parts of the year as designated by the Laketon Township Park Commission between 7 A.M. to 12 P.M. of any one day; and it shall be unlawful for any person, or persons (other than Township personnel conducting Township business therein), to occupy or be present in said park or Township Hall property during any hours in which the park or Township Hall is not open to the public.

Any section or part of the park or Township Hall property, may be declared closed to the public by the Township Supervisor at any time and for any interval of time, either temporarily or at regular or stated intervals.

(2) Group Activity. Whenever any group, association or organization desires to use the park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit from the Township Supervisor for such purposes. The Township Board may adopt an application form to be used by the Township Supervisor in such situations.

The Township Supervisor shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the said group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the Township from any liability of any kind or character and to protect Township Property from damage.

The Township Supervisor shall have the authority to revoke a permit on a finding of violation of any rule or ordinance, or upon good cause shown.

SECTION 9. WINTER PROGRAM.

The Township Supervisor or Township Board may conduct or permit winter ice skating, sliding or snowmobiling program in or on the area generally used for swimming; in such event, the

Township Supervisor may permit the park to be open during reasonable hours for such purposes.

SECTION 10. TRAFFIC.

No person in a park or upon Township Hall property shall:

(1) State motor vehicle laws apply. Fail to comply with all applicable provisions of the State motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances. Except as otherwise provided, no motor vehicle or snowmobile shall be operated within any Township park or upon Township Hall property unless said motor vehicle or snowmobile is registered by the owner pursuant to any and all registration requirements of any and all public acts of the State of Michigan.

(2) No person shall operate a motor vehicle or snowmobile within any Township park or upon Township Hall property except upon the roadways within the park or upon the Township Hall property or within a roadway or path which may be specially designated as a snowmobile trail by appropriate markings, erected and maintained by the Township.

(3) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the Township Supervisor may designate, by posted signs, for speedier travel.

(4) Parking in Designated Areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of the attendant who may be present.

(5) Bicycles Confined to Roads. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. The bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

SECTION 11. VALIDITY.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

SECTION 12. PENALTY.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment in the County jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

SECTION 13. EFFECTIVE DATE.

This ordinance shall take effect 30 days after its publication. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Kyran J. Kane, Township Clerk

Authority:

Michigan Compiled Laws 41.181:

Michigan Statues Annotated 5.45(1)

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