ORDINANCE NO. 01-03

PARK ORDINANCE

AN ORDINANCE TO ESTABLISH THE PARK BOARD; TO PRESCRIBE CERTAIN DUTIES; TO SET TERMS OF OFFICE; TO PROVIDE FOR THE MAINTENANCE, MANAGEMENT AND CONTROL OF PARKS AND PLACES OF RECREATION WITHIN ROBINSON TOWNSHIP; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. Name of Ordinance. This Ordinance shall be known as the "Robinson Township Park Ordinance" or the "Park Ordinance."

Section 2. Citizen Participation; Park Board Established.

A. To afford citizen participation in the affairs of the Township government for the purpose of determining community needs and means of meeting such needs through the government of the Township, a Park Board is established. For the purposes of this Ordinance, the Park Board shall be referred to as the "Board."

B. The Board shall be comprised of five citizens of the Township who have qualifications required by law for elective officers of the Township. No person shall serve on the Board and serve on any other board or commission of the Township. The terms of members of the Board shall be for four years, and shall be so arranged that the terms of three members of the Board shall expire in one year, and the terms of the other two members of the Board shall expire two years later. The members of the Board shall be appointed by the Township Board, and they shall receive no compensation for their services to the Township, unless otherwise expressly provided by the Township Board. The members of the Board shall be allowed reasonable and actual expenses when incurred on behalf of the Township and approved by the Township Board. The Township Board may appoint such additional non-voting members to the Board as the Township Board deems desirable. Such non-voting members may serve on another board or commission of the Township.

C. The Board shall hold at least two meetings per year, and the minutes of each meeting shall be filed with the Township Clerk as a public record. If any member of the Board fails to attend four consecutive Board meetings, that member's membership on the Board shall be

subject to immediate termination by the Township Board, in which case the vacancy for the balance of the member's term shall be filled as set forth in Section 2.B above. The Township Board may remove any member of the Board for malfeasance, misfeasance, or nonfeasance.

Section 3. Park Board; Scope of Duties.

A. The Board shall consider the problems and functions of the Township. The Board shall, from time to time, on its own motion or at the request of the Township Board, make investigations, reports, and recommendations to the Township Board. If the Township Board desires that any matter be investigated by more than one board or commission of the Township, such referrals may be made for the purpose of giving the Township Board the benefit of a full investigation of all aspects of any matter. In performing its duties and functions, the Board shall be entitled to the benefit of the facilities and experience of the Township administrative staff, the Township Planning Commission, and all other sources of information in the Township bearing upon the scope of such duties and functions. In any other lawful way requested by the Township Board, the Board shall assist the Township Board to exercise its authority under Section 1 of Act 156 of the Michigan Public Acts of 1917, as amended, to " . . . operate a system of public recreation and playgrounds. . . ."

B. The Township Board shall provide in each annual budget of the Township for the operation and conduct of the Township's parks and recreation properties, facilities and programs. The Township Board shall appropriate for that purpose those amounts which will assure the operation and maintenance of the Township's parks and recreation properties, facilities and programs in a manner consistent with the needs and the financial resources of the Township.

C. The Township Board may join and cooperate with local school districts and with any other unit of government in the operation, maintenance and improvement of park and recreation property and facilities, and in the conduct of recreational programs.

Section 4. Definition of Proper Written Permission. Proper written permission as used in these rules means a written permit issued by the Board.

Section 5. Parks and Places of Recreation; Miscellaneous Unlawful Acts. The following acts are declared to be unlawful and are expressly prohibited in Township parks and places of recreation except as authorized by proper written permission.

A. No person may enter, use, or occupy Township parks or places of recreation for any purposes when the lands are posted against such entry, use or occupancy, as determined and posted by the Board.

B. No person may enter or remain in a Township park or place of recreation between the hours of 10:00 p.m. and 7:30 a.m. unless otherwise permitted by posted notice.

C. No person may consume liquor in a Township park or place of recreation unless otherwise permitted by posted notice. Any person who shall be found in or upon any such public place having in the person's possession an open receptacle or container containing any alcoholic liquor shall be deemed guilty of a violation of this subsection. For purposes of this Section, the phrase "alcoholic liquor" means any spiritous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one percent or more of alcohol by volume which are fit for use for beverage purposes.

D. No person may peddle or systematically solicit business of any nature, distribute handbills or other advertising matter, post signs, or establish a base of commercial operations in a Township park or place of recreation without proper written permission. In considering whether or not permission shall be granted, the following will be considered by the Board:

1. Interference with the safety;

2. Health and welfare of the public;

3. Need for the service; and

4. Whether the service will be a duplication of services available.

E. No person may use a loudspeaker, public address system or sound amplifying equipment of any kind without proper written permission. Permission will not be granted if the system is capable of interfering with the use and enjoyment of a Township park or place of recreation by others. No person may operate any motorboat, motor vehicle, radio, television or any device in such a manner that it produces excessive noise.

F. No person may engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace, or disturb or annoy others, or obstruct the free passage of others by lounging, sitting or laying upon walks, passages, steps or porches.

G. No person may build fire except in designated places or in approved stoves or grills, unless otherwise approved by an authorized representative of the Board.

H. No person may deposit refuse or waste material which has originated outside a Township park or place of recreation in receptacles provided for users of the Township park or place of recreation, set fire to the contents of a refuse basket or trash container or place or burn garbage in a fire ring or stove.

I. No person may store or leave a boat without first obtaining proper written permission. Permission will be granted only in cases of emergency.

J. No person may operate or cause to be operated any motor vehicle in excess of five miles per hour.

Section 6. Motor Vehicles; Miscellaneous Unlawful Acts. The following acts are declared to be unlawful and are expressly prohibited in Township parks and places of recreation except as authorized by proper written permission.

A. No person may operate or park a motor vehicle except on roads or designated parking areas; operate a motor vehicle on a park road or parking lot at a speed exceeding five miles per hour, in an unsafe manner, at a speed greater than that posted, or in disobedience of traffic signs. When a motor vehicle is found parked in a Township park or place of recreation, the registration plate displayed on the motor vehicle shall constitute prima facie evidence that the owner of the vehicle was the person who parked it on the location where found.

B. No person may operate an off-the-road motor-driven vehicle such as a minibike, motorcycle, dunemobile, snowmobile, converted snowmobile, amphibious vehicle, or any motored device except on designated roads, trails or areas posted for such use.

Section 7. Animals, Miscellaneous Unlawful Acts. The following acts are declared to be unlawful and are expressly prohibited in Township parks and places of recreation except as authorized by proper written permission.

A. No person may possess a dog or other animal unless the same shall be under immediate control on a leash not exceeding six feet in length; bring a dog or other animal into an enclosed park building or leave a dog or other animal unattended at any time; permit a dog or other animal to run loose or create a disturbance; or fail to properly control a dog or other animal. Any dog or other animal found not in the possession or under the immediate control of its owner, or the owner's agent, or any dog creating a nuisance or disturbance, may be removed from the Township park or place of recreation.

B. No person may ride, permit or allow horses or other riding animals, except on bridle trails designated by the Board.

Section 8. Firearms and Hunting; Miscellaneous Unlawful Acts. The following acts are declared to be unlawful and are expressly prohibited in Township parks and places of recreation except as authorized by proper written permission.

A. No person may possess a firearm of any kind or description.

B. No person may shoot and/or discharge an air gun, gas gun, springloaded gun, slingshot or archery equipment.

C. No person may hunt, trap, kill, wound, capture or intentionally disturb any bird, animal or other wildlife.

Section 9. Unlawful Assembly, Permit Required. Proper written permission is required for any of the following in Township parks and places of recreation:

A. A gathering of 30 or more persons;

B. Any play, performance or demonstration open to the general public;

C. Any public meeting or public assembly open to the general public; and

D. Any parade.

Any violation of the provisions of this Section shall constitute an unlawful assembly of persons.

Section 10. Injury to Property; Miscellaneous Unlawful Acts. The following acts are declared to be unlawful and are expressly prohibited in Township parks and places of recreation.

No person shall write on, cut, mutilate, deface, damage, remove, or destroy in any manner, any building, equipment, structure, fountain, fence, bench, masonry, statue, ornament, or any other property, real or personal, or any appurtenances thereto, owned or operated by the Township, and located in any Township park or place of recreation, or belonging to any person and rightfully in such park or place of recreation.

Section 11. Injury to Plants and Trees; Miscellaneous Unlawful Acts. The following acts are declared to be unlawful and are expressly prohibited in Township parks and places of recreation.

No person who is not an employee of the Township, or who is not authorized to do so, shall pull, pluck, break, trample, climb into, remove, injure, mutilate, or destroy any trees, shrubs, plants,

vines, hedge, flowers, or fruit, whether wild or cultivated. No such person shall cut, break down, bend, damage the bark, or trim any sapling, tree, shrub, or plant, or any limb, branch, twig, or leaf thereof, that is growing and located in any Township park or place of recreation.

Section 12. Penalty. Any person who violates a provision of this Ordinance or fails to comply with any of its requirements shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a fine of $50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations. A repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violations shall be as follows:

A. The fine for any offense which is a first repeat offense shall be $250.00, plus costs and other sanctions;

B. The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be $500.00, plus costs and other sanctions.

The Township Supervisor, Township Constables, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court).

Section 13. Administrative Liability. No officer, agent or employee of the Township shall be personally liable for any damage that may occur to any person as a result of any act required or permitted in the discharge of duties in the enforcement of this Ordinance.

Section 14. Severability. This Ordinance and its various parts, Sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, Section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 15. Repeal. All resolutions, ordinances or orders or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed in their entirety to the extent of such conflict.

Section 16. Effective Date. This Ordinance was adopted by the Township Board on December 17, 2001, ~~2002~~. This Ordinance is ordered to take effect on the 31st day after publication in *The Grand Haven Tribune*, a newspaper having general circulation in the Township, pursuant to the provisions of Act 246 of the Public Acts of 1945, as amended.

Christopher Kuncaitis
Township Supervisor

Jackie Frye
Township Clerk

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