

ORDINANCE NO. 9-98

An ordinance to provide for the use, protection, regulation and control of the public parks and park facilities.

The Township of Bear Creek, Emmet County, Michigan, ordains:

Section 1. SHORT TITLE.

This ordinance may be known and referred to as the Bear Creek Township Park Ordinance.

Section 2. HOURS.

All township park property shall be open from 6:00 a.m. - 11:00 p.m. each day, from April 1 through November 1 of each year. No person or vehicle shall enter or remain upon any township park property at any time other than as permitted by this ordinance without permission from the township.

Section 3. PROTECTION OF PROPERTY.

A. Destruction of buildings, markers, monuments and other properties shall be prohibited, and no person shall, on township park property:

1. Willfully destroy, deface, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze, marking, or designate any boundary line, survey line, or reference point.
2. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, plumbing, doors, railings, or any other fixture or structure.
3. Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon township park property.

B. Destruction of plant life and natural surroundings shall be prohibited and no person shall:

1. Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
2. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, without written permission of the township or its agent.

C. The following rules shall apply to fires on township park property:

1. No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the township park property.
2. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or upon any township park property.

Section 4. PROTECTION OF WILDLIFE.

It shall be unlawful for any person while on township park property to:

- A. Cause any animal or fowl to run at large.
- B. Allow his or her dog or pet to enter any public building or to be upon any designated beach, except a trained and working leader dog.
- C. Bring, drive, lead or carry any dog or other animal or pet which is unleashed, or upon a leash more than six feet in length, upon township park property. All such animals must be under the immediate control of a competent person at all times.
- D. Torture, ill-treat or neglect any animal or fowl.
- E. No person shall hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow of any animal in or upon any township park property.

All game, animals, fowl and birds, hunted, killed, taken or destroyed, bought, sold, bartered, or had in possession, contrary to any of the provisions hereof, shall be and the same are declared to be contraband and the same shall be turned over to the Michigan Department of Natural Resources for disposal. Provided further that any weapon or object carried or used by any person in violation of these rules shall be subject to seizure by the township or its agents and disposed of according to law.

Section 5. REGULATIONS GOVERNING SPORTS, GAMES, ACTIVITIES AND OTHER USES.

No person shall:

- A. Swim, bathe, or wade in any of the watercourses, lakes, ponds, or sloughs located within or upon any township park property.
- B. Bring glass bottles onto township park property.

Section 6. BOATING.

No person shall bring into, use or navigate any boat, yacht, canoe, raft or other watercraft upon any watercourse, lagoon, lake, pond or slough located within or upon township park property except at such time and places as may be provided or designated for such purpose. All watercraft shall comply with and be used in compliance with Public Act 303 of 1967, as amended, and such regulations as may be adopted under the authority of the Act.

Section 8. TRAFFIC AND PARKING.

Parking in prohibited areas; standing for loading or unloading In certain places.

A. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.

B. It shall be unlawful to park any vehicle in any area which is designated as a prohibited parking area.

Motor-driven vehicles

It shall be unlawful for any person to:

A. Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas.

B. Operate any motor-driven sled, toboggan, or snowmobile on any township park property except where permitted by posted notice.

C. Operate any vehicle upon township park property, including but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.

D. Drive any vehicle upon township park property while using the influence of intoxicating liquor or narcotic, drug, barbital or any derivative of barbital.

E. Drive any vehicle upon township park property while his ability to do so has been impaired by the use of intoxicating liquor or by the use of drugs or narcotics.

F. Operate any motor vehicle upon township park property while his license to so operate has been suspended or revoked by the State of Michigan.

G. Operate a motor vehicle upon township park property without having a valid operator's license, motor vehicle registration certificate and proof of the minimum liability coverage or uninsured motor vehicle fee as required by the State of Michigan vehicle code in his possession.

H. Operate any vehicle upon township park property contrary to posted traffic signs, symbols, rules or regulations or marked roadways.

I. Operate any motor vehicle in any manner upon township park property which result in excessive noise or disturbs the peace, quiet or tranquility of the area.

J. Continuously cruise in any motor-driven vehicle in, through and around township park property for the purpose of attracting or distracting persons or visitors using and enjoying township park property for legitimate purposes permitted under this ordinance.

K. Operate a motor vehicle or motorcycle at a speed greater than posted, or greater than that which is reasonable and prudent.

Section 9. TRESPASS.

A. *Peddling and soliciting*-It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any township park property.

B. *Unlawful obstruction*-No person, firm or corporation shall by force, threats, intimidations, unlawful fencing, enclosing, or by any other means prevent or obstruct any person from entering, leaving or making full use of any township park property.

C. *Hindering employees*-No person shall interfere with or in any manner hinder any employee or agent of the township while performing their official duties.

D. *Alcoholic beverages, drugs*-No person shall have in their possession any intoxicating beverage while in or upon township park property in areas determined by the township and designated by posting at the main entrance or other conspicuous place to be areas in which no alcoholic beverages are permitted.

No person shall sell, use or have in his possession any drug or narcotic; the sale, use or possession of which is prohibited by state law.

G. *Personal conduct*

1. It shall be unlawful for any person to be under the influence of intoxicants, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any township park property.
2. It shall be unlawful to conduct or participate in any form of gambling, lottery or game of chance upon township park property.

H. *Use of loudspeaker*-It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon township park property without a written permit issued by the township or its agent.

I. *Fireworks*-No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon township park property unless the township or its authorized agent shall have authorized same by the issuance of a permit therefore.

J. *Firearms*-No person shall at any time, bring into or upon township park property, nor have in his or her possession, or discharge, or set off anywhere upon said property, a revolver, pistol, shotgun, rifle, air gun, water gun or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by air, explosive substance or any other force, provided, however, that this section shall not apply to any deputy sheriff, police officer, peace officer, park ranger, or other duly appointed law enforcement officer while carrying out the duties and responsibilities of his position nor to any person while on or in those areas which may from time to time be designated as hunting areas by the township or while upon designated target ranges or areas.

K. *Littering and pollution of waters*-It shall be unlawful:

1. To discard or deposit refuse of any kind or nature, in or upon the township park property except by placing said refuse in containers provided for such purpose.
2. To throw, cast, lay, drop or discharge into or leave in waters of any township park property any substance, matter or thing, liquid or solid which may result in the pollution of said waters.
3. To bring household refuse onto township park property or place it in the township park refuse containers.

L. *Skating and coasting*

1. No person shall use roller skates within or upon township park property except at such times and upon such places as may be designated or maintained therefore.
2. No person shall skate, sled, walk or go upon any ice, or snowshoe, or ski except at such times and upon such places as may be designated or maintained therefore.
3. No person shall within or upon township park property coast, with handsleds, bobs, carts, or other vehicles, on wheels or runners, except at such times and upon such places as may be designated or maintained therefore.

M. *Public exhibition*-No person shall exhibit any machine or show, or any animal, or indulge in any acrobatic exhibitions in or upon any township park property, nor shall any person carry on any performance or do anything whatsoever which shall cause persons to congregate so as to interfere with the proper use of such property by the general public or to obstruct the passage of vehicles or persons without first having obtained written permission from the township or its agent.

N. *Special permits*-No erection, construction or maintenance shall be made above or below ground, across or beneath township park property by any person, firm, or corporation without first having obtained written permission from the township authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

O. *Emergency Powers*-Nothing in these rules shall:

1. Prohibit or hinder duly authorized agents of the township or any peace officers from performing their official duties.
2. Prohibit the township from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property; including, but not limited to, the right of the township to order all persons off township park property, and close all or any portion of said park.

Section 10. ENFORCEMENT

Fines and imprisonment-Any person violating any provision of the foregoing rules shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500 and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days, or both, for each offense.

Section 11. DEFINITIONS

A. "Township" shall mean the Bear Creek Township Board.

B. "Township park property" shall mean all lands, waters, and property administered as park land by or under the jurisdiction of Bear Creek Township.

C. "Person" or "persons" shall mean individuals, male or female, singular or plural; firms, corporations, or any group or gathering of individuals.

D. "Rules" shall mean the rules adopted by Bear Creek Township applicable to all township park property and all amendments thereto.

Section 12

4.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 13. EFFECTIVE DATE

This ordinance shall be published as required by law, to become effective on the date of the final publication.

Adopted this 7th day of January, 1998

This ordinance duly adopted on January 7, 1998 at a regular meeting of the Bear Creek Township Board and will become effective _____, 1998.

Date: _____, 1998

Signed:

Judy Mays
Clerk of the Township of Bear Creek

Attested:

Al Foster
Supervisor of the Township of Bear Creek

BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN

BEAR CREEK TOWNSHIP PARK ORDINANCE AMENDMENT

On January 7, 1998, Bear Creek Township adopted a Township Park Ordinance, No. 9-98. Bear Creek Township hereby ordains that Section 10 of its Township Park Ordinance is amended to read as follows:

Section 10: ENFORCEMENT AND PENALTIES

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$500.00, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law. Each day that a violation occurs shall be considered a separate violation.

- B. The Township Supervisor or any other designee of the Township Board are authorized to enforce this Ordinance and are authorized to issue citations for violations. The issuance of a citation for a municipal civil infraction shall not in any way limit the Township from seeking enforcement of this Ordinance in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this Ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this Ordinance.

Except as amended by this Ordinance Amendment, all provisions of the Bear Creek Township Park Ordinance shall remain the same as originally adopted. All Ordinances or parts of Ordinances in conflict with this Ordinance Amendment are repealed to the extent necessary to give this Ordinance Amendment full force and effect. This Ordinance Amendment shall become effective thirty (30) days after publication as required by law. A copy of the Bear Creek Township Park Ordinance, as amended by this Ordinance Amendment, may be inspected or obtained at the Bear Creek Township Hall.

6.

Clerk's Certification

I hereby certify this Ordinance Amendment was adopted by the Bear Creek Township Board at a regular meeting held on May 3, 2000, and that the vote was as follows:

FOR:

AGAINST:

I further certify this Ordinance Amendment was published in the Petoskey News-Review on _____, 2000.

Judy Mays
Bear Creek Township Clerk