

Whiteford Township, Monroe County Michigan

Amendment of the Whiteford Township Park Ordinance

Ordinance Number 51-A

An ordinance to provide for the use, protection, regulation and control of the public parks and park facilities and other matters concerning recreation, conservation, education, and historic and scenic areas within Whiteford Township; to provide for the adoption of supplementary rules and regulations and other matters related to the use and conduct on park property in Whiteford Township, Monroe County, Michigan; to amend Ordinance 51 in its entirety; to provide penalties for the violation of said ordinance; and repeal all ordinances in conflict therewith.

The TOWNSHIP OF WHITEFORD, MONROE COUNTY, MICHIGAN ORDAINS:

Section 1: Short Title

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

Section 2. Definitions.

The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Manager means the manager of the parks of Whiteford Township, and, where applicable, his/her designee. The manager shall be appointed by the Whiteford Township Board of Trustees and shall be responsible for the management, operation, use and maintenance of the Whiteford Township Park facilities.

Event means any performance, ceremony, presentation, meeting, rally or reception held in a township Park facility.

Exhibit means any display of artwork, including but not limited to paintings, sculptures, arts and crafts, and photographs; public service and educational presentations; and historical displays.

Park facility shall mean any park, parkway, trail, railway, building, land, structure and/or equipment under the supervision of the manager of the parks.

Organization means any for-profit corporation, nonprofit corporation, limited liability company, partnership, or sole proprietorship, and persons accompanying such organization.

Park means any of the public parks located in Whiteford township.

Security means constable, sheriff, police officers, and civilian guards employed by the township.

Trail means a paved or earthen path to be used for non-motorized recreation located in a Park.

Section 3. Violation of rules.

It shall be unlawful for any Person or Organization to violate any duly adopted rule or regulation governing conduct in any Park.

Section 4. Operating hours and closed areas.

- (a) Parks and trails shall be open to the public every day of the year from 6:00 a.m. to 10:00 p.m., unless otherwise permitted by the manager in writing or unless otherwise posted. The opening and closing hours for each individual park and trail shall be posted therein for public information.
- (b) Any park, trail, or section thereof may be declared closed to the public by the manager at any time and for any interval of time, either temporarily or at regular stated intervals (daily or otherwise), either entirely or merely for specific uses, as the manager shall find reasonably necessary.
- (c) It shall be unlawful for any person to use, occupy, frequent, loiter in or be in any Park in the township unless the Park is officially open to the general public.

Section 5. Permits; application; criteria.

A permit is required for outdoor use of Park facilities, including park pavilions, or any other structure located on any township-owned property, for an Exhibit or an Event:

- (1) *Application.* Applications for Park facility reservation permits shall be filed with the Clerk at the Whiteford Township Hall. Reservations will be taken on a first come first serve basis. Such applications shall be sworn to and shall state:
 - a. The name of the person or organization wishing to conduct such activity.
 - b. If the activity is proposed to be conducted for, or on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible head of such organization.
 - c. The name, address and telephone number of the person who will be chairperson of such activity and who will be responsible for its conduct.
 - d. The name, address and telephone number of the person to whom the permit is to be issued.
 - e. The date when such activity is to be conducted.
 - f. The Park facility for which such permit is desired.
 - g. An estimate of the anticipated attendance.
 - h. The hour when such activity will start and terminate.
- (2) *Criteria for issuance.* The manager shall issue a permit under the following conditions:
 - a. Reservations shall be taken on a first come first served basis.
 - b. The proposed activity or use of the Park facility will not unreasonably interfere with or detract from the general public's enjoyment of the Park facility.
 - c. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - d. The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
 - e. The proposed activity will not entail unusual, extraordinary or burdensome expense or Security by the township.
 - f. The proposed activity will not create noise to the extent that it unreasonably disturbs persons within the township.
 - g. The facilities desired have not been reserved for other use on the days and at hours requested on the application.

- h. The application has been accompanied by a nonrefundable Park facility permit application fee, in an amount to be set by a township board resolution.
 - i. Based on the information disclosed on the application, the manager may require that the applicant obtain an insurance policy covering the event and naming the township as an additional insured.
- (3) *Liability of permittee.* The person or organization to which a permit is issued shall be liable for any loss, damage or injury to any person or property whatsoever by reason of the negligence, gross negligence, or recklessness of the person or organization to whom such permit shall have been issued or any guests.
- (4) *Revocation.* The Township board or its designee shall have the authority to revoke a permit for any of the following causes:
- a. Fraud, misrepresentation or false statements contained in the application for the permit.
 - b. The failure to comply with the provisions of ordinances of the township or laws of the state.
 - c. The person or organization that received the permit attempts to transfer the permit to any other person or organization not named on the permit.
 - d. The permittee or a designee is not present for the entire specified use, and/or fails to present the permit upon request of the manager or Security during the permitted use.

Section 6. Damaging or tampering with buildings or other property.

Deliberate marking, defacing, disfiguring, injuring, tampering with, displacing, or removing any park building, trail, bridge, table, bench, fireplace, railing, public utility or appurtenance, sign, notice or placard, or other structure or equipment, facility, or park property whatsoever is a violation of this ordinance.

Section 7. Damaging trees, shrubbery or lawns.

- (a) The cutting, carving, damaging, transplanting, or removing of any tree or plant in a Park is prohibited. Digging or otherwise disturbing grass areas, or in any other way injuring or impairing the natural beauty or usefulness of any area in the Parks is prohibited.
- (c) Storing or abandoning any vehicle, including all recreational vehicle, at any Park, or in any manner performing maintenance to any vehicle at a Park is prohibited.

Section 8. Disposal of refuse.

- (a) Improper disposal or depositing of litter, refuse or trash in any Park except into public trash receptacles is prohibited.
- (b) Where public trash receptacles are not provided, all such litter, refuse and trash shall be carried away from the Park by the person responsible for its presence and properly disposed of elsewhere.

Section 9. Use of picnic areas and Picnic Pavilions.

A picnic area and picnic pavilion shall be used on a first come, first served basis unless the area is designated for a permitted use.

Section 10. Camping.

Camping is prohibited without a written permit from the Whiteford Township Board of Trustees or its designee.

Section 11. Horseback riding.

Horseback riding at a Park or on a trail, unless allowed as part of an Event sanctioned by the manager, is prohibited.

Section 12. Domestic animals.

All pets in Parks are to be kept on a leash. No pets, with the exception of a service dog, are allowed on the baseball diamonds or soccer fields. The person who owns or is in charge of the pet must pick up all droppings.

Section 13. Fires.

Starting or maintaining a fire in any Park, except in picnic stoves, fireplaces or other such containers designed for such purposes, is prohibited.

Section 14. Conducting amusement for gain.

No amusement for gain or for which consideration is exchanged shall be conducted in any Park facility without first obtaining a permit.

Section 15. Alcoholic beverages and Controlled Substances.

Possessing or consuming any alcoholic beverages, including spirits, liquor, beer or wine, in any township Park is prohibited. Selling, using or possessing any drug, narcotic or other controlled substance, the sale, use or possession of which is prohibited by state law, is prohibited.

Section 16. Off-road vehicles.

Operating at a Park any off-road motor-driven vehicle, including, but not limited to, a mini bike, dirt bike, dune mobile, dune buggy, all-terrain vehicle, snowmobile, converted snowmobile or similar motorized device is prohibited in a Park.

Section 17. Fireworks.

Discharging any firecracker, sparkler, squib, torpedo, or other firework in a Park is prohibited, unless specifically authorized by the township board or its designee.

Section 18. Operation of bicycles.

- (a) Bicycles shall be operated in a safe manner and as closely to the right hand side of any path, trail, roadway or designated bikeway area as conditions will permit.
- (b) Bicycles may be operated upon such paths, trails, or roadway as may be posted allowing such use.

Section 19. Parking and Speed Limit.

- (a) Parking in a loading zone is prohibited.
- (b) The maximum speed limit for all vehicles in a Park is ten miles per hour, unless otherwise posted.

Section 20. Peddling and soliciting.

Individuals or groups seeking signatures for petitions or distributing literature may do so as long as:

- (1) A free flow of traffic, persons, etc. is maintained to effectively manage crowd control.
- (2) Individuals do not harass or pester park attendees after an initial offer or attempt to engage in communication has been declined.
- (3) Literature is not allowed to become litter.

Section 21. Hunting and Shooting.

Hunting or shooting for sport at any Park is prohibited.

Section 22. Penalties.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous, similar violation.

Section 23. Severability.

If a court of competent jurisdiction declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the township to impose.

Section 24. Repeal of Conflicting Provisions and Effective Date.

This Ordinance shall take effect 30 days after the publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

This Ordinance was offered for adoption by Donald Sahloff and was seconded by Tim Hill, the vote being as follows:

YEAS: Sahloff, Hill, Heidelberg, Christensen, Ruhl

NAYS: 0

ABSENT / ABSTAIN: 0

This Ordinance is hereby declared to have been adopted and passed by the Township Board of the Township of Whiteford, County of Monroe, State of Michigan, at a regular meeting thereof duly called and held on the 19th day of August, 2014.



Walter Ruhl, Supervisor
Whiteford Township, Michigan

ATTESTED:

I, Angela Christensen, Whiteford Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Whiteford Township board on the 19th day of August, 2014.



Angela Christensen, Clerk
Whiteford Township, Michigan

ADOPTED: August 19, 2014

PUBLISHED: August 26, 2014

EFFECTIVE: September 26, 2014