

ORDINANCE NO. 39
PUBLIC PARKS ORDINANCE

*Williamstown Township
Ingham County, Michigan*

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Williamstown Township
Ingham County, Michigan

PUBLIC PARKS ORDINANCE

Ordinance No. 39

An Ordinance to regulate the use of Township parks and park property, to identify permitted activities within parks, to establish guidelines governing the permitted activities, to provide for use of permits and setting fees for such permits, and to prescribe penalties for the violation of the provisions of this Ordinance.

THE WILLIAMSTOWN TOWNSHIP BOARD, INGHAM COUNTY, MICHIGAN ORDAINS:

Article I
TITLE AND PURPOSE

Section 1.01 – Title

This Ordinance may be known and referred to as the "Williamstown Township Parks Ordinance".

Section 1.02 – Purpose

The purpose of this Ordinance is to promote proper use and protect and preserve the cultural and natural features of Township parks and park property for the enjoyment and use of all citizens.

Article II
DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them:

Athletic Fields: Soccer, football, baseball, softball and similar sports or athletic facilities, including accessory facilities, such as park pavilions.

Board or Township Board: The Supervisor, Clerk, Treasurer and Trustees of the Township of Williamstown, Ingham County, Michigan.

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

Commission or Planning Commission: The Williamstown Township Planning Commission.

Motor Vehicle: Any vehicle that 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 or devices moved exclusively by human power.

Park, Public Park, Park Property or Township Park Property: Any property owned, managed, controlled, or operated by Williamstown Township and delineated as a park or natural area in the Williamstown Township Parks and Recreation Master Plan. Hereinafter, all such areas are referred to as "Park" or "Parks" in this Ordinance.

Parking or Parked: A vehicle that remains standing, whether occupied or not, when not loading or unloading.

Parking Area or Parking Lot: Any off-street area, whether paved or not, which is designed for parking of motor vehicles.

Person: Any individual, firm, partnership, association, corporation, company, organization or any group or gathering of individuals.

Qualified Community Organization: Any 501(C)(3) organization that promotes or sponsors athletic, recreational, or social activities, primarily in service to Township residents.

Resident User Teams: A group of players consisting primarily of residents of the Township.

Rules and Regulations: Written rules and regulations, and amendments thereto, concerning the use and maintenance of Township Parks and Park property, adopted by the Planning Commission and approved by the Township Board of Trustees, copies of which are available to the public at the Township municipal office.

Township: Williamstown Township, Ingham County, Michigan.

User Team: A group of players that participates in an organization that is located out of the area or is regionally based, and is comprised of players who are primarily nonresidents of the Township.

Article III
GENERAL PROVISIONS

Section 3.01 – Special Park Use Permits

1. Township Park facilities are intended for the use of the general public for recreational purposes, such as picnicking, exercise, nature study, and similar activities on an informal basis. A Special Park Use Permit or reservation shall be required for organized group activities and for uses that otherwise would not be allowed by this Ordinance. The Township shall maintain a list of activities that require a Special Park Use Permit or reservation, which list may be updated from time-to-time with the concurrence of the Township Board.
2. A Special Park Use Permit may be issued by the Township Board, or its designee, when the Board, or its designee, determines that adequate sanitary facilities will be provided, safety precautions will be taken, the activity will not unreasonably interfere with the use of the Park and neighboring property by others, there is adequate security against damages to the Township, and the use will comply with the requirements of this Ordinance and all applicable rules and regulations adopted thereto.
3. An activity which involves an exhibition or performances which may reasonably be expected to cause a large number (over 100) of persons to congregate shall be considered an outdoor event, which shall require a separate special land use permit, pursuant to Section 8.02, sub-section II, of the Zoning Ordinance, titled "Outdoor Events."
4. An application for a Special Park Use Permit shall be made on the forms and according to the guidelines provided by the Township. The application shall be accompanied by the necessary fees and information specified in this Ordinance and by rules and regulations made pursuant to this Ordinance.

Section 3.02 – Hours of Use

Parks shall be closed for public use between dusk to dawn, unless otherwise permitted or restricted by resolution of the Township Board, or unless otherwise permitted by a Special Park Use Permit. It shall be unlawful for any person to enter, loiter, or remain in a Park after dusk.

Section 3.03 – Destruction of Park Property

1. It shall be unlawful for any person to damage, deface, destroy, disfigure, injure, tamper with, or displace any Park, Park facilities, or Park features, including but not limited to: buildings, bridges, docks, tables, benches, fences, pavement, utilities or utility lines, or any parts or appurtenances thereto; signs, notices, or placards; monuments, stakes, posts or other boundary markers; historic, prehistoric or cultural resources or artifacts; or other structures or equipment.

2. It shall be unlawful for a person to deposit or cause to be deposited in any river, drain, pond or other body of water within or adjoining a Township Park any foreign material or chemicals that would pollute the water or potentially cause harm to marine life or public health.
3. It shall be unlawful for any person to misuse, damage, cut, carve, transplant or remove any trees, shrubs, flowers, or other plant; or attach any rope, wire, chain, or other object to any tree or shrub.

Section 3.04 – Refuse, Trash and Litter

It shall be unlawful for any person to dump, deposit, or leave any bottles, glass, ashes, paper, boxes, cans, cartons, dirt, rubbish, waste, garbage, or other trash, except that which is incidental to the intended use of the Park. Refuse, trash and litter generated during proper use of the Park shall be deposited in trash receptacles.

Section 3.05 – Bicycles

Bicycles are permitted in Parks provided that they are ridden only on designated paths, trails or roads.

Section 3.06 – Motor Vehicle Use and Parking

1. No person shall operate or park motor vehicles of any kind, including motorcycles, on other than designated roads and within parking areas designated for motor vehicle use. This provision shall not prevent maintenance and security vehicles from entering off-road areas to perform maintenance or security work. Snowmobiles, off-road vehicles, and all-terrain vehicles (ATVs) are not permitted in Parks.
2. No person shall leave, or cause to be left, any motor vehicle upon Park property when the Park is closed. A duly appointed law enforcement officer is authorized to remove any such motor vehicle at the owner's expense.
3. Motor vehicles shall be operated at all times with reasonable regard to the safety of others, and at a maximum speed of ten (10) miles per hour, unless otherwise posted. Motor vehicles shall be parked in designated areas when left unattended.
4. It shall be unlawful to repair or wash a motor vehicle in a Park, except for emergency repairs.

Section 3.07 – Park Wildlife

1. It shall be unlawful for any person to hunt, catch, wound, kill, trap, shoot, or throw objects at any bird or animal; or to molest or rob the nest of any bird or any lair, den or burrow of any animal. This provision is not intended to prevent protective action against dangerous animals by a duly appointed law enforcement officer.
2. Fishing is permitted in Township Parks, subject to State laws and regulations.

Section 3.08 – Dogs, Cats, and Other Pets

1. Dogs, cats, and other domestic animal pets may be brought upon Park property unless otherwise posted, provided that each person shall be allowed a maximum of two (2) pets in a Park at one time.
2. Any dog, cat or other pet shall be kept under the full and immediate control of a competent person at all times on a leash of no more than six (6) feet in length.
3. All feces deposited by a dog or other pet on any area frequented by the public, including public footpaths, shall be disposed of in a sanitary manner by the person in control of the dog or other pet.
4. No dog or pet shall be allowed to enter any public building, except for a trained and working Leader or General Assistance Dog.
5. It shall be unlawful to leave or deposit dogs, cats, or other animals, birds or fish, whether dead or alive, in any Park.
6. Pets shall not be permitted on athletic fields.

Section 3.09 – Horses, Ponies, and Other Draft Animals

1. A horse, pony, or other draft animal may be brought upon Park property, unless otherwise posted, provided that the horse or draft animal is kept under the full and immediate control of a competent person at all times, and provided that the horse, pony or other draft animal shall not be ridden on Park trails.
2. It shall be unlawful to ride a horse, pony, or other draft animal in a careless, negligent or reckless manner so as to endanger persons or property.
3. Feces deposited by a horse, pony, or other draft animal shall be disposed of in a sanitary manner by the person in control of the horse, pony, or other draft animal.

Section 3.10 – Firearms and Other Weapons

It shall be unlawful for any person, at any time, to discharge, shoot or hunt in any Township Park, with any firearm, air-rifle, B-B gun, spring gun, bow and arrow, spear, sling, any other firearm or weapon. Shooting into Park property from beyond Park boundaries is prohibited. These restrictions shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of his/her position.

Section 3.11 – Fires

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 lighted matches, burning cigars, cigarettes, tobacco paper or other materials that could cause fire in a Park.
3. No person shall build, light, or kindle any fire within Park property except in designated grills, firepits, receptacles or open space areas designated for such purposes, and, where required, with a Township burn permit.
4. Fires within Park property shall not be left unattended. All fires shall be extinguished prior to leaving the immediate vicinity.
5. Fires within Park property are subject to the conditions and restrictions of the Williamstown Township Ordinance to Regulate Open Burning and Establish Fire Safety Regulations.
6. The requirements in this section shall not prevent planned and controlled prairie burns when necessary, when conducted by NIESA or another authorized person or agency.

Section 3.12 – Fireworks

No person shall possess, light, or discharge any rocket, firecracker, torpedo, squib or other fireworks, or any substance of an explosive nature within Park property unless permitted otherwise by Special Park Use Permit.

Section 3.13 – Swimming

No person shall swim, bathe, or enter into any river, drain, pond, or other body of water located within Park property.

Section 3.14 – Boating

No person shall bring, use or navigate any boat, canoe, raft or other watercraft upon any drain, pond, or other body of water located in a Park, except in those areas and at times designated and subject to applicable laws and regulations.

Section 3.15 – Camping

No person shall camp in a Township Park, except by Special Park Use Permit.

Section 3.16 – Skating and Sledding

No person shall skate, walk, or go upon any ice on any river, drain, pond or other body of water, nor shall any person engage in sledding on any hill in a Park, except in those places and at times designated.

Section 3.17 – Loudspeakers

It shall be unlawful to use a loudspeaker, public address system, or amplifier on Park property, except by Special Park Use Permit, and subject to the provisions in the Township Nuisance Ordinance, Ordinance No. 20.

Section 3.18 – Alcoholic Beverages, Narcotics, and Illegal Drugs

No person shall possess, consume, serve or cause to be served, or sell alcoholic beverages, narcotics, or illegal drugs of any kind in any Township Park, except for alcoholic beverages specifically authorized by a Special Park Use Permit.

Section 3.19 – Use of Restrooms

Male persons shall not use or enter any restroom set apart for women, and female persons shall not use or enter any restroom set apart for men, except this shall not apply to children accompanied by an adult. No person shall loiter in or about such facilities nor shall any person use such facilities for purposes other than those intended.

Section 3.20 – 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 land, water, structure or property; or use such land, water, structure or property for peddling or soliciting, except as specifically authorized through issuance of a Special Park Use Permit.

Section 3.21 – Unlawful Obstruction

No person shall by force, threat, intimidation, unlawful fencing or enclosing or by other means, prevent any person from entering, leaving or making lawful use of any Park property. This Section shall not apply to any duly appointed law enforcement officer when carrying out the duties and responsibilities of his/her position, or where a person or group has obtained proper authority to fence or enclose an area for a particular purpose.

Section 3.22 – Appropriation or Encumbrance of Real Property

No person shall enter upon any of the public land belonging to the Township and dig up the earth or deposit any earth, rock or other substances, nor shall any person erect or attempt to erect any structures of any kind, or in any other manner attempt to appropriate or encumber any portion of the real estate belonging to the Township, unless such person shall have first obtained proper authority to do so, pursuant to Section 3.23.

Section 3.23 – Installations, Construction and Maintenance

No installation, construction or maintenance shall be made above or below ground, across or beneath Township Park property by any person except duly authorized Park personnel, without the prior written permission of the Township Supervisor and/or his/her designee for such installation, construction or maintenance, which permit shall specify in detail the work to be done and any conditions to be met.

Article IV

ADMINISTRATION AND ENFORCEMENT

Section 4.01 – Reservation of Facilities

The Township Board may permit Park facilities to be reserved for use at a particular time, subject to the conditions and requirements established by resolution of the Board.

The use of any athletic field within a Park for organized competition or practice shall require a reservation. Reservations shall be taken on a first come-first served basis, unless a prior year user, according to field reservation procedures. The Township Board may permit other Park facilities to be reserved for use at a particular time, subject to the conditions and requirements established by resolution of the Board.

Section 4.02 – Fees and Charges

The Township may charge a fee for use of a Park or Park facility, for participation in a recreation program or activity, or for a Special Park Use Permit. The fee shall be established by resolution of the Township Board.

Section 4.03 – Township Park Personnel

Nothing in this Chapter shall be construed as prohibiting Township employees or agents from performing work or activities in any Township Park at a time and in a manner directed by the Township Supervisor or his/her designee.

Section 4.04 – Emergency Powers

The Township may establish emergency rules necessary to protect the health, welfare and safety of Park visitors and to protect Park property, including, but not limited to, ordering all persons off Park property and closing all or any portion of a Park.

Section 4.05 – Ordinance Interpretation

The Zoning Board of Appeals (ZBA) shall be the body responsible for the interpretation of this Ordinance. A decision by the ZBA concerning an interpretation of this Ordinance may be appealed to the Township Board within ten (10) days of the date of the ZBA's decision.

Section 4.06 – Penalties

Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. Nothing herein shall prevent the Township from seeking appropriate restitution for damage to parks or park facilities. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Section 4.07 – Severability

This Ordinance and each of the various parts, sections, sub-sections, provisions, sentences, and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

Section 4.08 – Effective Date

Motion to approve having been made by _____ and seconded by _____, this Ordinance was made and passed by the Board of Trustees of Williamstown Township, Ingham County, Michigan, on the _____ day of _____, 2011. This Ordinance shall take effect on the _____ day of _____, 2011, _____ days following publication in a newspaper of general circulation within Williamstown Township, as required by law.

Mickey S. Martin, Supervisor

Ernie Gaffner, Township Clerk

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