

GERRISH TOWNSHIP ORDINANCE XVII-1-08
RULES AND REGULATIONS FOR GERRISH TOWNSHIP PARKS

Section 1. PURPOSE

The purpose of this Ordinance is to provide rules and regulations for the use and conduct in Gerrish Township Parks pursuant to MCLA 41.422.

Section 2. CONSTRUCTION

In the interpretation of this Ordinance, the provisions shall be construed as follows:

- a) Any term in the singular shall include the plural.
- b) Any term in the masculine shall include the feminine and neuter.
- c) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- d) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the Township in line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the Township.

Section 3. DEFINITIONS

- a) Animals – includes but is not limited to cats, dogs, horses, or any fowl.
- b) Park Attendant – any person employed by the Township as a park attendant to perform duties or tasks within the park and recreation areas.
- c) Person – any natural person, corporation, company, association, joint stock association, firm or co-partnership.
- d) Vehicle – any conveyance (except baby carriages) including motor vehicles, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. Also any horse or horse-drawn conveyance.

Section 4. STRUCTURES, PLANTS, TREES, EARTH, RUBBISH

It shall be unlawful for any person in a public park or recreation area to:

- a) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, railings, paving or paving materials, water lines 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) Throw, discharge, or otherwise place or cause to be placed in the waters of Higgins Lake, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- c) Take into, carry through, or put into a Gerrish Township Park, any rubbish, refuse, garbage or other material. Rubbish from the park shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish

or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

- d) Bring any glass container into the park area except as set forth in Section 12.
- e) Bring any animal into or have present in the park.
- f) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

Section 5. VEHICLES

It shall be unlawful for any person in a Gerrish Township Park to:

- a) Drive any vehicle on any area except the graveled park roads or parking areas, or such areas as may on occasion be specifically designated as temporary parking areas.
- b) Park a vehicle anywhere except in a designated parking area.
- c) Leave a vehicle standing or parked in established parking areas or elsewhere in the park areas during hours when the park area is closed.
- d) Drive or park a vehicle in any beach, play or picnic area.
- e) Wash any vehicle.
- f) Use the park, park drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle, nor shall any person use any park area, including parking places, for the repairing or cleaning of any vehicle, except in an emergency.
- g) Cause or permit a vehicle in tow of another vehicle to enter the parks or proceed therein, except that in case of a breakdown a disable vehicle may be towed to the nearest exit; or operate or drive a vehicle containing any person or object projecting or hanging outside of or beyond the side or the rear thereof.

Section 6. FIREARMS, WEAPONS, TOOLS

It shall be unlawful for any person to bring into or have in his possession in a Gerrish Township Park:

- a) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.
- b) Any rifle, shotgun, BB gun, air gun, spring gun, sling-shot, bow, or other weapon in which the propelling force is gunpowder, a spring, air, gas, or mechanical power, i.e. bow and arrow.
- c) To discharge any of the objects set forth in a) or b) above or any other object which propels a projectile.
- d) Exception to section 6. b) above: When hunter's safety classes are in session.

Section 7. EXPLOSIVES AND FIREWORKS

It shall be unlawful for any person to:

- a) Have in his possession or set off any fireworks.

Section 8. IGNITABLE AND COMBUSTIBLE MATERIALS

It shall be unlawful to kindle, build, maintain or use a fire other than in provided grills. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within the park.

Section 9. ALCOHOLIC BEVERAGES, CONTROLLED SUBSTANCES, ALMS, GAMBLING

While in a Gerrish Township Park all persons shall conduct themselves in a proper and orderly manner, and in particular, it shall be unlawful to:

- a) Drink or use in the park any alcoholic beverages or possess, transport, or use in the park any controlled substances, or to be under the influence of intoxicating liquor or a controlled substance in the park, as said term of "Controlled Substance" is defined in the Michigan Compiled Law (MCLA 333.7101-333.7231).
- b) To solicit alms or contributions for any purpose, whether public or private.
- c) Play any game of chance or have possession of any instrument or device for gambling.
- d) Play, engage or take part in any game or competitive sport for money or other valuable thing.

Section 10. MISCELLANEOUS CONDUCT

It shall be unlawful for any person in a Gerrish Township Park to:

- a) Camp or stay overnight or be in the park after posted closing hours.
- b) Take part in the playing of any games involving thrown or otherwise propelled objects except in those areas designated for such forms of recreation.
- c) Enter an area posted as 'closed to the public'.
- d) Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- e) Disturb or interfere unreasonably with any other person or persons.
- f) Erect or occupy any tent, stand or other structure in the park or sell or give away from any such tent, stand or other structure any food, drink or other thing without a permit.
- g) (Clothing) Undressing in the park is prohibited except in the enclosed building. No persons shall swim, bathe, sunbathe or be in the park unless clad in a suitable bathing suit or other clothing.

Section 11. PICNIC AREA

It shall be unlawful for any person or group of persons to hold a picnic in any park except in areas set aside or specifically designated as picnic areas.

Section 12. BEACH

Glass is prohibited on the beach.

- a) No person shall take upon the beach area any glass receptacle or any glass object whatsoever.

- b) Subsection a) shall not apply to bottles containing suntan oils or lotions when the bottles are taken on the beach in handbags, satchels or other containers and kept in a container and not deposited or left on the beach.

Section 13. CLOSING HOURS

The hours for each park will be posted. No person shall be in a Gerrish Township Park during the hours the park is closed.

Section 14. ENFORCEMENT

- a) The Township Police Department and Park Director and attendants shall in connection with their duties imposed by law diligently enforce the provisions of this Ordinance.
- b) The Township Police Department, Park Director and any attendant shall have the authority to order any person or persons acting in violation of this Ordinance to leave the park or recreation area.

Section 15. PENALTY

- a) Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus applicable costs and other sanctions for each violation as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Gerrish Township Municipal Ordinance Violations Bureau Ordinance.
- b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section. As used in this Section 'repeat offense' means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - 1) The fine for any offense which is a first repeat offense shall be not less than \$125.00, plus costs.
 - 2) The fine for any offense which is a second repeat offense shall be not less than \$250.00, plus costs.
 - 3) The fine for any offense which is a third repeat, or any subsequent repeat offense, shall be not less than \$400.00 each, plus costs.
- c) Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.

Section 16. SEVERABILITY

Shall any portion of this Ordinance be declared invalid by court action the Ordinance as a whole and all remaining portions shall remain valid and in full force and effect.

Approve June 12, 1990
Amended July 10, 1990
Amended June 13, 2000
Amended October 14, 2008