

**GERRISH TOWNSHIP COMMUNITY PARK MARINA
ORDINANCE XXXIX**

PREAMBLE: AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE USE, PROTECTION, REGULATION AND CONTROL OF THE GERRISH TOWNSHIP COMMUNITY PARK MARINA FACILITIES AND OTHER MATTERS CONCERNING RECREATION, CONSERVATION, EDUCATION, HISTORIC AND SCENIC AREAS; TO MAKE VIOLATIONS OF PARK REGULATIONS A CIVIL INFRACTION; TO REPEAL ALL OTHER ORDINANCES AND PARTS THEREOF INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF GERRISH ORDAINS:

**ARTICLE I
GENERAL**

Section 1. TITLE. This ordinance shall be known and cited as the Gerrish Township Community Park Marina Ordinance and unless otherwise stated, all provisions of the Ordinance apply to the Community Park Marina and adjoining upland area (hereinafter referred to as the Gerrish Township Community Park" that now exists within the Township, located in Section 32, T24N, R3W and Section 32, T23N, R3W.

Section 2. AUTHORITY, PURPOSE and INTENT

This Ordinance is adopted pursuant to MCLA 41.181 et seq, as amended, and governs the uses, activities and conduct in the Gerrish Township Community Park Marina as provided in the rules and regulations adopted herein or as amended by the Township Board, all of which the Township Board finds is essential for the health, safety, and welfare of the persons using the Park Marina, as well as the owners and occupants of adjoining residential properties. This Ordinance is also intended to protect the natural beauty and environmental features of the Community Park Marina.

Section 3. CONFLICT WITH DEED OF CONVEYANCE.

Nothing in this Ordinance shall be construed as contravening any covenants in any deed of conveyance, and if any provisions of this Ordinance should be deemed to conflict with such deed, then the provisions of the deed shall be deemed to apply.

**ARTICLE II
CONSTRUCTION AND DEFINITIONS**

Section 1. CONSTRUCTION

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

- 1) Any term in the singular shall include the plural.
- 2) Any term in the masculine shall include the feminine and neuter.

3) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.

4) 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 2. DEFINITIONS. The following definitions apply to this Ordinance:

- a) "Animals" includes, but is not limited to, cats, dogs, horses, or any fowl or birds.
- b) "Camping" means the overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat, or any other conveyance erected, parked or placed on the premises within the Park administered by Gerrish Township.
- c) "General Public" means any person desiring to use or who uses any park.
- d) "Mooring" means to secure a boat or watercraft with a mooring device or anchor or tied to a tree or other object to prevent movement.
- e) "Designated Park or Marina Personnel or Attendant" means any person designated by the Township Board to perform duties or tasks within the Community Park or Marina.
- f) "Permit" means any written license issued by or under the authority of the township permitting a special event or activity at the Community Park or Marina property.
- g) "Person" shall mean any natural individual or person, male or female, singular or plural, corporation, company, association or any group or gather of individuals, joint stock association, firm or co-partnership.
- h) "Rules" shall mean the rules adopted by the Gerrish Township Board applicable to the Community Park and/or Marina regulated by this Ordinance and all amendments thereto.
- i) "Slip Permittee" shall mean the registered seasonal or transient owner of a boat or watercraft who has paid Gerrish Township for and received a slip at the Gerrish Township Community Park Marina for a specified time period.
- j) "Township Park property" shall mean all lands, waters, and property owned by Gerrish Township and regulated by or under this Ordinance.
- k) "Vehicle" shall mean any conveyance (except baby carriages) including motor vehicles, snowmobiles, ORV's, trailers of all types, campers, tricycles, bicycles- motorized or not, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power, including any horse or horse-drawn conveyance.

ARTICLE III
GENERAL COMMUNITY PARK RULES AND REGULATIONS

Section 1. PUBLIC USE AND HOURS

- a) Unless otherwise posted for a Special Event, the Gerrish Township Community Park is open year round during hours posted at the township hall or entrance of the park as established by the Township Board.
- b) The Community Park Marina is open for marina use by the General Public during hours posted at the Marina office as established by the Township Board except Boat slip grantees and their guests are permitted access to and from their boats or other watercraft 24 hours each day from May 15 through October 1.
- c) The Township Board may designate from time to time portions of the Community Park property for specific uses or special events. Specific uses may also be prohibited by the Township Board during any special event.
- d) Any Community Park property, or any portion thereof, may be closed entirely or closed to certain uses during any specified period of time by the Township where it is determined that the physical condition of the Park (or any portion thereof) is such that the intended use of the Park (or portion thereof) would cause damage or deterioration to the Park (or portion thereof) to a degree greater than ordinary Park wear and tear, or that the intended use of the Park (or portion thereof) would create a health or safety hazard to the proposed user or other citizens. During such period of time as the Park (or portion thereof) is closed, any such closing shall be prominently posted and it shall be unlawful for anyone to enter upon or occupy the Park (or portion thereof) contrary to the posted regulations.
- e) Except as otherwise provided herein for slip permittees and/or their guests, all park users must leave at the closing time unless a permit for later hours has been issued by the Township. Upon the park's closing, it shall be unlawful for anyone to enter upon or occupy the Park without a Township permit, unless accessing a boat lawfully moored at the Marina from a motor vehicle.
- f) **PARK PERMITS**. Any group of persons in excess of fifty, whether or not members of any organization, before using the Community Park, may be required to obtain a permit from a person or persons designated by the Gerrish Township Board.
 1. Permit fees and/or security deposits shall be as established by the Gerrish Township Board.
 2. All fees shall be remitted to the Township Treasurer.
 3. Any permits issued may be cancelled for any violation of the Ordinance by any member of the group.

4. A permit may be denied if its issuance shall be likely to be a detriment to public health, safety and welfare in the opinion of the Gerrish Township Park Board.

5. Application for a permit shall be submitted during regular business hours at least 48 hours prior to the time for which the permit is to be issued unless the Gerrish Township Park Board shall determine otherwise. The Township Board may require a site plan when it is deemed necessary.

- g) LIABILITY AND ASSUMPTION OF RISK. Any person using the Community Park facilities shall assume the risk of any injury, damage or loss suffered or incurred while within such park. The holder of any special use permit shall be liable to Gerrish Township and to all other lawful users of the park facilities for any loss, injury or damage caused by such permit holder and/or his/her guests or from the negligence or willful or wanton act of such permit holder and/or the holder's guests.

Section 2. GENERAL CONDUCT The following shall apply within Community Park property.

- a) Overnight mooring and/or camping on boats is permitted at the Community Park Marina by slip permittees, transient boaters and/or their guests; otherwise no camping shall occur within or on Community Park or Marina property. Under no circumstance shall any person occupy, inhabit, camp in, or be present in a tent, camper, truck, motor home, trailer or other type of recreational vehicle overnight on Community Park property.
- b) No person shall ignite or participate in the ignition of any fire directly upon the ground except in a designated fire pit. No other fire is permitted in the Community Park except as provided in Section 9.
- c) Grilling is not permitted on any boat or watercraft while moored at the Gerrish Township Community Park Marina.
- d) No person shall erect or occupy any tent, stand or other structure in a park or sell or give away from any such tent, stand or other structure any food, drink, article, thing, privilege or service on Community Park property without a permit from the Township.
- d) No person shall solicit alms or contributions for any purpose, whether public or private.
- e) No person shall do any begging, peddling or soliciting on Community Park.
- f) No person shall expose, distribute, display, post, or place any sign, advertisement, circular, notice, or statement, or display any banner, emblem, or design, within the Community Park, without a specific permit from the Township.

- g) No person shall, either by word or act, engage or indulge in any threatening, abusive, insulting or indecent language or engage in noisy, boisterous, disorderly, indecent, lascivious, lewd, sexual, or improper act, behavior or conduct, or in any manner disturb or unreasonably interfere with the peace and quiet of any other person or persons, or the good order within the Community Park, or commit an act which unreasonably disturbs the residents of any property adjoining the park.
- h) No person shall take part in or engage in any games involving thrown or otherwise propelled objects such as balls, arrows, javelins or model airplanes, except in areas specifically set apart for such forms of recreation, or play any games of chance or have possession of any instrument or device for gambling, except at such times and areas as shall be designated for such forms of recreation authorized by the Township Board. The use of Community Park property for playing golf or the hitting of golf balls is prohibited.
- i) Alcohol may not be consumed in any Community Park Marina buildings, verandas or enclosed structures unless associated with a special event for which a permit has been issued by the Township Board. Alcohol may be consumed on Community Park Marina property in the picnic areas as well as the marina docks. Slip permittees, transient boaters and/or their guests who are of legal age may transport or possess alcohol or intoxicating liquor for use on their watercraft.
- j) No person intoxicated by alcohol or under the influence of alcohol, narcotic drugs or opiates shall enter or remain within the Park.
- k) No person shall possess, transport, use or bring into any illegal narcotic drugs or controlled substance as defined in MCLA 333.7101-333.7231 on Community Park property.
- l) No person shall remain within the Park who does not abide by the rules and regulations adopted by the Township for the Park.
- m) No person shall enter an area posted as 'closed to the public'.
- n) No person shall trespass upon or in any way tamper with any motor vehicle which is parked in a designated parking area at Community Park property.
- o) No person shall remain within the Park who does not abide by the instructions and directions of a duly authorized police officer, or other specially Designated Park or Marina Personnel or Attendant, or agent of the Township in the lawful performance of their duties. Any person directed by a police officer or designated agent of the Township to leave the Park shall do so promptly and peaceably.
- p) No person shall resist, obstruct, interfere with, be abusive of, or address in a profane or obscene manner, any police officer, or Park or Marina Personnel or Attendant, or other agent of the Township.

- q) No organized event, festival, party, or similar activity shall occur within Community Park property unless a permit has first been issued by the Township for such event or activity. The use of a loud speaker, public address system, or sound amplifying equipment is prohibited within Community Park property without a permit from the Township. Excessively loud radios or similar devices are also prohibited.
- r) No person shall start, fly, or use any fuel- or battery-powered model aircraft, vehicle, or similar device within the Park.
- s) No person shall urinate or defecate in the Park, except in such facilities as are provided by the Township and intended for such activities.
- t) Undressing in the park is prohibited except in a bathhouse or restroom facility. No persons shall swim, bathe, sunbathe or be in the park unless clad in a suitable bathing suit or other clothing.

SECTION 3. PRESERVATION OF PROPERTY AND NATURAL FEATURES

- a) No person shall injure, mark, deface, disturb, disfigure, displace, remove or befoul any part of Community Park property or any building, sign, notices or placards, whether temporary or permanent, tables, benches, railings, paving or paving materials, sculpture, monuments, stakes, posts, water lines or other boundary markers or other structures or equipment, or other property within the Park.
- b) No person shall remove, injure or destroy any tree, shrub, rock or other mineral within the Park.
- c) No person shall 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.
- d) No person shall take into, carry through, deposit, permit or suffer to be deposited any rubbish, refuse, garbage, ashes, sewage, waste, or other noxious material within the Community Park or Marina. Rubbish generated from any person's use of a 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 or marina by the person responsible for its presence and properly disposed of elsewhere.
- e) No person shall dump any earth, tree limbs, leaves, grass clippings, or compost materials within the Park without first obtaining a specific written permit from the Township Board.
- f) No person shall apply graffiti upon any building or structure within the Community Park or Marina.
- g) *Reimbursement for damages; judgment; collection; joint convictions; minor defendants.*

(1) In addition to the penalties provided for in this Ordinance, any person found responsible of an act of vandalism shall reimburse the

township for up to three times the amount of the damage as determined by the court.

(2) In every case of conviction for the offenses, the court before whom such conviction is obtained, shall enter judgment in favor of the township and against the defendant for liquidated damages in a sum as provided in subsection g)(1) of this section. The township shall with the assistance of the township attorney, collect the award by execution or otherwise. If two or more defendants are convicted of vandalism, the judgment for damages shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his or her parents.

3) *Disposition of funds.* Upon collection, the sums shall be credited to the park fund of the township and shall be used for repairs and improvements to the parks or recreation areas.

Section 4. ANIMALS, PROTECTION OF WILDLIFE, AND HUNTING REGULATIONS

- a) Animals are permitted at the Community Park Marina and in a designated area and/or dog run at the Community Park, provided under no circumstances shall any person cause or allow any animal to run at large while on Township Park property.
- b) All animals within the Community Park Marina and/or the designated area and/or dog run at the Community Park must be under the immediate control of a competent person at all times; all dogs shall be on a chain or leash not exceeding more than six (6) feet in length. Cats shall also be under direct controls and leashed. No controlled animal shall be allowed to disturb the peace of any other person or to be destructive to other animals and/or birds. The controller of any pet shall pick up any waste created by a pet on Township Park property.
- c) The riding of horses or other animals is prohibited on Community Park property.
- d) No person shall hunt, shoot or throw missiles at, trap, catch, harm, frighten, pursue, chase, tease, 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 Community Park or Marina property.

Section 5. FISHING

- a) Fishing will be permitted in accordance with the laws of the State of Michigan and the rules of the Department of Natural Resources of the State of Michigan in such areas designated for such purposes. Fishing is discouraged from a boat and/or watercraft at the Gerrish Township Community Park Marina except by children under supervision of an adult.

Section 6. TRAFFIC CONTROL/VEHICLES.

- a) It shall be unlawful to drive any motor vehicle or propel or cause to be driven any motor vehicle along or over any road or parking area within or leading to the Community Park in such a manner as to endanger the life, limb, or property of pedestrians, the drivers or occupants of other vehicles, or any other person. Nor shall any motor vehicle be driven in a careless or reckless manner.
- b) Except for authorized township vehicles, it shall be unlawful to drive any vehicle on any beach, play or picnic area of Community Park property except the improved or graveled roads or designated parking areas, or such areas as may on occasion be specifically designated as temporary parking areas.
- c) It shall be unlawful to park a vehicle anywhere except in a designated parking area.
- d) Except for slip permittees utilizing their boat at the Community Park Marina, it shall be unlawful for any person at Community Park to leave a motor vehicle standing or parked in established parking areas or elsewhere in the park areas during hours when the park area is closed.
- e) Except for authorized township vehicles, or boats or other watercraft being launched or hauled at the Marina utilizing the designated "boat wash" facilities, no person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer on Community Park property or cause the same to be done except in an emergency. For the purpose of this section, the term "repair" shall be deemed to mean the replacement of old, wornout parts of the vehicle with new parts, the term "service" shall be deemed to mean the draining of oil, sludge, gasoline and water and other engine cooling fluids for the purpose of replacing such fluids with a new supply. The prohibitions of this section shall not apply to the changing of deflated tires or the performing of necessary emergency work on a disabled car for the purpose of immediate movement.
- f) Unless a Permit is issued by the township board for a special purpose, 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.
- g). Cause or permit a vehicle in tow of another vehicle to enter the park 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.
- h). If the operator of a vehicle cannot be located, it shall be presumed for purposed of this Section that the registered owner of a vehicle was the operator.

Section 7. FIREARMS, WEAPONS, TOOLS.

- a) Possession of firearms is regulated by Michigan Statute and Federal Law.
- b) Except as provided in Subsection c) herein, no person shall, at any time, within the Gerrish Township Community Park Marina, discharge or set off anywhere upon said property, a revolver, pistol, 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, except when presented in conjunction with a sanctioned hunter's safety class.
- c) The provisions of subsection b) shall not apply to any police officer or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position, or to any person while upon designated target ranges or areas.
- d) Use of paintball equipment and supplies within the Park is prohibited.
- e) Any person in violation of this Section will be asked to leave immediately.

Section 8. EXPLOSIVES AND FIREWORKS. It shall be unlawful for any person to bring into the Community Park or Marina, or have in his or her possession, or set off or otherwise cause to explode in any township park, any firecrackers, torpedoes, rockets, or other fireworks or explosives, or discharge them or throw them into any park area from any land, highway or the lake adjacent thereto, unless a permit has been issued pursuant to State Law and/or local Ordinance.

Section 9. IGNITABLE AND COMBUSTIBLE MATERIALS. It shall be unlawful to kindle, build, maintain or use a fire other than charcoal or wood fires for cooking in provided grills or designated areas. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within the park.

Section 10. 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 11. BEACH. No glass objects shall be permitted on the beach or in any swimming area.

Section 12. SUPPLEMENTAL REGULATIONS.

The township board may from time to time by resolution promulgate such regulations as it deems necessary for the governing of the use of the Community Park Marina and such regulations, when made by the township board and posted upon the entrance of the park and piers for the period of six days, shall be considered as supplemental to this article and enforceable under this Ordinance.

ARTICLE IV
MARINA OPERATIONS

Section 1. SLIP FEES.

There shall be imposed upon all boats using the Community Park Marina and boating facilities a dockage and/or anchorage charge, in such amount which as from time to time shall be set by the Township Board. Marina Slip Fees and other incomes shall be set aside for the purpose of the Operation/Maintenance Costs, and Debt Retirement of the bond associated with the acquisition of the Community Park Marina until retired. Such charges shall be payable in advance upon registering with the Designated Marina Personnel or Attendant, and upon failure to pay such charge, the craft owner may be denied regular dockage or anchorage space for his craft and if seasonal be subject to late payment fees.

Section. 2 BOATS

- a) Registration of boats. All boat owners using the facilities of the Community Park Marina shall register the name and number of their boats with the Designated Marina Personnel or Attendant, and will be designated a dock or anchorage space by the Marina Personnel or Attendant. All boats in the marina shall be governed in accordance with such directions as the Marina Personnel or Attendant may give.
- b) Docking spaces; lane for incoming and outgoing craft. No vessel shall be docked in the marina or boating facility except those docked at regularly allotted spaces along the dock or within the spaces designated by regulation and marked by the harbormaster as being docking space. At all times a lane for the ingress and egress of boats shall be kept clear for the use of incoming and outgoing craft.
- c) Launching/Loading. All boats and vessels shall be launched in or hauled out of the water only at the places provided for such purpose. All loading of boats and vessels onto trailers shall also take place at designated sites, and there shall be no power launching or unloading (the acceleration of the watercraft onto or off of the trailer). All launching and loading of boats and vessels from trailers shall be accomplished safely and efficiently and there shall be no parking of vehicles on the launch ramp other than for the limited time necessary to launch or load boats and vessels.
- d) Persons launching or loading boats and vessels at launch sites requiring permits by the township shall purchase either a seasonal ramp pass or a daily ramp pass. This pass must be displayed in the window of the vehicle launching or loading the boat while parked in the Community Park Marina parking lot.
- e) All watercraft using the Community Park Marina shall be maintained in a safe and seaworthy condition and equipped in accordance with Coast Guard regulations. They shall be moored in a manner satisfactory to the township and which will avoid fouling any other craft. Seasonal slip renters shall be required to have a current Safety Inspection Decal on their watercraft.

- f) Watercraft moored in the Marina or boating facility shall not have propellers operating except to enter or leave mooring position.
- g) Each operator and/or owner of a watercraft shall be responsible for the wake of such craft, and will control his craft in such manner as not to damage or tamper with property, personal or real.
- h) No person shall trespass upon or in any way tamper with any boat which is moored at the Community Park Marina or facility.
- i) The waters of the marina shall not be fouled in any way. Toilet facilities emptying into the marina waters shall not be used while the boat is in the marina. No garbage, oil, sludge, refuse matter, sewage or waste materials of any kind shall be thrown, deposited or permitted to fall in the water or upon the piers, docks or shore areas of the marina.
- j) Bicycles are hereby prohibited from being ridden on any dock.
- k) It shall be unlawful to alter or disturb any part of the marina or boating facility without permission of the township board.
- l) It shall be unlawful to moor a boat or other watercraft in any designated swimming area.
- m) Boats or other watercraft lawfully moored at the Marina may be clean and washed, or polished provided said activities do not disturb other users of the Marina.

ARTICLE V ENFORCEMENT

Section 1. ENFORCEMENT OFFICERS

- a) The Township Police Department shall, in connection with their duties imposed by law, or appointment, respectfully, diligently enforce the provisions of this Ordinance and are authorized to issue a Municipal Civil Infraction Citation to any offender.
- b) The Township Police Department, or those designated Park or Marina Personnel or Attendant specifically appointed by the Township Board in the future to enforce this ordinance, shall have the authority to order any person or persons acting in violation of this Ordinance to leave the park, marina or recreation area. If any person fails or refuses to comply with any such request, a Complaint shall be made to a police officer for trespass in addition to any other penalties authorized by law.

Section 2. 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 3. 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.

Section 4. EFFECTIVE DATE. This Ordinance shall be effective immediately upon publication after adoption this date of March 8, 2011 at the regular meeting of the Gerrish Township Board.

Published: March 17, 2011
Effective: March 17, 2011



Township Clerk