

## **GERRISH TOWNSHIP PARK ORDINANCE XVII – 06-21**

**PREAMBLE:** AN ORDINANCE TO AMEND ORDINANCE NUMBER XVII 01-11 BEING AND ORDINANCE TO ESTABLISH REGULATIONS FOR THE USE, PROTECTION, REGULATION AND CONTROL OF CERTAIN GERRISH TOWNSHIP PARKS AND PARK 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 1** **GENERAL**

#### **Section 1. TITLE.**

This ordinance shall be known and cited as the Gerrish Township Park Ordinance which applies to the Gerrish Township Park located in Sovereign Park Subdivision, Section 5, T24N, R3W, and the Gerrish Municipal Building Park located in Section 22, T24N, R3W, or any other park except the Gerrish Township Community Park Marina, which is created at a future date and not otherwise regulated by any other township ordinance.

#### **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 above parks in Gerrish Township either 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 Parks, 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 Parks.

#### **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 watercraft, or any other conveyance erected, parked or placed on the premises or waters within any park or recreation area administered by Gerrish Township under this Ordinance.
- 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 boat hoist, anchor or other mooring device placed upon the bottom land or tied to a tree or other object to prevent movement.
- e) "Designated Park Attendant" means any person designated by the Township Board as a park employee or attendant to perform duties or tasks within a park and/or recreation area.
- f) "Permit" means any written license issued by or under the authority of the township permitting a special event or activity on Township Park 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 all park property regulated by this Ordinance and all amendments thereto.
- i) "Township Park property" shall mean all lands, waters, and property owned by Gerrish Township regulated by this Ordinance.

- j) "Vehicle" shall mean any conveyance (except baby carriages) including motor vehicles, trailers of all types, campers, tricycles, bicycles-motorized or not, sleds, sleighs, snowmobiles, ORV's, pushcarts, or vehicles propelled by other than muscular power, including any horse or horse-drawn conveyance.
- k) "Watercraft" shall mean any boat or other watercraft, including but not limited to boat, pontoon, sailboat, personal watercraft (PWC), canoe, or other device floating on the surface water of Higgins Lake, which is registered or required to be registered with the Michigan Secretary of State

### ARTICLE III

#### GENERAL TOWNSHIP PARK RULES AND REGULATIONS

##### Section 1. PUBLIC USE AND HOURS

- a) Unless otherwise posted for a Special Event, Gerrish Township Park and the Municipal Building Park are open for public use all year at hours posted at the township hall and/or on signs at the respective park.
- b) The Township Board shall designate from time to time portions of any Township Park property for specific uses or special events. Specific uses may also be prohibited by the Township Board during any special event.
- c) Any Township 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 a Park (or any portion thereof) is such that the intended use of a Park (or portion thereof) would cause damage or deterioration to a Park (or portion thereof) to a degree greater than ordinary Park wear and tear, or that the intended use of a Park (or portion thereof) would create a health or safety hazard to the proposed user or other citizens. During such period of time as a 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.
- d) All park users must leave at the closing time unless a permit for later hours has been issued by the Township. Upon a park's closing, it shall be unlawful for anyone to enter upon or occupy a Park without a Township permit.
- e) PARK PERMITS. Any group of persons in excess of fifty, whether or not members of any organization, before using any Township 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 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 Board shall determine otherwise. Permit issuance will be reviewed on a case by case basis.

- f) LIABILITY AND ASSUMPTION OF RISK. Any person using the Gerrish Township 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 all Township Park property.

- a) No person shall occupy, inhabit, camp in, or be present in a tent, camper, truck, motor home, trailer, watercraft or other type of recreational vehicle on Township Park or adjacent riparian property in the waters of Higgins Lake under the jurisdiction or ownership of the Township, overnight between the hours of 12 midnight and sunrise.
- b) No person shall ignite or participate in the ignition of any fire directly upon the ground. Fires are not permitted in any Township Park, except as provided in Section 8.
- c) 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 Township 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 in any Township 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 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 a Park, or commit an act which unreasonably disturbs the residents of any property adjoining a 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 may be designated for such forms of recreation authorized by the Township Board. The use of Township Park property for playing golf or the hitting of golf balls is prohibited.
- i) No person intoxicated by alcohol or under the influence of alcohol, narcotic drugs or opiates shall enter or remain within the Park.
- j) No person shall possess, drink, use or bring into any Township Park property any alcohol or intoxicating liquor.
- k) No person shall bring into any Township Park property any illegal narcotic drugs or controlled substance. To 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).
- 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 any Township 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 specially Designated Park Attendant at any time in the future, 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 Designated Park Attendant, or other agent of the Township.
- q) No organized event, festival, party, or similar activity shall occur within any Township 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 any Township 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 a Park.
- s) No person shall urinate or defecate in a 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 the enclosed building. No persons shall swim, bathe, sunbathe or be in the park unless clad in a suitable bathing suit or other clothing.
- u) No person shall construct, install, maintain, or place a boat hoist, or other form of overnight or long term boat anchorage or mooring device in the riparian interest area of the Township Park overnight between the hours of 12 midnight and sunrise.

### SECTION 3. PRESERVATION OF PROPERTY AND NATURAL FEATURES

- a) No person shall injure, mark, deface, disturb, disfigure, displace, remove or befoul any part of Township 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 a 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 any Park. Rubbish generated from any persons 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 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 any Township Park.
- 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 designated 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 not permitted at any Gerrish Township Park. Under no circumstances shall any person cause or allow any animal to run at large while on Township Park property.
- b) The riding of horses or other animals is prohibited on Township Park property.
- c) 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 Township Park property.
- d) 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.

Section 5. TRAFFIC CONTROL/VEHICLES. It shall be unlawful for any person in a Gerrish Township Park to:

- a) 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 a Township 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) Drive any vehicle on any area of Township 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) Park a vehicle anywhere except in a designated parking area.
- d) 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) Drive or park a vehicle on any beach, play or picnic area.
- f) Launch or beach any boats from or on Township Park property except at designated sites.
- g) Temporarily moor in any designated swimming area.
- h) No person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer on Township park property or cause the same to be done. For the purpose of this section, the term "repair" shall be deemed to mean the replacement of old, worn-out 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.

- i) Unless a permit is issued, to 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.
- j) 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.
- k) 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 6. 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 7. EXPLOSIVES AND FIREWORKS. It shall be unlawful for any person to bring into a park, 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 is granted as provided by State law and/or local ordinance.

Section 8. 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 9. 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 10. BEACH. No glass objects shall be permitted on the beach or in any swimming area.

Section 11. 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 parks regulated herein and such regulations, when made by the township board and posted at the parks for the period of six days, shall be considered as supplemental to this article and enforceable as a part of this Ordinance.

**ARTICLE IV**  
**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 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 a park 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. Penalties.

a. Any person who violates this Ordinance shall be responsible for a municipal civil infraction. Civil sanctions under this section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

- 1) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75.00, plus other costs, damages, expenses and other sanctions for each infraction.
- 2) Increased civil fines may be imposed for repeat violations. The increased fine for a first repeat offense shall be not less than \$250.00, plus costs. The increase fine for a second repeat or any subsequent repeat offense shall be not less than \$500.00, plus other costs.

- 3.) The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- 4) A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
- 5) Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for term not to exceed 90 days, or both fine and imprisonment.
- 6) Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 236 of 1961, as amended.
- 7) A municipal civil infraction is not a crime under this ordinance, and is not a lesser included offence of a criminal offence or an ordinance violation that is not a civil infraction.
- 8) Each day on which any violation of this ordinance occurs or continues constitutes a separate offense subject to separate sanctions.

### Section 3. Declaration of Nuisance.

A violation of any provision of this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the township, and is hereby declared to be a nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law. The township or any owner or owners of real estate within the township may bring an action to enjoin such alleged violation activity.

### Section 4. 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 5. EFFECTIVE DATE. This Ordinance shall be effective 30 days from date of publication.

Adopted this 8<sup>th</sup> day of June 2021.

Published Date: June 17, 2021

Effective Date: July 18, 2021

This ordinance duly adopted on June 10, 2021 at a regular meeting of the Gerrish Township Board and will become effective thirty days from date of publication.

**Gerrish Township**

Signed on June 9 2021

BY: Kathleen Patchin  
**Kathleen Patchin, Clerk**

Signed on June 9 2021

BY: [Signature]  
**David Udy, Supervisor**