

MONTROSE TOWNSHIP
ORDINANCE NO. 149

PARKS

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SECTION 1. **SHORT TITLES**

This Chapter shall be known and may be cited as the Montrose Township Park Ordinance.

SECTION 2. **PURPOSE**

Consistent with the letter and spirit of Public Act 157 of 1905, as amended, known as Township Parks and Places of Recreation it is the purpose of this ordinance to regulate and control the use of Township owned property designated for use as Township Parks.

SECTION 3. **DEFINITIONS**

Wherever used in this Ordinance, the following terms shall have the meanings herein given.

- (a) "Alcoholic beverage" means any beer, wine, liquor or other beverage for human consumption containing alcohol.
- (b) "Board" means the Montrose Township Board.

- (c) "Camping" means the overnight lodging or sleeping of a person or persons on the ground or in any manner or in a sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any other conveyance erected, parked, or placed within any park.
- (d) "Fireworks" is as defined in Section 243a of Act 358 of the Public Acts of 1968, as amended.
- (e) "Litter" means all rubbish, debris, waste material, garbage, offal, paper, glass, cans, bottles or any other foreign substances of every kind and description.
- (f) "Motor Vehicle" means any vehicle which 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.
- (g) "Park, Park Property, and Township Park Property" means any and all parks or recreation areas now or hereafter established for the use by the public and owned by the Township of Montrose.
- (h) "Parking" Means permitting a vehicle to remain standing, whether paved or not, which is designated for public parking.
- (i) "Parking Area" means any off-street area, whether paved or not, which is designated for public parking.
- (j) "Person" means any natural person and any cooperation, partnership of other legal entity.
- (k) "Recreation Committee" means that certain Committee established now or hereafter by the Montrose Township Board to supervise regulates and manage Township parks. In the absence of an established committee, the Township Board shall be the committee.

SECTION 4. SEASONS OF USE AND HOURS OF OPERATION

- (a) Seasons of Use. The parks shall be open for use by the public year round. This schedule may be modified from time to time by resolution of the Township Board. In the event of an emergency the Township Supervisor may order a park closed.
- (b) Hours of Operation. The parks shall be open on each day of the year between the hours of 7:00 a.m. and 9:00 p.m. The schedule of hours may be modified from time to time by resolution of the Montrose Township Board.

SECTION 5. PERSONS ENTITLED TO USE PARKS; RESERVATIONS; FEES; CHARGES AND INSURANCE.

- (a) Persons Entitled to Use Parks. The use of each park shall be limited to those persons as defined in this chapter who are residents of the Township and or the quests of such persons.
- (b) Reservations for Use and Permits.
 - 1) Applications for a permit for reserved park space or facilities shall be made upon forms to be furnished by the Committee.
 - 2) Each application shall be accompanied by such fee as shall be required by the Committee and shall be received by the Township at least thirty (30) days prior to the authorized date of use.

- 3) In the event more applications for reserved space or facilities are received than space is available, such applications shall be considered in the chronological order received.
- 4) Local Organized Athletic programs, leagues or other sport activities, upon written request to the Township Board may be granted exclusive use of a particular portion of a park during certain hours on specified dates, all in order to facilitate and promote properly sponsored and supervised recreational programs within the Township.
- c) Each person who may be granted such permission for such exclusive use shall furnish a copy of an insurance policy providing five hundred thousand dollars (\$500,000) per person, one million dollars (\$1,000,000) per incident and one hundred thousand dollars (\$100,000) property damage, which policy shall name the Township of Montrose and each of its employees, appointees and agents as parties insured thereby.
- d) Fees and charges may be assessed for the use of any park facility, land area, or program in accordance with the adopted fee schedule by resolution of the Township Board.

SECTION 6. **UNLAWFUL ACTS OR CONDUCT.**

It shall be unlawful for any person to violate any of the following provisions of this Chapter or such other rules and regulations as may hereafter be established by the Montrose Township Board by resolution from time to time. The Township Board by written request may modify or waive any such unlawful act for a special event held on park property.

- (a) Alcoholic Beverages. The possession and/or consumption of alcoholic beverages on Township Park property or within or upon the water of the Flint River adjacent to Township Park property are prohibited.
- (b) Litter. All litter shall be placed in a receptacle for that purpose furnished by the Township, and no litter shall be brought on the premises of the park from any other location for disposal therein.
- (c) Open Burning. No fire shall be started or maintained on the ground or in any location within each park except in barbecue grills or other receptacles designed and intended for cooking food.
- (d) Fireworks. The possession or use of fireworks, including detonation thereof, is prohibited on park property.
- (e) Destruction of Property. The malicious damage or destruction of any real property or park equipment comprising or located within the park is prohibited. This includes the damaging, defacing, destroying, or removal of any shrub, tree, flower, or other natural resource located within the park.
- (f) Audio Equipment. No audio equipment shall be played or used in such manner and at a volume which results in the emission of measurable noise exceeding sixty-five decibels, as measured at any property line of the park where located.

- (g) Moving Equipment. No park equipment, including any barbecue receptacles, trash receptacles, playground equipment or picnic tables, shall be moved or relocated from the place where located within the park. However, picnic tables may be moved to group together sufficient tables for the use of such group of persons as may be together on a particular outing and in such event those tables shall be immediately replaced in the location where found upon completion of use.
- (h) Driving and Parking Vehicles. No motor vehicle shall be driven or parked in any area except those clearly established roadways through the park and those areas designated for parking by signage. The speed limited shall be ten miles per hour where motor vehicles are allowed.
- (i) Bicycles. Bicycles may be ridden in the Township park, so as they remain ridden upon designated paths, trails, or roadways.
- (j) Firearms and other weapons. No person shall, at any time, bring upon the Township park property, nor possess or discharge anywhere upon such property, any firearm of any description, or air-rifle, spring gun, bow and arrow, sling, or other form of weapon potentially dangerous to wildlife and human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind or trapping device. Shooting into park property from beyond park boundaries is prohibited. This section however, shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of their position.
- (k) Park Wildlife. No person on Township Park property shall hunt, trap, catch, wound, or kill or attempt to hunt, trap, catch, wound, or kill any bird or animal or molest or rob any nest of any bird or any lair, den, or burrow of any animal. Fishing shall be allowed in the Township Park, subject to all state and local laws.
- (l) Dogs and other Pets. Dogs and other pets may be brought upon park property, unless posted otherwise. Any dog on park property shall be upon a leash of six feet or less, and shall be under the immediate control of a competent person at all times. Any person having custody of a dog or other pet on park property shall immediately remove all feces deposited by such dog or pet on any public footpath, roadway, athletic field or other area frequented by the public, and shall dispose of same in a sanitary manner. This section does not prohibit the use of guide dogs, service dogs, or leader dogs as provided and defined in the Michigan Penal Code.
- (m) Minors. No person under the age of sixteen years shall come upon or remain on the premises of any park unless accompanied by a parent or guardian, or unless such person is a member of a group in attendance, which has at least one parent or guardian of some other member of the group in supervision. However, this restriction shall not apply to those minors on the park premises for participation in an organized sport activity regularly conducted in that location as provided in Section 1010.05(b).
- (n) Park Concessions. No person shall sell or rent, or attempt to sell or rent, any service, merchandise or any object in the park without first entering into a lease agreement with the Township Board to operate a park concession, except that a group or organization may submit in writing, a request on

special occasion, to sell merchandise to its own members from the Township Board.

- (o) Camping. No person shall camp in the Township Park.
- (p) 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.
- (q) Swimming. No person shall swim or bathe in any drain or waterway located within the park or adjacent to park property.
- (r) Model Airplanes. No person shall operate a motorized model airplane on township park property.
- (s) Metal Detectors. No person shall operate a metal detector on township property.
- (t) Installation, construction or maintenance. No installation, construction, or maintenance shall be made above or below the ground, across or beneath township park property by any person, except duly authorized park personnel, without the prior written permission of the Township Board for such installation, construction, or maintenance specifying in detail the work to be done and any conditions to be met.

SECTION 7. **ENFORCEMENT**

This chapter shall be enforced by the Montrose Township Police Department and any other such person as designated by resolution of the Township Board.

SECTION 8. **PENALTY**

Any person found violating the provisions of this Ordinance, shall upon conviction be punished by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION 9. **REWARD**

The Township of Montrose offers a reward to any person who provides information leading to the arrest and conviction of any person for the theft of park property, the malicious destruction or damage to park property or the operation of unauthorized motor vehicles on the Township park pathways. The reward to the individual shall not exceed \$500.00 as determined by resolution of the Montrose Township Board of Trustees for any incident that is of public concern or safety.

SECTION 10. **EFFECTIVE DATE**

This Ordinance shall take effect at 12:01 a.m. on the 31st day of January, 2007, which is 30 days after publication in the Tri-County Citizens.

ON MOTION DULY MADE BY: F. Domine and seconded by J. Newcomer.

YEAS: 7

NAYS: 0

MADE AND PASSED by the Charter Township of Montrose on the 19th day of December, 2006 by a vote of six yeas and zero nays.

Mark Emmendorfer, Supervisor

Kelly Yuhos, Township Clerk

I Kelly Yuhos, Clerk for the Charter Township of Montrose do hereby certify that the foregoing Ordinance No. 149 was duly adopted at a regular meeting of the Charter Township of Montrose held on the 19th day of December, 2006 at the Township Hall at 139 S. Saginaw St, Montrose, Michigan 48457.

Kelly Yuhos, Township Clerk