

**TOWNSHIP OF LAPEER
LAPEER COUNTY, MICHIGAN
NEIGHBORHOOD PARKS ORDINANCE
ORDINANCE NO. 17**

TITLE

An Ordinance regulating public utilization of neighborhood parks within the Township, prescribing a penalty for a violation thereof and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP OF LAPEER ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the "Lapeer Township Neighborhood Parks Ordinance."

SECTION 2. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with Act 246, Public Acts of 1945, as amended.

SECTION 3. DEFINITIONS

As used in this Ordinance, the terms:

- A. "Neighborhood parks" shall mean any publicly improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes together with adjacent vehicle drives, sidewalks and parking areas, owned and operated by the Township.
- B. "Commission" shall mean the Lapeer Township Board of Trustees (acting as the Parks and Recreation Commission) established pursuant to the provisions of Act 157, Public Acts of 1905, as amended.
- C. "Township" shall mean the Township of Lapeer, Lapeer County, Michigan.
- D. "Recreation area" shall mean open or unimproved areas within township owned properties or parks that are used for passive or non-active recreation activities. This may include picnic areas, play areas, trails, pathways, environmental preservation areas, open fields, etc.
- E. "Weapons" shall mean a device or object designed or used for inflicting bodily harm or physical damage including but not limited to guns, pistols, firearms, explosives, tasers or other electrified devices, knives, dirks, razors, stilettos, or any other blunt or sharp-edged or pointed instruments capable of such.
- F. "Alcohol" shall mean liquor or brew containing alcohol as the active agent.
- G. "Commercial activities" shall mean an activity undertaken as part of a commercial enterprise for the purpose of buying and or selling any goods.
- H. "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976 as amended, being 125.1102 of the Michigan Compiled Laws, including but not limited to any snowmobile, off road vehicle, or vessel. Motorized

vehicles or devices used by the elderly, for disability purposes, or for handicapped accessibility shall not be regulated as a vehicle.

- I. "Litter" shall mean rubbish, refuse, debris, including but not limited to; discarded foods, wrappers, food packaging, cigarette butts, etc.

SECTION 4. PROHIBITED ITEMS AND ACTIVITIES

- A. No person shall litter, deposit or abandon in or on any land or water areas within the boundaries of a neighborhood park any garbage, sewage, bottles, refuse, trash, waste or other obnoxious material except in receptacles provided for such purposes.
- B. No person shall have in their possession or control any glass bottle or container in or on any sports playing field or court in a neighborhood park, or in any other locality in the park where possession of glass bottles and containers is not permitted within any park or recreation area where posted by the township.
- C. No person shall have in their possession or control any gun, slingshot, bow and arrow, crossbow, pellet gun, air rifle, paint gun, fireworks, explosives or other dangerous weapon or material within the boundaries of a neighborhood park except as permitted by State Statute.
- D. No person shall use a skateboard, skate-blades, roller skates, frisbee, football, soccer ball or other game equipment within the boundaries of a neighborhood park in any area where use of such equipment is prohibited by posted notices.
- E. No person shall hunt, trap or conduct other similar activities within the boundaries of a neighborhood park.
- F. No person, firm or corporation shall conduct any activity within the boundaries of a neighborhood park which is prohibited by township posted signs conspicuously displayed at the park entrance or other areas of park.

SECTION 5. UNLAWFUL FIRES

- A. No person shall start or maintain a fire within the boundaries of a neighborhood park, except in the permanent grills provided for such purpose or in an approved commercial type bar-b-que grill (provided by catering or rental service or similar) which may be brought to the park. No grills shall be placed within the pavilion area or on top of any picnic table or other park furniture.
- B. No person shall dump any burning material or hot ashes into any trash containers or elsewhere within the boundaries of a neighborhood park unless such container or locality shall be marked as a receptacle for such material.

SECTION 6. ALCOHOLIC BEVERAGES & CONTROLLED SUBSTANCES

- A. It shall be unlawful for any person to possess, transport into or within or have under their control within the boundaries of a neighborhood park any beer, wine or other alcoholic beverages.
- B. No person shall possess, transport into or within, have under their control or sell or furnish to another person within the boundaries of a neighborhood park any marijuana or other controlled substances defined by applicable statute in such case made and provided.

- C. Intoxicated individuals or those under the influence of a controlled substance shall not be allowed to enter or remain in the park.

SECTION 7. DISORDERLY CONDUCT

- A. No person or group of persons shall engage in any drunken, loud, boisterous, disorderly or indecent conduct, nor shall any person or group of persons commit or engage in any assault or other activity which shall endanger or annoy other persons or disturb the peace or good order within the boundaries of a neighborhood park.
- B. No person shall within the boundaries of a neighborhood park: intentionally expose the male or female buttocks or genital areas or the female breasts;
- C. No person shall loiter in or on any road, drive, parking lot or median within the boundaries of a neighborhood park in such a manner as to obstruct or hinder the free flow of vehicular traffic or the passage of pedestrians or to create alarm for the safety of persons after having been requested to cease such obstruction or hindrance or abate such alarm by a police officer or sheriff deputy.

SECTION 8. SIGNS AND HANDBILLS

- A. No handbills, newspapers or other circulars may be offered or distributed within the boundaries of a neighborhood park, unless specifically permitted by the Township.
- B. No person, excepting employees and officials of the township, shall post, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree or automobile within the boundaries of a neighborhood park, except that temporary directional signs for group picnics or events may be placed on sign posts designated for such purposes by the Township or into the ground and must be removed at the conclusion of the event. Signs may be attached to the pavilion provided no nails, screws, bolts, or other fastening devices are used which would cause holes or other damage to the structure.

SECTION 9. CLOSING OF PARK

- A. No person shall enter or remain in a neighborhood park after the posted hours except by written permission of the township.
- B. No person shall use or occupy any area or facility in a neighborhood park, including the pavilion when such area or facility is closed to the use of the public by order of the township.

SECTION 10. DOGS, PETS, HORSES AND THE LIKE

- A. No person shall bring into or have in their possession or control within the boundaries of a neighborhood park any dog or pet unless such dog or pet is restricted with a leash not over six (6) feet in length and is under the immediate control of the responsible person.
- B. No person shall bring into, or have in their possession or control, any dog or pet in any area of a neighborhood park where the same is prohibited by posted notices, provided that this Section shall not apply to leader dogs for the blind, police dogs or similar working dogs.
- C. No person who brings into, or has in their possession or control, a dog or pet which deposits fecal matter within a neighborhood park shall permit such matter to remain in the neighborhood park. The matter shall be removed immediately by the person in ownership or control of the dog or pet.
- D. No person shall ride or lead any horse or the like within the boundaries of a neighborhood park, except in areas designated by the Township.

SECTION 11. COMMERCIAL ACTIVITIES

No person or organization other than the township, its agents and licensees shall, within the boundaries of a neighborhood park, advertise, offer for hire, vend offer or sell any service, food, beverage, merchandise or other personal property or advertise, carry on or conduct any other business or commercial activity for profit or not without first obtaining a permit issued by the Township. Further, no person or organization shall solicit contributions or donations within the boundaries of a neighborhood park without first obtaining a permit issued by the township.

SECTION 12. VEHICLES AND BICYCLES

- A. No person shall operate or have in their possession within the boundaries of a neighborhood park any off-the-road motor-driven vehicle, including, by way of example but not by way of limitation, any minibike, motorcycle, dune mobile, snowmobile, converted snowmobile, all-terrain vehicle, amphibious vehicle or similar motorized device.
- B. No person shall, operate or have in their possession or control within the boundaries of a neighborhood park a moped, motor-driven cycle, or motor vehicle except on the surfaced area of a roadway (excluding any roadway posted for use of authorized vehicles only or for pedestrian traffic) or designated parking area.
- C. No person shall operate a bicycle or similar non-motorized vehicle on designated jogging and/or hiking paths or trails when the same is prohibited by township posted notice.
- D. The Motor Vehicle Code, being MCL 247.1 et seq., as amended are in full force and effect in all neighborhood parks and may be enforced by any law enforcement officer, a Lapeer Township Police Officer, Lapeer County Sheriff Deputy, or Michigan State trooper.

SECTION 13. PRESERVATION OF PROPERTY AND NATURAL RESOURCES

- A. No person shall injure, deface, disturb, nor in any manner destroy or cause to be destroyed any portion of a neighborhood park or any facility building, sign, structure, equipment, utility or other property found in a neighborhood park.

- B. No person shall dig for, remove, injure or destroy any tree, flower, shrub, plant or growing thing or any wildlife, except as otherwise provided by law, or any rock, mineral, artifact or other material within the boundaries of a neighborhood park without written permission from the township.

SECTION 14. NOISE AND MUSICAL INSTRUMENTS, RADIOS, RECORD, TAPE OR DIGITAL PLAYERS AND SOUND-AMPLIFYING DEVICES

No person shall cause noises or operate or play any musical instrument, radio, mechanical record, tape or digital player, loudspeaker, public address system or sound-amplifying equipment of any kind within the boundaries of a neighborhood park which is not in compliance with Ordinance No. 31, as amended, the Lapeer Township Noise Control Ordinance or any subsequent ordinance which regulates noise in the Township.

SECTION 15. RECEIPT OF SERVICE, PRIVILEGE OR LICENSE WITHOUT PAYMENT OF FEE

- A. Where a fee or charge is required for any service, privilege or license offered by the township relative to a neighborhood park, no person shall obtain or attempt to obtain such service, privilege or license without payment of such fee or charge, and shall comply with all requirements of any permit pertaining to the service, privilege or license.
- B. Sporting field or facility use agreements shall be filed with the township clerk's office to reserve a township park, sports field or facility (i.e. pavilion). A permit will then be issued by the township clerk to the requestor, organizer, manager or coach.

SECTION 16. OTHER REGULATIONS

In addition to the above noted prohibited items and activities, the Lapeer Township Board reserves the right by resolution to adopt regulations and control of activities occurring within the boundaries of its parks. Such regulations shall be clearly posted within said parks.

SECTION 17. PENALTY

Every person convicted of any violation of any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not more than \$500.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided by Lapeer Township Civil Infraction Ordinance.

SECTION 18. REPEAL OF CONFLICTING PROVISIONS

All Resolutions, Ordinances or parts thereof conflicting with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 19. SEVERABILITY

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity of unconstitutionality of said section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

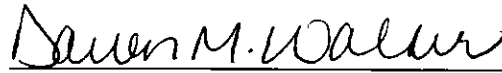
SECTION 20. PUBLICATION

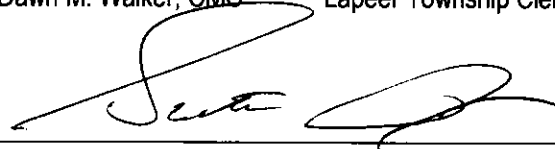
A true copy of this Ordinance or summary thereof shall be published in The LAView, a newspaper of general circulation in the Township of Lapeer.

SECTION 21. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the publication of said notice or summary thereof as provided above.

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Ordinance was duly adopted by the Township Board of Trustees at a meeting held on the 13th day of June, 2011 and was published in the LAView newspaper on the 16th day of June, 2011. This ordinance shall be effective thirty (30) days after said date of publication.


Dawn M. Walker, CMC Lapeer Township Clerk


Scott Jarvis, Lapeer Township Supervisor