

ALLENDALE CHARTER TOWNSHIP
PARK RULES AND REGULATIONS

Ordinance No. 1997-6, Amended with Ordinances 1997-6, 2000-13, 2008-16, 2012-5
and 2014-8

An Ordinance to establish rules and regulations concerning conduct within parks situated in the Charter Township of Allendale, Ottawa County, Michigan, to promote the public health, safety, and general welfare, to provide penalties for the violation of this Ordinance, and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

- Section 1.** Name. This ordinance shall be known and may be cited as the “Allendale Charter Township Park Rules and Regulations Ordinance”.
- Section 2.** Definitions. For purposes of this Ordinance, “person” shall include an individual as well as any firm, partnership, association, corporation, company, or organization or legal entity of any kind and “vehicle” shall mean every device, in, upon, or by which an person or property is or may be transported or drawn upon a highway.
- Section 3.** Park Access.
- A. General Public. Township parks are open for the use of the general public as specified in this Ordinance. No individual or group may use Township park facilities to the exclusion of others unless permitted by this Ordinance.
 - B. Hours of Operation. Township parks will be open to the public from dawn until 11:00 pm. No person shall be present in a Township park after 11:00 pm, or at such other time as a park may be designated as closed to the public by a Township official, unless there is an organized community activity planned, as permitted by Township Board.
- Section 4.** Conduct on Park Property. The following rules and regulations shall govern the conduct of all persons in Township parks.
- A. Preservation of Natural Features.
 - (1) No person shall cut, injure, deface, destroy, disturb or remove any tree, sapling, seedling, brush or shrub, whether alive or dead, or chip, blaze, box, trim, or otherwise deface or injure any tree or shrub, or pick, gather, uproot, remove, or destroy any flower or plant.
 - (2) No person shall remove, damage, or destroy any sod, earth, peat, boulder,

mineral, gravel, or sand without the prior written authorization of the Township.

B. Vandalism of and Destruction of Property.

- (1) No person shall destroy deface, alter, change, or remove any monument, stone marker, benchmark, stake, post, or designation of any boundary line, survey line, or reference point.
- (2) No person shall deface, destroy, remove, or injure any building, sign, equipment, or other property or structure.

C. Fires.

- (1) No person shall set or cause to be set on fire any tree, woodland, brush land, grassland, or meadow.
- (2) No person shall build or start any fire except within receptacles or at other locations specifically approved and designated for such purposes by the Township. Open fires are prohibited.
- (3) No person shall leave any approved fire unattended. All permitted fires shall be completely extinguished, including the embers, by the person or persons who built or started the fire, before leaving the immediate vicinity of the fire.
- (4) This subsection shall not apply to any individual or group that has submitted a written request to the Township for an exception to the provisions of this subsection for a specific activity or function, and such activity or function has been previously approved in writing by both the Township Supervisor and the Township Clerk. If approval for such activity or function is granted, the Township Supervisor and the Township Clerk may impose such conditions as may be necessary to insure the health, safety, and welfare of the residents of the Township, which conditions shall be accepted by the applicant prior to the approval taking effect.

D. Hunting. No person shall hunt, trap, catch, wound, kill, or treat cruelly, or attempt to trap, catch, wound, kill, or treat cruelly, any bird or animal. No person shall molest or rob any nest of any bird or lair, den, or burrow of any animal.

E. Fireworks. No person shall fire, discharge, or have in their possession any firecracker, rocket, sparkler, or other fireworks or any substance of any explosive of dangerous nature. This subsection shall not apply to any individual or group that has submitted a written request to the Township for an exception to

the provisions of this subsection for a specific activity or function, and such activity or function has been previously approved in writing by both the Township Supervisor and the Township Clerk. If approval for such activity or function is granted, the Township Supervisor and the Township Clerk may impose such conditions as may be necessary to insure the health, safety, and welfare of the Residents of the Township, which conditions shall be accepted by the applicant prior to the approval taking effect.

- F. Littering. No person shall deposit or discard in any park, or cause to be deposited or discarded in any park, garbage, ashes, sewage, refuse, waste, or other noxious or offensive material, except by placing said material in refuse containers provided for such purposes. In addition, no person shall deposit in refuse containers provided in any park any garbage, refuse, waste, or other noxious or offensive material which has been transported to and then brought into the park.
- G. Personal Conduct. No person shall conduct himself or herself in a disorderly manner. For the purpose of this Ordinance, a person conducts himself or herself in a disorderly manner when he or she does any act or engages in any practice listed below, or aids or abets any person who does any such act or engages in any such practice listed below.
- (1) No person shall engage in any indecent or obscene conduct or solicit, assault, or accost any person for the purpose of committing an unlawful, indecent, or obscene act.
 - (2) No person shall sunbathe, swim, or bathe in the nude in any park.
 - (3) No person shall, with the intent to annoy or insult another, or in a manner likely to annoy or insult another, do any of the following acts:
 - (a) Use obscene language or make an obscene gesture: or
 - (b) Direct indecent, abusive, or threatening language to any other person or persons when such words tend to inflict injury or incite a breach of the peace.
 - (4) No person shall make any unreasonable or excessive noise or disturbance, or create a breach of the peace or do any act tending to create a breach of the peace.
 - (5) No person shall at any time permit or engage in the playing of any electronic sound producing device (e.g. any radio, phonograph, stereo, television set, amplified musical instrument, loud speaker, tape or cassette recorder, or any similar device) in such a manner or with such volume which is unreasonably loud, raucous or a nuisance to persons within the area of audibility.

- (6) No person shall urinate or defecate on or in any park except in the restroom provided for that purpose. No person shall enter a restroom facility designated for the opposite gender.
- (7) No person shall be intoxicated or under the influence of a controlled substance or act so as to directly endanger the safety of another person or of property., or so to cause a public disturbance. For purposes of this subsection, “controlled substance” shall mean any substance defined as a controlled substance under Michigan Compiled Laws Section 333.7101 et seq. [MSA 14.15(7101) et seq.], as amended, or any similar successor statute.
- (8) No person shall consume alcoholic beverages in any park, **with the exception of Section 10.**
- (9) No person shall refuse to obey the lawful command of any deputy sheriff, other duly appointed law enforcement officer, or any Township official.
- (10) No person shall commit an assault or an assault and battery upon another. No person shall engage in or abet any fight or act of physical violence.
- (11) No person shall disobey any authorized sign in the park.
- (12) No person shall conduct or participate in any form of gambling, lottery, or game of chance upon park property, except as permitted by State law.
- (13) No person shall distribute or place upon park property any sign, banner, advertisement, circular, notice, or statement, or display any banner, emblem, or design, unless specifically approved in writing in advance by a Township official.

Section 5. Animals and Pets.

A. Animals.

- (1) Working leader and service dogs or leader dogs or leader and service dogs in training are permitted in all areas of a park.
- (2) Pets shall be kept on a leash no greater than six (6) feet in length, under the immediate control of a competent person and not allowed to disrupt or annoy park users.

activity or function is granted, the Township Supervisor and the Township Clerk may impose such conditions as may be necessary to insure the health, safety, and welfare of the residents.

- (4) The owner of every animal in the parks shall be responsible for the removal of any fecal matter deposited by his or her animal on public property, public easements, or private property, before leaving the immediate area.

- B. Removal of Animals. Any animal found not in the possession of or under the control of its owner or other competent person, or any animal creating a nuisance or disturbance, may be removed from the park.

Section 6. Camping. No person shall establish or maintain any camp or other temporary lodging place without obtaining prior approval from a Township official. In granting approval, the Township official may establish conditions he/she deems reasonable and necessary.

Section 7. Traffic Control.

- A. State Law. All motor driven vehicles operated on park roadways or parking lots shall be subject to the laws of the State of Michigan as set forth in the Michigan Vehicle Code.
- B. Parking in Prohibited Areas. It shall be unlawful for a vehicle operator to stop, stand, or park a vehicle:
 - (1) In any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers or for the expeditious unloading and delivery or pickup and load of materials.
 - (2) Upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
 - (3) In any place marked for use by the handicapped, except when by permanent or temporary permit, property displayed and authorized by a legally recognized regulatory authority.
- C. Motor Driven Vehicles. It shall be unlawful for any person to:
 - (1) Operate a motor driven vehicle of any kind or nature except on designated roads and parking areas. Motorized trail bikes, snowmobiles, ATVs and similar vehicles are prohibited from operating on park property.
 - (2) Operate, ride, or propel any motorized vehicle in a park unless the

vehicles is duly licensed to be operated on the highways of the State of Michigan.

- (3) Operate a motor driven vehicle on any park road at a speed exceeding 10 miles per hour or at a speed greater than that posted, whichever is lower.

D. Non-Motorized Vehicles. Bicycles shall be operated as closely to the right hand side of the path, trail, or roadway as conditions permit and shall be ridden single file. It shall be unlawful:

- (1) To operate a bicycle in a manner which endangers pedestrians, oneself, or other bicyclists.
- (2) Persons violating any of the above provisions may also be evicted from said park or park land.

Section 8. Commercial Activities, Peddling, and Soliciting. No person shall operate a business, peddle, or solicit business of any nature whatsoever, distribute handbills or other advertising material, or post signs in a park unless first authorized in writing by the Township.

Section 9. Picnic Shelter. All park picnic shelters shall be available for public use, subject to use exclusively by any person, family, group, or organization when authorized pursuant to any reservation policy, rules, and regulations, and/or a fee schedule adopted from time to time by Township Board resolution.

Section 10. Alcoholic Beverages Consumption and Possession

A. An applicant for a Liquor Special Event Permit (“permit”) must qualify as a non-profit or charitable entity of Allendale Charter Township. The applicant must receive: 1) a special license for consumption on the premises or an equivalent license issued by the Michigan Liquor Control Commission, and 2) a Liquor Special Event Permit from the Township Board.

- (1) A request for a permit must be made to the Township Board at least 60 days prior to the event. The request must identify the purpose, date and time of the special event.
- (2) The applicant must pay a permit fee established by a resolution of the Township Board.
- (3) Only one organization is allowed to have a permit per event.
- (4) Prior to Township Board consideration of the permit, the applicant shall meet with the Ottawa County Sheriff Department and the Department shall issue a report to the Township Board with respect to any need for

security personnel or police officers for crowd and traffic control and to ensure all requirements of the alcohol provisions are met. Security requirements will be determined by the Ottawa County Sheriff Department, which may include hiring regular or reserve police officers, private security or both. The applicant will be required to pay for the officers/security personnel for that event.

- (5) The applicant shall sign the permit, if granted, thereby agreeing to all terms and conditions.
- (6) The Township's permit, if approved, shall be issued on a preliminary basis prior to the applicant's request for a special license from the Michigan Liquor Control Commission (the LCC).
- (7) Final approval of the liquor special event permit shall not be granted until the applicant shows proof that the applicant has received a special license from the LCC, and the applicant has provided a certificate of general liability insurance and liquor liability insurance which names the Township, its officers and agents, as additional insureds and provides for at least 15 days notice of cancellation. The minimum insurance coverage limits will be \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. All parties involved in conducting the event shall so be named as additional insureds.
- (8) The Township Clerk may thereafter issue final approval of the permit once the applicant confirms compliance with the foregoing conditions.
- (9) All social events that offer sale or consumption of alcohol shall take place in an enclosed area, and shall comply with the following:
 - a) A single entrance to the event shall be staffed at all times.
 - b) The event enclosure shall comply with all local and state fire safety regulations.
 - c) Fire lanes of 18 feet to 20 feet must be maintained at all times.
 - d) The entire event enclosure must be approved by the Community Policing Department and the Fire Department as a part of the issuance of the permit. Typically, this will require the area to be fenced off with at least two barriers spaced four feet apart to prevent unauthorized entry of contact with individuals outside the event.
 - e) A system of checking ID's to prevent underage drinking must be provided and followed.

- f) No one under the age of 18 may be within the enclosed area.
- g) Adequate lighting must be provided.
- h) A minimum of two restrooms including lavatory, soap and paper towels must be provided for each 250 people, or fraction thereof, estimated to attend. At least one of the restrooms provided must be an ADA acceptable restroom. The applicant is responsible for all clean-up, damage and for providing a dumpster for waste disposal.
- i) Erection of a tent must be approved by the Township. The applicant is responsible for repairing any damage to the pavement or grass.
- j) A to-scale drawing of the proposed site, showing the location of the enclosure or tent, restrooms and dumpster must be submitted with the application. The tent, restrooms and dumpster must be removed before 10:00 am the next business day following the event except that any items placed within a driveway must be immediately removed at the conclusion of the event in order to open the driveway back up to vehicular traffic.
- k) The Township will require a minimum of \$500.00 security deposit for any expenses to be incurred by the Township, including, but not limited to use of the Community Policing Department, use of Township equipment, temporary electrical service, cleanup and restoration expenses. This deposit will be partially or totally refundable, provided no damage is done to the park and/or no expenses were incurred by the Township.

10. The sale of alcohol shall comply with the following restrictions:
- a) Only beer and wine shall be permitted.
 - b) No direct sale (or take out) of beer and wine shall be permitted.
 - c) Purchase of beer and wine shall be made by tickets only.
 - d) Ticket sales for the purchase of beer and wine shall be made in a separate area apart from where alcohol is being dispensed.
 - e) Events shall conclude no later than midnight with one additional hour provided for clean-up. However, the specific hours of the

Section 11. Enforcement and Penalties.

A. Fines and Imprisonment.

- (1) Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500 and costs of prosecution, or imprisoned for not more than ninety (90) days or work in park cleanup program as an alternative to imprisonment, or both.
- (2) Persons violating any of the above provisions may also be evicted from said park or park land.

B. Reimbursement for Damages. In addition to the penalties provided in this Ordinance for violating its provision, any person convicted of an act of vandalism or destruction or property shall reimburse the Township for the total amount of the damage as determined by the court, plus costs of prosecution.

Section 12. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. The captions included at the beginning or each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 13. Repeal. All resolutions, ordinances, orders, or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 14. Administrative Liability. No officer, agent, or employee of the Township or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.