

**PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN**

PARKS REGULATION ORDINANCE

ORDINANCE NO. 57 of 2023

At a duly scheduled meeting of the township board of Peninsula Township, Grand Traverse County, Michigan, held at the Peninsula Township Hall on March 28, 2023 at 7:00 p.m., Township Board Member _____ moved to enact the following ordinance for adoption, which was seconded by Township Board Member _____:

An ordinance to provide for the use, conduct, protection, regulation, and control of township parks, township-owned and managed public properties, public facilities, and other matters concerning recreation, conservation, education, and scenic areas and to provide for the adoption of supplementary rules and regulations, and providing for enforcement and penalties for violations of the ordinance, to ensure the protection of the health, safety, and welfare of the township, its citizens, and members of the public and by repealing Ordinances 5 and 7, as amended.

THE TOWNSHIP OF PENINSULA, COUNTY OF GRAND TRAVERSE, ORDAINS:

Section 1: Title.

This ordinance shall be known and referred to as the “Peninsula Township Parks Regulation Ordinance.”

Section 2: Definitions.

- A. “Camp” means the overnight lodging or sleeping of a person or persons on the ground or in any manner, or in any sleeping bag, tent, hammock, bivy sack, trailer-tent, trailer coach, vehicle camper, motor vehicle, watercraft, or in any other conveyance erected, parked, or placed on the premises or waters within any public land under the jurisdiction of Peninsula Township.
- B. “Firework” or “Fireworks” means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, homemade fireworks, and special effects.
- C. “Domestic Pets” means a domestic cat (*Felis Catus*), domestic dog (*Canis Familiaris*), or registered therapy or service animal.

- D. "Enforcement Officer" means a law enforcement officer (e. g., the sheriff or deputy sheriff, Department of Natural Resources officer, Michigan State Police trooper) or Peninsula Township Ordinance Enforcement Officer.
- E. "Facility" means any structure or improvement on or at a township park. By way of illustration and not limitation, facilities include but are not limited to signage, kiosks, benches, pavilions, gazebos, grills, baseball fields, soccer fields, and other buildings and structures.
- F. "Parking Area" means any off-street area, whether paved or not, that is designated for public parking.
- G. "Ordinance Enforcement Officer" means that person designated by the township board to enforce the provisions of township ordinances under Ordinance Number 35.
- H. "Township Park" means the real property owned and controlled by Peninsula Township, including the properties identified below:
 - 1) Archie Roadside Park
 - 2) Bowers Harbor Park
 - 3) Hessler Log Cabin
 - 4) Haserot Beach
 - 5) Robert and Colleen Kelley Park
 - 6) Mission Point Lighthouse Park
 - 7) Old Mission State Park
 - 8) Pelizzari Natural Area
 - 9) Peter Dougherty House
 - 10) Replica Church

This list may be amended by resolution of the township board.

- I. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks. "Vehicle" specifically includes but is not limited to off-road vehicles ("ORVs") and electric or gas engine bicycles. "Vehicle" does not include wheelchairs or other ADA ambulatory assistance devices.

Section 3: Hours.

The township board or its designee shall establish, as may be amended from time to time, and post reasonable hours for the use of township parks, and may, upon application and permit, extend such hours as it deems reasonably acceptable and in accordance with this ordinance. Unless otherwise posted or extended by permit, no person shall be on a township park earlier than one hour before sunrise or later than one hour after sundown.

Section 4: Township Park Permits.

- A.** Any group of fifty (50) or more people must secure a permit from the township board or its designee before using a township park. Any group of fifty (50) or more people seeking a permit shall submit a certificate of liability insurance naming the township as an additional insured for general liability of at least one million dollars per occurrence and of at least two million dollars aggregate prior to any use or reservation of any facility at a township park.
- B.** Any group or person wanting to reserve a park facility shall apply for and obtain a permit.
- C.** Applications for permits will be made available and evaluated by the township board or its designee.
- D.** Permit applications shall be submitted at least 30 calendar days prior to the date the use of a township park or park facility is requested. The township board or its designee may waive this requirement and consider permit applications on an expedited basis.
- E.** The application for a permit shall contain the information required and listed on the Peninsula Township Special Event Application provided by the township. It shall include the applicant's name, address, phone number, e-mail address, proposed date of event, type of event, number of proposed attendees, name of township park requested for event, whether the applicant will bring tables, chairs, or any other equipment, and any other information reasonably requested to inform the township of the type, size, nature, and intention of the proposed event.
- F.** Applicants must submit their application along with any fees and/or required security deposit(s) to the township board or its designee.
- G.** Fees or security deposits regarding permit applications and events shall be established by the township board by resolution and may be amended from time to time.
- H.** All fees associated with a permit shall be remitted to the township treasurer.
- I.** All security deposits shall be held by the township treasurer until such time that the permitted event has occurred and compliance with this ordinance by the participants is confirmed, but not more than fourteen (14) scheduled workdays after such event.
- J.** The township board or its designee reserves the right to cancel any permit issued or previously approved for any violation of this ordinance or other applicable local, state, or federal law.
- K.** The township reserves the right to deny issuance or approval of a required permit if the issuance and/or approval of the same is, in the opinion of the township board or its designee, likely to be a detriment to the public health, safety, and welfare of the township and its citizens.

- L. Any person or group using a township park pursuant to an issued permit shall be required to present the permit to any enforcement officer upon request.

Section 5: Use of Township Parks.

- A. Stoves, grills, and picnic tables located at township parks shall be used for no longer than necessary to permit their use by the maximum number of people. Any fires for cooking or similar specific purpose shall be made within the stoves or grills provided for that purpose or within privately owned grills or stoves that are designed to retain fire and ashes and prevent their deposit onto the public grounds.
- B. Persons using a township park or facility shall abide by a leave-no-trace policy and are strictly responsible for removing all refuse generated while using these facilities.
- C. Persons with a permit for a facility have priority use and other persons must vacate the facility upon the permittee's request.
- D. All persons within the township parks shall be expected to be courteous, orderly, and to conduct themselves with respect for the rights of others and to act in accordance with local, state, and federal laws.
- E. Any persons using the township parks, facilities, motorized vehicles, or engaging in any other activity on township park property shall assume the risk of any injury, damage, or loss suffered or incurred while on or at a township park. Any person or entity with a permit shall be liable to the township and to all other lawful users of the township parks as indicated in this section for any loss, injury, or damages caused by such permit holder or their guests or from the negligent or reckless use or action arising out of or in connection with any activity, permit, event, or action in which such person, entity, or its guests is or was engaged.
- F. Persons using trails or paths within the township park shall remain on the identified path. Off-trail hiking and biking is expressly prohibited.
- G. Designated parking areas for Township Parks are restricted to park users only. The use of designated parking areas for Township Parks are limited to park hours. No overnight parking is allowed.
- H. Approved events using park resources will be subject to usage fees approved annually by the Township Board as recommended by the Parks Committee.

Section 6: Regulations and Prohibited Conduct.

A. Pets and Animals.

- 1) *Domestic Pets.* Persons may only bring domestic pets to a township park.

- 2) *Leash Required.* Consistent with the Grand Traverse Animal Control Ordinance, persons using township parks must keep domestic pets leashed and under their control at all times. Provided, nothing in this ordinance shall prevent an owner from allowing a dog to go unleashed within the confines of a fenced area identified as a dog park within a township park.
 - 3) *Pet Clean Up.* All persons bringing domestic pets to the township park are strictly required to remove solid waste generated by the domestic animal. Persons shall properly dispose of such solid waste in township-provided disposal receptacles, or carry it out. Pet owners shall leave no trace of pets within the parks.
 - 4) *Other Documentation.* All persons bringing domestic pets to the township park that are not a domestic cat or domestic dog must have documentation showing the animal is a registered therapy or service animal and shall produce the same to any enforcement officer upon request.
- B. No Overnight Stay.** No person shall camp or otherwise remain upon township park property between posted closing times and sunrise.
- C. No Unauthorized Alterations.** Persons may not make unauthorized alterations to a township park. Grooming trails; cutting any trees, tree branches, shrubs, bushes, or woodland; painting; or constructing structures, planting plants, removing plants, landscaping, earth moving, or other alterations are not permitted. Any alterations to township parks must be expressly authorized by the township board or its designee.
- D. Hunting & Firearms.** Except as otherwise provided in park-specific regulations, hunting, target practice, use of a firearm, archery, or use of any other projectile weapon is prohibited in any township park. Hunting, archery, and firearm usage are allowed within portions of Old Mission State Park pursuant to specific regulations in the Department of Natural Resources lease as amended.
- E. No Blinds or Stands.** A person shall not build, affix, place, or erect any tree stand, blind, or other structure for hunting at any time except as allowed within portions of Old Mission State Park pursuant to specific regulations within the Department of Natural Resources lease as amended.
- F. No Structures.** A person shall not build, affix, or erect any structure upon township parks unless authorized by the township board.
- G. Motorized Vehicles, Equipment, Trailers, and Watercraft.**

- 1) No person shall leave, or cause to be left, any vehicle or watercraft on township parks. Enforcement Officers and the township fire department are authorized to remove or have removed any such vehicle or watercraft at the owner's expense.
- 2) No vehicle shall operate, drive, sit, or stand on any township park except for operation on improved roadway designed for vehicle travel or parking within a parking area. Vehicles shall not be driven at speeds of more than ten (10) miles per hour. Drivers shall be responsible and liable for any injury to any pedestrians or any damage caused by the motorized vehicles under their operation or control. Wheelchairs or other ADA ambulatory assistance devices and vehicles necessary for maintenance or emergencies are exempt from this subsection.
- 3) Overnight parking is prohibited unless said parking is approved by the township board or its designee.
- 4) Watercraft shall be launched or beached only at the township's designated sites.

H. No Fires.

- 1) No fires shall be allowed on a township park except for cooking within stoves or grills. No fires including cooking within stoves or grills is allowed within natural areas including Pelizzari Natural Area.
- 2) No person shall willfully or knowingly set or cause to be set on fire any tree, woodland, brush land, shrub or bush, grass, or meadow. The township board may authorize persons to set fires for controlling or eliminating non-native species; promoting or preserving the integrity, quality, and function of the ecological resources; or preserving the public health, safety, or welfare of the township, its citizens, and visitors.
- 3) No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper, or other flammable materials on a township park.

I. No Fireworks. No person shall fire, discharge, or have in their possession any firework within or on a township park.

J. No Destruction of Property. Township property shall not be damaged or destroyed and shall be treated with respect for the next user. Any persons who damage or destroy township property will be liable for said damages or destruction.

K. No Glass or Metal Objects at Swimming Areas. No metal objects that would pose a risk to swimmers or glass containers shall be permitted in the swimming areas of a township park.

L. No Littering, Dumping, or Storage of Equipment. A person shall not knowingly dump, deposit, place, throw, leave, cause, or permit litter on a township park except in

designated trash receptacles. No household refuse or other items shall be brought into the township parks and placed in the trash receptacles or otherwise left within a township park. This prohibition includes individuals leaving trinkets in a township park for decorative purposes. Furthermore, persons may not dispose of trees, treetops, branches, roots, stumps, or other vegetative debris at a township park. Persons, except authorized township personnel, may not store equipment at a township park.

- M. No Commercial Activity.** Only individuals who have received permits may engage in business activities within a township park. Accordingly, individuals without a permit are prohibited from engaging in any business activity in a township park, including but not limited to peddling or soliciting business of any nature in a township park. Individuals who receive a permit to engage in business activities within a township park are limited to conducting the business activities authorized by the permit.
- N. No Rental of Recreational Equipment, Rides or Other Similar Amusements.** Only individuals who have received a permit from the township may, within a township park, provide rental of recreational equipment, rides, or other similar amusements.
- O. No Noise Disturbances.** The following acts and activities are declared to be noise disturbances and are prohibited.
- 1) The playing of any radio, television, speaker, phonograph, other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to annoy or disturb the quiet, comfort, or repose of persons in the vicinity
 - 2) Possessing a domestic pet that causes frequent or long continued noise that would disturb the comfort or repose of a reasonable person in the vicinity
 - 3) The use of any motor vehicle, off-road vehicle, or other vehicle in such a manner as to create a disturbing noise, including, but not limited to the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler
 - 4) The use of a loudspeaker or public address system without a permit issued by the township
 - 5) Any other conduct that generates noise that would disturb the comfort or repose of a reasonable person in the vicinity
- P. No Private Signs.** Other than the township, no person shall affix, place, or erect any sign on a township park.
- Q. Failure to Comply with an Enforcement Officer.** Individuals using a township park may not:

- 1) Refuse to comply with this ordinance or township park specific rules
- 2) Interfere with the enforcement officer's enforcement of this ordinance
- 3) Retaliate against another who has made a complaint of a violation
- 4) Interfere with an employee or agent of the township while performing his or her official duties

R. No Violation of Any Other Law or Regulation: Persons are prohibited from violating any other federal, state, or local law or regulation on a township park, including township park-specific regulations created by the township or its designee.

Section 7: Township Park Specific Regulations.

From time to time, the township board may issue additional regulations governing specific township parks. Before becoming effective, the regulations shall be posted in a conspicuous location of the specific township park.

Section 8: Enforcement and Penalties.

- A. A violation of this ordinance is a municipal civil infraction and shall be enforceable through all the authority granted to the district courts under MCL 600.8701 *et seq.*, as amended, for which the fine shall be established by resolution of the township board in an amount not to exceed five hundred dollars (\$500.00) per violation, together with the costs of enforcing this ordinance, including but not limited to collection of attorney fees and court costs, pursuant to and as limited by MCL 600.8727(3).
- B. Any enforcement officer may administer and enforce this ordinance, including but not limited to issuing and serving civil infraction notices and citations.

Section 9: Severability.

The provisions of this ordinance are declared severable. If any part of this ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 10: Repeal.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, including Ordinances Number 7, Number 5, and Number 5, Amendment 1, of Peninsula Township.

Section 11: Effective Date.

This ordinance shall take effect thirty (30) days after its publication following final adoption as required by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

Isaiah Wunsch, Peninsula Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the Peninsula Township Board at a duly scheduled and noticed meeting of that township board held on March 28, 2023, pursuant to the required statutory procedures.
2. A summary of the ordinance was duly published in the Record-Eagle, a newspaper that circulates within Peninsula Township, on _____, 2023.
3. Within one week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, indicating the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above ordinance with the Grand Traverse County Clerk on _____, 2023.

ATTESTED:

Rebecca Chown, Peninsula Township Clerk