

## ORDINANCE NO. 277, PARK ORDINANCE

The Charter Township of Larkin, County of Midland, Michigan ordains, pursuant to the authority vested in it by Public Act 246 of the State of Michigan of 1945, as amended, MCL 41.181, et seq., an Ordinance establishing the Larkin Township Park Advisory Committee and determining its authority and responsibilities, and establishing the Township Board as the supervisor of the Township Park and Recreation Department and the manager of the Township Park.

### Section 1. Title

This ordinance shall be known and cited as the “Larkin Township Park Ordinance.”

### Section 2. Previous Park Ordinance Repealed and Park Commission Dissolved.

Ordinance No. 262, the Park Ordinance, as amended, is hereby repealed in its entirety and the Larkin Township Park Commission is hereby dissolved.

### Section 3. Park Advisory Committee and Authority

There is herein created the Larkin Township Park Advisory Committee.

- a) The Park Advisory Committee shall consist of five (5) members appointed by majority vote of the Larkin Township Board of Trustees. Each member of the Park Advisory Committee shall serve for a term of one year unless removed earlier by majority vote of the Board.
- b) Vacancies on the Park Advisory Committee shall be filled by majority vote of the Township Board of Trustees.
- c) Members of the Park Advisory Committee may be removed at any time by majority vote of the Township Board. The Township Board has absolute discretion to remove any member of the Park Advisory Committee at any time for any reason.
- d) The Park Advisory Committee shall monitor and report to the Township Board on the activities of the Park and Recreation Department, the use of the Township Park by the public, the enforcement of rules and regulations within the Township Park, and other issues related to the Township Park. The Park Advisory Committee shall keep the Township Board informed of issues related to the Township Park and the Park and Recreation Department, and shall advise the Township Board of any recommended changes to the Park Rules and Regulations

### Section 4. Township Board to Manage Park and Park and Recreation Department.

The Township Board of Trustees shall supervise the Park and Recreation Department and shall manage the operations of Township Park in accordance with the provisions of this Ordinance.

## Section 5. Park Rules and Regulations.

The following Rules and Regulations for the use and operation of the Township Park are hereby established:

- a) Hours. The Larkin Township Park (the “Park”) is open to the public daily from 8:00 a.m. to sunset. Entrance to the Park or presence in the Park outside of these hours is prohibited and unauthorized.
- b) Traffic Control and Parking
  - i. Parking of automobiles, trucks, motor vehicles, motorcycles, snowmobiles, and other motorized conveyances (“Motor Vehicles”) is limited to designated parking areas only. When a Motor Vehicle is found parked in the Park, the registration plate displayed on the motor vehicle shall constitute prima facie evidence that the owner of the vehicle was the person who parked it on the location where found.
  - ii. No Motor Vehicle, attended or unattended, shall remain in the Township Park after sunset. Motor Vehicles remaining in the Township Park are subject or removal and impoundment at the sole expense of the registered owner.
  - iii. No person shall operate any Motor Vehicle at a speed exceeding 10 miles per hour, in an unsafe manner or contrary to posted traffic control signs.
  - iv. No Motor Vehicle shall be operated other than within designated parking areas and designated roads.
  - v. No person shall operate a Motor Vehicle within the Park when he or she is under the influence of or their ability to do so is impaired by the use of intoxicating liquor, narcotic, drug, barbitol, or any derivative barbitol.
  - vi. No person shall operate any Motor Vehicle in any manner within the Park that results in excessive noise or disturbs the peace, quiet or tranquility of the area.
- c) Alcoholic Beverages and Controlled Substances Prohibited. No person shall possess, consume or use alcoholic beverages, marijuana or other controlled substances in the Park.
- d) General. The following are prohibited in the Township Park and no person shall:
  - i. Remove, deface or injure any building, property or vegetation.
  - ii. Sell or offer for sale food, drink, ice, newspapers, or other items without first obtaining prior written approval of the Township Board.
  - iii. Peddle or systematically solicit business of any nature, distribute handbills or other advertising matter, post signs or use the Park as a base of commercial operations, without the prior written approval of the Township Board.

- iv. Use a loudspeaker, public address system or sound amplifying equipment of any kind without approval of the Township Board. Approval will not be granted if in the determination of the Township Board such a system is capable of interfering with the use and enjoyment of the Park by others. No person may operate any motor vehicle, radio, television or any other device in such a manner that it interferes with the use and enjoyment of the Park by others.
  - v. Engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace or to disturb or annoy others.
  - vi. Use the parking lots for other than the parking of vehicles and the entry and exit from those vehicles. Other activities including, but not limited to picnicking, food preparation or game playing are prohibited.
  - vii. Build fires except in designated places or in approved stoves or grills.
  - viii. Deposit refuse or waste material which has originated outside the Park in receptacles provided for Park users.
  - ix. Litter or discard refuse of any kind except in receptacles provided for park users, set fire to the contents of a trash container or place or burn garbage in a fire ring or stove.
  - x. Possess or bring into the Park glass beverage containers outside of designated picnic areas.
  - xi. Loiter or cruise in any motor vehicle through and around any Park drive or picnic area for the purpose of attracting or distracting persons.
  - xii. Camp overnight on park property without approval of the Township Board.
  - xiii. Force, threaten, intimidate, or by any means prevent or obstruct any person(s) from entering, leaving, or making full use of the park.
  - xiv. Possess, fire, or discharge any rocket, firecracker or other fireworks or any substance of an explosive nature.
  - xv. Conduct or participate in any form of gambling, lottery, or any game of chance.
- e) Animals.
- i. All dogs and other animals in the Township Park shall be leashed and under the immediate control of its custodian at all times. No dog or other animal shall be unattended at any time.
  - ii. No dogs or other animals are permitted in an enclosed park building. Service dogs are not included in this prohibition.

- iii. No dog or other animal shall annoy or threaten other persons or animals or create any nuisance or disturbance. All dogs exhibiting such behaviors shall be removed from the Park.

f) Firearms, Hunting and Fireworks

- i. No person shall discharge any firearms, air guns, paintball, bow-and-arrow or other device capable of propelling a projectile within the Park.
- ii. No person shall hunt, trap, fish, catch, wound, kill, worry or treat cruelly any bird or animal in the Park. Nor shall any person molest or rob, any nest, lair, den or burrow of any bird or animal in or upon the Park.

Section 6. Enforcement of Rules and Regulations

The Rules and regulations shall be enforced by the Township Supervisor, Ordinance Enforcement Officer and/or any law enforcement agency with jurisdiction over the territory of the Township Park.

Section 7. Violations and Penalties

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than Five Hundred (\$500) dollars, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of more than five hundred (\$500.00) dollars be ordered. All violations of this Ordinance are declared nuisances per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance and the adopted rules and regulations. Further, any violation of this Ordinance or the rules and regulations shall revoke any express or implied permission to use of the Township Park and continued presence thereafter shall be deemed trespass.

Section 8.

This ordinance shall become effective thirty (30) days after publication.

HISTORY

Ordinance No. 277, adopted November 9, 2021.