

**CHARTER TOWNSHIP OF AUSABLE
IOSCO COUNTY, MICHIGAN**

ORDINANCE # 132

AN ORDINANCE TO PROVIDE REGULATIONS REGARDING THE USE OF TOWNSHIP PARKS, PUBLIC RECREATION AREAS, BUILDING, PARKING LOT, AND ADJACENT GROUNDS, IN ORDER TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, PEACE, AND WELFARE OF THE RESIDENTS OF AND VISITORS TO THE TOWNSHIP; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND TO REPEAL CHARTER TOWNSHIP OF AUSABLE ORDINANCE NO. 102 (THE TOWNSHIP'S PRIOR PARKS REGULATIONS ORDINANCE).

THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:

SECTION I. PURPOSE.

It is the purpose of this ordinance to provide for the public health, safety, peace, and welfare of the residents of and visitors to the Charter Township of AuSable by regulating the use of Township parks, public recreation areas, building, and adjacent grounds.

SECTION II. USE OF TOWNSHIP PARKS AND PUBLIC RECREATION AREAS.

A. Township parks and public recreation areas, as designated by the Charter Township Board of Trustees, shall be open to the public from 6:00 a.m. through 10:00 p.m. The Board of Trustees may modify the opening hours by motion or by resolution.

B. Any fires for cooking must be made within the grills provided for cooking or within other privately owned grills that are designed to retain any ashes and prevent their deposit upon the ground. No fires shall be built directly on the ground.

C. All trash, bottles, cans, and other debris must be deposited within containers provided for such purpose or removed from the premises and not discarded upon the ground, beaches, or lakes, streams, rivers, or other waters situated within or adjoining the park or recreation area.

D. Damaging, defacing, removing, altering, or harming in any manner any portion of a Township park or recreation area or anything installed or located on such property is prohibited.

E. Dogs and other domestic pets must be kept securely on a leash or within a secure container that prevents their release. In addition:

- Dogs must be legally licensed;
- Dogs must have current rabies vaccinations;
- Dogs and other pets must be kept under control;
- Feces from dogs and other pets must be cleaned up immediately by the owner or custodian;

and

•Owners and custodians are responsible for all actions of their dogs and other pets.

F. No firearms, BB or pellet guns, air guns, compressed air guns, bows and arrows, slingshots, or any other weapon shall be used within or directed at Township parks or public recreation areas.

G. No tents, house trailers, recreational vehicles, or similar items shall be allowed within Township parks or public recreation areas for the purpose of camping.

H. Vehicles and trailers shall be operated and parked only at areas as specifically permitted and posted by the Township. Vehicles and trailers shall not be parked at a Township park or public recreation area during closed hours. Vehicles and trailers shall not be washed, polished, or repaired upon Township park or public recreation areas. Vehicle speeds shall not exceed ten (10) miles per hour while traveling in Township park or public recreation areas. The Board of Trustees may modify speed limits by motion or by resolution.

I. No person shall loiter or remain on walkways, paths, parking areas, structures, or equipment so as to interfere with the passage of others or the use of Township park or public recreation area property.

J. No person shall destroy, damage, or cut any trees, shrubs, plants, grass, or other vegetation without permission from the Township.

K. The use of fireworks and any items of an explosive nature is prohibited.

L. Smoking tobacco or any other substance is prohibited.

M. No person shall peddle, engage in any commercial transaction, solicit business, panhandle, distribute advertising materials, distribute sample products, or post unauthorized signs at Township parks and recreation areas.

N. Alcoholic beverages shall not be permitted at Township parks or public recreation areas without obtaining a permit from the Township Board of Trustees and complying with the conditions imposed in connection with the permit.

O. Check current Township Fee Schedule for Applicable Fees

SECTION III. USE OF THE OLD AUSABLE RIVER WALKING AND SKI TRAIL.

A. The walking trails within the Old AuSable River Walking and Ski Trail shall be used for walking, skiing, snowshoeing, nature study, birding, nature photography, and other activities associated with the peaceful enjoyment of the natural resources.

B. All travel upon, occupation, and use of the Old AuSable River Walking and Ski Trail shall be by foot, ski travel, or snowshoeing, and shall be done in an orderly manner.

C. Bicycles, roller blades, roller skates, skateboards, snowmobiles, all-terrain vehicles, motor vehicles, and any other mechanized vehicles are prohibited; provided, however, this provision shall not prevent the use by and access to the Old AuSable River Walking and Ski Trail by disabled persons and devices as required by law.

D. Cross-country skiers shall use that part of the trail which lies outside of the paved portions of the trail.

E. The provisions set forth in Section II above shall apply to the use of the Old AuSable River Walking and Ski Trail.

SECTION IV. USE OF TOWNSHIP BUILDING, PARKING LOT, AND ADJACENT GROUNDS.

A. The Township Board of Trustees, in its discretion, may allow persons to use the Township building located at 4420 N. US 23, AuSable, Michigan 48750 ("the Township Hall"), the parking lot that serves the Township Hall, and the grounds adjacent to the Township Hall and the parking lot, provided that such use is for the benefit of the public, does not impose an unreasonable burden on Township property, personnel, or activities, complies with the requirements set forth in the required application for the use, complies with all requirements established by the Township Board of Trustees following its review of the application, and is not likely to be a detriment to the public health, safety, peace, and welfare. The Township Board of Trustees reserves the right to discontinue the use of the Township Hall, parking lot, and/or adjacent grounds at any time.

B. Persons desiring to use the Township Hall, the parking lot, or the adjacent grounds must complete an application on a form approved by the Township Board of Trustees.

C. Applications submitted to the Township shall be processed in the order of receipt.

D. Applications shall be reviewed by the Township Board of Trustees during a regular or special meeting. The Township Board of Trustees may approve the application with or without conditions, instruct the applicant to provide additional information prior to its decision, or reject the application.

E. Any person allowed to use the Township Hall, parking lot, or adjacent grounds shall assume the risk of any injury, damage, or loss suffered or incurred while in or on such property.

F. To the fullest extent permitted by law, any person allowed to use the Township Hall, parking lot, or adjacent grounds shall indemnify, defend (with legal counsel acceptable to the Township), and hold harmless the Township and the Township's agents, employees, representatives, officers, board members, and insurers from and against all claims, demands, injuries, losses, liens, causes of action, suits, judgments, liabilities, costs, expenses, and attorney fees, whether arising out of contract, tort, or another legal theory, of any person or entity directly or indirectly arising out of, caused by, in connection with, or resulting from such use. The applicant shall be responsible for the conduct and control of its employees, volunteers, contracted officials, participants, and guests, and for any damages or injuries incurred by them, or caused by them, arising from such use.

G. If requested by the Township Board of Trustees, any person allowed to use the Township Hall, parking lot, or adjacent grounds shall obtain and maintain insurance of a type and in an amount as required by the Township Board of Trustees and ensure that the Township and the Township's agents, employees, representatives, officers, and board members are included as additional insured parties under such insurance coverage.

H. Check current Township Fee Schedule for Applicable Fees.

SECTION V. VIOLATIONS AND PENALTIES.

A. Any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").

B. The Charter Township of AuSable Superintendent, the Charter Township of AuSable Zoning Administrator, the Charter Township of AuSable Ordinance Enforcement Officer, and Charter Township of AuSable officials and employees as may be authorized by the Charter Township of AuSable Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

C. A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.

D. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

E. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

F. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.

G. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

H. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

I. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

SECTION VI. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its publication as required by law.

SECTION VII. PUBLICATION; RECORDATION; AUTHENTICATION.

This ordinance or a lawful summary shall be published once in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within thirty (30) days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

SECTION VIII. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

SECTION IX. REPEAL OF PRIOR TOWNSHIP ORDINANCE.

Charter Township of AuSable Ordinance No. 102, the Charter Township of AuSable prior Parks Regulations Ordinance, is hereby repealed.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of AuSable Board of Trustees at a regular meeting held on the ____ day of _____, _____.

I further certify that the following Board members were present at the meeting: _____, and that the following Board members were absent: _____.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this ____ day of _____, _____, by the Charter Township of AuSable Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: _____

Kevin Beliveau
Charter Township of AuSable Supervisor

Dated: _____

Kelly Graham
Charter Township of AuSable Clerk

