

**CLAY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE NO. 139 – PUBLIC PARKS ORDINANCE**

AN ORDINANCE adopted to provide rules and regulations for the use and conduct within the Township Parks, to provide for use of permits and setting fees for such permits; to provide penalties for the violation of this Ordinance; to repeal all ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF CLAY, COUNTY OF ST. CLAIR,
MICHIGAN, ORDAINS:**

Section 1. APPLICATION.

This chapter shall apply in all parks and recreation areas in the Township of Clay unless expressly exempted.

Section 2. DEFINITIONS.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them herein; and all other words and phrases used in this Ordinance shall have their commonly accepted meaning:

Camping: The overnight lodging or sleeping of a person or persons within a Park, including camping in the open on the ground or in a sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any other facility erected, parked or placed within the Park.

Docking: to bring (a ship or boat) to a dock; lay up to, tie to the dock or pier.

Parking or Parked: Permitting a vehicle to remain standing, whether occupied or not, when not loading or unloading.

Parking Area or Parking Lot: Any off-street area, whether paved or not, which is designed for parking of motor vehicle.

Person: Any individual, firm, partnership, association, corporation, company, organization or any group or gathering of individuals.

Rules and Regulations: Written rules and regulations, and amendments thereto, concerning the use and maintenance of Township parks and park property, adopted by the Clay Township Board, copies of which are available to the public at the Township municipal office and posted at the Township Park.

Section 3. PROHIBITED ACTS.

A. Fireworks: No person shall at any time fire, discharge or possess any rocket, firecracker, torpedo, squid, fireworks or any other substances of an explosive nature.

B. Docking, Mooring or Tying off Boats or water craft to Dock/Pier:

- 1) No person shall dock, moor, or tie a boat or water craft up at the pier for over 4 hours unless it is an emergency, or unless it is a boat or water craft owned by Clay Township.
- 2) No person shall tie off a boat or water craft to any part of the Pier other than spiels and cleats. No person shall tie off to swimming ladders, hand rails or any other parts of the dock/pier.

C. Solicitation: No person shall operate a business, peddle, or solicit business of any nature whatsoever, distribute handbills or other advertising matter, post unauthorized signs, or in any other way use public property as a base of commercial operation, unless prior written permission and a permits is obtained from the Township. No gambling, gaming or illegal competition is allowed in a public park.

D. Glassware Prohibition: No person shall be in possession of any bottle, receptacle or container made of glass in any public park.

E. Signage: No person shall bring or display signs, except for temporary signs identifying a group location using the park pavilion or decorating the pavilion for a special event, unless prior permission has been obtained from the Township Supervisor or Clerk. No staples, nails or tacks are to be used on picnic tables or on building surfaces.

F. Refuse/Litter: No person shall dump, deposit, or leave any bottles, rubbish, waste, leaves, yard waste, construction materials, junk, and garbage in the park. All refuse accumulated through lawful use of the park shall be left in a designated trash receptacle. Materials generated by an event, through the permitted use of a public park by the Township Board shall be accompanied by a requirement of the permitted person to remove said material from the public park upon completion of an event.

G. Projectiles: No person shall throw or cast any stones or other missiles within any Clay Township public park.

H. Camping/Overnight: No person shall camp or stay overnight in any Clay Township public park.

I. Fires: No person shall kindle, build, maintain or use a fire in any public park property except in authorized camp stoves and/or designated barbeque grills provided by the Township. No person may leave an approved fire in a public park unattended. All permitted fires shall be completely extinguished, including the embers, before the person who built or started the fire, before the person leaves the immediate vicinity of the fire.

J. Drunk and Disorderly/Controlled Substances: No person may bring, use or possess any controlled substance in a public park nor be under the influence of a controlled substance in a public park. "Controlled substances" shall mean any substance defined as a controlled substance under State law.

K. Drunk/Disorderly Conduct: No person shall make unreasonable noise, or profane, obscene or offensively coarse utterances, jesters or displays, or communicate any unwarranted or grossly abusive language to any person or be in violation of the Clay Township Ordinances as it pertains to drunk and/or disorderly conduct.

J. Parking: No person shall block the entrance of any public park with a vehicle nor may any person double park a vehicle along the road leading to a public park entrance. All vehicles left unattended shall be towed away and impounded at the owner's expense unless properly parked during public park hours in an area designated for parking and in a manner which does not form a traffic obstruction. Overnight parking is not permitted.

L. Weapons: No person may at any time discharge or set off a firearm or a weapon in a public park, unless the person is a sworn police officer acting within the scope of the officer's duties or has a valid concealed pistol permit and complies with the limitations of that permit. A weapon is any device or article used for fighting or hunting, including, but not limited to, the following: crossbows, bow and arrows, blowguns, air guns, water guns, paintball guns, slingshots, disks, daggers, stilettos, brass knuckles, and any knife with a blade longer than 3.5 inches unless legitimately and exclusively for meal preparation or service.

M. Defacement/Destruction of Park Property: No persons shall obstruct any walk or drive in any public park or playground and no person shall injure, mar, deface or damage in any manner, or remove from the premises any monument, sign ornament, fence, bridge, seat, table, tree, fountain, shrub, flower, lawn, playground equipment, basketball court, fire-places, restrooms, or other public property or buildings, within or pertaining to said park.

N. Hours of Use: Hours shall be set by resolution of the Township Board and posted at the Township Park, unless otherwise permitted by a special park use permit. It shall be unlawful for any person to enter, loiter or remain in a park after it is closed to the public.

O. Pets: Pets must remain on a leash (maximum ten feet in length), kept under physical control at all times, and not be a nuisance or a danger to other park users. Pet owners are required to remove their pet's fecal deposits from the park grounds and place their waste in a suitable receptacle.

P. Cleaning Fish: No cleaning of fish or depositing of fish guts is permitted on or near the Pearl Beach Pier property.

Section 4. RESERVATION OF FACILITIES.

- A. The Township Board may permit park facilities to be reserved for use at a particular time, subject to the conditions and requirements for reservation of facilities established by resolution of the Board.
- B. In the absence of reservations, the use of any athletic field within a park for organized competition or practice shall be by right of first come-first served.

Section 5. EJECTION FROM PARK.

Any person found violating any provision of this chapter may be ejected from the park by any police officer in addition to any other penalties provided herein.

Section 6. TEMPORARY CLOSING.

The Chief of Police may order the temporary closing of any park or parks when in his or her discretion such a closing is necessary for the immediate protection of the health and safety of the public.

Section 7. RULES AND REGULATIONS TO BE SET BY TOWNSHIP BOARD.

The Township Board is hereby empowered to make such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public; and no person shall fail to comply with the rules and regulations. A copy the rules and regulations and hours of operation shall be available at the Township offices as well as posted at the Township Park.

Section 8. VIOLATION OF THIS ORDINANCE AND PENALTIES.

Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00 in costs and/or imprisonment for a period not to exceed 93 days.

Section 9. REPEAL.

Any ordinance or resolution, or any part of any ordinance or a resolution, inconsistent with the terms of this Ordinance is repealed to the extent of the inconsistency.

Section 10. SEVERABILITY.

If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, the invalidity shall not affect the validity of the remaining portions of this Ordinance.

Section 11. FEES AND CHARGES.

The Township may charge a fee for use of a park or park facility, for participation in a recreation program or activity, or for a Special Park Use Permit. The fee shall be established by resolution of the Township Board.

Section 12. PUBLICATION AND EFFECTIVE DATE.

This Ordinance was approved and adopted by the Clay Township Board, St. Clair County, Michigan, at a regular meeting held on October 5, 2015 and this Ordinance will take effect 30 days after publication in the Voice (published: November 4, 2015), a newspaper within general circulation in the Township.

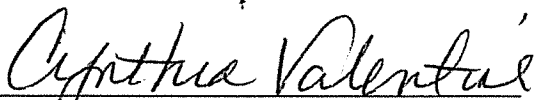
Motion by Thomas Fetter supported by Joanne Shirkey to Adopt Public Parks Ordinance No. 139.

Upon Roll Call Vote, the vote was as follows:

AYES: J. Arthur Bryson, Cynthia Valentine, Karen Straffon, Thomas Fetter, John Horvath and Joanne Shirkey.

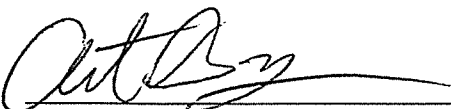
NAYS: None

ABSENT: Thomas Krueger


Cynthia Valentine, Clay Township Clerk

CERTIFICATION

I, Cynthia Valentine, the duly qualified and appointed Clerk of Clay Township, hereby certify that the foregoing is a true and complete copy of Ordinance No. 139, adopted by the Clay Township Board at a regular meeting held on the 5th day of October, 2015 at which six (6) members of the Township Board were present and voted as indicated, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. A certified copy of the Ordinance was sent to the St. Clair County Clerk by first class mail with postage prepaid on the 4th day of November, 2015.


Arthur Bryson, Clay Township Supervisor


Cynthia Valentine, Clay Township Clerk

Adopted: October 5, 2015
Published: November 4, 2015
Effective: December 4, 2015