

## Charter Township of Elmwood Ordinance No. 2011-5

An Ordinance to amend certain portions of Ordinance 2010-3 entitled "Charter Township of Elmwood Park Regulation Ordinance."

THE CHARTER TOWNSHIP OF ELMWOOD BOARD, LEELANAU COUNTY, MICHIGAN  
HEREBY ORDAINS:

### **Section 1: Name.**

This Ordinance shall be known and cited as the Charter Township of Elmwood Park Regulation Ordinance.

### **Section 2: General Use of Township Parks and Recreational Facilities.**

The following provisions shall apply to all land and facilities owned by Charter Township of Elmwood and designated by the Township as a township park or as a recreational facility unless a provision by its terms applies only to a specific township park or recreational facility (for example, a provision states that it applies only to a specific park or facility such as Cherry Bend Community Park, Greilickville Harbor Park, or Elmwood Township Marina):

- (a) Any fires for cooking must be made within the grills provided for the purpose or within other privately owned grills which are designed to retain the ashes and prevent their deposit upon the ground. No fires shall be located directly upon the ground.
- (b) All trash and debris must be deposited within containers provided for that purpose and shall not be placed or allowed to remain upon the ground.
- (c) Township property shall not be damaged or destroyed and shall be left in the condition that it was found.
- (d) Township parks shall be used only from dawn until dusk of each day.
- (e) No dogs or other animals shall be allowed within Greilickville Harbor Park, except a leader dog or a certified service animal accompanied by its owner.
- (f) Dogs or other animals are permitted at Cherry Bend Community Park, except where otherwise prohibited (such as the Elmwood Township baseball fields); however, they must be leashed at all times.
- (g) The owner or person in control of a dog or other animal is responsible for cleaning up any and all solid wastes left by those dogs or other animals.
- (h) Except for those Charter Township of Elmwood areas designated for fishing and hunting:

- (1) No person shall take, catch, or kill or attempt to take, catch, or kill any fish of any kind from a township park, beaches, boat launching ramp, breakwaters or within the Elmwood Township Marina.
  - (2) No person shall take or attempt to catch or take any bait fish by the use of nets, seines, set lines, or any other device for their private use or commercially from a township park, beaches, boat launching ramp, breakwaters, or within the Elmwood Township Marina.
  - (3) No person shall hunt or attempt to hunt any waterfowl, game animal, or game birds while the person is located on a township park, beach, boat launching ramp, breakwaters, or within the Elmwood Township Marina.
- (i) No commercial activities of any kind are permitted unless authorized by the Elmwood Township Board.
- (j) No glass bottles or glass containers are allowed in township beach areas.
- (k) No person may engage in what would appear to a reasonable person to be violent, abusive, excessively loud, boisterous, vulgar, obscene, or disorderly conduct of any kind.
- (l) No person may operate or park any motorized vehicle in any park except where so designated and posted by the Charter Township of Elmwood. Drivers of motorized vehicles shall obey all posted traffic control signs. Motorized wheelchairs and similar devices are permitted.
- m) No person shall interfere with another visitor's use of any Charter Township of Elmwood park or recreational facility.

### **Section 3: Use of Park Pavilions.**

- (a) Charter Township of Elmwood parks and pavilions are open for use by the general public during normal park operating hours. However, the Greilickville Harbor Park large bayside pavilion and the Cherry Bend Community Park pavilion may be reserved in advance for certain specified periods. If a pavilion is not reserved in advance, no group of any kind shall be entitled to use or occupy a pavilion for more than three (3) hours during any given day.
- (b) Pavilion reservation requests must be made, the Pavilion Use Request Form submitted and received/approved, and the appropriate fee and deposit paid to the Charter Township of Elmwood office at the time of the reservation. The Charter Township of Elmwood will not accept any pavilion reservation request more than six (6) months before the desired reservation date. The amount of the fee and the deposit shall be set by motion or resolution of the Charter Township of Elmwood Board.
- (c) An approved applicant, hereafter called the User, assumes responsibility for any and all damage to Charter Township of Elmwood property and any injury or damage to the person or property of the applicant or any third party which is caused by the User or any guest of the

User, and shall indemnify and hold harmless the Charter Township of Elmwood from any and all claims, awards, or attorney fees in the event of any such injury or damage.

- (d) The User shall be responsible for its own cleanup immediately following the event and the User must leave the area in the same condition in which it was found. In the event that the Charter Township of Elmwood must clean the area following the event, the User shall be charged all expenses of cleanup and such expenses shall not be limited to the User's deposit amount. The designated township representative will determine "same condition" and the township representative's decision on the matter is final.
- (e) Reserving a pavilion in advance does not grant exclusive use of public restrooms, available parking, or any other park amenities. Carpooling is encouraged due to limited available parking on-site.
- (f) The reservation may be revoked at any time for violation of this Ordinance, or for a violation of state law that has occurred or is occurring on the township park or recreational facility, by the Charter Township of Elmwood Supervisor or his or her designated representative, any law enforcement agency that has jurisdiction in the Township, or any other person or agency authorized by the Charter Township of Elmwood Board to make such a reservation revocation.
- (g) The Charter Township of Elmwood reserves the right to designate days that the park pavilions are not available for reservations (e.g. Cherry Festival Week, holiday weekends, Township picnics/events, etc.)

#### **Section 4: Power Boats and Sail Boats.**

- (a) No boats shall be propelled by wind or motor within 25 feet of swimming areas that are designated by a buoy or sign.
- (b) Motor vehicles shall only be parked within areas designated for parking and shall occupy only one parking space. Boat trailers may only be parked at the Elmwood Township Marina.

#### **Section 5: Tents, Campers, Recreational Vehicles, Commercial Buses, and Motor Homes.**

- (a) No tents, campers, recreational vehicles, commercial buses, or motor homes shall be used within township parks. Recreational vehicles, commercial buses, and motor homes are not permitted to park within Greilickville Harbor Park.

**Section 6: Penalties.**

Any person, firm, corporation, partnership, association or other legal entity which violates Section 2.e and Section 2.f of this Ordinance shall be guilty of a criminal misdemeanor which may be punishable by a fine of not more than five hundred dollars (\$500) and costs of prosecution, or by imprisonment for not more than ninety-three (93) days, or both. In addition to the foregoing, any person, firm, corporation, partnership, association or other legal entity violating the provisions of this Ordinance or any state law may be required to leave the township park or recreational facility by the Charter Township of Elmwood Supervisor or his or her designated representative, any law enforcement agency that has jurisdiction in the Township, or any other person or agency authorized by the Charter Township of Elmwood Board to enforce such leaving of the township park or recreational facility.

**Section 7: DeYoung Natural Area Exemption.**

This Ordinance does not apply to the DeYoung Natural Area since that land is subject to a conservation easement and is regulated by the Leelanau Conservancy pursuant to the DeYoung Natural Area Lakeshore Property Management Plan.

**Section 8: Validity.**

Should any section, clause, or provision of this Ordinance be declared by courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 9: Effective Date.**

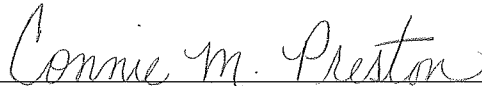
This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the Township.

CHARTER TOWNSHIP OF ELMWOOD BOARD  
LEELANAU COUNTY, MICHIGAN

By Connie Preston, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance #2011-5 adopted by the Township Board of the Charter Township of Elmwood, County of Leelanau, Michigan at a regular meeting held on June 13, 2011, at which all members were present.

June 14, 2011

  
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Connie M. Preston

Adopted: June 13, 2011  
Published: June 23, 2011  
Effective: June 24, 2011