

Bingham Township
Leelanau County, Michigan

Ordinance No. _____01-071816_____

July 18, 2016

AN ORDINANCE TO REGULATE ACTIVITIES WITHIN TOWNSHIP PARKS

THIS ORDINANCE SHALL BE KNOWN AS THE PARKS ORDINANCE.

Bingham Township Ordains:

Section 1. Definition

- A. In this ordinance PARKS means Bingham Park, Boughey Park, Groesser Park, Hendryx Park, Mebert Creek Natural Area, and any other parks subsequently created within Bingham Township.

Section 2. Time of Use

- A. PARKS close at 10 p.m.

Section 3. General Behavior

- A. No person shall indulge in any noisy, boisterous, disorderly or indecent conduct, or in any manner disturb the peace or good order of the community within the PARKS.
- B. No person intoxicated by alcohol or under the influence of alcohol, narcotic drugs, opiates, or a controlled substance, the use or possession of which is subject to a penalty under state or local law, shall enter or remain within the PARKS.
- C. No person shall remain within the PARKS who does not abide by conditions adopted and posted by the Township for the preservation of good order and the protection of property within the PARKS.
- D. The use of loud speakers, public address systems, or sound amplifying equipment in the PARKS is prohibited. Operation of excessively loud radios or similar devices in the PARKS is also prohibited. Under no circumstances shall sound from such devices be audible beyond the borders of the PARKS.

Section 4. Swimming

- A. Persons shall swim at their own risk. Swimming is allowed only during posted hours. There is no lifeguard on duty.

Section 5. Vehicles

- A. Motor vehicles may be operated in the PARKS only upon the roadways and parking lots thereof.
- B. Vehicles may be parked in the PARKS only during time of use.
- C. Off road vehicles and snowmobiles may access ice through township parks.

Section 6. Glass Containers

- A. It is unlawful to possess or use glass containers in the PARKS.

Section 7. Littering

- A. No person shall deposit, scatter, drop or abandon bottles, cans, hot coals, ashes, sewage, waste or other material in the PARKS, except in receptacles provided for such purpose.
- B. No person shall place household, yard, or construction waste generated outside park property into garbage receptacles or anywhere in the PARKS.

Section 8. Fires

- A. Fires are permitted only in grills.
- B. Fires in the PARKS shall not be left unattended and must be fully extinguished.

Section 9. Advertising/Selling

- A. No person shall expose, distribute, or place any sign, advertisement, notice, poster, or display in the PARKS without authorization from the Township Board.
- B. No person shall solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in the PARKS.

Section 10. Vandalism

- A. No person shall intentionally remove, alter, injure, harvest, eat, or destroy any tree, other plant, rock, soil or mineral in the PARKS.
- B. No person shall intentionally deface, vandalize, or otherwise cause destruction to any park property in the PARKS.

Section 11. Pets

- A. Pets are not allowed in Hendryx Park.
- B. Pets are allowed in Boughey Park, Bingham Park and Mebert Creek Natural Area and must be kept on a leash no more than six feet in length unless they are being used for lawful hunting in the Mebert Creek Natural Area.
- C. Those responsible for a pet must clean up all pet feces and dispose of same in a sanitary manner.
- D. It shall be unlawful to permit a pet in the PARKS to unreasonably disturb, harass, or interfere with any park visitor, a park visitor's property, or wildlife.

Section 12. Fireworks

- A. No person shall possess, set off, or attempt to set off or ignite any firecracker, fireworks, rockets, or other pyrotechnics in the PARKS.

Section 13. Hunting in Mebert Creek Natural Area

- A. Per state law, hunting, fishing and trapping is allowed with valid state licenses and adherence to state hunting regulations.

Section 14. Penalties

- A. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be punished as follows:
 - 1. For a first offense, the person shall be fined not less than \$100.00, nor more than \$200.00, plus the costs of prosecution and other sanctions provided by law.
 - 2. For a second offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$300.00 nor more than \$500.00, plus the costs of prosecution and other sanctions provided by law.
 - 3. For a third or subsequent offense occurring within three (3) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$1,000.00 nor more than \$5,000.00, plus the costs of prosecution and other sanctions provided by law.
- B. The Township Code Enforcement Officer and other persons appointed by the Bingham Township Board are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- C. Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.

Section 15. Previous Park Ordinances Rescinded

- A. All previous Bingham Township Park Hours-of-Operation Ordinances and Parks Ordinances are hereby rescinded and replaced by this Ordinance.

Section 16. Severability.

- A. If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 17. Effective Date: September 25, 2016

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

Ordinance No. 01-071816 was adopted on the 18th day of July 2016 by the Bingham Township Board of Trustees, as follows:

Motion by: Bush
Support by: McGhee
Roll Call Vote:
Yeas: 3
Nays: 2
Absent: 0
Motion Carried.

I certify that this true copy of Ordinance No. 01-071816 was adopted at a regular meeting of the Bingham Township Board of Trustees on July 18, 2016 and published in the *Leelanau Enterprise* on August 25, 2016.

Date of Township Approval: July 18, 2016
Date of Publication: August 25, 2016
Effective Date: September 25, 2016

Date: August 18, 2106

By: pnc
Peggy Core,
Bingham Township Clerk