

Casco Township  
Allegan County, Michigan

Ordinance No. 110221  
Adopted: 2/21/2011, Effective April 13, 2011

**PARK ORDINANCE**

**AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS TO CONTROL AND GOVERN THE USE OF ANY PUBLIC PRESERVE, PARK, BEACH OR TOWNSHIP CONTROLLED ROAD END LOCATED IN CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.**

**THE TOWNSHIP OF CASCO, ALLEGAN COUNTY, MICHIGAN ORDAINS:**

**Section 1. Public Park.**

For this Ordinance, "Public Park" shall mean all public preserves, parks, beaches, and Township controlled road end beaches within the geographical limits of the Township.

**Section 2. Application.**

This Ordinance shall be applicable to, and shall govern the use of, Public Parks.

**Section 3. Litter.**

No person (i.e., individual, partnership, corporation, association, club, joint venture, estate, trust, governmental unit, any other group or combination acting as a unit, and the individuals constituting the group or unit) may litter or dump in Public Parks refuse matter of any kind, including but not by way of limitation sacks, cans, papers, containers, cartons, garbage, food, food scrap, trash, rubbish, refuse, leaves, yard waste, construction materials, junk or waste material. Persons may dispose of such material, if generated through permitted use of a Public Park, in refuse containers provided for such purpose. If refuse containers are not provided, Persons shall dispose of such material generated through permitted use of a Public Park by removing the material from the Public Park.

**Section 4. Glass Prohibition.**

No Person may be in possession of any bottle, receptacle or container made of glass in any Public Park.

**Section 5. Tobacco and Alcohol.**

No Person may bring, use or possess tobacco, alcoholic beverages or controlled substances in a Public Park. No Person may be under the influence of alcoholic beverages or controlled substances in a Public Park. "Controlled substances" shall mean any substance defined as a Controlled Substance under State law.

#### **Section 6. Fires.**

No Person may kindle, build, maintain or use a fire on any Public Park property except in authorized park 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, by the Person who built or started the fire, before the Person leaves the immediate vicinity of the fire.

#### **Section 7. Camping.**

No Person may camp or stay overnight in any Public Park.

#### **Section 8. Pets.**

No Person may permit any pet (dog, cat, or other domestic animal or any other animal under, or intended to be under, the custody or control of a Person) to run at large in any Public Park. All Pets must be on a leash no greater than six feet in length and under the immediate control of a competent Person. Horses and ponies are not allowed in any Public Park. Pets are not allowed on beaches from May 1 to September 30 each year. All Pet litter shall be picked up, bagged, and disposed of in a litter container or removed from the Public Park. Pets are not permitted in any Public Park designated as a Nature Preserve.

#### **Section 9. Noise.**

No Person may make an excessive noise, or cause or allow an excessive noise to be made by any device. An "excessive noise" is louder than a normal conversational tone at a distance of 50 feet or more from its point of origin.

#### **Section 10. Hours.**

First Street Lake Access shall be closed from ½ hour after sunset until ½ hour after sunrise daily. The Casco Township Nature Preserve shall be closed from ½ hour after sunset until 8:00 a.m. daily. No hours of closure are determined for other public parks. No Person may occupy or use any portion of the Public Parks during those hours. All vehicles left unattended and parked within a Public Park during the closed hours shall be towed away and impounded at the owner's expense.

#### **Section 11. Vehicle Parking.**

No Person may block the entrance of any Public Park with a vehicle, nor may any Person double park a vehicle along a 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.

### **Section 12. Operation of Motor Vehicles.**

- A. No Person may drive or operate a motor vehicle (i.e., a self-propelled vehicle) except on roads and in parking lots in Public Parks. Vehicles authorized by the Township and emergency vehicles responding to an emergency are exempt from this prohibition.
- B. No motor vehicle may be operated in a Public Park in excess of 10 miles per hour. If a lower speed limit is posted in a Public Park, the lower speed limit applies.
- C. No motor vehicle may be operated in a Public Park so that its tires squeal or so that it causes damage to any area of a Public Park.
- D. No motor vehicle may be operated in a Public Park unless the motor vehicle can legally be operated on the public streets of the State.

### **Section 13. Regulation of Wheeled Devices.**

Bicycles, skateboards, scooters, roller skates, rollerblades, and other similar wheeled devices which are not motor-driven may be operated in a Public Park, but only in areas specifically designated by signs for their use.

### **Section 14. Watercraft.**

Persons may not launch motorized watercraft from a Public Park. Hand carried non-motorized canoes, kayaks, and small sailing craft are allowed to be hand placed in the water from a Public Park. However, the hand carried craft may not be transported with the use of a trailer across Public Park property, except upon roads and in parking lots. Watercraft shall not be slid across Public Park property. No motorized watercraft may be beached on Public Park property from the water. No fueling of watercraft is allowed in Public Parks.

### **Section 15. Construction Machinery.**

No Person may move construction machinery in, upon or across Public Parks without first securing written permission from the Township.

### **Section 16. Language or Conduct.**

No Person in a Public Park may, with the intent to annoy or insult another, or in a manner likely to annoy or insult another: use threatening, abusive, insulting, or indecent language which would tend to inflict injury or incite a breach of the peace; or use obscene language or make an obscene gesture.

#### **Section 17. Interference.**

No Person may interfere with or in any manner hinder any employee, contractor or agent of the Township in the performance of duties at a Public Park.

#### **Section 18. Refusal to Obey.**

No Person may refuse to obey a lawful command of any duly appointed law enforcement officer with jurisdiction in a Public Park, or any Township officer or Township employee acting on behalf of the Township.

#### **Section 19. Natural Resources.**

No Person may remove or disturb any plant life, natural material, or wildlife. This includes, but is not limited to, the removal of firewood, the harvesting of plants or the killing, hunting or trapping of animals. Persons may not remove, damage or destroy any soil, earth, peat, boulder, mineral, gravel or sand. Persons may not run, climb, walk or otherwise disturb the face of a dune in a Public Park.

#### **Section 20. Weapons.**

No Person may at any time possess, 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.

#### **Section 21. Fireworks.**

No Person may at any time fire, discharge or possess any rocket, firecracker, torpedo, squib, fireworks, or any other such substances of an explosive nature.

#### **Section 22. Public Property.**

No Person may deface, destroy, remove or damage in any manner any public property in a Public Park.

#### **Section 23. Business Activity.**

No Person may 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 Park property as a base of commercial operations, unless prior written permission is obtained from the Township. No gambling, gaming, or illegal competition is allowed in a Public Park.

**Section 24. Fishing.**

No Person may fish in, on, or from a Public Park from May 1 to September 30 of each year.

**Section 25. No Trespass.**

No Person may trespass onto adjacent property from a Public Park.

**Section 26. Winter Sports.**

No Person may sled, snow ski, ice skate, or engage in similar winter sports on or in a Public Park unless specifically permitted by the Township. The Township shall erect appropriate signage if such winter sports are allowed on a regular basis.

**Section 27. Launching and Landing.**

No Person may launch or land a hot air balloon, helicopter, hang glider, parachute, or any similar type of device in a Public Park.

**Section 28. Adult Supervision**

No Person under the age of 12 years of age is permitted in a Public Park unless under the direct supervision of an adult over the age of 18 years of age.

**Section 29. 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 30. 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 31. Enforcement.**

The Township ordinance enforcement officer, members of the Allegan County Sherriff's Department, members of any law enforcement agency which contracts with or is assigned to the Township, and any other individuals who may from time to time be appointed by Township Board resolution, are authorized to issue and serve municipal civil infraction citations for violations of this Ordinance.

### **Section 32. Violations.**

Any Person who violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall include the following.

- A. A civil fine of not less than \$50.00 and not more than \$500.00, plus costs and other sanctions, shall be assessed for an initial violation of this Ordinance.
- B. Increased civil fines may be imposed for repeated violations of this Ordinance. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a Person within six months of a prior violation of this Ordinance.
- C. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions.
- D. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions.
- E. Each day during which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- F. In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance.

### **Section 33. Effective Date.**

This Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan, at a regular meeting held on February 21, 2011, and it is

ordered to take effect 30 days after publication in the South Haven Tribune (published March 13, 2011), a newspaper with general circulation in the Township.

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Allan W. Overhiser, Supervisor

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Julie M. Cowie, Clerk

### **CERTIFICATE**

I, Julie M. Cowie, the Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Park Ordinance was adopted at a regular meeting of the Casco Township Board of Trustees held on February 21, 2011. The following members of the Township Board were present at that meeting: Allan Overhiser, Supervisor; Lu Winfrey, Treasurer; Julie Cowie, Clerk; Judy Graff and Eldon Ridley, Trustees; and the following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Township Board, Cowie, Ridley, Graff, Winfrey, and Overhiser, voting in favor and no members of the Township Board voting in opposition. A summary of the Ordinance was published in the South Haven Tribune on March 13, 2011. A certified copy of the Ordinance was sent to the Allegan County Clerk, by first-class mail with postage pre-paid on March 21, 2011 (within seven days of publication following adoption).

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Julie M. Cowie, Clerk