

**TOWNSHIP OF ARMADA
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 09-002-17A
AMENDMENT OF ARMADA TOWNSHIP
NEIGHBORHOOD PARKS ORDINANCE**

TITLE

AN ORDINANCE amending the Township of Armada Neighborhood Parks Ordinance by prohibiting the possession of alcoholic beverages within the parks and repealing any and all Ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA, MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT

Section 4.62 is hereby repealed in its entirety and the following substituted therefor:

Section 4.62. No person shall have in his or her possession, nor shall any person sell or serve any alcoholic beverage, including but not limited to beer, wine, liquor or other spirits within the boundaries of a neighborhood park.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, Ordinances, or parts thereof in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. PUBLICATION

A true copy of this Ordinance or a summary thereof shall be published in the North Macomb Voice, a newspaper of general circulation in the Township of Armada, and posted on the Township's website.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after the date of publication of a notice of posting as set forth in Section 4.


CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Armada, Macomb County, Michigan, at a meeting held on the 13th day of September, 2017.

I hereby further certify that the following Township Board Members were present at the meeting: Finlay, Kanehl, Paterek, Swiacki and Smith
and the following Township Board members were absent: None

I further certify that Member Swiacki moved for the adoption of the Ordinance, and that motion was supported by Member Paterek.


I further certify that the following Township Board Members voted for the adoption of the Ordinance: Swiacki, Finlay, Paterek, Kanehl and Smith
and that the following Township Board Members voted against adoption of the Ordinance:
None.



Mary K. Swiacki, CMMC
Armada Township Clerk

CERTIFICATE OF POSTING AND PUBLICATION

I, Mary Swiacki, the Township Clerk of the Township of Armada, do hereby certify that on September 14, 2017, the foregoing Ordinance was posted in the office of the Township Clerk and on Armada Township's website. In addition, the Summary of Ordinance Amendment was published in the North Macomb Voice on September 20, 2017.


Mary K. Swiacki,
Armada Township Clerk

TOWNSHIP OF ARMADA
MACOMB COUNTY, MICHIGAN
NEIGHBORHOOD PARKS ORDINANCE
ORDINANCE NO. 09-002

TITLE

An Ordinance regulating public utilization of neighborhood parks within the Township, prescribing a penalty for a violation thereof and repealing any and all ordinances and/or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA, COUNTY OF MACOMB, MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the "Armada Township Neighborhood Parks Ordinance."

SECTION 2. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with Act 246, Public Acts of 1945, as amended.

SECTION 3. DEFINITIONS

As used in this Ordinance, the terms:

- Section 3.1 "Neighborhood parks" shall mean any publicly or privately improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes together with adjacent vehicle drives, sidewalks and parking areas, owned and operated by the Township.
- Section 3.2 "Commission" shall mean the Armada Parks and Recreation Commission established pursuant to the provisions of Act 157, Public Acts of 1905, as amended.
- Section 3.3 "Township" shall mean the Township of Armada, Macomb County, Michigan.
- Section 3.4 "Recreation area" shall mean open or unimproved areas within township owned properties or parks that are used for passive or non active recreation activities. This may include picnic areas, environmental preservation areas, open fields, etc.
- Section 3.5 "Weapons" shall mean a device or object designed or used for inflicting bodily harm or physical damage including but not limited to guns, pistols, firearms, explosives, tasers or other electrified devices, knives, dirks, razors, stilettos, or any other blunt or sharp-edged or pointed instruments capable of such.
- Section 3.6 "Alcohol" shall mean liquor or brew containing alcohol as the active agent.

- Section 3.7 "Commercial activities" shall mean an activity undertaken as part of a commercial enterprise for the purpose of buying and or selling any goods.
- Section 3.8 "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976 as amended, being 125.1102 of the Michigan Compiled Laws, including but not limited to any snowmobile, off road vehicle, or vessel.
- Section 3.9 "Litter" shall mean rubbish or refuse.

SECTION 4. PROHIBITED ITEMS AND ACTIVITIES

The Armada Township Board may by resolution adopt regulations and controls of activities occurring within the boundries of the park. Such regulations shall be clearly posted within the park.

- Section 4.1 No person shall litter, deposit or abandon in or on any land or water areas within the boundaries of a neighborhood park any garbage, sewage, bottles, refuse, trash, waste or other obnoxious material except in receptacles provided for such purposes.
- Section 4.2 No person shall have in his or her possession or control any glass bottle or container in or on any sports playing field or court in a neighborhood park, or in any other locality in the park where possession of glass bottles and containers are not permitted within any park or recreation area where posted by the township.
- Section 4.3 No person shall have in his or her possession or control any slingshot, pellet gun, air rifle, fireworks, explosives or other dangerous weapon or material within the boundaries of a neighborhood park.
- Section 4.4 No person shall use a skateboard, skate-blades, roller skates, frisbee, football, soccer ball or other game equipment within the boundaries of a neighborhood park in any area where use of such equipment is prohibited by posted notices.

A. UNLAWFUL FIRES

- Section 4.51 No person shall start or maintain a fire within the boundaries of a neighborhood park, except in the permanent grills provided for such purpose.
- Section 4.52 No person shall dump any burning material or hot ashes into any trash containers or elsewhere within the boundaries of a neighborhood park unless such container or locality shall be marked as a receptacle for such material.

B. ALCOHOLIC BEVERAGES & CONTROLLED SUBSTANCES

- Section 4.6 It shall be unlawful for any person under the age of twenty-one (21) years to possess, transport into or within or have under his or her control within the boundaries of a neighborhood park any beer, wine or other alcoholic beverages.
- Section 4.61 No person shall sell or furnish any beer, wine or other alcoholic beverage to any person under the age of twenty-one (21) years within the boundaries of a neighborhood park.

Section 4.62 No person shall have in his or her possession, nor shall said person sell or serve, any alcoholic beverage within the boundaries of a neighborhood park. ~~without first securing a permit there for approved by the township board or its designee. Applications for such permit may be filed with the office of the township clerk and no fee shall be charged there for.~~ (Amended: 9/13/17)

Section 4.63 No person shall possess, transport into or within, have under his or her control or sell or furnish to another person within the boundaries of a neighborhood park any marijuana or other controlled substances defined by applicable statute in such case made and provided.

Section 4.64 Intoxicated individuals or those under the influence of a controlled substance shall not be allowed to enter or remain in the park.

C. DISORDERLY CONDUCT

Section 4.7 No person or group of persons shall engage in any drunken, loud, boisterous, disorderly or indecent conduct, nor shall any person or group of persons commit or engage in any assault or other activity which shall endanger or annoy other persons or disturb the peace or good order within the boundaries of a neighborhood park.

Section 4.71 No person shall within the boundaries of a neighborhood park: Intentionally expose the male or female buttocks or genital areas or the female breasts;

Section 4.72 No person shall loiter in or on any road, drive, parking lot or median within the boundaries of a neighborhood park in such a manner as to obstruct or hinder the free flow of vehicular traffic or the passage of pedestrians or to create alarm for the safety of persons after having been requested to cease such obstruction or hindrance or abate such alarm by a police officer or sheriff deputy.

SECTION 5. SIGNS AND HANDBILLS

Section 5.1 No handbills, newspapers or other circulars may be offered or distributed within the boundaries of a neighborhood park.

Section 5.2 No person, excepting employees and officials of the township or commission, shall post, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree or automobile within the boundaries of a neighborhood park, except that temporary directional signs for group picnics or events may be placed on sign posts designated for such purposes by the Township and must be removed at the conclusion of the event.

Section 5.3 No person, firm or corporation shall conduct any activity within the boundaries of a neighborhood park which is prohibited by township posted signs conspicuously displayed at the park entrance or other areas of park.

SECTION 6. CLOSING OF PARK

Section 6.1 No person shall enter or remain in a neighborhood park after the posted hours except by written permission of the township.

Section 6.2 No person shall use or occupy any area or facility in a neighborhood park, including the pavilion when such area or facility is closed to the use of the public by order of the township.

SECTION 7. DOGS, PETS, HORSES AND LIVESTOCK

Section 7.1 No person shall bring into or have in his or her possession or control within the boundaries of a neighborhood park any dog or pet unless such dog or pet shall be kept on a leash not over six (6) feet in length and under the immediate control of such responsible person.

Section 7.2 No person shall bring into, or have in his or her possession or control, any dog or pet in any area of a neighborhood park where the same is prohibited by posted notices, provided that this Section shall not apply to leader dogs for the blind police dogs or similar working dogs.

Section 7.3 No person who brings into, or has in his or her possession or control, a dog or pet which deposits fecal matter within a neighborhood park shall permit said matter to remain in the neighborhood park, said person being obligated to remove said matter upon his or her departure from said park.

Section 7.4 No person shall ride or lead any horse within the boundaries of a neighborhood park, except in areas designated by the Township.

Section 7.5 No person shall permit or allow the running at large, herding, grazing or driving of any livestock of any kind within the boundaries of a neighborhood park.

SECTION 8. COMMERCIAL ACTIVITIES

Section 8.1 No person or organization other than the township, its agents and licensees shall, within the boundaries of a neighborhood park, advertise, offer for hire, vend offer or sell any service, food, beverage, merchandise or other personal property or advertise, carry on or conduct any other business or commercial activity for profit or not. Further, no person or organization shall beg or solicit contributions or donations within the boundaries of a neighborhood park without first obtaining a permit issued by the township.

SECTION 9. OFF-THE-ROAD VEHICLES; BICYCLES

Section 9.1 No person shall operate or have in his or her possession within the boundaries of a neighborhood park any off-the-road motor-driven vehicle, including, by way of example but not by way of limitation, any minibike, motorcycle, dune mobile, snowmobile, converted snowmobile, all-terrain vehicle, amphibious vehicle or similar motorized device.

Section 9.2 No person shall, operate or have in his possession or control within the boundaries of a neighborhood park a moped, motor-driven cycle, or motor vehicle except on the surfaced area of a roadway (excluding any roadway posted for use of authorized vehicles only or for pedestrian traffic) or designated parking area.

Section 9.3 No person shall operate a bicycle or similar non-motorized vehicle on designated jogging and/or hiking paths or trails when the same is prohibited by township posted notice.

Section 9.4 The Motor Vehicle Code, being MCL 247.1 et seq., as amended are in full force and effect in all neighborhood parks and may be enforced by any law enforcement officer, a Macomb County Sheriff Deputy, Village of Armada police officer, or Michigan State trooper.

SECTION 10. PRESERVATION OF PROPERTY AND NATURAL RESOURCES

Section 10.1 No person shall injure, deface, disturb, nor in any manner destroy or cause to be destroyed any portion of a neighborhood park or any facility building, sign, structure, equipment, utility or other property found therein a neighborhood park.

Section 10.2 No person shall dig for, remove, injure or destroy any tree, flower, shrub, plant or growing thing or any wildlife, except as otherwise provided by law, or any rock, mineral, artifact or other material within the boundaries of a neighborhood park without written permission from the township or commission.

SECTION 11. MUSICAL INSTRUMENTS, RADIOS, RECORD OR TAPE PLAYERS AND SOUND-AMPLIFYING DEVICES

Section 11.1 No person shall operate or play any musical instrument, radio, mechanical record or tape player, loudspeaker, public address system or sound-amplifying equipment of any kind within the boundaries of a neighborhood park in such manner as to cause the sound emanating to exceed a loudness of 65 decibels when measured on the db scale as measured at any township park boundary property lines without first obtaining a written permit issued by the township.

SECTION 12. RECEIPT OF SERVICE, PRIVILEGE OR LICENSE WITHOUT PAYMENT OF FEE

Section 12.1 Where a fee or charge is requested for any service, privilege or license offered by the township or their licensees within the boundaries of a neighborhood park, no person shall obtain or attempt to obtain such service, privilege or license without payment of such fee or charge, and shall comply with all requirements of any permit pertaining to the service, privilege or license.

Section 12.2 Sporting field use agreements shall be filed with the township clerk's office to reserve a township park sports field. A field permit will then be issued by the township clerk to the organizer, manager or coach.

SECTION 13. PENALTY

Sec. 13.1 Every person convicted of any violation of any provision of this Ordinance shall be punished by a fine of not more than \$500.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

SECTION 14. REPEAL OF CONFLICTING PROVISIONS

All Resolutions, Ordinances or parts thereof conflicting with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 15. SEVERABILITY

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity of unconstitutionality of said section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

SECTION 16. PUBLICATION

A true copy of this Ordinance or summary thereof shall be published in The Armada Times, a newspaper of general circulation in the Township of Armada.

SECTION 17. EFFECTIVE DATE

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided above.