

WHITEHALL TOWNSHIP GENERAL CODE  
AMENDMENT BY ADDITION  
ARTICLE 14

**ARTICLE 14 PARK RULES AND REGULATIONS  
ORDINANCE**

**1401 PURPOSES**

This is an ordinance to adopt rules and regulation for the use and maintenance of places of recreation and for the government of Township Parks within the Township of Whitehall, Muskegon County, Michigan, pursuant to Act 157 of the Public Acts of 1905, as amended and to provide penalties for the violation thereof.

**1402 DEFINITIONS**

“Firearms” means guns of any type, including, but not limited to B-B guns, pellet guns, and starting pistols.

“Motor Vehicles” means any and all kinds or types of motor driven or motor propelled automobiles, trucks, motor cycles, motor scooters, mopeds, snowmobiles, and any kind or type of off-road or all- terrain vehicles.

“Litter” means any offal or refuse, including, but not limited to paper, cans, bottles, and feces.

“Pets” means dogs, cats, horses, snakes, or any other domesticated animal or any other animal under the custody or control of a person.

“Township” means Whitehall Township.

“Type I Park Use Permit” means a permit which provides for the reservation of a baseball or softball field, or disc golf course for non-tournament usage. The holder of such a permit has the right to exclusive usage of the field or course during the time stated in the permit.

“Type II Park Use Permit” means a permit that provides for the reservation of a baseball or softball field, or disc golf course for tournament usage. The holder of such a permit has the right to the exclusive usage of the field or course during the time stated on the permit.

“Type III Park Use Permit” means a permit which provides for the reservation of park facilities for corporate or family gatherings. The holder of such permit has the right to use all park facilities. If this permit is being used to reserve a picnic shelter, the permit must so state and the holder of said permit shall post the permit at the picnic shelter at least one (1) hour before the use of the shelter, in an area designated by the Township Board, The holder of the permit has the exclusive use of the shelter for the period of time stated in the permit.

“Weapon” means any device or article which can be used for fighting or hunting, including but not limited to, the following: crossbow, bow and arrows, blowguns, slingshot, dirks, daggers, brass knuckles, and any knife with a blade longer than three and one-half (3 ½) inches, except any knife legitimately being used for meal preparation or service.

### **1403 PARK USE PERMITS**

Any person, firm, or corporation who desires to reserve a baseball or softball field, or a disc gold course for non-tournament or tournament purposes shall first apply to the Township for an

appropriate Type I or Type II Park Use Permit. Any person, firm, or corporation who desires to reserve park facilities shall first apply to the Township for an appropriate Type II Park Use Permit. Such person, firm, or corporation shall submit with the appropriate application any required fee or deposit as may be established by the Township Board from time to time by resolution. All applications shall be submitted during regular business hours of the Township or as such other times as may be designated to the Township Clerk or to such person as the Clerk may appoint. All fees shall be non-refundable. Deposits shall be refundable to the applicant if the field course or park facilities (as applicable) are left in substantially the same condition it was in before it was used or occupied by the applicant, which includes the absence of litter. The holder of the permit is responsible for the conduct of any other person, firm, or corporation which uses or occupies the field, course, or park facilities while under the custody, control, auspices, sponsorship, or encouragement of the permit holder. Park Use Permits shall be issued by the Township Supervisor, or his designated representative, upon such criteria as the Township Board shall from time to time establish. No such criteria shall discriminate against any person on the basis of age, sex, race, sexual orientation, or national origin.

#### **1404 PROHIBITED CONDUCT**

No person, firm, or corporation shall commit any of the following conduct in a Township Park, field or recreation area:

A. Occupy or use any portion of a Township Park or recreation area between the hours of 10:00 p. m. and 8:00 a. m., for any activity, not associated with the park, unless in possession of a valid Park Use Permit.

B. Transport or use any alcoholic beverage in a Township Park or recreation area.

C. Possess a firearm or weapon in a Township Park or recreation area, unless the person is a sworn police officer acting within the scope of the officer's duties or has a valid concealed pistol license.

D. Hunt or trap any animals or birds within any portion of a Township Park or recreation area.

E. Possess any type of firework(s), or explosives within any portion of a Township Park or recreation area.

F. Use, park, or operate any motor vehicle in a manner contrary to posted traffic control signs within a Township Park or recreation area.

G. Spin or cause to spin, the tires of any motor vehicle, in such a manner that damage is caused to the roadway or parking area, or any ground.

H. Allow a pet to run loose within any portion of a Township Park or recreation area. For purposes of this Ordinance, the phrase "allow a pet to run loose" shall mean that the pet is neither on a leash, held by, nor otherwise under the immediate control of, the person in custody of the pet. For purposes of this Ordinance, the phrase, "otherwise under the immediate control of the person" shall mean that the pet is subject to the control of a person because of training, familiarity, and proximity to the person.

I. Damage, destroy, deface, or remove any tree, shrub, plant, building, fence, sign, table, bench, marker, or any other equipment or facility within a Township Park or recreation area, unless necessary for the maintenance of the park or recreation area as

determined by the Township Board.

J. Light or maintain a fire within a Township Park or recreation area, except in a facility or area provided therefore, or except as is necessary for the maintenance of the park or recreation area as determined by the Township Board.

K. Suffer or cause any litter to remain in a Township Park or recreation area.

L. Fail to observe any of the requirements of a Park Use Permit, or fail to abide by the rules and regulation for the use of Township Parks or recreation areas.

M. Ride or operate a bicycle, horse, or motorized vehicle on or within the confines of any baseball or softball field or disc golf course, or in any other area of a Township Park where any such items have been prohibited. It is the intention of this Subsection to prohibit the mere riding or operating of a bicycle, motorized vehicle, etc., in any playing field or posted area, regardless of whether any damage is caused.

## **1405 VIOLATIONS**

Any person, firm, or corporation 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. Civil fine of not less than fifty dollars (\$50.0), plus costs, reasonable attorney fees, and other sanctions.

B. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by person, firm, or corporation within six (6) months of a prior violation of this Ordinance; and for which the person, firm, or corporation admits responsibility or is determined to be responsible.

C. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs, reasonable attorney fees, 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 five hundred dollars (\$500.00), plus costs, reasonable attorney fees, and other sanctions.

The Township Supervisor, any law enforcement officer, the Township’s Public Works Director, the Assistant Public Works Director, the Township Zoning Administrator, and the Township Attorney are authorized to use municipal civil infraction citations for violations of this Ordinance. The service of citations or municipal civil infractions under this Ordinance may be served by personal delivery, by first class mail, or by affixing the citation to the vehicle, boat, or trailer parked in violation of this Ordinance.

In addition to the sanctions provided in this Ordinance for violation of its provisions, any person who is determined to be responsible for a municipal civil infraction because of any damage that he/she has caused to Township property shall reimburse the Township for the amount of damages suffered by the Township to repair the damage for which the person is responsible, as determined by the court. If a person is responsible for an act of

vandalism, that person shall reimburse the Township for up to three times the amount of damages as determined by the court, as well as costs and attorney fees.

#### **1406 SEVERBILITY**

Should any court declare any provision or section of this Ordinance unconstitutional or invalid, then such decision shall affect only the section or provision so passed upon, and shall not affect any other section or provision of this Ordinance.

#### **1407 EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

Amended: June 22, 2009

Published: June 28, 2009

Effective: July 28, 2009