

**WHITEHALL TOWNSHIP GENERAL CODE
AMENDMENT BY ADDITION
ARTICLE 17**

ARTICLE 17 PARKS AND TOWNSHIP PROPERTY

1701 PURPOSE

This is an ordinance to adopt rules and regulation for the parks and Township property within the Township of Whitehall, Muskegon County, Michigan and to provide penalties for the violation thereof.

1702 DEFINITIONS

As used in this Article:

Authorized Township Official means any Muskegon County Sheriff's Officer or other officer or employee authorized by the Township Supervisor to issue a civil infraction citation or notice,

Township civil infraction action means a civil action in which the defendant is alleged to be responsible for a township civil infraction,

Township civil infraction citation means a written complaint or notice prepared by an authorized Township official, directing a person to appear in a place designated on the civil infraction citation regarding the occurrence or the existence of a Township civil infraction violation by the person cited and to answer to the allegations contained in the citation,

Township civil infraction determination means a determination that a defendant is responsible for a Township civil infraction by one of the following:

- (a) an admission of responsibility for the Township civil infraction,
- (b) an admission of responsibility for the Township civil infraction, “with explanation”,
- (c) a preponderance of the evidence at an informal hearing or formal hearing on the question,
- (d) a default judgment for failing to appear as directed by a citation or other notice, at a scheduled appearance,

Township civil infraction notice means a written notice, prepared by an authorized Township official, directing a person to appear at Whitehall Township to answer to the allegations made in the Township civil infraction violation notice and to pay the fine and costs, if any, prescribed for the violation.

1703 PROPERTY AND FACILITY HOURS

All property of the Township of Whitehall shall generally be open to the public between sunrise and sunset of each and every day except as to those properties designated by the Supervisor to be open during hours to be determined by the Supervisor, it shall be unlawful for any person, except those persons authorized by the Supervisor, to enter, be on or remain on Township property after sunset on one day or before sunrise on the following day except where other hours are authorized by the Supervisor.

Notwithstanding the open hours provided for in this Section, the Supervisor may, to carry out the purposes of this Article to protect the public health, safety and welfare and to improve the fair, safe and efficient use of Township property and facilities by the public, close properties or portions of properties to public use.

1704 EXCLUDE AND EXPEL

The Authorized Township Official is granted the authority and power to exclude and expel any person or persons from any Township property when such person or persons violates any of the provisions or requirements of the Township, the laws of the State of Michigan or the Rules and Regulations promulgated pursuant to the authority granted in this Article. Any such order of exclusion or expulsion that extends for a period of 10 (ten) days or less may be given verbally. In the event that such order of exclusion or expulsion extends for any period exceeding ten (10) days, the person authorized to issue the order shall issue the order in writing stating the reasons thereof and notifying the violator the he/she has the opportunity of a hearing before the Supervisor within seven (7) days of the date of issuance of the order of exclusion or expulsion. Any hearing held pursuant to such a request shall be held promptly after receipt of the request. Based upon the findings made as a result of the hearing, the Supervisor may sustain, overrule or modify the order of exclusion or expulsion and shall state the reasons for such holding in writing. Any person to whom an order of exclusion or expulsion is given for a period of ten (10) days or less may also request a hearing whether the order is verbal or written. Any order of exclusion or expulsion remains in full force and effect during the period that is being appealed unless suspended by the Supervisor. No person shall fail, neglect or refuse to comply with such an order of expulsion or exclusion.

1705 ADOPTION AND INCORPORATION OR STATE LAW BY REFERENCE

As provided for in state law, Whitehall Township, hereby adopts and incorporates the provisions of state law enabling municipalities to adopt and enforce ordinances declared to be municipal civil infractions to the fullest extent possible.

(Ord. No. 2000-50 § 1, 9-5-00)

1706 COMMENCEMENT OF TOWNSHIP CIVIL INFRACTION CITATIONS

A municipal civil infraction action may be commenced upon the issuance by an Authorized Township Official of a municipal civil infraction citation directing the alleged violator to appear in court; or a municipal civil infraction violation notice directing the alleged violator to appear in court.

1707 ISSUANCE AND SERVICE OF TOWNSHIP INFRACTION CITATIONS

Municipal civil infraction citation shall be issued and served by authorized Township officials as follows:

The time for appearance specified in a citation shall be within a reasonable time after the citation is issued,

The place for appearance specified in a citation shall

be the Muskegon County District Court,

An authorized Township official may issue a citation to a person if:

Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction,

Township civil infraction citation shall be served by an authorized Township official as follows:

An authorized Township official shall personally serve a copy of the citation upon the alleged violator.

1708 MISCELLANEOUS

No person shall operate any skateboard, bicycle, in-line skates or other wheeled or unwheeled conveyance on any unpaved surface, in any area in which such use is prohibited by signs or after having been directed not to operate such conveyance in a specified area.

No person shall use sound amplification devices or equipment in any, park, areas of parks or other areas under control of the Township in such a manner as to disturb the quiet enjoyment of the park or other area by other users, except with a written permit from the Township.

1709 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.

1710 EFFECTIVE DATE

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

Adopted: October 24, 2011

Published: October 30, 2011

Effective: December 1, 2011