

Chapter 26 - PARKS AND RECREATION¹¹

Footnotes:

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State Law reference— Township powers to acquire property for public purposes, MCL 41.2; township parks, MCL 41.421 et seq.; authority to operate system of public recreation, MCL 123.51; playground equipment safety act, MCL 408.681 et seq.

ARTICLE I. - IN GENERAL

Secs. 26-1—26-18. - Reserved.

ARTICLE II. - PARK RULES AND REGULATIONS

Sec. 26-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearms means revolvers, pistols, shotguns, rifles, airguns, pellet guns, starting pistols, BB guns, or any other guns or other weapons which discharge projectiles either by air, explosive substance or any other force.

Litter means any garbage, ashes, sewage, refuse, waste or other noxious or offensive material.

Motor vehicle means any self-propelled or towed vehicle designed or used on public highways to transport passengers or property, as defined in section 79 of Public Act No. 300 of 1949 (MCL 257.79), which is required to be registered for use upon the public streets and highways of the state under that Act; any wheeled vehicle which is self-propelled or intended to be self-propelled, including off-road or all-terrain vehicle; and any snowmobile.

Park use permit means a permit obtained from the township through its agent, the Greater Spring Lake Recreation Commission (the commission), which authorizes the permit holder to exclusive use of the picnic shelter, large cooking grills, ball field and/or soccer field at Rycenga Park for a designated date and time.

Pets means dogs, cats, horses, snakes or other domesticated animals or any other animal under, or intended to be under, the custody or control of a person.

Rycenga Park means all publicly owned and maintained places of recreation open to general use by the public, currently consisting of approximately 80 acres, located generally north of Van Wagoner Road, east of U.S. 31, between U.S. 31 and 168th Avenue.

Water Tower Park means all publicly owned and maintained places of recreation open to general use by the public, currently consisting of approximately two acres, located generally north of Van Wagoner Road, approximately 350 feet west of West Spring Lake Road.

Weapon means any device or article which is intended to be used for fighting or hunting, including, but not limited to, the following:

- (1) Crossbows;
- (2) Bow and arrows;
- (3) Slingshots;
- (4) Dirks;
- (5) Daggers;

- (6) Stilettoes;
- (7) Brass knuckles; and
- (8) Any knife with a blade longer than 3½ inches;

except any knife intended to be used exclusively for meal preparation or service.

(Ord. No. 128, § 2, 6-9-1997)

Sec. 26-20. - Rycenga Park use permits.

- (a) Any person who desires to reserve the picnic shelter, large cooking grills, ball field and/or soccer field in Rycenga Park shall first apply to the commission for a park use permit. All applications shall be submitted during regular business hours of the commission or at such other times as may be designated by the commission director or the commission. The holder of a park use permit is responsible for the conduct of any other person which uses or occupies the portion of Rycenga Park subject to the park use permit issued to the holder. Park use permits may be issued by the commission, or its designated representative, pursuant to a review of a completed application from an applicant and the consideration of such criteria as the commission shall from time to time establish with the advice and consent of the township board. No such criteria may discriminate against any person on the basis of age, sex, race, national origin, religion, color, height, weight or marital status.
- (b) A person may be ineligible for a park use permit if the person has violated this article in the preceding 12 months. This ineligibility may apply regardless of whether the person was prosecuted for such violation. This determination of ineligibility shall be made by the township supervisor with appeal to the township board.

(Ord. No. 128, § 3, 6-9-1997)

Sec. 26-21. - Prohibited conduct.

- (a) No person may occupy or use any portion of Rycenga Park or Water Tower Park except during designated hours of operation, unless in possession of a park use permit allowing occupancy and use at alternative times. The hours of operation shall be:

From April 1 through October 31 - 7:00 a.m. until 9:30 p.m.;

From November 1 through March 31 - 8:00 a.m. until 7:30 p.m.

- (b) No person may transport, use or possess any alcoholic beverage or controlled substance in Rycenga Park or Water Tower Park. No person may be intoxicated or under the influence of a controlled substance in either park. For purposes of this section, the term "controlled substance" shall mean any substance defined as a controlled substance under MCL 333.7101 et seq.
- (c) No person may bring into Rycenga Park or Water Tower Park, possess, discharge, set off, or use any firearm or weapon. This subsection shall not apply to any deputy sheriff or other duly appointed law enforcement officer while carrying out official duties and responsibilities.
- (d) No person may hunt, trap, catch, wound, kill, or treat cruelly, or attempt to trap, catch, wound, kill or treat cruelly, any bird or animal in Rycenga Park or Water Tower Park. No person may molest or rob any nest of any bird or lair, den or furrow of any animal.
- (e) No person may fire, discharge, or possess any firecracker, rocket, sparkler, or other fireworks or any substance of an explosive or dangerous nature in Rycenga Park or Water Tower Park, unless the person has prior written authorization from the township.
- (f) No person in Rycenga Park or Water Tower Park may:

- (1) Operate a motor vehicle except on designated roads and parking areas;
 - (2) At any time or in any place operate a motorized trail bike, snowmobile, or all-terrain vehicle;
 - (3) Operate, ride or propel any motor vehicle unless it is duly licensed to be operated on the highways of the state;
 - (4) Operate a motor vehicle on any road or parking area at a speed in excess of 15 miles per hour or at a speed greater than that posted, whichever is lower;
 - (5) Spin or cause to spin the tires of any motor vehicle in such a manner that damage is caused to the road, parking area, or other natural or improved surface;
 - (6) Operate a motor vehicle in a manner contrary to any posted traffic control signs; or
 - (7) Operate a motor vehicle in violation of the laws of the state, specifically but not exclusively as set forth in the Michigan Vehicle Code (MCL 257.1 et seq.).
- (g) No person may interfere with the use of Rycenga Park or Water Tower Park by the holder of a park use permit, for the purposes set forth in that permit.
- (h) No person may dispose of any litter in Rycenga Park or Water Tower Park receptacles which is not generated through permitted use of either park, but is rather transported to and brought into either park.
- (i) No person may deposit or discard in Rycenga Park or Water Tower Park, or cause to be deposited or discarded in either park, any litter, except by placing it in refuse containers provided for such purposes.
- (j) No person may allow a pet to do any of the following:
- (1) Allow a pet to run loose (i.e., not on a leash of six feet or less in length and under the immediate control of a competent person) within any portion of either Rycenga Park or Water Tower Park. Any pet found not in the possession of or under the immediate control of its owner or another competent person, or any animal creating a nuisance or disturbance, may be removed from either park.
 - (2) Allow a pet, whether or not on a leash, to be on any ball field or soccer field at Rycenga Park, whether or not a game is being played on the ball field or soccer field.
- (k) No person may cut, injure, deface, destroy, disturb or remove any tree, sapling, seedling, brush or shrub, whether alive or dead, in Rycenga Park or Water Tower Park. No person may chip, blaze, box, trim, or otherwise deface or injure any tree or shrub. No person may pick, gather, uproot, remove or destroy any flower or plant.
- (l) No person may remove, damage, or destroy in Rycenga Park or Water Tower Park any sod, earth, peat, boulder, mineral, gravel or sand, without the prior written authorization of the township.
- (m) No person may destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post or designation of any boundary line, survey line or reference point in Rycenga Park or Water Tower Park.
- (n) No person may deface, destroy, remove or injure any building, sign, equipment or other property or structure in Rycenga Park or Water Tower Park.
- (o) No person may set or cause to be set on fire any tree, woodland, brush land, grassland or meadow in Rycenga Park or Water Tower Park.
- (p) No person may build or start any fire in Rycenga Park or Water Tower Park except within receptacles or at other locations specifically approved and designated for such purposes by the township.
- (q) No person may leave any approved fire in Rycenga Park or Water Tower 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.
- (r) No person may disobey any authorized sign in Rycenga Park or Water Tower Park.

- (s) A person operating a bicycle or other nonmotorized vehicle in Rycenga Park or Water Tower Park shall operate it in single file and as closely to the righthand side of any roadway, path or trail as conditions permit. In addition, no person may:
 - (1) Operate any bicycle or other nonmotorized vehicle in a manner which endangers oneself, pedestrians or other vehicle operators, or in a manner which obstructs vehicular or pedestrian traffic;
 - (2) Carry any person upon a bicycle handlebar or frame, or be so carried;
 - (3) Operate any bicycle or other nonmotorized vehicle upon any playing field or tennis court or in any other section of either park except paved or graveled roadways, parking areas, or other specifically designated paths or trails.
- (t) No person may use a skateboard, scooter, roller skates, roller blades, or other similar devices in Rycenga Park or Water Tower Park, except in areas specifically designated by the township.
- (u) No person may violate the tennis court rules at Water Tower Park, which include the following, in addition to any other rules posted there:
 - (1) When players are waiting, please limit play to one hour or one match.
 - (2) Children should use courts during the day, adults have preference after 6:00 p.m.
 - (3) One person cannot hold a court.
 - (4) Only tennis shoes are allowed on the courts.
 - (5) No bicycles, roller blades, skateboards or similar devices are allowed on the courts.
 - (6) No sitting or swinging on nets.
- (v) No person may engage in any indecent or obscene conduct in Rycenga Park or Water Tower Park. No person may solicit, assault or accost any person for the purpose of committing an unlawful, indecent or obscene act.
- (w) No person may sunbathe, swim or bathe in the nude in Rycenga Park or Water Tower Park. At a minimum, a person shall wear opaque clothing which covers the genitals, and for a female, the breasts.
- (x) No person may, with the intent to annoy or insult another, or in a manner likely to annoy or insult another, do any of the following acts in Rycenga Park or Water Tower Park:
 - (1) Use obscene language or make an obscene gesture; or
 - (2) Direct indecent, abusive or threatening language to any other person when such words tend to inflict injury or incite a breach of the peace.
- (y) No person in Rycenga Park or Water Tower Park may make any unreasonable or excessive noise or disturbance, or create a breach of the peace or do any act tending to create a breach of the peace.
- (z) No person in Rycenga Park or Water Tower Park may at any time permit or engage in the playing of any electronic sound-producing device (e.g., any radio, phonograph, stereo, television set, amplified musical instrument, loudspeaker, tape or cassette recorder, compact disc player, or any similar device) in such a manner or with such volume which is unreasonably loud, raucous or a nuisance to persons within the area of audibility.
- (aa) No person may urinate or defecate on or in Rycenga Park or Water Tower Park except in a restroom facility provided for that purpose. No person may enter a restroom facility designated for the opposite gender.
- (bb) No person in Rycenga Park or Water Tower Park may refuse to obey the lawful command of any deputy sheriff, other duly appointed law enforcement officer, or any township official.
- (cc) No person in Rycenga Park or Water Tower Park may commit an assault or an assault and battery upon another. No person may engage in or abet any fight or act of physical violence.

- (dd) No person may establish or maintain any camp or other temporary lodging place in Rycenga Park or Water Tower Park without obtaining prior approval from an authorized township official, subject to any conditions deemed reasonable by the township official.
- (ee) It shall be unlawful for the operator of a motor vehicle or nonmotorized vehicle in Rycenga Park or Water Tower Park to stop, stand or park a vehicle:
 - (1) In any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers or for the expeditious unloading and delivery or pick up and loading of materials;
 - (2) Upon any roadway or in any parking area in such manner as to form an obstruction to traffic; or
 - (3) In places marked for use by the handicapped, except when by valid permanent or temporary permit, properly displayed and authorized by a legally recognized regulatory authority.
- (ff) No person may operate a business, peddle or solicit business of any nature, distribute handbills or other advertising material, or post signs in Rycenga Park or Water Tower Park, unless first authorized in writing by the township.

(Ord. No. 128, § 4, 6-9-1997; Ord. No. 170, § 1, 5-13-2002; [Ord. No. 262, § 1, 3-26-2018](#).)

Sec. 26-22. - Enforcement and penalties.

- (a) In addition to any other charges, fines or penalties for which a person may be liable under applicable law or local ordinance, any violation of this article shall constitute a municipal civil infraction, subject to enforcement procedures as set forth in article III of chapter 22, pertaining to municipal civil infractions, where permitted by MCL 41.183(4), and otherwise shall be a misdemeanor.
- (b) Persons violating any of the provisions in this article may also be evicted from the park where the violation occurred.
- (c) In addition to the penalties provided in this article for violating any of its provisions, any person convicted of an act of vandalism or destruction of property shall reimburse the township for the total amount of the damage as determined by the court, plus costs of prosecution. If the person is a minor, the reimbursed obligation shall attach to the person's parents.

(Ord. No. 128, § 5, 6-9-1997; Ord. No. 170, § 2, 5-13-2002)