

VILLAGE OF OTISVILLE
ORDINANCE NO. 204

TITLE. An ordinance regulating parks owned and managed by the Village of Otisville, Genesee County, Michigan.

ARTICLE I
GENERAL PROVISIONS

Section 1. Authorization: This ordinance is enacted pursuant to the provisions of the Charter of the Village of Otisville, a Home Rule Village.

Section 2. Policy: The purpose of this ordinance is to secure the quiet, orderly, and suitable use and enjoyment of village parks and to further the safety, health, comfort, and welfare of all persons using them.

Section 3. Jurisdiction: This ordinance shall apply to all parks owned by the Village of Otisville.

Section 4. Definitions: For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive.

Subd. 1. "Park" means any land or water which is designated as a park by the Village of Otisville, and includes all facilities located therein.

Subd. 2. "Person" means any individual, group, firm, partnership, association, corporation, government unit, company, or organization of any kind using the facilities of a park.

Subd. 3. "Non-motorized vehicle" means any animal-drawn or human-powered conveyance.

Subd. 4. "Motorized vehicle" means any self-propelled vehicle except snowmobiles. The term shall include, but not be limited to automobiles, trucks, dunebuggies, minibikes, motorcycles, trail bikes, amphibious vehicles, all-terrain vehicles, and go-carts.

Subd. 5. "Handicap vehicle" means any device commonly used to transport persons with physical disabilities except automobiles. The term shall include Powered wheel chairs and scooters.

Subd. 6. "Pet" means any animal owned by or under the control of any person.

Subd. 7. "Snowmobiles" means any self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 8. "Weapon" means any firearm or gun from which shot or a projectile is discharged by means of an explosive gas, or compressed air. This definition includes bows and arrows, slingshots, and switch-blade knives.

Subd. 9. "Wildlife" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Subd. 10. "Intoxicating liquor" means any liquor which is intoxicating as defined by Michigan law.

Subd. 11. "Beer" means any alcoholic malt beverage containing not more than 3.2 per cent alcohol by weight.

Subd. 12. "Drug" means any drug, the use, possession, or sale of which violates federal or state law.

Subd. 13. "Nudity" – the term "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple thereof or the showing of covered male genitals in a discernibly turgid state.

Subd. 14. "Village Council" means the legislative body of the Village of Otisville.

ARTICLE II PARK REGULATIONS

Section 1. Hours:

Subd. 1. No person shall be within a park during such hours as may be designated by separate resolution of the Otisville Village Council. Hours of permitted use shall be posted at all entrances to each park.

Section 2. Personal Behavior:

No person shall engage in brawling or fighting or offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, resentment in others, or to provoke an assault or breach of the peace,

or disturb or annoy another park visitor in their recreational enjoyment of a park; or disturb or interfere with another park visitor's property.

Subd. 1. No person shall gamble within a park.

Subd. 2. No person shall solicit, sell, advertise, or carry on any business or commercial enterprise or service in a park.

Subd. 3. No person shall advertise or engage in any private, for profit, activity or function in any park.

Subd. 4. No person shall engage in nudity.

Section 3. Alcohol and Drugs:

Subd. 1. No person shall be under the influence of any alcoholic beverage or a controlled substance while in a park.

Subd. 2. Alcoholic beverages are prohibited in a park.

Subd. 3. No person shall use or be in possession of any controlled substance or drug paraphernalia in a park.

Section 4. Hunting and Weapons:

Subd. 1. No person shall possess or bring into a park any explosive materials, except when these materials are intended to be used as fuel.

Subd. 2. No person shall display or have in his or her possession any firearm or airgun unless cased and unloaded in both barrel and magazine. This does not pertain to law enforcement officers who are on duty or individuals having a valid concealed weapons permit.

Subd. 3. No person shall kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife within a park unless authorized by the Village Council through the issuance of a special permit, except that fishing shall be permitted according to state law.

Subd. 4. No person shall discharge any weapon from within a park or into a park from beyond park boundaries without the express consent of the Village Council.

Section 5. Environmental Protection:

Subd. 1. No person shall remove, damage, or destroy any park facilities, trees, vegetation, ruins, relics, historical features, geological formations, rocks, minerals, wildlife, or soil.

Subd. 2. No person shall release within a park any insect, fish, or other wildlife, or introduce within a park any plant, chemical or other agent potentially harmful to the vegetation or wildlife of the park.

Section 6. Fires and Refuse:

Subd. 1. Fires shall be permitted only in designated areas of any park, and then only within spaces specifically delineated as fire sites.

Subd. 2. No person shall deposit, burn, or abandon garbage, refuse, sewage, bottles, cans, broken glass, or any other waste materials, except as has been accumulated by such person while making lawful use of the park and incidental to such use and unless such materials shall be placed in receptacles provided for that purpose.

Subd. 3. No person shall drop, throw, or otherwise leave unattended in a park lighted matches, burning cigars, cigarettes, tobacco, or other combustible material except in receptacles provided for the purpose.

Section 7. Pets:

Subd. 1. Pets are prohibited on a beach.

Subd. 2. No person shall permit any pet under his or her control to be brought into any park area unless the pet is caged or kept on a leash not more than six feet in length.

Subd. 3. No pet shall be tethered to any tree or plant.

Subd. 4. No person shall permit a pet to interfere with or disturb any person within a park or to violate the environmental protection clause of this ordinance.

Section 8. Vehicles:

Subd. 1. Non-motorized vehicles: No person shall ride or draw any non-motorized vehicle through any area of a park, except in areas designated for such use.

Subd. 2. Motorized Vehicles: No person shall operate any motor vehicle within any park area, except on roads and within parking areas designated for motor vehicles. Handicap Vehicles are exempt from these requirements.

Subd. 3. Operation of all vehicles shall be in conformity with state law.

Subd. 4. No vehicle may be washed, polished, or greased, serviced, or repaired in any park area.

Subd. 5. Special permits: People with physical disabilities wishing to use modes of transportation other than Handicap Vehicles may request a permit from the Superintendent of Public Works. Vehicles include, but are not limited to golf carts and other types of small all terrain vehicles. The vehicles shall not cause any damage to the grass and shall be used exclusively as a mode of transportation and not recreation while in a village park. In addition, the vehicle shall prominently display a valid handicap sticker or tag that is issued to the individual using the vehicle.

Section 9. Snowmobiles:

Subd. 1. No person shall operate any snowmobile in any park except on posted trails and in other areas specifically designated for that purpose.

Subd. 2. No person shall operate any snowmobile within any park area except in compliance with all state regulations governing the operation of snowmobiles.

Subd. 3. No person shall operate any snowmobile within any park area except where there exists snow cover adequate to prevent undue damage to vegetation and ground cover as a result of the operation of the snowmobile.

Section 10. Horses:

Subd. 1. No person shall ride or lead a horse or horses in any park except on trails and in areas designated for such use.

Section 11. Waterway Uses:

Subd. 1. Fishing

(a) No person shall fish in any waterway from within a park except in compliance with state law, regulations, and orders of the Michigan Department of natural Resources.

(b) No person shall clean fish or dispose of remains of fish in any park except in designated areas where facilities for such cleaning and disposal are available.

Subd. 2. Swimming and Wading:

(a) No person shall wade or swim in any waterway within any park except at posted beaches in compliance with hours and regulations posted at the beach.

(b) No person shall bring cans, bottles, or glass of any kind except eye glasses into any posted beach area.

Subd. 3. Boating and Watercraft:

(a) No person shall launch any boat or watercraft from any park area except from designated launch sites during times designated for that purpose. This restriction shall not apply to any boat or watercraft customarily launched by hand without mechanical aid, such as canoes, sailboats, and duckboats.

(b) Persons operating watercraft shall do so in compliance with state laws and regulations.

(c) No person shall operate a watercraft within any posted or designated beach area or swimming area.

(d) No person shall permit any watercraft under his or her control to be left unattended except at locations designated for that purpose.

Section 12. Groups and Assemblies:

Subd. 1. No person, or group of persons, shall conduct public, meetings, entertainments, parades, worship services, or demonstrations within a park without first being granted permission by the Village Council.

Subd. 2. Space for a group gathering at a park may be reserved by paying the designated fee and obtaining a permit from the Village of Otisville, provided however, that no village park shall be closed to the general public when such a group gathering is taking place at a Village park.

Subd. 3. A permit as required in Subdivision 1 or 2 above shall be issued by the Village Clerk and the fee to accompany such permit shall be established, from time to time, by a separate resolution of the Otisville Village Council.

Section 13. Camping:

Subd. 1. Unless authorized by the Village Council, overnight camping is prohibited within Village parks.

Section 14. Restricted Areas:

Subd. 1. No person shall enter by any means a posted restricted area or an area which has been declared closed to the public by the Otisville Village Council.

Section 15. Liability:

Subd. 1. Neither the Village of Otisville nor any of its authorized agents shall be

liable for any loss, damage, or injury sustained by any park visitor.

Section 16. Enforcement and Penalties:

Subd. 1. Nothing in this ordinance shall prevent employees or agents of the Village of Otisville, including but not limited to the Otisville Police and Public Works Departments from performing their assigned duties within a park area.

Subd. 2. Any person charged with violations of any rules promulgated herein shall be subject to immediate removal from the park.

Subd. 3. Violation of any of the provisions of this ordinance shall be a misdemeanor. The penalty for a misdemeanor violation shall be a fine not exceeding \$100.00, plus costs of prosecution, or imprisonment not exceeding 90 days, or both. Costs shall include all expenses, direct and indirect, to which the Village has been put in connection with the misdemeanor violation, including the cost of prosecution.

Section 17. Severability:

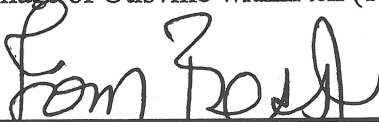
If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not effect any other portion of this ordinance.

Section 18. Effective Date:

This Ordinance shall become effective twenty (20) days after adoption by the Village Council.

Section 19. Posting Ordinance:

This Ordinance was approved by a vote of the Village of Otisville Council; a quorum being present on the 8th day of September, 2009 and ordered published in five (5) public places within the Village of Otisville within ten (10) days after its adoption.



Tom Bess, Jr., Village President



Andrea M. Barden, Village Clerk

I, Andrea M. Barden, do hereby certify that the foregoing Ordinance No. 204 was duly adopted at a regular meeting of the Otisville Village Council held on the 8th day of September, 2009, and posted in five (5) public places in the village.


Andrea M. Barden
Andrea M. Barden, Village Clerk