

**LITTLEFIELD TOWNSHIP
EMMET COUNTY, MICHIGAN**

ORDINANCE # 143

PUBLIC PARK AND ACCESS ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE USE, PROTECTION, REGULATION AND CONTROL OF TOWNSHIP OWNED PARKS AND ROAD ENDINGS AND ACCESS SITES UNDER THE JURISDICTION OF THE TOWNSHIP THAT ARE LOCATED AT THE SHORELINE OF LAKES AND RIVERS; TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE.

Section 1. Title. This ordinance shall be known and may be cited as the Littlefield Township Public Park and Access Ordinance.

Section 2. Purpose. Based upon the findings that have been made by the Littlefield Township Board of Trustees, the purposes of this Ordinance are to protect and promote the public health, safety and welfare of Township residents; to preserve public parks, road endings, and access sites within the township for their intended purposes; and to prevent and protect against the misuse of such public parks, road endings, and access sites.

Section 3. Definitions.

- A. "Anchor" means the act of dropping a weighted object that is attached to a boat by means of a chain, cable, rope or other device to the bottomland of a lake or river or the act of placing a weighted object on the upland property for the purpose of preventing or restricting the motion of the boat to which it is attached.
- B. "Beach" means the act of pulling a boat on upland property or grounding a boat on the bottomlands for the purpose of preventing or restricting the motion of the boat
- C. "Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and non-motorized boats such as canoes, rowboats and rafts. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board or similar device used by one (1) or two (2) persons for floating or paddling.
- D. "Bottomlands" means the land beneath the water of a lake or river that attaches to upland and riparian property by operation of law.
- E. "Dock" means a pier, platform or other structure extending from shore or

a lake or river over the water to which a boat is moored.

- F. “Hoist” means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.
- G. “Lake” means an inland lake or portion of an inland lake located within Littlefield Township.
- H. “Moor” or “Mooring” means the act of securing a boat to a buoy or other device attached or anchored to the bottomlands of a lake or river by means of a chain, cable, rope, or other device or to a dock by means of a chain, cable, rope, or other device for the purpose of preventing or restricting the motion of the boat.
- I. “Person” means an individual, firm, corporation, association, partnership, limited liability company, or other entity.
- J. “Public access site” means the non-road ending, riparian property owned by Littlefield Township to serve as a means for the public to gain access to the lake or river to which it abuts.
- K. “River” means a navigable and natural stream of water flowing in a definite course or channel within Littlefield Township.
- L. “Road ending” means a current or former public road or way under the jurisdiction of Littlefield Township that terminates at the water’s edge of a lake or river, including associated adjacent bottomlands.
- M. “Township board” means the Littlefield Township Board
- N. “Township park property” means any property designated as a park by the Township Board, including but not necessarily limited to the Walter Dow Park in Oden
- O. “Township” means Littlefield Township

Section 4. Hours of Township Park Property. All township park property and any adjacent road endings are closed from 10:00 p.m. until 6:00 a.m. Anyone on Township Park Property during the closed hours without express permission from the township board shall be trespassing. The township board reserves the right to establish by resolution any different hours, seasons, and periods of operation and closure for township park property, adjacent road endings, or any part thereof.

Section 5. Regulations. No person shall:

- A. Construct, place, or maintain a dock, hoist, or mooring device on a road ending, public access site, or township park property, except as provided in this subsection. Littlefield Township may construct, place and maintain a nonexclusive dock on a road ending or public access site to aid the general public in gaining access to a lake or river.
- B. Anchor, beach or moor an unattended boat on a road ending, public access site, or township park property for more than five (5) consecutive hours, except in the case of an emergency, the mechanical breakdown of the boat, or as otherwise provided in this subsection.
- C. Use a road ending, public access site, or township park property in any manner that:
 - 1. Unreasonably interferes with ingress or egress to the water.
 - 2. Causes or creates any loud noise or sound that endangers or injures the safety or health of humans or animals, or that annoys or disturbs a reasonable person of normal sensitivities, including but not limited to:
 - a. Playing or using a radio, phonograph, compact disk player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
 - b. Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
 - c. Sounding or using any horn, siren, whistle, bell or other warning device on a boat so as to unreasonably disturb the quiet, comfort or repose of a reasonable person of normal sensitivities, unless the sounding or use of such horn, siren, whistle, bell or other warning device is authorized by State law and is necessary to the safe operation of the boat.
 - d. Generating any sound or noise or playing any musical instrument or any radio or "boom box" in a manner that disturbs the peace of neighboring property owners or their

guests or that annoys other persons using a road ending, public access site, or township park property. The use of a loudspeaker, public address system, or amplifier within or upon a road ending, public access site, or township park property is prohibited without express written permission from the township board.

3. Causes littering on the road ending, public access site, township park property, or adjoining property.
 4. Results in trespassing on any adjoining property.
 5. Creates any other nuisance condition.
- D. Drive or back a trailer into the water at a township park property, road ending, or public access site for the purpose of launching a boat into the lake or river, unless the township designates that township park property, road ending or public access site as an official boat launching site.
- E. Camp on a road ending, public access site, or township park property at any time.
- F. Start, use or maintain a campfire, bonfire or other recreational fire on a road ending, public access site, or township park property.
- G. Remain on a road ending, public access site, or township park property after being requested by a law enforcement officer to leave the road ending or public access site.
- H. Stop, stand, or park a vehicle on a road ending, public access site, or township park property for any purpose other than the use of the road ending, public access site, or township park property in accordance with the provisions of this ordinance. No person shall stop, stand, or park a vehicle outside of any designated area on a road ending, public access site, or township park property, or in any manner that obstructs traffic. No person shall park or store any item on a road ending, public access site, or township park property overnight without express permission from the township board. This includes but is not limited to vehicles, boats, trailers, and bicycles. Any vehicle or other item left overnight on a road ending, public access site, or township park property without permission shall be subject to towing and removal at the owner's expense.
- I. Bring any dog onto a road ending, public access site, or township park property that is not under the immediate control of a competent person at all times and restrained by attachment to a leash not more than six (6) feet in length. A person bringing a dog upon a road ending, public access site,

or township park property shall immediately remove and appropriately dispose of any waste from such animal. No animals other than dogs are permitted to be brought onto a road ending, public access site, or township park property.

- J. Consume or have any open container of any alcoholic beverage on a road ending, public access site, or township park property.
- K. Litter or dispose of any trash or refuse that is not generated on site. It is prohibited to bring any refuse onto a road ending, public access site, or township park property and to dispose of any such refuse in township trash containers.
- L. Destroy, deface, alter, mark upon, change, remove, or otherwise alter any aspect of a road ending, public access site, or township park property, including but not limited to buildings, monuments, signs, notices, equipment, fountains, plumbing, fences, gates, doors, walls, or structures.
- M. Cut, remove, destroy, deface, or pick any tree, bush, shrub, foliage, flower, plant or grass on a road ending, public access site, or township park property, or remove any earth, gravel, rocks, or sand from a road ending, public access site, or township park property without express permission for the township board.
- N. Use a road ending, public access site, or township park property other than at the user's own risk. The township does not provide any lifeguard for swimming in waters upon or adjacent to a road ending, public access site, or township park property. The use of soaps and shampoos for bathing is prohibited in waters of or adjacent to a road ending, public access site, or township park property.

Section 6. Additional Rules. The township board may make and adopt such further rules, orders, regulations, guidelines, and policies that it deems necessary or advisable to assure the protection and preservation of a road ending, public access site, or township park property or the safety and well-being of the users thereof. Such additional rules, orders, regulations, guidelines, and policies shall be effective upon approval by the township board, or at any time otherwise provided by the township board.

Section 7. Removal of Boat; Report of Emergency or Mechanical Problems. If an unattended boat is anchored, beached or moored greater than five (5) consecutive hours as prohibited in Section 5(b) above, that boat must be removed from the road ending, public access site, or township park property in the shortest time necessary to end the emergency or mechanical breakdown. If the boat is not removed within twenty-four (24) hours, the owner or operator of the boat shall report the emergency or mechanical breakdown to the Emmet County Sheriff's Department.

Section 8. Violations and Penalties

A. Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to the following fines:

1. For a first offense, the offender shall pay a fine of one hundred dollars (\$100).
2. For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of two hundred and fifty dollars (\$250).
3. For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of five hundred dollars (\$500).

B. Each day this ordinance is violated shall be considered a separate violation.

C. The issuance of a citation for a municipal civil infraction shall not in any way limit the township from seeking enforcement of this ordinance in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this ordinance.

Section 9. Enforcement Officials. The township supervisor and any other designee of the township board, including the Emmet County Sheriff's Department, are authorized to enforce this ordinance and are authorized to issue citations for violations.

Section 10. Nuisance Per Se. A violation of this ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 11. Separate Court Action. In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding or criminal prosecution, the township may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this ordinance.

Section 12. Nonexclusively. The regulations in this ordinance shall be in addition to, and not exclusive of, any other local police power ordinance or zoning ordinance or any other state law or regulation, including but not limited to Part 301 of the Natural Resources and Environmental Protection Act, as amended, (Inland Lakes and Streams), being MCLA 324.30101, and Part 801 of the Natural Resources and

Environmental Protection Act, as amended, (Marine Safety), being MCLA 324.80101.

Section 13. Validity. If any section, provision or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this ordinance, which can be given effect without the invalid portion or application.

Section 14. Effective Date and Repealer. This ordinance shall take effect thirty (30) days after publication of the ordinance or a summary thereof in the manner provided by law. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

CLERK'S CERTIFICATION

I hereby certify that this ordinance was adopted by the Littlefield Township Board of Trustees at a regular meeting held on June 2, 2009, and that the vote was as follows:

FOR: Damien Henning, Kim Shomin, Dean Morford, Katie Derrohn, and
Sondra Festerling

AGAINST: NONE

I further certify that this ordinance, or a summary thereof, was published in the *Petoskey News-Review*, on June 25, 2009.

I further certify that a copy of this ordinance was filed with the Emmet County Clerk on June 25, 2009.



Sondra Festerling, Clerk
Littlefield Township