

**BYRON TOWNSHIP PARKS ORDINANCE**

Adopted by Byron Township Board of Trustees by Resolution No. 09-04-05 on June 28, 2004.

**ORDINANCE NO. 415**

An **ORDINANCE** to provide for the use, protection, management and preservation of Byron Township Parks and for the safety and general welfare of the public therein, together with penalties for violations of its provisions.

**THE PEOPLE OF THE TOWNSHIP OF BYRON, KENT COUNTY, MICHIGAN, DO ORDAIN:**

**Section 1. Short Title and Citation**

This Ordinance shall be known and cited as the “Byron Township Parks Ordinance”.

**Section 2. Declaration of Purpose**

Byron Township Parks are a unique and valuable resource. They represent the Townships commitment to preservation of open space natural features, natural resources and local history, and provide scenic beauty and recreational opportunities to the citizens of the Township. It is in the best interests of the citizens of Byron Township to protect and manage Byron Township Parks in such a way that they may be maintained and preserved for present and future generations.

**Section 3. Statutory and Legislative Authority**

- a. The Michigan Constitution grants to the Township all powers fairly implied from those specifically granted and not prohibited by the Constitution. **(Article VII, Sec 34.)** Byron Township has elected to operate and maintain the Township Parks in accordance with state statute.
- b. Pursuant to Michigan State Constitution, **(Article VIII. Sec 34.)** Byron Township is authorized to pass ordinances that relate to Township affairs and do not contravene the general laws of the State of Michigan.
- c. Pursuant to State Statute, the Township may lawful sanctions for violations of an ordinance.

**Section 4. Rules and Regulations**

The Byron Township Board of Trustees hereby adopts these rules and regulations, and may amend from time to time rules and regulations governing the protection management, maintenance and preservation of Byron Township Parks. Said rules and

regulations shall be consistent with, and no less stringent than, the provisions of other adopted Township Ordinance.

**Section 5. Construction**

- a. Any term in the singular shall include the plural.
- b. Any term in the feminine shall include the masculine or neuter.
- c. Any requirement or prohibition of any act shall respectfully extend to and include the causing and procuring, directly or indirectly, of such act.
- d. No provision hereon shall make unlawful any act necessarily performed by any officer employee of Byron Township, the Parks and Recreation Committee, the Kent County Sheriff's Department or any other agency within the scope of his or her duty, or by any independent contractor, or her or his agent or employees, in the proper and necessary execution of the terms of any agreement with the Byron Township Board of Trustees.

**Section 6. Definitions**

- a. **“Alcoholic Beverage”** shall be defined as any intoxicating beverage as defined by Michigan statute.
- b. **“Amplification”** shall be defined as any method by which music, speech, or any other sound or noise is artificially enhanced and transmitted or any method by which light is artificially enhanced or transmitted.
- c. **“Amusement Device”** shall be defined as any contrivance, contraption, machine or structure, whether manmade, or an enhancement of a natural feature, used in contests of skill or strength or to effect any sort of riding, lifting, swinging or falling experience.
- d. **“Animal”** shall be defined as a dog, cat, horse, fowl, tamed bird or other living creature carried, led, ridden or otherwise transported into a Township Park from another location by any person.
- e. **“Applicant”** shall be defined as any person or organization seeking a permit to use, or conduct an activity in a Township Park.
- f. **“Camping”** shall be defined as the overnight lodging or sleeping of any person on the grounds or in a sleeping bag, tent, tent-trailer, trailer coach, vehicle camper, or in any other structure erected or placed on the premises of any Byron Township Park.

- g. **“Controlled Substance”** shall be defined as any substance or its immediate precursor as identified in **MCL § 333.7211-7220**.
- h. **“Township Park”** shall be defined as those parks, park reserves, trails, benches and water bodies within parks and other areas within Byron Township that are owned, controlled and maintained by Byron Township designated for and devoted to active or passive recreation.
- i. **“Dangerous Weapon”** shall be defined as any firearm or gun, whether loaded or unloaded, including but not limited to the following: revolver; pistol; shotgun; rifle; air rifle; spring loaded gun; pellet gun; paintball gun; black powder gun, or any other weapon including but not limited to, a bow and arrow; crossbow; metallic knuckles; sand club; sand bag; gas ejection device; taser; missile-propelling device; spear gun; switchblade; dirk; dagger; stiletto; razor or knife having a blade over three (3) inches in length; sword; blackjack, billy-club; bludgeon; whip; ax; and any other form of weapon potentially dangerous to human or wildlife safety; any instrument that can be loaded with and fire blank cartridges; any kind of trapping device; or any device or explosive designed or used as a weapon and capable of producing death or great bodily harm.
- j. **“Director”** shall be defined as the Director of the Byron Township Parks and Recreation Department.
- k. **“Drug Paraphernalia”** shall be defined as all equipment, products and materials of any kind which are specifically designed for use, in containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Drug paraphernalia shall include, but not limited to, containers or objects specifically designed for use in storing or concealing controlled substances, including but not limited to automotive, safes, syringes, needles and other objects specifically designed for use in parenterally injecting controlled substances into the human body; objects specifically designed for use in injecting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil, into the human body, such as pipes, of any composition, with or without screens. Permanent screens, hashish heads, punctured metal bowls, water pipes, carburetion masks, roach clips, cocaine spoons or vials, cocaine kits, bullets, snorters, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs and ice pipes or chillers.
- l. **“Employee”** shall be defined as any full or part-time regular, temporary, or seasonal worker employed by Byron Township.
- m. **“Fireworks”** shall be defined as a device made from explosive or flammable compositions used primarily for the purpose of producing a visible or audible effect, or both, by combustion, deflagration or detonation.

- n. **“Independent Contractor”** shall be defined as any entity or person who is not an employee of Byron Township and provides goods and services to the Township subject to the terms and conditions of a binding agreement.
- o. **“Byron Township Parks Department”** shall be defined as an administrative department and its’ employees created and empowered by Byron Township in accordance with **MCL § 123.51 et seq.**
- p. **“Nudity”** shall be defined as the display by any person of his or her genitals or anus with less than a fully opaque covering, or the display of female breasts with less than a fully opaque covering of the nipple and areola, provided that breast feeding shall not be considered nudity whether or not the nipple is covered during or incidental to the feeding.
- q. **“Park Season”** shall be defined as that period of time between “opening day” generally around April 1 of each year and closing day, generally November 1 of each year, but which may vary from year to year at the discretion of the Township due to weather conditions and other considerations related to park preservation and maintenance.
- r. **“Parks”** shall be defined as land and improvements thereon purchased by or donated to Byron Township in accordance with Byron Township and its Parks and Recreation Master Plan.
- s. **“Permit”** shall be defined as a written document issued by or under the authority of the Byron Township Board permitting an activity, use or event within a Township Park that would otherwise be prohibited.
- t. **“Person”** shall be defined as any natural person, corporation, company, association, firm, or any other entity or organization.
- u. **“Posted”** shall be defined as any area of Byron Township Parks and parks property the use of which is temporarily or permanently restricted or controlled by written notice to park users placed within or near the area subject to restriction.
- v. **“Property”** Shall be defined as all lands, waters, facilities, improvements, fixtures or installations of the Byron Township Parks Department.
- w. **“Soliciting”** shall be defined as the act of any person not under contract with the Township selling goods or services or taking orders for future delivery of goods and services, whether or not such person displays samples or collects advance payment, or seeking contributions in any form.
- x. **“Vehicles”** shall be divided into two classes and defined as follows:

- i. **“Motor Vehicle”** shall be defined as any motorized conveyance for use on land including automobiles, trucks, campers, motorcycles, snowmobiles, all-terrain vehicles, dirt bikes, mini-bikes, go-carts, golf carts, dune buggies, mopeds, scooters and any other mode of transportation driven by a motor. Exception is made for motorized wheelchairs and vehicles in service to the Byron Township Parks Department.
- ii. **“Non-motor Vehicle”** shall be defined as any non-motorized conveyance for use on land including trailers of all types, tricycles, bicycles, tandem bicycles, sleds, sleighs, toboggans, pushcarts, animal drawn carriages or sleds, or any other mode of transportation propelled by human or animal muscular power. Exception is made for baby strollers and carriages, non-motorized wheelchairs and walkers, and vehicles in the service of the Byron Township Parks Department.
- y. **“Vending”** shall be defined as selling or trading of goods, services and privileges.
- z. **“Watercraft”** shall be defined as any contrivance used or designed for navigation in or on water or on ice, including but not limited to motorboats, personal watercraft or jet skis, paddleboats, kayaks, canoes, sailboards and rafts, or many vehicle as defined in section 6.x., above when used in or on water or on ice.
- aa. **“Waters”** shall be defined as any natural or manmade stream, brook, creek, wetland, pond, tributary, storm sewer or drain on or adjacent to the property of the Byron Township Parks department.
- bb. **“Wildlife”** shall be defined as any living creature not human, wild by nature, endowed with sensation and power of voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, insects, crustaceans and mollusks.

**Section 7. Preservation of Natural Features**

- a. It shall be unlawful for any person to damage, cut, carve, mark, transplant, destroy or remove any plant, injure or remove any bark or wood, pick flowers or harvest seed of any tree or plant, dig in or otherwise disturb or remove soil, sand , grass, rock, minerals, fossils, stones, metals, artifacts, ground cover, or other surface or subsurface materials, excavate any natural feature by tool, equipment or explosive, or in any other way injure the natural features of any area in a Township Park. This section does not apply to the picking or removal of edible mushrooms, berries, fruits or nuts.

- b. The Byron Township Board through its designer may issue permits for any activity described in **Section 7.a**, above, when in his or her discretion, the activity is of educational benefit or in the public interest.

**Section 8. Preservation of Wildlife**

- a. It shall be unlawful for any person to hunt, pursue with dogs, trap, or in any other way pursue, injure, tease, or throw objects at any wildlife, including the young or the habitat of any wildlife found within the confines of a Township Park, or to attempt to do any of the above. In certain circumstances and in accordance with state law or local ordinance, hunting may be permissible upon issuance of a written permit from the Byron Board or its designee.
- b. Any wildlife killed, taken, bought, sold or in the possession of any person in a Township Park who is not in possession of a valid permit shall be considered contraband, and may be seized and confiscated by the Kent County Sheriff's Department or a designee of the Byron Township Board.
- c. The Provisions of this Section shall not apply to law enforcement officers or Byron Township park employees within the performance of their duties.

**Section 9. Waters**

- a. It shall be unlawful for any person to throw, discharge, or otherwise place or cause to be placed in the waters of any natural or manmade stream, brook, creek, wetland, pond, tributary, storm sewer, or drain on or adjacent to the property of the Byron Township Parks department, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters or injury to persons or wildlife.
- b. It shall be unlawful for any person to throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade, or other movable or non-movable property of the Byron Township Parks Department or any person into the waters of any natural or manmade stream, brook, creek, wetland, pond, tributary, storm sewer or drain on or adjacent to the property of the Byron Township Parks Department.
- c. It shall be unlawful for any person to divert, impound, or alter the course of a body of water within a Township Park.
- d. It shall be unlawful for any person to enter onto any frozen waters in a Township Park to skate, fish, slide, walk or for any other purpose where such activities are prohibited by notice of the Byron Township Parks Department.
- e. It shall be unlawful for any person to bring onto frozen waters in any township Park any vehicle, watercraft, fishing shanty, snowshoes, skies or other device

- f. It shall be unlawful for any person to handle, move or remove buoys located in any water at a Township Park.

**Section 10. Preservation of Real and Personal Property**

- a. It shall be unlawful for any person to mark, deface, disfigure, injure, tamper with, displace, or remove any buildings, bridges, fountains, playground equipment, tables, benches, fireplaces, railings, paving or paving materials, water lines or other utilities, parts, or appurtenances thereof, mining equipment, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or any other structures, equipment, facilities, appurtenances, or other real or personal property belonging to a Township Park or any other person or entity,
- b. It shall be unlawful for any person to smoke any cigarette, cigar, pipe or other smoking material in any enclosed building within a Township Park.

**Section 11. Attachment of Ropes and Cables**

It shall be unlawful for any person to attach any rope, cable, or any other contrivance to any tree or other plant, fence, railing, bridge, building, bench, table or other structures in a Township Park.

**Section 12. Erection of Buildings, Shelters or Other Structures**

It shall be unlawful for any person to construct or erect any building, shelter, or other structure of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across Township Park property without a permit from the Byron Township Board or its appropriate designee.

**Section 13. Restrooms and Drinking Fountains**

- a. It shall be unlawful for any person to damage, alter, deface or destroy any restroom or the facilities therein, or any drinking fountain within a Township Park.
- b. It shall be unlawful for any person to throw, discharge, or otherwise place or cause to be placed, any substance in or on any drinking fountain or the parts thereof within a Township Park.
- c. It shall be unlawful for any parent or legal guardian to permit his or her child aged seven (7) years or less to use a Township Park restroom without the supervision of said parent or legal guardian. A parent or legal guardian is

permitted to take his or her child of the opposite gender, aged seven (7) years or less into a restroom designated for the parent or legal guardian gender.

- d. No person, other than a child as described in Section 13. c, above, shall enter a restroom within a Township Park set apart for the opposite gender.

#### **Section 14. Picnic Area**

- a. It shall be unlawful for any person to move a picnic table, grill, or other piece of Township equipment unless specifically approved by park personnel, except that unreserved picnic table, may be moved for the limited purpose of creating sufficient seating for a family or group of twelve (12) or less.
- b. It shall be unlawful for any person to use or remain in any portion of a picnic area reserved by another person without the permission of the person who reserved the area.

#### **Section 15. Fire**

- a. It shall be unlawful for any person to willfully kindle, build, maintain or use a fire within a Township Park, except for cooking fires on designated installed grills, personal grills; except for campfires in designated area with specific permission from the Byron Township Board, the Parks Director or a designated Park Employee.
- b. It shall be unlawful for any person to leave a cooking fire or campfire unattended or fail to extinguish a cooking fire or campfire when not in use.
- c. It shall be unlawful for any person to drop, throw, or otherwise discard any fire-starting device, burning tobacco product, or other burning or inflammable material in a Township Park.
- d. It shall be unlawful for any person to build a fire or smoke any cigarette, cigar, pipe or other smoking device or smoking materials within a Township Park when the Director or his or her designee has declared an emergency due to drought and posted notice of same.
- e. Any person who willfully or negligently sets fire to any woods, prairies, or grounds of another may be convicted of a felony under the law of the State of Michigan. **MCL § 750.78.**

#### **Section 16. Garbage, Refuse, Ashes, Sewage and Noxious Materials**

- a. It shall be unlawful for any person to dump, deposit, scatter, throw, leave, or cause or permit dumping, placing, throwing or leaving of any litter, waste, wastewater, glass, garbage, refuse, ashes, tobacco waste, sewage, noxious

material or any other material solid or liquid in a Township Park except in receptacles provided for such purposes or in locations designated by the Township by posted notice. Where receptacles or locations are not provided, all such materials shall be carried away from the park by the person responsible for its presence.

- b. It shall be unlawful for any person to bring any hazardous waste, yard waste, household waste, solid or liquid waste, or any material described in Section 16.a, above, into a Township Park with the intent to dispose of said material in the park.

### **Section 17. Animals**

- a. It shall be unlawful for the owner of any animal or any person in possession of any animal, to permit or allow said animal to be at large, unrestrained, or outside of his or her custody and control within a Township Park.
- b. It shall be unlawful for any person to permit any dog to be in a Township Park unless on a leash no more than six (6) feet long within said person's grasp, except in such area designated as "dog parks".
- c. Any animal found within any township Park, not in the possession of a person or under the control and custody of a person, may be removed from the park by the Director, his or her designee, a Kent County Animal Control Officer or any other Peace Officer.
- d. It shall be unlawful for any person to bring any nuisance, aggressive or dangerous animal as those terms are defined in the Byron Township Control Regulations, **Ordinance No. 236**, into any Township Park.
- e. It shall be unlawful for any person to leave the fecal matter of an animal within his or her control and possession anywhere in a Township Park.
- f. It shall be unlawful for any person to permit an animal within his or her possession on or in a land or water designated as a beach, swimming or wading area, playground area, or any other area restricted to animals by posted notice.
- g. It shall be unlawful for any person to bring a dog or other animal within his or her possession into an enclosed building within a Township Park.
- h. The provisions of **Section 17. a, b, c, d, e, f, and g**, shall not apply to any dog that is used as a guide, leader, hearing or service dog by a person with a disability or by a certified trainer of such dogs, nor shall they apply to any dog within the custody and control of a law enforcement officer.

- i. It shall be unlawful for any person to bring, ride or lead a horse within a Township Park except on specifically constructed and designated bridle trails.
- j. It shall be unlawful for any person to ride a horse within a Township Park in such a manner as to endanger the safety or property of the park or any park employee or visitor.
- k. It shall be unlawful for any person to herd, graze, drive, or permit to run at large within a Township Park any cow, horse, mule, donkey, goat, pig, sheep, poultry or fowl.
- l. It shall be unlawful for any person to tie, hitch or tether any animal to a tree, shrub, plant, fence, building, equipment or other structure within a Township Park.
- m. It shall be unlawful for any person to permit an animal within his or her possession to disturb, harass or endanger the safety of a park visitor, park employee or park contractor.
- n. It shall be unlawful for any person to permit within his or her possession to damage or destroy the real or personal property or natural resources of the Byron Township Parks Department or of any other person within a Township Park.
- o. It shall be unlawful for any person to operate a cart, wagon, sled or other device or equipment pulled, dragged, or propelled by an animal, unless authorized to do so by written permit of the Parks Director or his or her designee. A written permit shall not be required to operate an animal driven conveyance if said conveyance is operated by an individual as his or her regular and customary mode of transportation in lieu of a motor vehicle.
- p. It shall be unlawful for any person to leave or abandon an animal in a Township Park.

## **Section 18. Vehicles and Watercraft**

### **A. Motor Vehicles**

- a. It shall be unlawful for any person to fail to comply with all applicable provisions of the Michigan Vehicle Code in regard to equipment and operation of motor vehicles, together with such provisions as are contained in this ordinance, any other applicable local ordinances or the rules and regulations of the Byron Township Parks Department.
- b. It shall be unlawful for any person to drive a motor vehicle anywhere in a Township Park except on roads designated or established for vehicular travel,

or park a motor vehicle anywhere in a Township Park except in designated parking areas, except as otherwise authorized by the Park Director or his or her designee.

- c. It shall be unlawful for any person to drive, propel or cause to be driven, along or over any road within the park, any motor vehicle at a rate of speed greater than the posted speed limit or in the absence of a posted speed limit, at a speed in excess of fifteen (15) miles per hour. (mph)
- d. It shall be unlawful for any person to park or store a motor vehicle or any parts thereof, whether operable or inoperable, within any Township Park at any time when said person is not present in the park or on an established trail originating in or passing through the Township Park Motor vehicles left on park property after hours of closing may be removed from the park at any time by a law enforcement officer.
- e. It shall be unlawful for any person to double-park a motor vehicle on any road, or obstruct the ingress and egress of any motor vehicle from a parking area, unless permitted to do so by the Park Director or his or her designee.
- f. It shall be unlawful for any person to operate or drive an all-terrain vehicle, three-wheel vehicle, snowmobile, dirt bike, mini-bike, go-cart, dune buggy, scooter or moped on roads, in parking area or in any other location in a Township Park. This provision shall not apply to duly sworn peace officers while carrying out their duties, or to employees of the Byron Township Parks Department.
- g. It shall be unlawful for any person to use any location within a Township Park for the purpose of demonstrating a vehicle, instructing another to drive a vehicle, cleaning a vehicle or conducting non-emergency repairs of a vehicle, except for such activities conducted by the Byron Township Parks Department for park purposed or as authorized by a written permit from the Park Director.
- h. The provisions of this Section shall not apply to law enforcement, emergency vehicles, or rescue vehicles, used in the performance of official duties.

## **B. Bicycles**

- a. It shall be unlawful for any person to ride a bicycle on other than a paved road or path designated for bicycle riding.
- b. It shall be unlawful for any person to operate a bicycle in such a manner as to endanger the safety or property of another person.
- c. It shall be unlawful for any person to leave a bicycle lying on the ground or pavement, propped against trees, fences or other structures, or in any other

- d. It shall be unlawful for any person to operate a bicycle after dark without an attached hand light, and without an attached tail light or reflector
- e. It shall be unlawful for any person aged fourteen (14) years or younger to operate or be a passenger on a bicycle or tandem bicycle within a Township Park unless said person is wearing a protective bicycle helmet of good fit, fastened securely upon the head with the attached straps. Said helmet shall meet or exceed the impact standards for protective bicycle helmets set by either the Consumer Product Safety Commission (CPSC) or the Snell Foundation.
- f. It shall be unlawful for any person to fail to ride a bicycle as closely as possible to the right hand side of any road, trail or path, as conditions permit. And in passing pedestrians from behind a bicyclist must give an audible signal, either by a bell or verbally of their presence.
- g. It shall be unlawful for any person to carry another person on his or her bicycle except on a suitable seat attached to the bicycle for that purpose.
- h. All persons using bicycles in accordance with this ordinance shall also abide by Michigan Statutes as they pertain to bicycle operation, equipment and safety.

### **C. Watercraft**

It shall be unlawful for any person to place or use a watercraft on the ponds, creeks and streams within a Byron Township Park. The exception is that park employees, or a person contracted by the Township may use a watercraft in performing maintenance and regulation control of the pond, stream or storm drain.

#### **Section 19. Swimming**

- a. It shall be unlawful for any person to wade, swim, or enter the water where such activities are deemed unsafe or otherwise prohibited by the Byron Township Parks Department.
- b. It shall be unlawful for any person to throw or dispose of any glass, breakable container or other debris into any body of water within a Township Park.

#### **Section 20. Fishing**

- a. Fishing is permitted within specific designated areas within Township Parks in accordance with the ordinance and rules posted by the Byron Township Parks Department.
- b. It shall be unlawful for any person to fish in an area where fishing is prohibited by posted notice.
- c. It shall be unlawful for any person to hunt for, trap, or in any other way pursue, injure, tease, or throw objects at any turtle, mammal or waterfowl or its young within the confines of a Township Park.
- d. It shall be unlawful to clean fish within a Township Park.

**Section 21. Camping and Picnicking**

- a. It shall be unlawful for any person to establish a camp or other lodging place, or erect a tent, shelter, shack, or other temporary lodging in any Township Park, or to remain in any Township Park overnight or any time outside the posted hours of operation, unless specifically authorized to do so by written permit from the parks department.
- b. It shall be unlawful for any person to make, cause, or create any noise or disturbance which is a hindrance to the peace and quiet of the park between the hours of 10:00 pm and 7:00 am.
- c. It shall be unlawful for any person to wash dishes at pumps, sinks or drinking fountains, or in tubs, or other vessels carried into the Township Park service buildings or restrooms.
- d. It shall be unlawful for any person to remove or transport hot water from one location, park service or building or restroom to another location within the park.

**Section 22. Sports and Amusements**

- a. It shall be unlawful for any person to play or engage in any team sport or game in areas posted by notice of the Director that such activities are not permitted.
- b. It shall be unlawful for any person to roller skate, rollerblade or use skateboards where such use is prohibited by the Byron Township Parks Department.
- c. It shall be unlawful for any person to hit golf balls or otherwise practice or engage in the sport of golf outside of areas designated by the Byron Township Parks Department.

- d. It shall be unlawful for any person to start, fly, or use any fuel-or-battery-powered model aircraft, boat, or other similarly powered model vehicle within the Township Park except in areas specifically designated for that use by the Parks Department or by permit from its Director.
- e. It shall be unlawful for any person to start, fly, or use any fuel-or-battery powered rocket or projectile within a Township Park without written permit from the Director.
- f. It shall be unlawful for any person to bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget in a Township Park without a written permit from the Director, or his or her designee.
- g. It shall be unlawful for any person to operate cross-country skies in a Township Park in such a manner as to endanger the safety of other persons.
- h. It shall be unlawful for any person to conduct a race, or event using cross-country skies in a Township Park without written permit from the Director or his or her designee.
- i. It shall be unlawful for any person to use a sled, sleigh, toboggan, pushcart or go-cart in a any Township Park where such use is prohibited by the Byron Township Parks Department.
- j. It shall be unlawful for any person to operate a dog sled in a Township Park without a written permit from the Director.
- k. It shall be unlawful for any person to construct a temporary or permanent snow ramp or jump for any purpose in a Township Park.
- l. The Township through its Park Director or other designee may, from time to time, provide a written permit for sports, amusements, or events that are in the public interest or serve a park purpose.

**Section 23. Aviation**

It shall be unlawful for any person to use any Township Park as a takeoff or landing site for aircraft, parachutes, hang gliders, ultra light planes or any other flying apparatus unless authorized to do so by the Township. Use of hot air balloons shall be prohibited unless their use is authorized by the Township in conjunction with a permitted event.

**Section 24. Tournaments and Organized Play**

- a. It shall be unlawful for any person to play, organize, or arrange to be played, any organized or formally established game, match, tournament, or other activity in any area in any Township Park. All aforementioned activities must be approved by or sanctioned by Byron Township Parks Department.
- b. It shall be unlawful for any person to charge admission or a parking fee to any Township Park or event therein without a written permit from the Parks Department.
- c. It shall be unlawful for any person to organize or participate in any game or competitive sport for money or any other thing of value without a written permit from the Parks Department.

#### **Section 25. Firearms and Other Dangerous Weapons**

- a. Violations or criminal offenses involving the transportation, possession, brandishing or discharge of pistols, other firearms, ammunition or components of firearms on Township Park property shall be prosecuted in accordance with local ordinances, State and Federal Law. Local ordinances shall be enforced by the Kent County Sheriff's Department or the Michigan State Police.
- b. It shall be unlawful for any person to bring into or upon Township Park property, have in his or her possession on Township Park property, or brandish or discharge on Township Park property, any dangerous weapon other than those described in **Section 25. a**, above, without a written permit from the Byron Township Parks Department. This subsection shall not apply to any duly sworn law enforcement officer.

#### **Section 26. Fireworks**

It shall be unlawful for any person to possess, ignite, attempt to ignite, or otherwise cause to explode, discharge, or burn any fireworks, smoke bombs, torpedoes, rockets, or other pyrotechnics or explosives within a Township Park, or adjacent to a Township Park where the effects of said ignition, explosion, discharge, or burning are reasonable likely to enter a Township Park without a written permit from the Parks Director or Township Board.

#### **Section 27. Sound and Light Amplification**

It shall be unlawful for any person to use sound or light amplification in any Township Park, unless such use is by written permit of the Director or his or her designee.

#### **Section 28. Commercial Activities**

- a. It shall be unlawful for any person to solicit, vend, sell, or offer for sale any goods, wares, merchandise, services, privileges, food or beverages, or conduct

any trade, business, occupation or profession within a Township Park without a written permit from, or signed agreement with the Director or other authorized representative of Byron Township.

- b. It shall be unlawful for any person to expose, distribute, post, paint, or affix any sign, advertisement, circular, notice, poster, pamphlet, or statement, or display any banner, emblem, design, or logo in a Township Park without written permission by way of permit from the Township.
- c. Parks Department personnel engaged in park-related activities shall not be subject to **Section 28. a. and b.** above.

### **Section 29. Disorderly Conduct**

- a. It shall be unlawful for any person to resist, fail or refuse to obey any lawful command of, or interfere with, or in any manner hinder the Director, any law enforcement officer, or any employee or agent of the Byron Township Parks Department in the performance of his or her official duties.
- b. It shall be unlawful for any person to impersonate an employee of Byron Township or the Byron Township Parks Department for any reason.
- c. It shall be unlawful for any person to engage in indecent, lewd or obscene conduct in a Township Park which shall include, but not limited to, exposing oneself in a state of partial or total nudity.
- d. It shall be unlawful for any person to intentionally spit at another person, or urinate or defecate in a Township Park, except in such facilities provided and intended for such activities.
- e. It shall be unlawful for any person to enter or remain upon the property of a Township Park after having been prohibited from doing so by the Parks Director, his or her designee, or a law enforcement officer upon violation of any provisions of this Ordinance or any rules and regulations of the Director as established by Byron Township.
- f. It shall be unlawful for any person to engage in threatening, inflammatory sexually explicit, profane, or discriminatory language in any township Park. This subsection does not purport to limit free speech, but does intend to prohibit the use of language reasonable expected to cause a breach of the peace, or public disturbance, or interfere with any other person's peaceful enjoyment of a Township Park.
- g. It shall be unlawful for any person to beg or solicit contributions in any Township Park for any purpose, whether public or private, without a written permit from the Parks Director.

- h. It shall be unlawful for any person to sit or lay upon walks, passages, steps, porches, or other feature whereby each person is obstructing the free passage of others.

### **Section 30. Alcoholic Beverages and Controlled Substances**

- a. It shall be unlawful for any person to possess, deliver, or use any controlled substance within a Township Park. All violations of this Section shall be prosecuted in accordance with the laws of the State of Michigan including, but not limited to, **MCL §§ 333.7401, 7401 b. 7402, 7403, 7404.**
- b. A person over eighteen (18) years of age who possesses a controlled substance in a public park, possesses a controlled substance in a public park with intent to deliver to a minor in a public park or within 1000 feet of a public park, or delivers a controlled substance to a minor in a public park or within 1000 feet of a public park shall be prosecuted in accordance with **MCL § 333.7410 a.**
- c. It shall be unlawful for any person to use, sell, possess with intent to use or sell, drug paraphernalia, specifically designed to contain, conceal, inject, ingest, inhaled or otherwise introduce into the human body a controlled substance.
- d. It shall be unlawful for a person who is intoxicated, and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance to remain within a Township Park.
- e. Byron Township prohibits the possession or consumption of any alcoholic beverage within a Township Park, or within any motor vehicle within a public park. **MCL § 436.1915(3).**
- f. It shall be unlawful for any person under the age of twenty-one (21) to purchase, consume, or possess, or attempt to purchase, consume or possess, any alcoholic beverage within a Township Park. Violators of this Section shall be prosecuted in accordance with the **MCL § 436.1703.**

### **Section 31. Gambling**

It shall be unlawful for any person to engage in gambling or gaming within a Township Park in contravention of State law, except that legal raffles or other games of chance may be conducted by those who hold valid park permits for other activities within the park with the understanding the Township is aware of such events.

### **Section 32. Park Hours**

- a. During the park season which may vary from year to year because of weather conditions, it shall be unlawful for any person to enter upon or occupy a Township Park at any time before its posted opening of 8:00 am or after closing time at dusk without expressed permission from the Parks Director. Other exceptions to park opening or closing times may be granted by the Parks Director and validated by posted notice.
- b. It shall be unlawful for any person to enter a building, lodge, outbuilding, garage or any other structure within a Township Park property at a time when said property is closed to the public.

### **Section 33. Park Closings**

- a. Any Township Park or a portion thereof may be partially or entirely closed to all or certain uses by posted notice during any period of time designated by the Township or its Park Director or upon the order of a law enforcement officer when it is determined by the Director or law enforcement officer that the physical condition of the park or portion thereof would cause damage and deterioration to the park or portion thereof, in a greater degree than ordinary wear and tear, or that use of the park or portion thereof would create a health or safety hazard for park users.
- b. It shall be unlawful for any person to enter upon or occupy a Township Park or portion thereof contrary to posted notice of closure.

### **Section 34. Permits**

- a. Permits from Byron Township through its Director or other designee shall be required for uses of the Township Park as specified in this Ordinance and in the rules and regulations promulgated by the Director.
- b. The policies and procedures for application and issuance of permits shall be established by the Township through its Director or other designee.
- c. Unreserved open shelters and picnic areas may be occupied on a first come-first served basis.
- d. Permits shall be required for use by any group which has or is reasonably expected to have twenty-five (25) or more persons. Also, at any such time a particular area is sought to be reserved. Violations of this provision shall constitute a civil infraction.
- e. It shall be unlawful for any person to transfer a permit to any other person not named on that permit.
- f. A permittee shall be a resident of Byron Township and he or she shall be present for the entire specified use, and shall have physical possession of the permit. Violation of this provision shall constitute a civil infraction.

- g. It shall be unlawful for any person to fail to produce his or her permit upon request of an employee of the Byron Township Parks Department or any law enforcement officer.
- h. A permittee shall be bound by the provisions of this Ordinance and any rules and regulations promulgated by the Township through its Parks Director and in effect at the time the permit is issued.
- i. A permit may be revoked for good cause by the Director or his or her designee upon violation of any of the provisions of this Ordinance and any rules and regulations promulgated by the Director through the Township Board of Trustees.
- j. A permit shall not be issued for exclusive use of any Township Park, and it shall be unlawful for any permittee to exclude any member of the public from a Township Park.
- k. At his or her discretion, the Director may condition receipt of a permit upon the provision of insurance by any person, organization or group whose use of a Township Park has the potential to create a significant risk of public injury or property damage.

**Section 35. Fees**

- a. Fees for some specific uses allowed by permit within Byron Township Parks shall be set by the Parks Director and approved by the Byron Township Board of Trustees.
- b. It shall be unlawful for any person to use an area or facility of a Township Park or engage in any activity within a Township Park for which a fee has been established without prior payment of such fee.

**Section 36. Enforcement**

This Ordinance shall be enforced by the Kent County Sheriffs Department. Byron Township Parks Employees shall have the responsibility to speak to violators in an attempt to correct any infraction and will contact the Sheriff's Department if their requests are ignored and the violations continue. Other law enforcement agencies may, from time to time, be authorized to enforce this Ordinance in Byron Township Parks by repudiation and under agreement with the Kent County Sheriff's Department.

**37. Fines and Penalties**

- a. A violation of any of the following sections of this Ordinance shall constitute a misdemeanor, and shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both.

7.a	17.j	28.b
8.a	17.k	29.a
9.a	17.l	29.b
9.b	17.o	29.c
9.c	17.q	29.d
9.d	18.C.e	29.e
9.e	18.C.g	29.f
9.f	19.c	29.g
10.a	19.d	29.h
12	21.a	30.c
13.a	21.c	30.d
14.b	21.g	30.e
15.a	23	30.g
15.b	24.b	31
15.c	24.c	32.a
15.d	25.b	32.b
16.a	25.c	33.b
16.b	26	34.d
17.e	28.a	

- b. A violation of any of the following Sections of this Ordinance shall constitute a municipal civil infraction, and shall be punishable by a fine of not less than \$25 nor more than \$500

10.b	19.a
11	19.e
13.b	19.f
13.c	19.g
13.d	20.b
14.a	20.c
17.c	20.d
17.g	20.e
17.h	21.b
17.p	21.e-f
18.A.b-h	22.a-j
18.B.a-h	24.a
18.C.a	27
18.C.b	29.i
18.C.d	34.d-g
18.C.f	35.b

- c. A violation of any of the following sections of this Ordinance shall be prosecuted in accordance with the Kent County Animal Control Regulations.

17.a	17.m
17.b	17.n
17.f	

- d. A violation of any of the following section of the Ordinance shall be prosecuted in accordance with local ordinance or applicable laws of the State of Michigan.

15.e	30.a
18.A.a	30.b
19.b	30.f
25.a	

- e. Nothing in this Ordinance shall be construed as impairing the right of Byron Township or the Byron Township Parks Department to pursue other legal remedies, including but not limited to, injunctive relief, to enforce the provisions of this Ordinance.

### **Section 38. Amendments**

This Ordinance may be amended from time to time at the discretion of the Byron Township Board of Trustees during a regularly scheduled meeting by majority vote of the members present.

### **Section 39. Severability**

Any provision of this Ordinance that is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provisions contained herein, which shall remain in full force and effect.

### **Section 40. Repeal**

Any ordinances, rules or regulations hereto fore enacted and in conflict with this ordinance are hereby repealed.

**Section 41. Effective Date**

Pursuant to MCL § 46.11 (j) this Ordinance shall become effective sixty (60) days from the date upon which it is adopted by the Byron Township Board of Trustees and notice of said adoption is published in a newspaper of general circulation in Kent County, Michigan.

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**Joel Hondorp**  
**Byron Township Clerk**

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**Larry Silvernail**  
**Byron Township Supervisor**