

**NILES CHARTER TOWNSHIP**  
**COUNTY OF BERRIEN**  
**STATE OF MICHIGAN**  
**ORDINANCE #73 –PARKS, TRAILS, GROUNDS, AND FACILITIES**

**ADOPTED: AUGUST 3, 2015**

**EFFECTIVE: SEPTEMBER 2, 2015**

**Title.**

Sec. I. This Ordinance shall be known and referred to as the Niles Charter Township Parks, Trails, Grounds and Facilities Use Ordinance.

**Purpose.**

Sec. II. The purpose of this Ordinance is to regulate the use of parks, grounds and facilities under the jurisdiction of the Niles Charter Township Parks and Recreation Department; to authorize members of the Berrien County Sheriff's Department to enforce such regulations; and to provide penalties for violations of such regulations.

**Definitions.**

Sec. III.

- A. *Parks, trails, grounds and facilities* herein referred to includes parks, trails and other facilities under the jurisdiction of Niles Charter Township and its Parks and Recreation Department and located within the Niles Charter Township.
- B. *Department* means the Niles Charter Township Parks and Recreation Department.
- C. *Director* means the Director of the Niles Charter Township Parks and Recreation Department.
- D. *Staff* means an employee or authorized agent of the Niles Charter Township Parks and Recreation Department.

**Hours of operation.**

Sec. IV.

- A. *Hours of Operation.* Hours of operation shall be determined by the department. No activities upon such township parks, grounds and facilities shall be permitted which are not in compliance with the schedule of such hours conspicuously posted by the Staff of the Department at the township's parks, grounds and facilities.
- B. *Posting.* The foregoing posting shall be at the entrance to such facility and at such other conspicuous places as will afford reasonable notice to the public of such limitations. Such posting shall not be damaged or destroyed in any manner that would obliterate or obstruct the message posted.

### **Permits or registration for use.**

#### Sec. V.

- A. *Permits or Registration for Use.* No person shall occupy or use a township park, ground or facility that requires a permit or registration from or with the Township Parks and Recreation Department without first obtaining the same and having evidence of the same upon his/her possession while occupying the park, ground, or facility.
- B. *Presentation of Permit or Registration.* Upon request of a member of the Berrien County Sheriff's Department, such permit or registration shall be presented for examination. Failure to do so shall constitute evidence of unauthorized use or occupancy of the facility.

### **Alcoholic beverages.**

#### Sec. VI.

- A. No person, firm or corporation shall sell, possess or consume alcoholic beverages at the township parks or on township trails.

### **General regulations.**

Sec. VII. The following regulations apply to all persons using any township parks, trails, grounds or facilities and are an addition to, not in derogation of, any other provisions of these regulations:

- A. Motor vehicles and non-motorized vehicles must be driven and parked only in designated areas. Except that one-person motorized vehicles designed and used to provide a disabled person with access to a facility may be operated on grass areas.

- B. No person shall remain in, or enter onto, a facility before or after the posted closing hour of the facility unless so authorized by these regulations.
- C. No person shall enter onto the township parks or trails after sunset unless participating in a scheduled event or unless so authorized by these regulations.
- D. No person shall engage in any violent, abusive, boisterous, loud, illegal, obscene or similar disorderly conduct, which unreasonably interferes with another person's use or enjoyment of a facility.
- E. No person shall use a loudspeaker, public address system or sound amplifying equipment of any kind within or upon township parks, grounds or facilities without a written permit issued by the Department or its Staff.
- F. No person shall remove, injure, deface, disturb, befoul nor in any manner destroy any part of any facility, sign, structure, equipment, utility or other property, nor injure or destroy any trees, flowers, shrubs, plant or growing thing, whether alive or dead, or any rock, or mineral.
- G. No person shall kill, trap, hunt, pursue or in any manner disturb any bird or animal within any facility without the written permission of the Department, Director, or Department Staff. Fishing will be permitted in accordance with the laws of the Michigan Department of Natural Resources in such areas properly designated for such purposes.
- H. All motor vehicles operated within a facility shall comply with all applicable provisions of the Michigan Motor Vehicle Code.
- I. No person shall operate a snowmobile, ATV, ORV, mini-bike, go-cart, golf cart or similar motorized device in any township park, ground or facility without the written consent of the Department except motorized devices designed for, and used to, provide disabled persons in need of such devices with access to and use of a facility.
- J. Fifteen miles per hours (15 MPH) is the maximum permitted speed for all motor vehicles operated within a facility unless posted otherwise.
- K. No person shall start or maintain a fire except in a picnic stove or other area specifically approved and designated for the starting and maintaining of a fire.
- L. No person shall possess or use a firearm, explosive material (including fireworks), dangerous substance, or any device which discharges projectiles by means of air pressure, explosive device, chemical reactions or similar means, in any facility, unless carried by a duly authorized law enforcement officer; by a person licensed to carry a concealed weapon under Act No. 372 of the P.A. of 1927, as amended; or by written permission of the Department or its Staff.
- M. No person shall fly, or use any fuel-powered engine, or jet-type, or electric-powered model aircraft, boat, rocket, or like powered toys or model, except at

those areas designated or posted by the Department, Director or their Staff for such use.

- N. No person shall post, paste, fasten, or affix any placard, bill, notice or sign within a township park, trail, grounds or facilities except on trail kiosks and only with the permission of the Parks Department or Staff. Temporary directional signs for picnics or special events can be posted, however, signs must be removed at the conclusion of the special event. Temporary directional signs must not mar, damage or stain any portion of a facility.
- O. Peddling, hawking, soliciting, begging, advertising or carrying on of a business or commercial enterprise is prohibited in all township parks, grounds, and facilities except in connection with a special event. Such activities must be directly related to the special event occurring at the public park, ground or facility and may only occur during the special event and must have the prior approval of the Department or its Staff.
- P. No person shall deposit or abandon any litter, garbage, sewage, refuse, trash, waste or similar material in any township parks, trails, grounds or facilities except in receptacles, pits or areas designated for such purposes. No person shall remove such material from any receptacle, pit or area. No person shall deposit such material in a receptacle, pit or area if the material was generated outside the geographical boundaries of township parks, grounds or facilities and was not intended for consumption or use in the township area.
- Q. No person shall lead, ride or cause a horse or other livestock to be upon any property administered by or under the jurisdiction of the Department except where organized activities are permitted with Department approval.
- R. Domestic pets are permitted within the township parks, grounds and facilities provided that the domestic pet is kept on a leash and that the owner removes any fecal matter caused by the pet.
- S. All persons using the township parks, trails, grounds and facilities shall comply with the lawful commands, directions and orders of the Staff or police officer.

### **Township parks and trail rules.**

#### **Sec. VIII.**

- A. Hours shall be complied with as posted at each park, trail, and facilities.
- B. All traffic and trail signs must be complied with.
- C. Trails are limited to use by pedestrians and non-motorized transportation. Horses are not permitted.
- D. ATVs, ORVs, snowmobiles, mini-bikes, scooters, go-carts, golf carts and similar motorized devices are prohibited from being used on trails.

- E. All pets must be on a leash and their fecal matter must be picked up in a sealed bag and deposited in a rubbish container.
- F. Fire and fireworks are prohibited.
- G. Solicitation, peddling, advertising or any commercial business activity is prohibited without Department or Staff written approval.
- H. Camping is not permitted along township trails or in township park areas.
- I. No sign or notice shall be posted, fastened or located within a township park, ground or facility except for signs erected by the Department or its Staff or temporary directional signs approved by the Department or its Staff. Such temporary signs must be removed following the end of the special approved event.
- J. Trail and park use is limited to such trail and park and cannot encroach in any manner upon private property.

**Application of other ordinances.**

Sec. IX. The within regulations do not supersede or preempt other applicable state, federal, county or township rules and regulations which must also be observed and complied with.

**Severability.**

Sec. X. The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only effect the particular provision, part or section thereof and shall not affect or invalidate the remainder of the within ordinance provisions which shall continue in full force and effect.

**Violation & penalty.**

Sec. XI. Any person who violates any of the provisions of this article shall be deemed to be responsible for a municipal civil infraction, as defined by state statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

Number of Offenses Within 3-year Period	Minimum Fine (in dollars)	Maximum Fine (in dollars)
1st offense*	75.00	500.00
2nd offense*	150.00	500.00

3rd offense*	325.00	500.00
4th offense or more*	500.00	500.00

\*Determined on the basis of the date of commission of the offense.

(a)

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this article. Each day that a violation exists shall constitute a separate offense.

**Effective date and repeal.**

Sec. XII. This Ordinance shall take effect 30 days after publication in a local newspaper of general circulation in the Township following its adoption. This Ordinance is intended and designed to assist in the regulation of Niles Charter Township Parks, Trails, Grounds and Facilities under the jurisdiction of the Niles Charter Township Parks and Recreation Department and not to overrule, supersede or preempt other Township ordinances of a similar or compatible nature.

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