THE CHARTER TOWNSHIP OF GARFIELD

ORDINANCE NO. 50
PARKLAND ORDINANCE

An Ordinance to provide for operating rules and regulations for, and to apply to, all Parkland under the jurisdiction of the Charter Township of Garfield.

THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN ORDAINS:

Section I
Scope and Mission Statement

A. Preamble and Scope. This Ordinance shall act as the operating rules and regulations for, and apply to, all Parkland owned and/or controlled by the Charter Township of Garfield under authority provided by MCL 41.422.

B. Mission Statement. The Township's goal is to provide safe, convenient, user friendly parks and trails to the citizens of Garfield Township as well as our neighbors and guests, while still preserving and protecting the natural environment in which they exist.

Section II
Definitions

A. "Board" shall mean the Charter Township of Garfield Board of Trustees.

B. "Township" means the Charter Township of Garfield.

C. "Township Parkland" shall mean all parks and recreational lands, facilities and trails, owned or under the control of Garfield Township, currently being used for recreational purposes, or being held for future recreational use as shown on the Green Infrastructure Plan, as attached to the Township's Comprehensive Land Use Plan, including but not limited to, Township Parks (including nature reserves) identified in these Section II definitions.

D. "Parks Administrator" shall mean Township Supervisor, or a designee of the Board, who has been delegated the authority to oversee operation of Township Parkland.

E. "Person or Persons" shall mean any individual(s) or group(s) of individuals.

F. "Camping" shall mean the overnight lodging or sleeping of a person or persons on Township Parkland, including but not limited to using a tent, trailer coach, vehicle camper, motor vehicle or in any other conveyance.

G. "Rules" shall mean this Ordinance and any amendments to this Ordinance approved by the Board for the purpose of regulating the operation of Township Parkland.

H. "Pavilions" shall mean the covered concrete areas on Township Parkland designed for picnicking and socializing. These pavilions usually contain picnic tables for public use.

I. "Designated Trails" shall mean all paved, wood chipped or dirt trails, on Township Parkland, designed for non motorized use.

J. "Silver Lake Recreation Area" shall mean the Township Parkland located along East Silver Lake Road, North of Silver Pines Road. This area is identified as location "A" on Appendix A.

K. "Kid's Creek Park" shall mean all Township Parkland located along U.S. 31 South, between the Great Wolf Lodge and Kohl's and proceeding west and south. This area is identified as location "B" on Appendix A.

L. "Grand Traverse Commons Recreation Area" shall mean all Township Parkland located within the Grand Traverse Commons redevelopment district. This area is identified as location "C" on Appendix A.

M. "Miller Creek Nature Reserve" shall mean all Township Parkland located East of South Airport Road and West of Cass Road, and property South of South Airport Road and North of Hartman Road. This area is identified as location "D" on Appendix A.

N. "Garfield Township Nature Reserve" shall mean all Township Parkland along the Boardman River between Boardman Lake and the Grand Traverse County Natural Education Reserve. This area is identified as location "E" on Appendix A.

O. "Hughes Drive Nature Reserve" shall mean all Township Parkland along Hughes Drive south of Hammond Road. This area is identified as location "F" on Appendix A.

Section III
Hours of Operation

A. All Township Parkland shall be available for public use from two (2) hours before sunrise until two (2) hours past sunset, unless otherwise posted. Site specific hours of operation, where posted, will be posted at the general parking areas or trail head.

Section IV
Prohibited Activities

The following activities are prohibited and it shall be unlawful for any person or persons to do any of the following in Township Parkland;

A. Remain on Township Parkland outside of the stated or posted hours of operation.

B. To enter any Township Parkland that is posted or in any other way identified as being "closed".

C. To camp at any time unless written permission is obtained from the Parks Administrator.

D. To have an open fire, outside the designated charcoal grills provided for the purpose of cooking, without written permission of the Parks Administrator. (Private grills shall be allowed, either gas or charcoal, so long as the ashes will not be deposited on the ground) No fires may be built directly on the ground.

E. To operate motorized vehicles of any kind on designated trails, except for maintenance or patrol as authorized by the Parks Administrator.

F. To operate or park any motorized vehicles of any kind on Township Parkland except in established driveways and parking areas.

G. To commit vandalism of any kind, including but not limited to;
   1. Removing, damaging, destroying or defacing Township owned property and equipment.
   2. Destroying, damaging, injuring or removing any trees, shrubs, wildflowers or vegetation on any Township Parkland.

H. To have a pet, on Township Parkland, that is not on a leash or otherwise restrained and in control of its keeper. Animal leashes shall not exceed 16 feet in length.

I. To litter or otherwise dispose of or discard refuse of any kind in or upon Township Parkland except by placing said refuse in containers provided for that purpose.

J. To dispose of any household refuse on Township Parkland or in garbage receptacles on Township Parkland.

K. Solicit, post, advertise or in any way sell or attempt to sell any goods or services on Township Parkland without written permission of the Parks Administrator.

L. To possess or consume beer, wine or any intoxicating liquors on Township Parkland.

M. To discharge projectiles either by air, explosive substance or any other force by any firearm, revolver, pistol, shotgun, rifle, air rifle, air gun, paint ball gun, bow or other weapon that discharges a projectile. This section shall not apply to any peace officer, or duly appointed law enforcement officer while carrying out their duties. This section shall also not apply to any person lawfully hunting game as outlined in Section VI of this Ordinance and as allowed by federal and state game laws.

N. To in any way harass and intentionally disturb any and all wildlife on Township Parkland other than while hunting as allowed in Section VI of this Ordinance and as allowed by federal and state game laws.

O. To feed any wildlife at any time on Township Parkland.

P. To refuse to comply with this Ordinance when requested by a local enforcement officer or in any way hinder the Parks Administrator, any employee or designee of the administrator while performing their official duties, including the enforcement of this Parkland Ordinance.

Section V
Rules of Operation

A. Persons must act in a way so as not to create a disturbance which will unreasonably impair the quiet enjoyment of other persons using the Township Parkland.

B. Persons with pets on Township Parkland shall pick up and dispose of excrement from their pets. These droppings must be contained in a sealed bag and removed from Township Parkland or placed in trash receptacles as provided.

C. Township Pavilions shall be occupied on a first come first served basis, unless previously reserved, and must be made available / shared with other persons, as long as space permits. Persons using Township Pavilions must clean up after use and dispose of any trash in receptacles provided or remove their trash from Township Parkland.

   1. Pavilions may be reserved for large groups and special events at the discretion of the Parks Administrator. Persons wishing to reserve a pavilion for a large group or special event must make their request in writing to the Parks Administrator at least 14 days prior to the event. Reservation requests will be considered for groups of 15 or more people only. If a reservation is approved by the Parks Administrator the details of that reservation will be posted on the pavilion at least 7 days prior to the event.

D. No smoking of tobacco products of any kind is permitted within 100 feet of any playground equipment, pavilions, restroom facilities or any other area where persons may be affected by second-hand smoke.

E. Baseball diamonds, tennis courts, basketball courts, soccer fields and any other recreational facilities may be reserved for future use upon approval of the Parks Administrator. Reservations shall be available for a single event and/or for continuing use on a weekly basis. Absent a reservation, facilities shall be used on a first come first serve basis.

F. Fees for the reservation and rental of Township Park facilities shall be established by the Charter Township of Garfield Fee Schedule.

Section VI
Hunting, Fishing and Trapping

A. The Board and Parks Administrator reserves the right to use any and all means to control wildlife deemed to be a nuisance. All further conditions regulating Hunting, Fishing or Trapping in this Ordinance shall not apply to the Township or its designees.

B. Fishing is allowed in all waterways within Township Parkland so long as all state and federal game laws and regulations are adhered to.

C. Trapping of wildlife is not permitted on Township Parkland.

D. Target shooting is not allowed on Township Parkland.

E. Hunting is allowed only on Township Parkland identified in this section of the Ordinance and with the limitations stated herein. Anyone hunting on Township Parkland must possess valid state and federal game licenses as required for the game being hunted. All hunting must be done in accordance with state of Michigan and federal laws including but not limited to those regarding season dates, species and bag limits. Hunter's must also possess a permit issued by the Parks Administrator as outlined in this section of the Ordinance.

1. There shall be no hunting allowed in the Silver Lake Recreation Area.

2. There shall be no hunting allowed in the Kid's Creek Park.

3. There shall be no hunting allowed in The Grand Traverse Commons Recreation Area.

4. There shall be no hunting allowed in the Hughes Drive Nature Reserve.

5. Hunting is allowed by means of Shotgun (shot only no slugs) and Bow and Arrow only in the Miller Creek Nature Reserve. Hunters must possess a permit issued by the Parks Administrator as outlined in this section of the Ordinance. All other restrictions outlined in this Ordinance must also be adhered to.

6. Hunting is allowed by means of Shotgun (shot only no slugs) and Bow and Arrow only in the Garfield Township Nature Reserve. Hunters must possess a permit issued by the Parks Administrator as outlined in this section of the Ordinance. All other restrictions outlined in this Ordinance must also be adhered to.

F. There shall be no permanent hunting blinds erected on Township Parkland. All tree stands must be temporary in nature and removed when not in use. No permanent steps, ladders or screw in foot pegs may be used.

G. There shall be no cutting of trees, tree limbs or any other vegetation, on Township Parkland, to improve visibility for the purpose of hunting.

H. All hunting or placement of temporary hunting blinds must take place at a minimum 150 feet from any parking area, boat launch or maintained trail on Township Parkland.

I. There shall be no baiting of game on Township Parkland.

J. Permits to hunt on Township Parkland must be obtained, from the Parks Administrator, in advance of hunting as outlined below;

1. Hunting permits will be issued on a first come first serve basis by the Parks Administrator. Permits will be area specific and the number available will vary based on the hunting season and hunting area. The number of permits available will be determined by the Parks Administrator.

2. Hunting permits will be valid for 7 days beginning 2 hours before sunrise on Saturday and ending at sunset on Friday of the week that the permit is issued for.

3. Applications for hunting permits are available at the township offices and must be filled out at least 7 days and not more than 14 days prior to the desired timeframe. Hunting permits are free of charge.

4. All hunters granted hunting permits will be required to complete, and submit to the Parks Administrator, a survey within 10 days of the end of their hunting period. This survey will be used to help analyze wildlife encountered during the hunter's use of Township Parkland. This survey will be issued with the permit. Failure to complete and return this survey may result in forfeiture of future eligibility of permits to hunt on Township Parkland.

5. Hunting permits issued by the Parks Administrator are non-exclusive permission to hunt. The permit holder should be advised that additional permits to hunt may be issued.

6. Hunting permits are specific to the person granted the permit and are non-transferable.

7. In the case of animals being taken, which require field dressing, the resulting entrails shall be covered with soil at a depth of one (1) foot.

K. Any person granted the privilege of utilizing Township Parkland for the purpose of hunting shall agree to conduct them self in a safe and ethical manner. They must also be mindful of property boundaries, safety zones surrounding adjoining residences, recreational trails and other users of the Parkland.

Section VII
Enforcement and Penalty

A. The Grand Traverse County Sheriff, Grand Traverse County Sheriff deputies, and Township Code Enforcement Officers are authorized as local enforcement officers of this Ordinance.

B. Any person(s) violating any provisions or rules in this Ordinance shall be deemed as guilty of a misdemeanor and upon conviction thereof shall be fined as follows;

1. First violation within a 2-year period not more than a $50.00 fine.
2. Second violation within a 2-year period not more than a $100.00 fine.
3. Third violation within a 2-year period not more than a $150.00 fine.
4. Fourth and all subsequent violations within a 2-year period not more than $250.00 fine.

In addition to the fines as outlined above, person(s) convicted of violating this Ordinance may be imprisoned in the county jail for a period not to exceed 90 days.

Section VIII

Severability

A. The provisions of this Ordinance are severable and if any part is declared void or unenforceable by court of competent jurisdiction, the remaining parts shall remain in force.

Section IX
Effective Date

This Ordinance shall take effect thirty (30) days after it is published.

A copy of this Ordinance may be inspected at the office of the Charter Township of Garfield located at 3848 Veterans Drive, Traverse City, Michigan between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Amendment No. 1 to the Parkland ordinance shall be come effective immediately upon publication.

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Charter Township of Garfield, County of Grand Traverse, Michigan, at a meeting held on July 23, 2009, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

KAY SCHUMACHER, Clerk Kay Schumacher

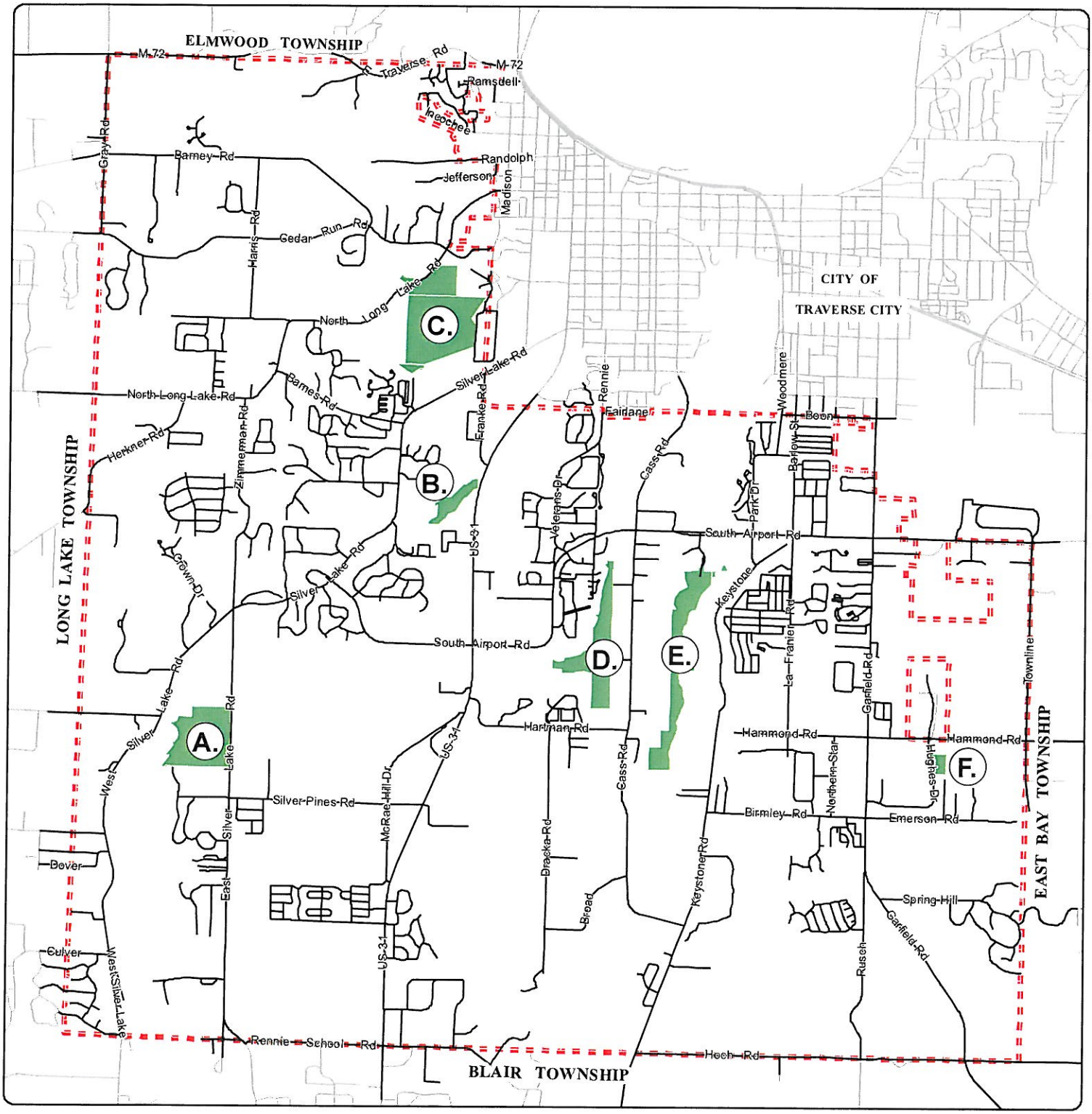
Date: 8/17/2009

Garfield Township Board
Amendment No. 1 Introduced: July 9, 2009
Amendment No. 1 Adopted: July 23, 2009

ORIGINAL

Charter Township of Garfield

Ordinance 50 - Appendix A : Parkland Location Map



July 09, 2009

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NOT A LEGAL SURVEY

Garfield Planning Dept June 2009