

CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
(Ordinance No. 8 of 2010)

At a regular meeting of the Township Board for Cascade Charter Township held at the Wisner Center in the Cascade Library on June 9, 2010, beginning at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member Koessel, and was seconded by Township Board Member Fox:

**AN ORDINANCE TO PROVIDE RULES AND
REGULATIONS FOR CASCADE BURTON PARK
AND PENALTIES FOR THE VIOLATION
THEREOF**

THE CHARTER TOWNSHIP OF CASCADE (the "Township") ORDAINS:

SECTION 1. PURPOSE AND INTENT

This Ordinance governs uses, activities, and structures within the Cascade Burton Park located within Cascade Charter Township. The Township Board finds that this Ordinance (and the rules and regulations contained herein) is essential for the health, safety, and welfare of persons using the Park, as well as the owners and occupants of adjoining residential properties. This Ordinance is also intended to protect the natural beauty and environmental features of the Park.

SECTION 2. DEFINITIONS AND APPLICABILITY

- A. "Cascade Burton Park" is located at 6805 Burton St, being approximately 80± acres in size (also known as Permanent Parcel No. 41-19-09-201-008). Also referred to in this Ordinance as the "Park."
- B. "Cascade Charter Township Park and Recreation Committee" (also referred to in this Ordinance as the "Committee") shall be the committee appointed by the Cascade Charter Township Board from time to time and which is given the duties, powers, and responsibilities specified in this Ordinance. The Township Board may also delegate to the Committee the authority to issue permits and approvals as mentioned in this Ordinance.
- C. This Ordinance applies to activities, vehicles, items, and uses within the Cascade Burton Park.

SECTION 3. PARK ACTIVITIES

- A. Only passive recreational (*e.g.*, hiking, walking, cross country skiing) activities are permitted in the Park. Other uses and events as approved or specifically permitted by the Cascade Charter Township Park and Recreation Committee or the Township Board may be allowed within the Park. No other uses or activities shall occur in the Park.
- B. The Committee or the Township Board may designate from time to time portions of the Park for specific uses. Specific uses may also be prohibited by the Committee or the Township Board.

SECTION 4. PRESERVATION OF PROPERTY AND NATURAL FEATURES

- A. No person shall injure, deface, disturb or defoul any part of the Park nor any building, sign, sculpture, equipment or other property within the Park. No tree, shrub, rock or other mineral within the Park shall be removed, injured or destroyed.
- B. No person shall deposit, permit or suffer to be deposited any garbage, ashes, sewage, refuse, waste, or other noxious material within the Park, except in receptacles provided by the Township for such purposes. Where trash receptacles are not provided by the Township, all such materials shall be carried out of the Park by the person responsible for its presence.
- C. No person shall dump any earth, tree limbs, leaves, grass clippings, or compost materials within the Park without first obtaining a specific written permit from the Township Board.

SECTION 5. MOLESTING WILDLIFE

- A. No person within the confines of the Park shall molest, harm, or kill any wild bird or animal found within the confines of the Park, or rob or molest any bird nest or take the eggs of any bird within the Park.
- B. Except as provided by law, no person shall possess or discharge any firearms, fireworks, explosive substances or air rifles within the park without a specific permit from the Township.

SECTION 6. GENERAL CONDUCT

The following shall apply within the Park:

- A. No person shall, either by work or act, indulge in any noisy, boisterous, disorderly or indecent conduct, or in any manner disturb the peace, quiet, or good order within the Park or of the residents of any property adjoining the park. No person shall play at games of chance, or engage in any indecent, lascivious, lewd, sexual, or improper act or behavior.
- B. No person intoxicated by alcohol or under the influence of alcohol, narcotic drugs or opiates shall enter or remain within the Park. No person shall bring into the Park any alcohol, liquor, narcotic drugs, or opiates.
- C. No person shall remain within the Park who does not abide by the rules and regulations adopted by the Township for the Park. No person shall remain within the Park who does not abide by the instructions and directions of a duly authorized police officer or agent of the Township in the lawful performance of their duties. Any person directed by a police officer or agent of the Township to leave the Park shall do so promptly and peaceably. No person shall resist, obstruct, interfere with, be abusive of, or address in a profane or obscene manner, any police officer or agent of the Township.
- D. The use of a loud speaker, public address system, or sound amplifying equipment is prohibited within the Park. Excessively loud radios or similar devices are also prohibited.

- E. No person shall start, fly, or use any fuel-or battery-powered model aircraft, vehicle, or similar device within the Park.
- F. No person shall urinate or defecate in the Park, except in such facilities as are provided by the Township and intended for such activities.
- G. Smoking is prohibited in the Park.
- H. No person shall operate a bicycle within the Park.
- I. In-line skates, (e.g. Rollerblades) roller skates, roller blades, skate boards and other similar devices are prohibited from use in the Park.
- J. Use of paintball equipment and supplies within the Park is prohibited.
- K. No application of graffiti or similar activity shall occur within the Park.

SECTION 7. ANIMAL CONTROL

- A. Within the Park, all dogs shall be controlled and on a chain or leash not exceeding more than six (6) feet in length. Cats shall also be under direct control and leashed. No controlled animal shall be allowed to be destructive to other animals and birds.
- B. The riding of horses or other animals is prohibited.

SECTION 8. TRAFFIC CONTROL

Within the Park:

- A. No person shall drive any motor vehicle or propel or cause to be driven any motor vehicle along or over any road within the Park in such a manner as to endanger the life, limb, or property of pedestrians, the drivers or occupants of other vehicles, or any other person. Nor shall any motor vehicle be driven in a careless or reckless manner.
- B. No vehicle shall be driven or parked in the Park except on designated drives and parking lot areas (except for an authorized Township vehicles and any vehicle needed for handicapped persons).
- C. No person shall park or store any car, motorcycle, bicycle, wagon, trailer, or other vehicle within the Park, except for short-term parking in places expressly designated by the Township for parking. Nor shall any person park a car, motorcycle, bicycle, wagon, trailer, or other vehicle in the Park overnight or for periods of longer than 15 hours.
- D. No trailer or other loading vehicle shall be brought into the Park unless permitted as part of an activity or event that has received permission from the Township.

SECTION 9. GENERAL REGULATIONS

The following applies in the Park:

- A. **CAMPING**
No person shall establish or maintain any camp or other temporary lodging place in the Park. No camping shall occur within the Park.
- B. **FIRE**
Fires are not permitted in the Park.
- C. **COMMERCIAL ACTIVITIES**

No person shall sell or offer for sale any article, thing, privilege or service within the Park without a permit from the Township and no person shall do any begging, peddling or soliciting in the Park. Further, no person shall expose, distribute, display, post, or place any sign, advertisement, circular, notice, or statement, or display any banner, emblem, or design, within the Park, without a specific permit from the Township.

D. GOLF

The use of the Park for playing golf or the hitting of golf balls is prohibited.

E. EVENTS

No organized event, festival, party, or similar activity shall occur within the Park unless a permit has first been issued by the Township for such event or activity.

SECTION 10. PARK HOURS

The following applies within the Park:

A. The Park shall open at 7:00 a.m. and close at dark, but no later than 10:00 p.m. All Park users must leave at the closing time unless a permit for later hours has been issued by the Township. Upon the Park's so closing, it shall be unlawful for anyone to enter upon or occupy the Park without a Township permit.

B. The Park, or any portion thereof, may be closed entirely or closed to certain uses during any specified period of time by the Township where it is determined that the physical condition of the Park (or any portion thereof) is such that the intended use of the Park (or portion thereof) would cause damage or deterioration to the Park (or portion thereof) to a degree greater than ordinary Park wear and tear, or that the intended use of the Park (or portion thereof) would create a health or safety hazard to the proposed user or other citizens. During such period of time as the Park (or portion thereof) is closed, any such closing shall be prominently posted and it shall be unlawful for anyone to enter upon or occupy the Park (or portion thereof) contrary to the posted regulations.

SECTION 11. EXEMPTIONS

This Ordinance and any prohibitions contained herein shall not apply to any Township official or officer, or any Township Fire Department employee or official, or to any police officer, engaged in the performance of his or her official duties as a Township official, employee, or agent, or as a police officer. Furthermore, this Ordinance shall not apply to any use, activity, vehicle, or other item specifically approved by the Township or used by the Township (or any of its employees, officers, officials, or agents) or any police agency in the maintenance or upkeep of the Park or for emergency rescue, firefighting, or emergency purposes.

SECTION 12. RULES AND REGULATIONS

The Township Board may, from time to time by resolution, adopt rules and regulations to implement this Ordinance including to regulate uses and activities within the Park. Violation of any such rule or regulation adopted by the Township Board for the Park shall be deemed to be a violation of this Ordinance.

SECTION 13. VIOLATION OF THIS ORDINANCE AND PENALTIES

Any person who shall violate any provision of this Ordinance shall be guilty of a criminal misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00 and costs and/or imprisonment in the Kent County Jail for a period not to exceed 90 days.

SECTION 14. SEVERABILITY

Each of the rules, terms, provisions, and clauses in this Ordinance is hereby declared to be severable. Should any rule, term, provision, or clause be declared by a court of competent jurisdiction to be unconstitutional or invalid, that shall not affect the balance of this Ordinance (or the remaining provisions hereof), which shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance shall take effect upon the expiration of thirty (30) days following the publication of this Ordinance (or a summary hereof) in the newspaper as provided by law.

The roll call vote on adopting this Ordinance was as follows:

YEAS: Goldberg, Fox, Gooyke, Peirce, Beahan, Lewis, Koessel
NAYS: None
ABSTAIN: None
ABSENT None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Cascade Charter Township Board on the 9th day of June, 2010, pursuant to the required statutory procedures.

Ron Goodyke
Cascade Charter Township Clerk