

**NEW BUFFALO TOWNSHIP  
BERRIEN COUNTY, MICHIGAN**

**PARKS ORDINANCE**

Ordinance No. 20150420

Adopted: 4/20/15, 2015  
Effective: 5-30, 2015

An ordinance to regulate parks and recreation areas, and to promote the public health, safety and general welfare of the residents and visitors of New Buffalo Township.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AUTHORITY.**

Pursuant to MCL 41.421, *et seq*, the New Buffalo Township Board shall be the Board of Commissioners for the control of such lands, waters, or other areas it may acquire in connection with or use as a place of public recreation. The business performed at a meeting of the Parks Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, as amended, being MCL 15.261 to 15.275.

**SECTION 2. DEFINITIONS.**

A. **Parks** shall mean all lands, waters, parking areas, and property administered by or under the jurisdiction of the New Buffalo Township Board acting as the Township Parks Commission used for or in connection with public recreation.

**SECTION 3. PARK RULES AND REGULATIONS.**

The following regulations shall govern activities and uses at Township parks:

- A. No pets or animals shall be permitted.
- B. No glass bottles shall be permitted.
- C. No alcoholic beverages shall be permitted.
- D. No tobacco products shall be permitted.
- E. No motorized vehicles or bicycles of any kind shall be permitted in the parks, except within designated parking areas.
- F. Park hours shall be 8:00 a.m. to dusk, unless prior authorization is given by the Parks Director. No person shall be permitted to occupy or use the park premises except during park hours.

- G. No refuse, rubbish, or waste material shall be deposited on park property except in containers provided for that purpose.
- H. No person shall fire, discharge, or have in their possession any rocket, firecracker, or other fireworks or any substance of an explosive nature upon park property.
- I. No materials shall be burned on park premises except within a permanent fireplace or grill on the premises. The fire pit at Memorial Park shall only be used with written permission from the Township. Portable barbecue grills or other containers for cooking over fires or coals are strictly prohibited.
- J. No person shall enter the Galien River for any purpose other than launching a personal watercraft.
- K. Unlawful discharge of a firearm or other weapons is strictly prohibited.

**SECTION 4. SPLASH PAD AND PLAYGROUND AT MEMORIAL PARK.**

The following regulations shall govern activities and uses at the playground and splash pad located at Memorial Park:

- A. All park rules and regulations shall be observed in the playground and splash pad areas.
- B. The playground and splash pad are unsupervised and adult supervision is recommended.
- C. Footwear is recommended at all times.
- D. Skateboards, skates, scooters or bicycles shall not be permitted in the playground and splash pad areas.
- E. Climbing on splash pad structures shall not be permitted.

**SECTION 5. PAVILION RENTAL.**

The pavilion at Memorial Park may be rented by filling out a rental agreement form at the Township Hall. Upon signing a completed pavilion rental agreement form, the pavilion renter agrees to the following:

- A. Abide by all park rules and regulations.
- B. Be on site for the event.
- C. Not to bring, consume, or allow alcoholic beverages or smoking, or use of tobacco products on the Township premises.
- D. Not to permit gambling on the premises.
- E. Animals are not permitted in the park.
- F. Horseshoes and bocce ball to be played in designated area only.
- G. All vehicles are to remain in the parking lot in designated parking spaces and under no circumstances are vehicles to be driven on the lawn or sidewalks.
- H. To clean the premises and place all refuse in dumpster or carts provided by the Township.
- I. To accept the premises in its present condition and return it in like condition.

- J. All bands and amplifiers shall be allowed inside pavilion or on pavilion stage only.
- K. To reimburse New Buffalo Township for any damages to the premises, building, and equipment.
- L. To vacate the premises at the scheduled time. One event may not take up more than one time slot.
- M. No personal property shall be on the premises other than during the rental period.
- N. Hours available for the rental of the park pavilion are 9:00 a.m. until 9:00 p.m. unless special written permission is granted by the Township Board.
- O. The Township is not responsible for lost or stolen articles.
- P. Per Township Ordinance #810601, Solicitation Ordinance: the New Buffalo Township Board prohibits any and all soliciting of any sort without written permission from the Township Supervisor or the New Buffalo Township Board.
- Q. The Township reserves the right to deny a rental date requested if it is deemed to be in conflict with a previously scheduled inside event requiring the parking area or the planned use does not comply with rental guidelines or if any abuse or prior abuse of this policy has occurred by the applicant or member of the applicant's immediate family.

**SECTION 6. ENFORCEMENT.**

Sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

**SECTION 7. VIOLATIONS, FINES AND PENALTIES.**

Any person, firm, or corporation violating the provisions of this ordinance shall be responsible for a municipal civil infraction punishable by the payment of the following fines in addition to court costs and other costs imposed by the court:

1 <sup>st</sup> violation within a 3-year period from a prior violation	min. \$100 up to \$500
2 <sup>nd</sup> violation within a 3-year period	min. \$200 up to \$500
3 <sup>rd</sup> violation within a 3-year period	min. \$300 up to \$500

The foregoing penalties are in addition to all other rights and powers of the Township to proceed at law or equity with any other and additional appropriate remedies.

**SECTION 8. SAVINGS CLAUSE.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

**SECTION 9. SEVERABILITY.**

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

**SECTION 10. REPEAL.**

All regulatory provisions contained in other Township ordinances which are inconsistent with the provisions of this ordinance are repealed.

**SECTION 11. EFFECTIVE DATE; PUBLICATION.**

This ordinance shall become effective 30 days after publication of this ordinance or a summary in a newspaper circulated in the Township.

A motion that said Parks Ordinance be adopted was made by OSELKA and supported by ROGERS at a regular meeting of the New Buffalo Township Board on the ~~19th~~ 20th day of APRIL, 2015.

The names of the Township Board members and their votes are as follows:

NAME	YES	NO
Rose Dudiak	<u>X</u>	_____
Paul Oselka	<u>X</u>	_____
Jack Rogers	<u>X</u>	_____
Peter Rahm	<u>X</u>	_____
Michelle Heit	<u>X</u>	_____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the New Buffalo Township Board at a meeting held on the 20 day of April, 2015, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: 4/20, 2015

Paul Oselka  
Paul Oselka, Clerk

PUBLICATION

I hereby certify that the foregoing Ordinance was published in the New Buffalo Times on the 30th day of April, 2015.

Paul Oselka  
Paul Oselka, Clerk