

Village of Boyne Falls Parks Ordinance

Ordinance 61

THIS ORDINANCE SHALL BE KNOWN AS THE PARKS ORDINANCE
AN ORDINANCE TO REGULATE ACTIVITIES WITHIN THE VILLAGE PARK

Village of Boyne Falls Ordains:

Section 1. Definition

In this ordinance PARK means the Mill Pond Pavilion Park

Section 2. Time of Use

Unless special arrangements are made in advance with the Village council the time of use of The PARK is from 8am to 11pm.

Section 3. General Behavior

- A) No person shall indulge in any noisy, boisterous, disorderly or indecent conduct, or in any matter disturb the peace or good order of of the community within the PARK; nor shall any person play at games of chance, or do any indecent, lascivious, lewd, or improper act therein.
- B) No person intoxicated by alcohol or under the influence of alcohol, narcotic drugs, opiates, or a controlled substance, the use or possession of which is subject to a penalty under state or local law, shall enter or remain within the PARK
- C) No person shall remain within the PARK who does not abide by conditions adopted and posted by the Village for the preservation of good order and the protection of property within the PARK.
- D) The use of loud speakers, public address systems, or sound amplifying equipment in the PARK is prohibited without permission of the clerk. Operation of excessively loud radios or similar devices in the PARK is also prohibited. Under no circumstances shall sound from such devices be audible beyond the borders of the PARK

Section 4. Vehicles

- A) Motor vehicles may be operated in the PARK only upon the roadways and parking lot thereof
- B) Vehicles may be parked in the PARK parking lot only during time of use

Section 5. Alcohol

It is unlawful to serve, possess, or consume any alcoholic beverage in the PARK, except beer and/or wine unless authorized by special written permission by the Village council.

Section 6. Littering

- A) No person shall deposit, scatter, drop or abandon bottles, cans, hot coals, ashes, sewage, waste or the material in the PARK, except in receptacles provided for such purpose.
- B) No person shall place household, yard, or construction waste generated outside park property into garbage receptacles or anywhere in the PARK

Section 7 Fires

- A) No person shall start or maintain a fire within the boundaries of the PARK except in provided devices or locations
- B) Fires in the PARKS shall not be left unattended and must be fully extinguished

Section 8. Advertising/Selling

- A) No person shall expose, distribute, or place any sign, advertisement, notice, poster, or display in the PARK without authorization from the Village clerk
- B) No person shall solicit, sell, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in the PARK except by authorized concession or written permission by the Village council

Section 9 Vandalism

- A) No person shall intentionally remove, alter, injure, harvest, eat, or destroy any tree, other plant, rock, soil or mineral in the PARK
- B) No person shall intentionally deface, vandalize, or otherwise cause destruction to any park property in the PARK

Section 10. Pets

- A) Pets must be caged or kept on a leash in the maintained area of the PARK
- B) Those responsible for a pet must clean up all feces and dispose of the same in the doggie doo center in the PARK
- C) It is unlawful to permit a pet in the PARK to unreasonably disturb, harass, or interfere with any park visitor, a park visitor's property, or wildlife.

Section 11. Weapons/Fireworks

- A) No person shall have in his/her possession or control, fire or discharge, or cause to be fired or discharged into or within the boundaries of the PARK, any pistol, BB gun, rifle or other firearm, spear, bow and arrow, crossbow, slingshot, air or gas weapon or projectile.
- B) No person shall possess, set off, or attempt to set off or ignite any firecracker, fireworks, or other pyrotechnics in the PARK .

Section 12 Events and Renting Pavilion

- A) Pavilion facility within the PARK may be reserved for use by individuals or organizations by contacting the clerk. Such action is subjected to fees and other rules and regulations.
- B) Any parties over 7 people must rent pavilion for \$ 50.00 per day. The facility when rented is closed to the general public except people may enter on the south side of building to use the rest rooms.

Section 13 Penalties

- A) Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994 amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be punished as follows:
 1. For the first offense, the person shall be fined not less than \$ 100.00, nor more than \$ 200.00, plus the costs of prosecution and other sanctions provided by law.

2. For a second offense occurring within two(2) years of the date the person was found responsible for the first of immediately proceeding offense, the person shall be fined not less than \$ 300.00 nor more than \$ 500.00, plus the costs of prosecution and other sanctions provided by law.
 3. For a third or subsequent offense occurring within (3) three years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$ 1,000.00 nor more than \$ 5,000.00, plus the costs of prosecution and other sanctions provided By law.
- B) The Village has designated the Charlevoix County Sheriff to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- C) Nothing in this ordinance shall prohibit the Village of Boyne Falls or any interested party from seeking such other relief as may be permitted in law or inequity regarding the existence of a nuisance. A violation of this ordinance is deemed to be a nuisance per se.

Section 14 Severability

If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 15 Effective Date

This ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Village of Boyne Falls.

Motion by: Anthony Securo

Supported by: Michael Kondrat

Roll call vote:

Yeas: 6

Nays 0

Absent: 1

Motion carried YES

VILLAGE OF BOYNE FALLS

By: William P. Carson
William P Carson, President

By: Debra Taylor
Debra Taylor, Clerk

Date of publication: May 11, 2016

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