

**BIRCH RUN TOWNSHIP COMMUNITY PARK RULES  
ORDINANCE  
ORD. NO. 2002-02**

An ordinance to provide for the rules and regulations governing the use, protection and regulation of Birch Run Township Park facilities, and to provide for the adoption of supplementary rules and regulations and other matters related to the use of and conduct on park property.

The Township of Birch Run, Saginaw County, Michigan ordains:

**SECTION 1  
SHORT TITLE**

This ordinance shall be known and referred to as the Birch Run Township Community Park Rules Ordinance.

**SECTION 2  
DEFINITIONS**

- A. The term "Commission" shall mean the Birch Run Township Parks and Recreation Commission.
- B. "Commission Property" or "Township Park Property" shall mean all lands, waters and property administered by or under the jurisdiction of the Birch Run Township Parks and Recreation Commission.
- C. "Rules" shall mean the rules and amendments thereto, adopted and approved by the Birch Run Township.

**SECTION 3  
ADOPTION OF RULES**

The Township hereby adopts the rules and regulations, which are attached to this Ordinance as Exhibit A, and incorporated by reference in this ordinance. The commission may amend the rules and regulations from time to time, subject to approval by the township board. Amendments to rules shall take effect within thirty (30) days of the date of approval by the Township Board and publication in a newspaper of general circulation within the township.

#### SECTION 4 ENFORCEMENT

**Any person violating any provision of the rules shall be responsible for the violation punishable as a civil infraction.**

- I. Notwithstanding any provision to the contrary, the amount of a municipal civil infraction found due in response to the issuance of a municipal civil infraction notice for a violation of this ordinance shall be according to the following schedule:
  - a. First Offense- \$50.00;**
  - b. Second Offense- \$100.00;**
  - c. Third of subsequent Offense- to be determined by the Township.****
  
- II. In addition to the penalties provided in this Ordinance, the Township may recover costs incurred as a consequence of the violation, including damages to the township park property, together with reasonable attorney's fees, court costs and other expenses associated with enforcement activities. Such costs shall be recoverable from the person found to have violated this ordinance, or the rules and regulations issued under this ordinance.**
  
- III. A civil infraction shall not be a bar against, or a prerequisite for, taking any other action against a person, which violates the rules.**

#### SECTION 5 SEVERABILITY

**If any provision, paragraph, word, section or Section of the Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and Sections shall not be affected and shall continue in full force and effect.**

#### SECTION 6 CONFLICT

**All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.**

**SECTION 7  
RESCIND**

Any provisions of any other existing ordinances in conflict herewith are hereby rescinded.

**SECTION 8  
EFFECTIVE DATE**

The effective date of the Ordinance shall be thirty days from the date of publication.

This Ordinance is hereby declared to have been adopted by Birch Run Township Board, County of Saginaw, State of Michigan, at a regular meeting held on the 12<sup>th</sup> day of March, 2002, and ordered to be given publication in the manner prescribed by law.

**PUBLICATION: May 4, 2002**  
**EFFECTIVE: June 4, 2002**

**CERTIFICATION**

**Adopted:**

**Yeas: Schlegel, Cook, Magnus, Putnam, and Stewart**

**Nays: None**

**Absent: Trevino and Strahm**

State of Michigan, County of Saginaw, I the undersigned Township Clerk for the Township of Birch Run, Saginaw County, Michigan, certify that the above Ordinance No. 2002-01, adopted by the Township Board of Trustees of the Township on the 12<sup>th</sup> day of March, 2002, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on the said date. It was signed by the Supervisor and Clerk of the Township.

**Dated: 3/12/02**

  
\_\_\_\_\_  
Township Clerk

  
\_\_\_\_\_  
Township Supervisor

**Date of Publication in Saginaw News: May 4, 2002**



# Birch Run Township

8425 Main St. • P.O. Box 152  
 Birch Run, Michigan 48415  
 (989) 624-9773 • FAX 624-1177

## EXHIBIT A

### *Birch Run Community Park Rules and Regulations*

#### INTRODUCTION

*Pursuant to Act 261 of the Public Acts of the State of Michigan of 1965, as amended, the Birch Run Township Board here with promulgates and publishes the following rules for the use, protection, regulation and control of all its services, facilities and park, recreation, conservation, education, historic, and scenic areas and preserves and parkways.*

#### CHAPTER I DEFINITIONS

- "Township" shall mean the Birch Run Township Board
- "Township Property" shall mean all lands, waters, and property administered by or under the jurisdiction of the Saginaw County Parks and Recreation Commission, including but not limited to public park property owned by Birch Run Township.
- "Person" or "Persons" shall mean individuals, male or female, singular or plural; firms, corporations, or any group or gathering of individuals
- "Rules" shall mean the rules and amendments thereto, adopted and approved by the Birch Run Township Board, applicable to all property administered by or under the jurisdiction of the said Township, including but not limited to public park property owned by Birch Run Township.

#### CHAPTER II PUBLIC USE AND HOURS

##### SECTION A- HOURS

- The Birch Run Community Park shall be opened at 9 a.m. and closed at 10 p.m. and continue closed during the remaining night hours unless special permits are issued to alter these times for certain events.

##### SECTION B- PERMITS

- Application for a permit for reserved park space shall be made upon forms to be furnished by the Township.
- Application shall be made in advance of the time of the reservation requested as posted.

- In the event more applications for reserved space are received than space is available, such applications shall be considered in the chronological order received.

**CHAPTER III  
PROTECTION OF PROPERTY**

**SECTION A- DESTRUCTION OF BUILDINGS, MARKERS, MONUMENTS, AND OTHER PROPERTIES**

**NO PERSON SHALL, UPON THE TOWNSHIP PROPERTY:**

- Willfully destroy, deface, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze, marking or designating any boundary line, survey line, or reference point.
- Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamppost, fence, gate, hedge, or other structure.
- Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited.
- Appropriate, excavate, injure or destroy any historical or pre-historical ruin or any object of antiquity, without permission of the Township.
- Enter into any building area or place when such area or place is not open to the general public; nor shall any person erect, build, or maintain any structure or establish himself in a temporary lodging of any kind.

**SECTION B- DESTRUCTION OF PLANT LIFE AND NATRUAL SURROUNDINGS**

**NO PERSON SHALL, UPON THE TOWNSHIP PROPERTY:**

- Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower or an tree, shrub, or pick, gather, uproot, remove or destroy any flower or plant of grass.
- Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Township.

**SECTION C- FIRES**

- No person shall willfully set or cause to be set on fire any tree, woodland, brush land, grassland or meadow within or upon the Township property.
- No person shall build any fire upon Township property except within the fireplaces, receptacles or open spaces approved and designated by the Township for such purposes.
- No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other inflammable material within or upon any Township property.

**CHAPTER IV  
PROTECTION OF WILDLIFE**

**SECTION A- ANIMALS AND BIRDS**

- Unless otherwise posted, no person shall bring, drive, lead or carry onto Township property any dog or other animals or pet, which is unleashed or upon a leash more than six feet in length and under immediate control or a responsible person.

- No person shall hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow of any animal, in or upon any land or waters administered by or under the jurisdiction of the Township.
- Provide, however, fishing will be permitted within or upon Township property in accordance with the laws of the State of Michigan and the rules of the Department of Natural Resources of the State of Michigan and the rules of the Township Park in such areas designated for such purposes.

#### *CHAPTER V* *VEHICLES*

##### **SECTION A- PARKING IN PROHIBITED AREAS**

##### **STANDING FOR LOADING OR UNLOADING IN CERTAIN PLACES:**

- It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.

##### **SECTION B- HORSES**

- It shall be unlawful for any person to ride, lead or cause or suffer a horse to be upon any property administered by or under the jurisdiction of the Township EXCEPT on specifically designated and posted areas or bridle paths or by permit on field trail area.

##### **SECTION C- MOTOR DRIVEN VEHICLES**

##### **IT SHALL BE UNLAWFUL FOR ANY PERSON TO:**

- Operate a motor driven vehicle of any kind or nature except on roads or designated parking areas.
- Operate a motor-driven vehicle on any park road at a speed exceeding 10 miles per hour or at any speed greater than that posted.
- Operate any recreation vehicle, including among other, motor-driven sleds toboggans or snowmobiles on any property under the management, supervision or control of the Township EXCEPT where permitted by posted notice.

Subject to the following:

- A. Recreation vehicles shall not cross park boundaries EXCEPT at authorized points of ingress or egress and in a manner as hereinafter described.
- B. No person shall drive a recreation vehicle into or out of a park but rather said recreation vehicles must be towed in a manner permissible under State Law.

##### **SECTION D- OPERATION OF BICYCLES**

- Bicycles shall be operated as closely to the right hand curb or right hand side of the path, trail or roadway as conditions will permit and not more than two bicycles shall be operated abreast.

**CHAPTER VI  
TRESPASS**

**SECTION A- UNLAWFUL OBSTRUCTION**

- No person, firm or corporation shall by force, threats, intimidations, unlawful fencing, enclosing, or by any other means; prevent or obstruct any person from entering, leaving or making full use of any property administered by or under the jurisdiction of the Township.

**SECTION B- HINDERING EMPLOYEES**

- No person shall interfere with, or in any manner hinder any employee or agent of the Township while performing their official duties.

**SECTION C- ALCOHOLIC BEVERAGES**

- No person or persons shall, at anytime, bring into or upon the Township property alcoholic beverages, illegal drugs, or other substances where such property is publicly posted to prohibit the possession, use or transport of alcoholic beverages, illegal drugs, or other substances.

**SECTION D- PERSONAL CONDUCT**

- It shall be unlawful for any person to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace, or to disturb or annoy others, while in or on any property administered by or under the jurisdictions of the Township.
- It shall be unlawful to conduct or to participate in any form of gambling lottery or game of chance upon park property.

**SECTION E- USE OF LOUDSPEAKER**

- It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon Township property without a written permit issued by the Township.

**SECTION F- FIREWORKS**

- No persons shall, at any time, bring into or upon the Township property, nor have in their possession, nor discharge, or set off anywhere upon said properties a revolver, pistol, shotgun, rifle, air rifle, air gun, water gun or any gun, rifle, firearm or other weapon that discharges projectiles, air, explosive substance or any other force. Provided, however, that this section shall not apply to any deputy sheriff, police officer, peace officer, park ranger, or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position nor to any persons while on or in those areas which may from time to time be designated as hunting areas by the Township while upon designated target ranges or areas.

**SECTION G- LITTERING AND POLLUTION OF WATERS**

**IT SHALL BE UNLAWFUL:**

- To discard or deposit refuse of any kind or nature in or upon Township property except by placing said refuse in containers provided for such purpose.
- To throw, cast, lay, drop or discharge into or leave in water administered by or under the jurisdiction of the Township substance, matter or thing, liquid or solid which may or shall result in the pollution of said water.

*Birch Run Township assumes no responsibility for loss of or damage to personal property of park visitors. The Township assumes no responsibility for injuries to park visitors.*