



Village of Freeport  
Ordinance # 48  
Village of Freeport Parks, Sidewalks and Recreation Ordinance

An Ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the village park, sidewalks and recreational areas owned by the Village of Freeport Barry County, Michigan; and to repeal all ordinances or parts of ordinances in conflict therewith.

The VILLAGE OF Freeport, COUNTY OF BARRY, MICHIGAN ORDAINS:

SECTION I: TITLE

This ordinance shall be known and cited as the Village of Freeport Parks, Sidewalks and Recreation Ordinance.

SECTION 2: DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor, spirits, beer and wine and such other terms when used in the article, shall mean the same as defined in Act No. 58 of the Public Acts of Michigan of 1998 (Ex. Sess.) MCL 436.1101-1113, MSA 18.1175 (101-103) Except where specifically otherwise provided in this article.

Director means the director of public works.

Park means a playground, beach, golf course, recreation center or any other area in the village, owned and used by the village and devoted to active or passive recreation.

Vehicle means any conveyance, whether motor powered, animal drawn or self propelled. The term shall include any trailer in tow, of any size, kind or description, Exception is made for baby carriages and vehicles in the service of the village park.

SECTION 3: ENFORCEMENT

The police department shall in connection with their duties imposed upon them by law, diligently enforce the provisions of the article. The police department shall have the authority to order any person or persons violating the terms of this article to leave the park or recreation area. Any person (s) failing to follow instruction the of the police department shall be responsible for a municipal infraction.

SECTION 4: Municipal Civil INFRACTION

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine. Repeat offenses under this article shall be subject to increased fines as set forth.

SECTION 5: HOURS of OPERATION

The council shall, by resolution, set the hours of operation for all village parks. The council shall also cause the resolution setting forth the most recent hours of operation to be posted in the village hall in a

conspicuous place. The hours of operation shall also be posted in a conspicuous place within the respective park.

#### SECTION 6: PARK PROPERTY

No person in any park shall:

1. Willfully mark, deface, disfigure, injure, displace or remove any building, playground equipment, table, bench, fireplace, railings, pavement, water lines, or other public utilities or appurtenances.
- 2- Dig or remove soil, rocks, stones, trees, shrubs, or plants, nor pick flowers, nor attach any rope, wire or other device to any tree, plant or any structure.
3. Construct or-erect any building or structure of any kind either permanent or temporary nor run public services into park lands, except on special written permit issued by the director.
- 4- Climb any trees, or walk, stand or sit upon any monument, vases, fountains, railings, or fences, nor upon any other property not designated or customarily used for such purposes.

#### SECTION 7: SANITATION

No person in any park and/or Village property shall:

1. Throw, discharge or otherwise place in the waters of any fountains, streams or other bodies of water in or adjacent to any park any substance, liquid or solid, that may result in water pollution.
- 2- Bring in or leave any bottles, glass, ashes, paper, garbage, or other refuse or trash: and no such items shall be placed in receptacles in the park except those items generated as part of the person's recreational use of the park. Where receptacles are not provided, all such items shall be carried away from the park and properly disposed of elsewhere by the person responsible for its presence.

#### SECTION 8: VEHICLES

(a) General operation. No person in any park shall:

1. Operate any vehicle in such manner as to create a noise nuisance in any park, nor drive a vehicle at an unsafe speed for conditions, nor exceed the posted speed limit.
2. Drive or park a vehicle anywhere except on established drives and parking areas.
3. Use a park drive for the purpose of demonstrating, teaching the driving of or learning to drive any vehicle.
4. Drive or operate or park a vehicle used solely for commercial purpose unless upon park business.

(b) Parking. Parking shall be in designated areas only. Violation of the parking regulations of the article together with the fines for violations of the parking provisions of this article shall be governed by the village council.

Cross reference - Authority to regulate the speed of vehicles in public parks, MCL 257.606(1)(f), MSA 9.2306 (1)(f)

#### SECTION 9: PROHIBTTED ACTS

The following acts are prohibited in any village park.

- (a) No parades, drills, exhibitions, political meetings, religious meetings, concerts, speeches, lectures or public entertainment shall be held in any park except with permission of the village council.
- (b) Fires are prohibited except in fireplaces or stoves provided for such purposes, and such fires shall be extinguished after such use.

(C) During the nighttime, no person shall sleep whether in a vehicle, trailer, tent, hammock, or other manner in a park, public way or other public place.

(d) No person shall hunt, trap, pursue any wildlife at any time, in any manner, shape or form, nor use any weapon of any description nor any kind of trapping device.

(e) No person shall play baseball, football, hockey, roller skate or ice skate, or engage in any other violent or rough exercise or play in any park except in such areas designated for such use.

(F) No person who cause damage to any playground apparatus or devices are solely responsible for such damage.

(g) No person shall advertise any placard or advertisement of any kind in the park nor shall any person distribute in any manner, nor place any handbill, pamphlet, circular, etc., nor post, stencil or otherwise affix any notice or bills, advertisement or other papers upon any structure or thing in or about the park.

(h) No person shall carry on any trade or business or sell or display any goods, ware or merchandise in any park or conduct any commercial enterprise thereon; however, nonprofit organizations may sponsor events at village parks upon permit of the village council and fundraising may be permitted as part of the event with the permission of the village council.

(I) No person shall solicit contributions for any purpose whether public or private, except as provided in subsection (h) or this section.

(J) No person shall use any threatening, obscene, profane, nor indecent language in any park, nor engage in any disorderly or indecent conduct therein, nor shall any person engage in any game or conduct which threatens the general enjoyment of the park by the public

(k) No person shall enter upon any portion of the park where persons are prohibited from going as indicated by sign or notice.

(L) No person shall consume alcoholic liquor nor be in possession of alcoholic liquor in a park.

#### Section 10: Possession OF ALCHOLIC LIQUOR IN OPEN CONTAINER ON SIDEWALK STREET, OR OTHER PUBLIC PLACE Prohibited; Penalty 900 DAYS IN JAIL.

It shall be unlawful for any person to possess any alcoholic liquor in a container that is open, uncapped, or upon which the seal is broken on any street, alley, sidewalk, parking lot open to the public, village park or other public place.

State law reference - place of consumption restricted, MCL 436.1915, MSA 18.1005

#### SECTION 11: PENALTIES AND SACTIONS

Unless otherwise provided in this code, the pertinent ordinance or statutes of the state the following definitions and sanctions for violations of this code or any ordinance as follows:

(1) Misdemeanor. The term "misdemeanor" means an act or omission that is prohibited by this code or any ordinance of the village, which is a crime under this Code or other ordinance, that is punishable by a fine of not more than \$500-00 plus costs, penalty or forfeiture or by imprisonment for not more than 90 days or both, in the discretion of any court of competent jurisdiction.

(2) Municipal civil infraction. The term "municipal civil infraction" means an act or omission that is prohibited by this Code or any ordinance of the village, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by chapter 87 of Act No. 236 of the public acts of Michigan of 1961 (MCL 60.8701 et seq., MSA 278701 et seq.). A municipal civil infraction is not a lesser included offense of a violation.

The sanction for a violation that is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under chapter 87 Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.8701 et seq.,

MSA278701 et seq.), and other applicable laws- Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine shall be not less than \$50.00, plus costs and other sanctions, for each infraction.

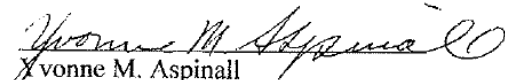
Increased civil fines. May be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used In this section "repeat offence" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any one-year period (unless some other period is specifically provided by the Code or any ordinance and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than \$150.00 plus cost.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$300.00 plus cost.

### Certificate of Publication

I, Yvonne M. Aspinall, Village Clerk of the Village of Freeport, county of Barry, State of Michigan, hereby certify that Ordinance No. 48 was published in synopsis in the Middleville Sun and News on April 18, 2005.

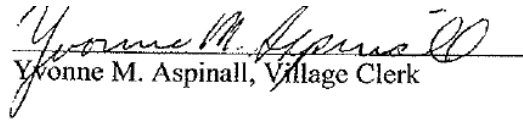
Dated: April 10, 2005

  
Yvonne M. Aspinall  
Village Clerk

### Certificate of Village Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the village council of the village of Freeport, County of Barry, State of Michigan, at a hearing held on April 10<sup>th</sup>, 2006 and that the public notice of said meeting was given pursuant to the Open meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended 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.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village of Freeport and such recording has been authenticated by the signatures of the President and the Village Clerk.

  
Yvonne M. Aspinall, Village Clerk

I, Yvonne M. Aspinall, Village Clerk of the Village of Freeport, do hereby certify that this ordinance was published in the Middleville Sun & News on April 18, 2006.

Dated: April 10, 2006

Yvonne M. Aspinall, Village Clerk