

**ORONOKO CHARTER TOWNSHIP
COUNTY OF BERRIEN
STATE OF MICHIGAN**

REVISED ORDINANCE NO. 25

AN ORDINANCE TO REVISE THE PREVIOUS ORDINANCE NO. 25, ADOPTED JANUARY 11, 2005, TO PROVIDE FOR THE USE, PROTECTION, REGULATION, AND CONTROL OF THE PUBLIC PARKS AND PARK FACILITIES AND OTHER MATTERS CONCERNING RECREATION, CONSERVATION, EDUCATION, HISTORIC, AND SCENIC AREAS AND PRESERVES 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 CHARTER TOWNSHIP OF ORONOKO, BERRIEN COUNTY, MICHIGAN ORDAINS:

SECTION 1: SHORT TITLE AND PURPOSE.

This ordinance may be known and referred to as the Oronoko Charter Township Park Ordinance.

The purpose of this ordinance is to provide additional rules and regulations for the use, protection and control of the public parks and park facilities and other matters concerning recreation, conservation, education, historic and scenic areas and preserves and to protect the public health, safety and welfare.

SECTION 2: PUBLIC USE AND HOURS.

A. Use in General. Unless otherwise provided and subject to the rules and regulations herein, all Oronoko Charter Township park and playground property shall at all times during its normal hours of operation be open to the public.

B. Hours. No person or vehicle shall remain upon property administered by or under the jurisdiction of the Oronoko Charter Township between 11:00 P.M. and sunrise of the following day.

SECTION 3: PROTECTION OF PROPERTY

A. Destruction of buildings, markers, monuments, and other properties of Oronoko Charter Township shall be prohibited, and no person shall, on township park property:

(1) Willfully destroy, deface, alter, change, or remove any monument, stone marker, bench mark, stake, post or blaze, marking, or designate any boundary line, survey line, or reference point.

(2) Cut, break, mark upon, remove, deface, destroy, or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, playground equipment, tool, device, or other structure or property.

(3) Deface, destroy, or remove any placard, notice, or sign, whether permanent or temporary, posted or exhibited within or upon park property.

(4) Appropriate, excavate, injure, or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the Township of Oronoko or its designated agent.

B. Destruction of plant life and natural surroundings shall be prohibited and no person shall:

(1) 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 any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.

(2) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, without written permission of the Oronoko Township Board of Trustees or its designated agent.

C. The following rules shall apply to fires on Oronoko Charter Township park property:

(1) No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow within or upon the property of the Oronoko Charter Township.

(2) No person shall build any fire in any public park or playground except in designated fireplaces, fire pits, or charcoal grills provided by the Oronoko Charter Township, or other designated spaces set apart and designated for fires. No fires shall be left unattended and all fires shall be extinguished upon leaving the immediate vicinity thereof.

(3) No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper, or other flammable materials within or upon any Oronoko Charter Township park property.

SECTION 4: PROTECTION OF WILDLIFE; PETS OR OTHER ANIMALS.

(1) It shall be unlawful for any person while on township park property to harass, molest, hunt, trap, feed, or otherwise physically harm any animal or other wildlife located within or upon Oronoko Charter Township park property.

(2) It shall be unlawful for any person to allow any dog or other small animal within the Oronoko Charter Township parks unless the same are kept upon a leash or within a secure structure which prevents their escape at all times.

(3) It shall be unlawful for any person to allow any horse, pony, cattle, swine, or any inherently dangerous animal upon or within any public place, place of recreation, or park under the jurisdiction of Oronoko Charter Township.

SECTION 5: REGULATIONS GOVERNING PATRON CONDUCT AND USES OF PARK PROPERTY.

A. Swimming. It shall be unlawful for any person to swim, bathe, or wade between sunset and sunrise, in any of the watercourses, lakes, ponds, or sloughs located within or upon the properties administered by or under the jurisdiction of Oronoko Charter Township.

B. Littering and Pollution of Waters. It shall be unlawful for any person to:

(1) Place, throw, deposit, or leave any garbage, rubbish, glass, cans, containers, paper, or other waste, except in containers provided by Oronoko Charter Township for that purpose.

(2) To throw, cast, lay, drop, or discharge into or leave in waters under the jurisdiction of the Oronoko Charter Township any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters.

(3) Bathe, urinate, or defecate except at such places provided or designated for such purpose.

(4) Wash dishes or bathe at pumps or drinking fountains or discharge waste waters or any other wastes, except into designated containers, drains, or dumping stations.

(5) Carry or consume any food or beverage of any kind, nor have in their possession any glass or metal container on any beach, shoreline, or in the water adjacent thereto.

C. Interference with Patrons Use and Enjoyment of Park Property. It shall be unlawful for any person to:

(1) Toss, throw, or otherwise traject any ball, disk, or other object in such a manner so as to annoy or endanger other persons within or upon such park or playground.

(2) Cause any disturbance or contention in any public building, grounds, park, or other public meeting where citizens are lawfully and peaceably assembled.

(3) 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 Oronoko Charter Township.

(4) Engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct, or to disturb or annoy others, while in or on any property administered by or under the jurisdiction of Oronoko Charter Township.

(5) Peddle, hawk, vend, engage in any commercial transaction, or solicit business of any nature whatsoever, including, but in no way limited to, advertising, distributing free product samples, renting the Pavilions or park property for use as a day care facility, and renting the Pavilions or park property for any commercial purpose. Further, it shall be unlawful to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, water, structures, or property administered by or under the jurisdiction of Oronoko Charter Township, or to use such lands, water, structures, or property.

(6) Use a loudspeaker, public address system, or amplifier within or upon Oronoko Charter Township property.

D. Intoxicating Liquors and Controlled Substances. It shall be unlawful for any person to:

(1) Drink, consume, possess, be under the influence of, or otherwise bring upon or within Oronoko Charter Township park property any intoxicating liquor, beer, or wine.

(2) Sell, use, be under the influence of, or have in his or her possession any drug or narcotic, the sale, use or possession of which is prohibited by Michigan law.

E. Camping. It shall be unlawful for any person to camp within or upon Oronoko Charter Township property at any time, with or without the use of tents or house trailers.

F. Boating. It shall be unlawful for any person to bring into, use or navigate any boat, yacht, canoe, raft, or other watercraft upon any watercourse, lagoon, lake, pond, or slough located within or upon the properties administered by or under the jurisdiction of Oronoko Charter Township except at such time and places as may be provided or designated for such purpose. All watercraft shall comply with and be used in compliance with Public Act 303 of 1967, as amended, and such regulations as may be adopted under the authority of the act. All such laws and regulations are hereby incorporated by reference and made a part of this ordinance.

G. Picnic Tables. It shall be unlawful for any person to retain the use of any picnic table upon or within Oronoko Charter Township park property beyond the time period necessary to consume their meal if other patrons verbally request use of such picnic table. This provision, however, shall not apply to any person or group of persons who have obtained a rental permit for use of the Oronoko Charter Township Pavilions or other designated area during the period of such rental if said picnic table is located within the rented area.

H. Bicycles.

(1) 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.

(2) It shall be unlawful for the operator of any bicycle where upon any path, trail or roadway, to carry any person upon the handlebar or frame of any bicycle, or for any person to so ride upon such bicycle.

(3) Bicycles may be operated upon such paths, trails, or roadways as may be posted allowing such use; provided, however, no such use shall be allowed between the hours of 11:00 P.M. and sunrise the following day.

I. Livestock. No person shall drive or cause to be driven any horses, cattle, sheep, goats, swine, or other livestock upon or across property administered by or under the jurisdiction of Oronoko Charter Township.

J. Hindrance of Employees, Resisting or Impersonating Law Enforcement. It shall be unlawful for any person to:

(1) Interfere with or in any manner hinder any employee or agent of Oronoko Charter Township in the performance of their official duties.

(2) Interfere with any park ranger or police officer in the discharge of his duties or fail or refuse to obey any lawful command of any park ranger or police officer.

(3) Impersonate any member of the park ranger force or police force for any reason whatsoever.

K. Gambling. It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property.

L. Fireworks. No person shall fire, discharge, or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon the property of the Oronoko Charter Township unless the Oronoko Charter Township or its authorized agent shall have authorized same.

M. Firearms. No person shall at any time, bring into or upon the township park's properties, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun, water gun, or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by 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 his position.

N. Balloons, Airplanes and Parachutes. No person shall make any ascent in any balloon or airplane or any descent in or from any balloon or airplane or parachute on any lands or waters administered by or under the jurisdiction of Oronoko Charter Township without first having written permission from Oronoko Charter Township or its designated agent.

O. Use of Tents, Outside Play or Other Equipment. No person shall construct or erect upon Oronoko Charter Township Property any tent, play equipment, trampoline, dunk tank, inflatable play areas, carnival rides, or other similar equipment for the use of any patron whatsoever.

SECTION 6: TRAFFIC AND PARKING.

A. Parking in prohibited areas; standing for loading or unloading in certain places. It shall be unlawful:

(1) For the operator of a vehicle to stop, stand or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials.

(2) 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.

(3) To park any vehicle in any area which is designated as a prohibited parking area or within or upon Oronoko Charter Township park property during hours the park is closed. Such violating vehicles shall be towed away and impounded, and said vehicle may not be recovered by the owner or person entitled to possession thereof until the reasonable expense of such towing and impounding shall have been paid in full.

(4) To drive or park any motor vehicle in or upon Oronoko Charter Township property which is used for recreational purposes, unless otherwise allowed by these rules.

(5) For any person to ride, lead, or cause or suffer a horse to be upon any property administered by or under the jurisdiction of Oronoko Charter Township.

B. Motor Vehicles. It shall be unlawful for any person to:

(1) Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas.

(2) Operate a motor-driven vehicle on any park road at a speed exceeding 15 miles per hour or at any speed greater than that posted; provided further, however, that notwithstanding any provision herein, any person driving a vehicle on a park road shall drive at a careful and prudent speed not greater than nor less than is responsible and proper, having due regard to the traffic, surface, and width of the road and of any other condition then existing, and no person shall drive any vehicle upon a park road at a speed greater than will permit him to bring said vehicle to a stop within the assured clear distance ahead.

(3) Operate any motor-driven sled, toboggan, or snowmobile on any property under the management, supervision, or control of Oronoko Charter Township except where permitted by posted notice.

(4) Operate a motor vehicle upon Oronoko Charter Township property in a speed contest or for the purpose of making a speed record, including that commonly

known as a drag race, whether from a standing start or otherwise over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of the elapsed time, superior performance, or speed.

(5) Operate any vehicle upon Oronoko Charter Township property, including but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.

(6) Drive any vehicle upon Oronoko Charter Township property while under the influence of intoxicating liquor or narcotic, drug, barbitol, or any derivative of barbitol.

(7) Drive any vehicle upon Oronoko Charter Township property while his ability to do so has been impaired by the use of intoxicating liquor or by the use of drugs or narcotics.

(8) Operate any motor vehicle upon Oronoko Charter Township property while his license to so operate has been suspended or revoked by the State of Michigan.

(9) Operate a motor vehicle upon Oronoko Charter Township property without having a valid operator's license, motor vehicle registration certificate, and proof of the minimum liability coverage or uninsured motor vehicle fee as required by the State of Michigan vehicle code in his possession.

(10) Operate any vehicle upon Oronoko Charter Township property contrary to posted traffic signs, symbols, rules or regulations or marked roadways.

(11) Operate any motor vehicle in any manner upon Oronoko Charter Township property which results in excessive noise or disturbs the peace, quiet or tranquility of the area.

(12) Leave, or cause to be left, any vehicle upon property administered by or under the jurisdiction of Oronoko Charter Township between the hours of 11:00 P.M. and sunrise the following day.

(13) Operate or ride on a motorcycle or motor-driven cycle without wearing a crash helmet approved by the Department of State Police. Rules of the Department of State Police for the implementation of Section 658, subsection (d) of 1949, PA 300, as amended, shall apply to this rule.

(14) Continuously cruise in any motor-driven vehicle in, through and around campgrounds for the purpose of attracting or distracting persons or visitors using park property and facilities.

SECTION 7. PERMITS FOR USE OF THE ORONOKO CHARTER TOWNSHIP PAVILIONS TO EXCLUSION OF OTHERS.

A. Permit for Use of Oronoko Charter Township Park Property to the Exclusion of Others.

(1) In General. Any person, group, or gathering of persons that is a resident of Oronoko Charter Township may rent the Oronoko Charter Township Open Pavilion, Closed Pavilion, or one of the Oronoko Charter Township Parks in whole or in part, to the exclusion of others by making application as required by this ordinance and being granted a permit by the Oronoko Charter Township Clerk or its designated representative.

(2) Purpose. The object and purpose of requiring a permit for use of the Oronoko Charter Township Open Pavilion, Closed Pavilion, and/or parks to the exclusion of others is to assure that the Oronoko Charter Township Pavilion and parks are available for civic, cultural, educational, and recreational use by the citizens of Oronoko Charter Township; assure that said Pavilions and parks are available for personal and social use upon proper application and payments of the associated fees; to coordinate multiple public and private uses thereof; assure the preservation of park facilities; prevent dangerous, unlawful, or impermissible uses; and to prohibit commercial enterprise upon and within Oronoko Charter Township Pavilion and park property.

(3) Permit Required; Oronoko Charter Township Exempt.

(a) It shall be unlawful for any person, firm, partnership, limited liability company, corporation, association, club, society, or other organization to use the Oronoko Charter Township Pavilions or park, in whole or in part, for any purpose not expressly permitted by this ordinance, without having first obtained a permit as required by this section.

(b) Oronoko Charter Township and any events sponsored by Oronoko Charter Township shall not be required to obtain a permit, comply with the application requirements, or be required to pay any of the fees required under this section.

(4) Issuance of Permit. No permit shall be issued under the provisions of this section until the applicant shall have complied with all provisions and requirements of this section.

(5) Application for Permit. Applicants for a permit under this section shall complete an application on a form approved by the Oronoko Charter Township Clerk, such application to contain the following:

(a) The applicant's name, permanent residential address, and telephone number at the time of filing the application.

(b) A brief description of the nature of the intended use of the Closed Pavilion, Open Pavilion, or park, in whole or in part as the case may be, by the applicant, including the date of such use, the scope of the event, the scope of the area within the park the applicant wishes to use to the exclusion of

others, the number of persons expected to be drawn to the park for the event, and any other proposed activities associated with the event.

(c) A statement as to whether the applicant has ever had any permits or licenses required by Oronoko Charter Township or any other state or municipal authority revoked, suspended, or denied within three (3) years immediately prior to the date of application, and the circumstances of such revocation, suspension, or denial.

(d) The applicant shall attach to their application an “Agreement for Use of Township Parks Property” signed by the applicant containing the terms and provisions governing rental of the Pavilion or park, in whole or in part. Such agreement shall be in a form approved by the Oronoko Charter Township Board of Trustees and shall be provided to the applicant at the time a request for said application is made.

(e) The applicant shall also attach to their application the rental deposit, rental fee and application required by subsection E of this section.

(f) Such other reasonable information as to the identity or character of the applicant or additional information pertaining to the intended use of the Pavilion or park property as the Oronoko Charter Township Clerk or their designated representative deems necessary to fulfill the purposes of this ordinance.

(6) Investigation of Applicant; issuance of permit; refusal to issue permit; notice of refusal to applicant.

(a) Applications for permits for use of the Pavilions or parks, in whole or in part, shall be processed in the order of receipt. Upon receipt of an application with the required fee, the Oronoko Charter Township Clerk or their designated representative shall review the application to insure the protection of the public health, safety, and welfare.

(b) If the Oronoko Charter Township Clerk or their designated representative finds the application to be satisfactory, the Clerk or their designated representative shall endorse their approval on the application and shall deliver the required permit to the applicant.

(c) The Oronoko Charter Township Clerk or their designated representative, upon review of the application, may refuse to issue a permit to the applicant under this ordinance, to the extent permitted by law, for any of the following reasons:

(i) the application for permit (including any required attachments and submissions) is not fully completed and executed.

(ii) the applicant has not tendered the required application fee with the application or has not tendered the required permit fee or security deposit.

(iii) the application for permit contains a material falsehood or misrepresentation.

(iv) the applicant is legally incompetent to contract or to sue and be sued.

(v) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Oronoko Charter Township property and has not paid in full for such damage.

(vi) the applicant is in monetary default to Oronoko Charter Township for past due and delinquent taxes or utility payments, including but not limited to, sewer, water, and electric.

(vii) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities that will occupy the Oronoko Charter Township Pavilions or parks.

(viii) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by Oronoko Charter Township and previously scheduled for the same time and place.

(ix) the proposed use or activity is prohibited by or inconsistent with the rules and regulations governing use of the Oronoko Charter Township Pavilions and parks pursuant to this ordinance.

(x) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other patrons of the park, or the public;

(xi) the applicant intends to utilize the Oronoko Charter Township Pavilions or park property for commercial purposes of any nature.

(xii) the use or activity intended by the applicant is prohibited by law or by the Code of Ordinances of Oronoko Charter Township;

(xiii) the investigation reveals that the applicant has made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant;

(xiv) the applicant has been denied a permit under this ordinance within the immediate past year, unless the applicant can and does show to the satisfaction of the Oronoko Charter Township Clerk or their designated representative that the reasons for such earlier denial no longer exist;

(d) If an application for license is denied, the Oronoko Charter Township Clerk's (or their designated representative's) disapproval and the reasons for disapproval shall be noted on the application and the applicant shall be notified in writing that their application is disapproved and that no permit will be issued. Notice shall be deemed served upon the applicant when it is personally delivered or when it is sent by United States mail, proper postage prepaid, to the applicant at the address set forth on the application for permit. Any fees or security deposits required, excepting the application fee, shall be refunded to the applicant at the time the denial notice is issued.

(e) Contents of Permit. Each permit issued under the provisions of this chapter shall contain the following:

(i) the signature of the Oronoko Charter Township Clerk or their designated representative;

(ii) the date upon which the permit authorizes use of the Open Pavilion, Closed Pavilion, park, or part thereof, as the case may be;

(iii) the beginning and end time that the permit authorizes use of the Open Pavilion, Closed Pavilion, park, or part thereof;

(iv) the name of the person who the permit was issued to;

(v) the permit number;

(vi) a description of the type of permit;

Any permit not containing all of the aforementioned items shall be void.

(f) Duration of permit. All permits issued under this section shall expire upon the date and time specified therein. No permit shall allow use of the Open Pavilion, Closed Pavilion, or park property specified in the permit beyond the park hours set forth in Section 2 of this ordinance.

B. Permits not Transferable. No permit issued hereunder shall be transferable by the person who was issued the permit to any other person.

C. Right to appeal denial of application for permit; right to appeal assessment of fines or damages by Oronoko Charter Township Clerk.

(1) The following persons shall have a right to a hearing before the Oronoko Charter Township Board of Trustees, provided a written request therefore is filed with the Oronoko Charter Township Clerk or their designated representative within ten (10) days after receipt of notice of such adverse action by the Oronoko Charter Township Clerk or their designated representative:

(a) Any applicant that is denied a permit under this chapter.

(b) Any holder of a permit that is determined by the Oronoko Charter Township Clerk or their designated representative to have proximately caused damage to the Open Pavilion, Closed Pavilion or Oronoko Charter Township Park property or equipment in excess of normal wear and tear and which requires said permit holder to make payment to Oronoko Charter Township for repairs in excess of routine maintenance.

(c) Any holder of a permit that has been assessed fines by the Oronoko Charter Township Clerk or their designated representative pursuant to this ordinance.

(2) The written request for hearing by an applicant or holder of a permit shall succinctly state the grounds upon which it is asserted that the determination of the Oronoko Charter Township Clerk or their designated representative should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Oronoko Charter Township Clerk or their designated representative, and any other papers material to the determination. The hearing shall commence not later than twenty (20) days after the request is received by the Oronoko Charter Township Clerk or their designated representative.

(3) The Oronoko Charter Township Board of Trustees shall:

(a) Hear and receive testimony and material evidence offered by the Township in support of the determination made.

(b) Hear and receive testimony and material evidence offered by the applicant or holder of a permit disputing Oronoko Charter Township's evidence.

(c) Give full and fair consideration to all of the evidence presented.

(4) Within ten (10) days following the completion of the hearing, prepare a written decision either affirming the determination made by the Oronoko Charter Township Clerk or their designated representative or clearly stating any modification or reversal of the Oronoko Charter Township Clerk's (or their designated representative's) determination.

E. Application Fee; Fees and Charges for Open Pavilion, Closed Pavilion and Park Use.

(1) Fees and charges may be assessed by Oronoko Charter Township for the use of any facility, land, area, or program on Oronoko Charter Township park property.

(2) It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the Oronoko Charter Township without payment of such fee or charge.

(3) At the time the application for a permit is filed with the Oronoko Charter Township Clerk or their designated representative, the applicant shall pay a non-refundable application fee to cover the cost to Oronoko Charter Township of processing the application and issuing a permit. The Oronoko Charter Township Board of Trustees shall, from time to time, by resolution, determine the amount assessed for the non-refundable application fee.

(4) Before any permit shall be issued under the provisions of this article, the applicant therefore shall pay all required fees. Such fees shall be determined by the Oronoko Charter Township Board of Trustees, from time to time, by resolution and shall include charges for the following:

- (a) the amount of the application fee;
- (b) a permit fee for a four (4) hour minimum rental;
- (c) an additional fee for each additional hour after the initial four (4) hours
- (d) a security deposit.

The Oronoko Charter Township Board of Trustees shall, by resolution, create a schedule of fees containing the above-described charges and shall set said rates for use to the exclusion of others of the following Oronoko Charter Township Property:

- (i) the Open Pavilion;
- (ii) the Closed Pavilion; and
- (iii) Park Property.

(5) All checks drawn by an applicant to pay the fees aforescribed in subsections (3) and (4) of this section shall be made payable to Oronoko Charter Township.

(6) The security deposit required in subsection (4) of this section shall be held by the Oronoko Charter Township Clerk or their designated representative. Promptly after the conclusion of a permitted activity, the Oronoko Charter Township Clerk or designated representative thereof shall inspect the park and Pavilion premises and equipment used by the holder of the permit.

(a) If it is determined that there has been no damage to park or Pavilion property or equipment beyond reasonable wear and tear, the security deposit shall be refunded in full within thirty (30) days of the conclusion of the permitted event.

(b) If it is determined by such inspection, that the permitted event proximately caused damage to the Pavilions or Oronoko Charter Township

property or equipment in excess of normal wear and tear and which requires repairs in excess of routine maintenance or determined that fines should be assessed against the holder of the permit the Oronoko Charter Township Clerk or their designated representative shall retain the security deposit or any portion thereof necessary to pay for the cost of repair or any fines assessed against the holder of the permit. The Clerk or his/her designee shall give written notice of the assessment of damages or fine and retention of the security deposit to the holder of the permit by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit. Any assessment of damages or fine in excess of the security deposit shall be paid to the Clerk within ten (10) days after notice of such assessment of damages or fine is sent. The retention of all or part of a security deposit and the assessment of damages or fines in excess of the security deposit shall be subject to the appeal procedures contained in this ordinance.

SECTION 8: AUTHORITY TO PROMULGATE ADDITIONAL RULES AND REGULATIONS.

A. Generally. The Oronoko Charter Township Board of Trustees is authorized to promulgate other reasonable rules and regulations respecting the use of Oronoko Charter Township parks, pavilions, and playgrounds and may regulate and limit the use of the equipment and facilities therein. The Township Board of Trustees may post all other rules and regulations promulgated at the entrance of each Township park or playground and said posted rules and regulations shall be incorporated and made a part of this ordinance and shall be enforced as if they were specifically enumerated herein. The Oronoko Charter Township Board of Trustees shall have the authority to forbid the use of the equipment and facilities and to prohibit entrance upon Oronoko Charter Township park and playground property by any person who refuses or neglects to obey the rules and regulations governing the use thereof in addition to any criminal sanction provided herein.

B. Emergency powers. Nothing in these rules shall:

(1) Prohibit or hinder duly authorized agents of the Oronoko Charter Township Board of Trustees or any peace officers from performing their official duties.

(2) Prohibit the Oronoko Charter Township Board of Trustees or its designated agent from establishing emergency rules required to protect the health, welfare, and safety of park visitors and to protect park property, including, but not limited to, the right to order all persons off Oronoko Charter Township park property, and close all or any portion of said park.

SECTION 9: ENFORCEMENT.

Fines and imprisonment. Any person violating any provision of the foregoing rules shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500.00 and costs of prosecution, or imprisoned in the county jail for a period not exceeding ninety (90) days, or both, for each offense.

In the event that the person violating any provision of the foregoing rules is determined to have caused damage to Oronoko Charter Township Park property or any of its structures therein, said person shall be responsible for reimbursement to Oronoko Charter Township for the full cost to replace or repair said damage.

SECTION 10: DEFINITIONS.

A. “Oronoko Charter Township property” or “Oronoko Charter Township park property” or “park property” or “jurisdiction of Oronoko Charter Township” shall mean all lands, waters, and property administered by or under the jurisdiction of Oronoko Charter Township.

B. “Person” or “persons” shall mean individuals, male or female, singular or plural; firms, corporations, limited liability companies, partnerships, sole proprietorships, or other legal entity, or any group or gathering of individuals.

C. “Camping” means the overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat, or in any other conveyance erected, parked, or placed on the premises or waters within any park or recreation area administered by Oronoko Charter Township.

D. “Closed Pavilion” shall mean the easternmost pavilion located within Oronoko Charter Township park property that consists of a roof, doors and walls and is capable of being entirely closed from the elements.

E. “Open Pavilion” shall mean the westernmost pavilion located within Oronoko Charter Township park property that is a pole structure consisting of a roof and pole columns without walls or doors to enclose the same from the elements.

F. “Rules” shall mean the rules adopted by the Oronoko Charter Township Board of Trustees or its designee applicable to all property administered by or under the jurisdiction of the Oronoko Charter Township and all amendments thereto.

SECTION 11: REPEALER CLAUSE.

All ordinances or parts of ordinances in conflict herewith and, are, to the extent of such conflict, hereby repealed. Previous Ordinance No. 25, adopted January 11, 2005, is hereby repealed in its entirety upon adoption of this ordinance.

SECTION 12: SEVERABILITY.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION 13: EFFECTIVE DATE.

This ordinance shall be published as required by law, to become effective and in full force from and after thirty (30) days after the date of final publication of this Ordinance.

SECTION 14: PUBLICATION.

This ordinance is ordered to be given publication in the manner prescribed by law.

SECTION 15: ADOPTION.

This ordinance is hereby declared to have been adopted by the Oronoko Charter Township Board, Berrien County, Michigan, at a meeting held on the 14th day of February, 2006.

MOTION TO ADOPT ORDINANCE

Proposed by Board member, Clerk Suzanne Renton

Supported by Board member, Trustee Dorothy Hildebrand

ROLL CALL:

Ayes: Trustee Holman, Treasurer Hill, Clerk Renton, Trustee Pagel, Trustee Hildebrand, Supervisor Hildebrand.

Nays: None.

Abstain: None.

Absent: Trustee Riess.

ORDINANCE DECLARED ENACTED.

The foregoing Ordinance was enacted by the Oronoko Charter Township Board of Trustees, Berrien County, State of Michigan, on the 14th day of February, 2006, and approved by its Supervisor and Clerk on said date.

Oronoko Charter Township

By:
Ernest Hildebrand, Supervisor

and
Suzanne Renton, Clerk

First Reading: January 10, 2006
Second Reading: February 14, 2006
Publication of Notice: February 22, 2006