

**TOWNSHIP OF CANNON
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Cannon, Kent County, Michigan, held in the Cannon Township Center, 6878 Belding Road, in said Township, on the 22nd day of August, 2011, at 7:00 p.m.

PRESENT: Blackledge, Davies, Diepenhorst, Grimm, Jones, McBrien

ABSENT: LaPeer

The following ordinance was offered by Member Blackledge and supported by Member Jones:

ORDINANCE NO. 2011 - 4

AN ORDINANCE to establish reasonable rules and regulations for the use and enjoyment of Bostwick Lake Park, and to provide penalties for violation thereof

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. TITLE. This ordinance shall be known and may be cited as the "Bostwick Lake Park Ordinance."

SECTION 2. APPLICABILITY. The provisions of this ordinance apply only to Bostwick Lake Park, located within the Township of Cannon, at and around 6746 Kitson Drive.

SECTION 3. DEFINITIONS. For the purposes of this ordinance, the following words and phrases shall be defined as follows:

(a) "Alcoholic Beverage" means any intoxicating beverage, as defined by Michigan statute.

(b) "Camping" means the overnight lodging or sleeping of any person on the ground or in a sleeping bag, tent, tent-trailer, trailer coach, vehicle camper, recreational vehicle or similar type of enclosure.

(c) "Controlled Substance" means any substance or its immediate precursor, as identified and defined by and in MCL 333.7211-7220.

(d) "Domestic Animal" means a dog, cat, horse, fowl, tamed bird or other living creature carried, led, ridden or otherwise capable of being transported into the Park from another location by any person.

(e) "Park" means Bostwick Lake Park, including the waters and bottomlands within the designated swimming area boundaries, as marked by buoys, subject to applicable provisions of Part 301 of the Natural Resources and Environmental Protection Act and other applicable state laws.

(f) "Watercraft, Motorized," means any motorized contrivance used or designed for navigation in or on water or ice, including, but not limited to, motorboats, personal watercraft, jet skis, sea doos, wave runners and similar watercraft.

SECTION 4. REGULATIONS. The following are the regulations that shall apply to any person entering, using or being present in the Park:

(a) **Park Hours.** The Park hours shall be from dawn to dusk, daily. Outside the hours of dawn to dusk, it shall be unlawful for any person to enter upon or occupy the Park.

(b) **Dumping/Trash.** No person shall deposit or permit to be deposited in the Park, any garbage, ashes, sewage, refuse, waste or other noxious material, other than in receptacles or pits provided by the Township for such purposes; nor dump any earthen materials within the Park without specific written permission from the Township Board. Trash or other refuse generated outside of the Park shall not be brought into the Park for deposit.

(c) **Motorized Watercraft.** It shall be unlawful for any person to moor, dock, launch or otherwise enter the Park with a Motorized Watercraft.

(d) **Alcoholic Beverages/Controlled Substances.** The possession, use, dispensing and consumption, or any of them, of Alcoholic Beverages or a Controlled Substance, is prohibited in the Park.

(e) **Open Fires.** No person shall start or maintain an open fire in the Park, except small fires for cooking purposes and then only in designated receptacles as might be provided by the Township for this purpose. All fires shall be put out by the person starting or using the fire before leaving the immediate vicinity of the fire.

(f) **Domesticated Animals.** Except as provided by law (e.g., seeing eye dogs for the blind), no domesticated animals shall be permitted within the Park.

(g) **Vehicle Parking.** It shall be unlawful for any person to park or store a vehicle, or any part thereof, whether operable or inoperable, within the Park at any time when said person is not present in the Park, or during hours when the Park is closed. A vehicle left in the Park in violation of these requirements may be removed from the Park at any time by a law enforcement officer.

(h) **Camping.** No person shall engage in camping in the Park.

(i) **Defacing or Disturbing Park Property.** No person shall injure, deface, disturb or befoul any part of the Park or any building, sign, equipment or other property found therein; nor shall any tree, shrub, rock or other mineral be removed, injured or destroyed. In

addition to the other penalties prescribed by this ordinance, a person who violates this provision shall be liable to the Township for any repair costs to Park property resulting from the violation.

(j) **Hunting and Molesting Wildlife.** No person within the confines of the Park, shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of the Park.

(k) **Fishing.** Fishing shall not be permitted from dry lands or upon any open waters within the Park; provided, however, that ice fishing may be conducted in the Park when the surface of Bostwick Lake is frozen.

(l) **Weapons/Firearms.**

(1) No person, except law enforcement officers, shall carry or use a slingshot, bow and arrow, crossbow, a missile throwing device, or any similar type of non-firearm weapon within the Park, or discharge any fireworks or explosive substances therein, without a specific permit from the Township.

(2) No person other than a law enforcement officer or other person authorized by state law shall possess, carry or transport any firearm within the Park. Furthermore, no firearm shall be discharged in the Park. This prohibition on discharge of a firearm shall not apply to any firearm discharge that is performed in lawful self-defense as defined by the laws of the State of Michigan, nor shall it apply to any law enforcement officer or Township official who is authorized to possess, carry or discharge a firearm in carrying out their authorized law enforcement duties.

(m) **Disorderly Conduct.** No person shall, either by word or act, indulge in any noisy, boisterous, disorderly or indecent conduct, or in any manner disturb the peace or good order of the community within the Park.

(n) **Refusal to Leave Park.** No person shall remain within the Park who does not abide by the instructions and directions of a duly authorized law enforcement officer or agent of the Township, in the lawful performance of their duties. Any person directed by a law enforcement officer or agent of the Township to leave the Park shall do so promptly and peaceably.

(o) **Use of Sound Amplifying Equipment.** The use of loudspeakers, public address systems or sound amplifying equipment is prohibited without written permit from the Township. Excessively loud radios, televisions or similar devices are prohibited.

(p) **Commercial Activities.** No person shall sell or offer for sale any article, thing, privilege or service within the Park without a permit from the Township, and no person shall do any begging, peddling or soliciting therein. Further, no person shall expose, distribute or place any sign, advertisement, circular, notice or statement, or display any banner, emblem or design, within the Park, without a permit from the Township.

(q) **Permit Compliance.** Violation of a permit issued under Section 5 of this ordinance, or of any condition thereof, shall be deemed a violation of this ordinance.

SECTION 5. TEMPORARY PERMITS. The Township Board may grant temporary permits to engage in certain activities within the Park that would otherwise be prohibited by Section 4 of this ordinance. Application for such a permit shall be submitted to the Township Clerk, at least 45 days in advance of the activity for which the permit is sought. In its sole discretion, the Township Board may grant, deny, or grant with conditions a permit sought under this section. A permit granted under this section shall specify the date when it commences and ends.

SECTION 6. PENALTIES AND ENFORCEMENT

(a) A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purpose of this section, a "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months after a previous violation of the ordinance for which such person admitted responsibility or was adjudicated to be responsible. Each day the violation occurs shall constitute a separate offense.

(b) In addition to paying the above-stated fines and costs, if a violator is issued a municipal civil infraction citation, the violator shall be responsible for all costs, damages, expenses, and attorney fees incurred by the Township, and shall also be subject to all other remedies provided to the Township by law.

SECTION 7. SEVERABILITY. This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. REPEAL. This Ordinance repeals, replaces and supersedes any ordinance in conflict with the terms hereof, to the extent of such conflict.

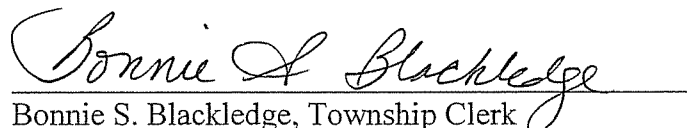
SECTION 9. PUBLICATION/EFFECTIVE DATE. This ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township, within 30 days after adoption. The ordinance shall become effective 30 days after such publication.

AYES: Blackledge, Davies, Diepenhorst, Grimm, Jones, McBrien

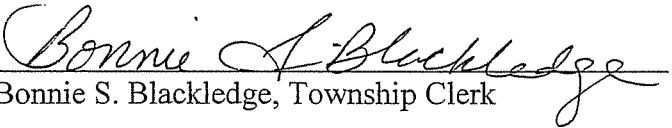
NAYS: None

ABSENT: LaPeer

ORDINANCE DECLARED ADOPTED.


Bonnie S. Blackledge, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Cannon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.


Bonnie S. Blackledge, Township Clerk