

**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 Township Center, in said Township, on the 14th day of June, 2010, at 7:00 p.m.

PRESENT: Blackledge, Davies, Diepenhorst, Grimm, LaPeer, MacGregor, McBrien

ABSENT: None

The following ordinance was offered by Member Davies and supported by Member Diepenhorst.

ORDINANCE NO. 2010 - 3

**AN ORDINANCE TO REGULATE THE USE OF NON-MOTORIZED PATHWAYS
WITHIN THE TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION
THEREOF**

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. DEFINITIONS. The following words and terms in this ordinance are defined as follows:

(a) "Bicycle" means a device propelled exclusively by human power upon which a person may ride, having either two, three, or four wheels arranged in a tandem or tricycle fashion.

(b) "Motor vehicle" means a vehicle which is self-propelled including, but not limited to motorized scooters, all terrain vehicles, automobiles, trucks, tractors, mopeds, snowmobiles, golf carts and Segway Personal Transporters.

(c) "Motorcycle" means a motor vehicle having a saddle or seat for use of a rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(d) "Non-motorized pathway" shall mean any public way operated and maintained by the Township or the road authority having jurisdiction, for bicycle and pedestrian use.

(e) "Person" shall mean any person, or any firm, corporation (profit or non-profit), or any association (incorporated or unincorporated), or any other type of business entity.

(f) "Sign" shall have the same meaning as provided in the Township Zoning Ordinance.

(g) "Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or a revolving belt tread, or any combination of these or similar means of contact with the surface upon which is operated.

(h) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved exclusively by human power.

SECTION 2. PROHIBITION OF MOTOR VEHICLE USE. No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle or any other type of motor vehicle or golf cart upon any non-motorized pathway within the Township, except directly to enter or depart from adjacent property; provided, however, this section shall not prohibit the use of sidewalks and pedestrian pathways by persons using motorized wheelchairs or similar devices used to facilitate access and travel by handicapped persons.

SECTION 3. SAFE BICYCLE OPERATION. No person shall operate a bicycle on a non-motorized pathway at a speed greater than what is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right-of-way to motor vehicles that are crossing the non-motorized pathway, and also shall yield the right-of-way to pedestrians who are using or are on the non-motorized pathway.

SECTION 4. PROHIBITION OF HORSE RIDING. No person shall ride or walk a horse, or lead a horse, on a non-motorized pathway or within the designated easement for the non-motorized pathway.

SECTION 5. TOWNSHIP POLICIES REGULATING PATHWAY USE. The Township Board may adopt policies for regulating the use of non-motorized pathways, consistent with the terms of this ordinance. Such policies may include provisions regulating the occurrence and scope of gatherings and events on, near or associated with a non-motorized pathway, including but not limited to a Township Events Policy.

SECTION 6. DAMAGE.

(a) No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a non-motorized pathway, on any part thereof, or any sign, or part thereof, relating thereto.

(b) At the Township's option, the Township may either repair the damage caused by a person who violates subsection (a), and such person shall be responsible for reimbursing the Township for such repair work, or alternatively, the Township may require the person who caused the damage to repair the non-motorized pathway to its prior state within thirty days of the date of the damage. All such repair work shall be performed in accordance with the standards of Section 13(d) of this Ordinance.

SECTION 7. NON-MOTORIZED PATHWAY OBSTRUCTION.

(a) PARKING. No person shall stop, stand or park or cause to be stopped, standing or parked, any vehicle, trailer, mobile home, motor home, camper or boat upon a non-motorized pathway so as to obstruct the free passage of pedestrians, vehicles or other persons or conveyances.

(b) DEBRIS. No person shall deposit or burn, or cause to be deposited or burned, any leaves, branches, grass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other objects or debris upon a non-motorized pathway or within the designated easement for the non-motorized pathway.

(c) DEPOSIT OF ICE OR SNOW. No person, in removing snow, ice or slush from private property, or from public property under his or her control, such as a driveway, vehicle parking area or approach area, shall dump or deposit, or cause to be dumped or deposited, such snow, ice or slush, either temporarily or permanently, on any non-motorized pathway without the prior written permission of an authorized Cannon Township official.

SECTION 8. FISHING PROHIBITION. No person shall fish or otherwise attempt to catch fish or other aquatic animals while on a non-motorized pathway, or the appurtenances of a non-motorized pathway. Appurtenances of a non-motorized pathway shall include, but are not limited to, any bridges or other structures which touch, adjoin or abut a non-motorized pathway or within the designated easement for the non-motorized pathway.

SECTION 9. ANIMALS.

(a) Any person who owns or exercises any control over an animal shall, if the animal deposits any fecal matter on any non-motorized pathway or within the designated easement for the non-motorized pathway, immediately and completely remove such matter. This section shall not prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited in Section 4 of this ordinance.

(b) Pets must be leashed and under the control of the owner at all times so as not to interfere with other pathway users.

SECTION 10. VEGETATION. No person shall plant any trees, shrubs or other vegetation within the designated easement for the non-motorized pathway. No person shall allow trees, shrubs or other vegetation to grow to a size that obscures view or obstructs passage along a non-motorized pathway. Cannon Township reserves the right to maintain trees and shrubs within the designated easement of the non-motorized pathway.

SECTION 11. IRRIGATION. No person shall leave any garden hose, lawn sprinkler or other irrigation device or similar implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the surface of a non-motorized pathway.

SECTION 12. CONSTRUCTION PROJECTS.

(a) If any construction project on lands adjoining a non-motorized pathway results in damage to the non-motorized pathway, then all such damage shall be fully repaired and the non-motorized pathway shall be restored to its former condition within 10 days after the damage occurs, unless otherwise authorized by Cannon Township; provided, however, that if weather conditions prevent full restoration of the non-motorized pathway within such 10-day period, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable use by bicycles, skaters and pedestrians, and full repair and restoration shall then be completed as soon as weather permits.

(b) An occupancy permit shall not be granted under the Township zoning ordinance or building code for any building or structure unless and until any non-motorized pathway damaged in connection with the construction of such building or structure has been fully repaired and restored to its former condition; provided, however, that if weather conditions then prevent full repair and restoration of the non-motorized pathway, an occupancy permit may be granted if (i) the non-motorized pathway has been temporarily patched and restored so as to permit reasonable use by bicycles and pedestrians, and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit or performance bond, to guarantee full repair or restoration of the non-motorized pathway as soon as weather permits.

(c) Repair of all damage, as required by this Section, shall be performed in compliance with Section 13(c) of this Ordinance.

SECTION 13. CUTS OR OPENINGS IN SIDEWALK OR PEDESTRIAN PATHWAY.

(a) All persons shall complete a Non-motorized Pathway Opening Permit if it is necessary to make a cut or opening in a non-motorized pathway. Such cut or opening shall not be made until a Non-motorized Pathway Opening Permit has been completed and returned to the Township, with payment of any required fee.

(b) If an emergency requires an immediate utility cut or opening to be made, the Township shall be notified, the permit completed and the applicable fee paid on the next business day during which the Township office is open.

(c) When the work within a cut or opening is completed, the cut or opening shall be promptly compacted and restored as required in accordance with the trail standards set by the Township Engineer.

SECTION 14. SIGNS.

(a) No person shall suspend any sign, banner, printed leaflet or similar object above a non-motorized pathway or within the designated easement for the non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or similar object to a non-motorized pathway or within the designated easement for the non-motorized pathway without the prior written approval of the Township Zoning Administrator or other Township official authorized by ordinance or Township policy to grant such approval.

(b) The provisions of this Section shall not prohibit the Township from installing and maintaining signs and markers pertaining to the non-motorized pathway or painting words or markings on the pathway if necessary for the proper use of the pathway or for public safety purposes.

SECTION 15. EXEMPTION. This ordinance shall not apply to work being done by an authorized Township official or employee on a non-motorized pathway, and this ordinance shall not be construed to prohibit the Township, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of non-motorized pathways.

SECTION 16. VIOLATIONS AND PENALTIES.

(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) The following persons are authorized to issue municipal civil infraction citations for violation of provisions of this ordinance. If such persons or any of them have reasonable cause to believe that a violation or infraction has occurred, based on personal observation or on the report of a person who has allegedly witnessed the violation or infraction:

- (1) The Township Supervisor.
- (2) A Township ordinance enforcement official appointed by the Township Board.
- (3) The Township Zoning Administrator.
- (4) A law enforcement officer of the Kent County Sheriff's Department.

(c) If a citation for violation of this ordinance is based solely upon the complaint of a person who allegedly witnessed the violation, and not upon the personal observation of any of the persons authorized to issue municipal civil infraction citations hereunder, then such citation shall be approved in writing by the Township Supervisor prior to its issuance.

(d) Municipal civil infraction citations for violations of this ordinance shall be served upon the alleged violator as provided by law and Township ordinance.

(e) The issuance of a municipal civil infraction citation shall not be an exclusive remedy, but may be undertaken by the Township in addition to other means of enforcement, as provided by law, including, but not limited to, the seeking of injunctive and other relief.

SECTION 17. SEVERABILITY. This ordinance and the sections and subsections thereof are severable. If any portion of this ordinance is adjudged invalid, the remainder of the ordinance shall not be affected thereby, but shall remain in full force and effect.

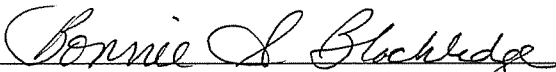
SECTION 18. REPEAL. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 19. PUBLICATION AND 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, LaPeer, MacGregor, McBrien


NAYS: None

ORDINANCE DECLARED ADOPTED.



Bonnie S. Blackledge, Cannon 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, Cannon Township Clerk