

**Ordinance No. 244**  
**Charter Township of Port Huron**  
**Parks and Recreation Ordinance**

An Ordinance to provide for the use, protection, regulation, and control of the public parks, park facilities, recreation areas, 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, owned by the Charter Township of Port Huron; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith

The Charter Township of Port Huron, St. Clair County, Michigan ordains:

FOOTNOTE(S):

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**State Law reference**— Township powers to acquire property for public purposes, MCL 41.2; township parks, MCL 41.421 et seq.; authority to operate system of public recreation, MCL 123.51; playground equipment safety act, MCL 408.681 et seq.

**ARTICLE I. - IN GENERAL**

**Sec. \_\_Sec. \_\_-1. - Purpose.**

The purpose of this chapter is to provide for the use, protection, regulation and control of the public parks, park facilities, recreation areas, and other matters concerning recreation, conservation, education, historic and scenic areas and preserves and parkways and to provide for the adoption of supplementary rules and regulations and other matters related to the use of and conduct on park property, as well as to provide for a penalty for the violation of this chapter. Any violation of this chapter shall be treated as a municipal civil infraction, unless otherwise provided in this chapter.

**Sec. \_\_Sec. \_\_-2. - Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**Camping.** The 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.

**Peace officer(s).** Any person or persons assigned by the Charter Township of Port Huron any duty or empowered to perform any act or duty, including any deputy sheriff, police officer or other duly appointed law enforcement officer as well as any manager, park ranger, or DPW personnel, appointed by the Park Commission and assisting in security functions.

**Person(s).** Individuals, male or female, singular or plural; firms, corporations or any group or gathering of individuals.

**Rules.** The Rules adopted by the Port Huron Township Park Commission and any amendments thereto, are applicable to all properties administered by or under the jurisdiction of the said Township Commission, or any publicly owned land being utilized as a park or recreation area. To the extent and such Rules adopted by the Port Huron Township Park Commission and approved by the Port Huron Township Board are inconsistent with the provisions of this Ordinance, the Rules shall Control. It is understood that many ordinances may have exceptions within the Township RV Campground (camping, small campfires,

etc.). Those allowances shall be clarified and supplied by the Township RV Campground rules as set by the Park Commission.

**Township.** The Charter Township of Port Huron as a governing body and/or the Port Huron Township Park Commission, or a duly designated/appointed agent, thereof.

**Township park(s), Township recreation area(s), park(s).** Any land, water, property, park, reservation, playground, bike path, nature path, ball diamond, recreation center or other area in the Township, owned or used by the Township and devoted to active or passive recreation, administered by or under the jurisdiction of the Charter Township of Port Huron and/or the Port Huron Township Park Commission.

Sec. \_\_\_Sec. \_\_\_-3. - **Park operating policy.**

- (a) **Park hours.** Township parks shall be open daily to the public between dawn to dusk unless specifically posted otherwise. No person shall occupy or be present in any park during the hours it is not open to the public, provided that Township personnel, police officers on official duty, or other peace officers, or employees on park duty, or other persons with special permits from the Township who are conducting official business are not so restricted.
- (b) **Closed areas.** Any section or part of any park may be declared closed to the public at any time, and for any interval of time, either temporarily, or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Township shall find reasonably necessary.
- (c) **Authority for use of facilities.** Any organized club, school, association, team or recognized group desiring the use of specific areas of any park, including but not limited to, picnic areas, athletic fields, etc., shall file an application with the Township. Groups with permits shall take precedence for use. The use of the park shall be in the capable limits of the park.
  - (1) **Special permits, agreements and contracts.** Any nonprofit, club, school, association, corporation or recognized group desiring the use of a portion of the park system for money-raising affairs shall file an application with the Township, and pay to the Township, such fees, charges, rents or percentages as required by the Township for such activities and events. The application, among other information, must designate the portion of the parks desired, where ticket sales will be set up or money is to be collected, and how much per person or other unit of measurement, the location of which shall be under control of the Township.
  - (2) **Granting of permits.** The authority for granting permits shall be with the Township. Application shall be made three days in advance of the time of the reservation request for any park. Application for the use of an athletic field will be made one day in advance. In the event more applications for reserved space are received than spaces available, such applications shall be considered in the chronological order received.
  - (3) **Exhibiting permits.** Permits from the Township must be exhibited. Failure to produce any permit claimed to have been issued upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule may be found in violation of this chapter and may forfeit all rights under an otherwise validly issued permit.
  - (4) **Cleanup by permittee.** All permits shall require the permittee to clean up the park area after the activity has terminated and all applications for permits must give the name, address and phone number of the permittee responsible for the necessary policing, thereof. The permittee may be required to pay a security deposit for cleaning up the area. Failure to comply with the obligation to clean up a park area after the activity has terminated shall constitute a violation of this Ordinance and shall result in the forfeit of the opportunity to secure future permits for a period of two years.
  - (5) **Fees and charges.** The Township Park Commission may set fees and charges by resolution for the use of any facility, land, area or program on Township park property. 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 Township without payment of such fee or charge.

**(d) Emergency powers.** Nothing in these rules shall:

- (1) Prohibit or hinder duly authorized agents of the Charter Township of Port Huron or any peace officers, Township employee, or park employee from performing their official duties.
- (2) Prohibit the Township 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 of the Township to order all persons off Township park property and close all or any portion of said park.

**Sec. \_\_\_Sec. \_\_\_-4. - Activities by persons in parks—Permitted and prohibited.**

**(a) Protection of property. No person in any park shall:**

**(1) Buildings and other property.**

- a. *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, walls, gates, bridges, tables, benches, fountains, fireplaces, railings, fences, trash receptacles, paving or paving materials, drains, waterlines or other public utilities or parts or appurtenances, thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, stone markers, benchmarks, or blaze, marking, or other boundary markers or other structures or equipment, facilities or park property or appurtenances, whatsoever, either real or personal.
- b. *Restrooms and washrooms.* Fail to maintain restrooms and washrooms in a neat and sanitary condition.
- c. *Removal of natural resources.* Dig, remove or cause to be removed any sand, whether submerged or not, or any soil, sod, earth, humus, peat, boulders, gravel, rock, stones, trees, shrubs or plants, down-timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.
- d. *Erection of structures.* Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on written permit issued, hereunder.
- e. *Historical preservation.* Appropriate, excavate, injure or destroy or ruin any historical, or any object of antiquity, without prior written permission from the Township.

**(2) Trees, shrubbery, lawns, foliage and plant life.**

- a. *Injury, destruction and removal.* Damage, destroy, cut, carve, transplant, break, injure the bark, or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, whether alive or dead. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb vegetated areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- b. *Climbing.* Climb any building or walk, stand or sit upon monuments, vases, fountains, railing, and fences or upon any other property not designated or customarily used for such purposes.

**(3) Natural wildlife.**

- a. *Hunting, torturing.* Hunt, molest, harm, frighten, kill, trap, chase, tease, torture, abuse, treat cruelly, shoot or throw any object at any animal, reptile, fish or fowl; nor shall anyone remove or have in their possession the young of any wild animal, or the eggs or nest, or young of any, reptile, bird or fowl.
- b. *Feedings.* Give or offer or attempt to give to any animal or bird any known noxious substances or throw or deposit any poisonous substance on any exposed public or private property and water, where it endangers, or is likely to endanger, any animal or fowl.

**(4) Sanitation.**

- a. **Pollution of waters.** Throw, cast, lay, drop, discharge, leave or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- b. **Refuse and trash.** Discard, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash in or upon any Township park or recreation area except by placing said refuse in containers provided for such purpose. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof.

(b) **Prohibited behavior.** No person in any park shall:

(1) **Bonfires, fires.**

- a. Willfully set or cause to be set on fire any tree, woodland, brush land, grassland or meadow, nor drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper, or other flammable materials within or upon the property of the Township park.
- b. Bonfires are prohibited in all parks.
- c. Grilling is permitted upon approved/provided grills.
- d. Camp Fires, except for within the RV Campground, must be permitted by the Park Commission

(2) **Domestic animals/pets.**

- a. Allow any pet to run free within any park, path or water course unless otherwise permitted and
- b. All pets must be leashed. The maximum length of the leash is 15 feet; and
- c. Pet owners are required to properly dispose of animal waste; and
- d. Pets are prohibited within picnic areas or during special events
- e. Horses
  - 1. Ride, drive or lead a horse except on specifically designated and posted areas or bridle paths or by permit on field trails areas.
  - 2. Ride a horse in a careless, negligent, or reckless manner so as to create a nuisance or to endanger the life, property of others, persons or animals.
  - 3. The driver of any vehicle shall yield the right of way to any person riding a horse on marked bridle paths where such bridle paths cross streets or roadways

(3) **Disorderly conduct.** Engage in any disorderly conduct or behavior to a breaching of the public peace.

(4) **Closed areas.** Enter an area posted as "closed to the public," nor shall any person use, or abet the use of any area in violation of posted notices.

(5) **Firearms.** At any time, discharge, brandish, or set off anywhere upon park properties, a revolver, pistol, shotgun, rifle, air 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 or other duly appointed law enforcement officer while carrying out the duties and responsibilities of his/her position. nor shall it apply to a person lawfully acting in self-defense or defense of another under the self-defense act, 2006 PA 309, MCL 780.971 to 780.974.

- (6) **Fireworks and explosives.** Bring in, or have in his/her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, rocket or other fireworks or explosives of inflammable material, or discharge them, or throw them into any such area from land, or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. Unless prior Board approval is granted and the event is permitted.
  - (7) **Intoxicating and alcoholic beverages.** Consume or have in their possession any intoxicating or alcoholic beverage. Or possess, consume, or distribute any illegal substance or intoxicant.
  - (8) **Smoking.** Light, consume, or produce material from any smoke or vapor emanating object such as a cigarette, cigar, pipe, electronic cigarette, vaporizer or any other item, within Township recreation areas, parks, or cemeteries. Smoking (or "vaping") is not allowed within Township parks.
  - (9) **Loudspeakers and public-address systems.** To use a loudspeaker, public address system, or amplifier without a written permit issued by the Township.
  - (10) **Resisting or hindering employees.** Interfere with or fail or refuse to obey any lawful command of any peace officer in the discharge of his/her duties; nor interfere with or in any manner hinder any employee of the Township or peace officer while said employee or peace officer is performing official duties.
- (c) **Recreational activities.** No person in any park shall:
- (1) **Swimming.**
    - a. **Designated areas.** Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for that purpose of swimming, or congregate when the St. Clair County Health Department upon a finding prohibits such activity that such use of the water would be dangerous or otherwise inadvisable.
    - b. **Diving.** Dive off any bridge, dam, or other structure.
  - (2) **Boating.**
    - a. **Designated areas.** Bring into, use, navigate or operate any boat, canoe, raft, or other watercraft, whether motor-powered or not, upon any watercourse, lagoon, lake, or pond, except at places designated for boating by the Township.
    - b. **Operation of boats/canoes.** Navigate, direct, or handle any boat/canoe in such a manner as to unnecessarily frighten or endanger wildlife or the occupants of any other boat/canoe.
    - c. **William P. Thompson Pond launch.** Bring into or launch any motor-powered watercraft (boar, canoe, raft, or other) upon any waters at William P. Thompson Pond.
  - (3) **Picnic areas and use.**
    - a. **Regulated.** Picnic in a place other than those designated for that purpose. The Township shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
    - b. **Availability.** Refuse the use of the individual grills, together with tables and benches, on a first-come, first-served bases.
    - c. **Duty.** Leave a picnic area before the cooking grill is completely extinguished, and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse

and trash shall be carried away from the park area by the person to be properly disposed of elsewhere.

- (4) **Camping.** Except where specifically permitted by Port Huron Township Park Commission Rules, set up tents, shacks or any other temporary shelter for the purpose of camping, nor shall any person leave in a park after closing hours any movable structure or vehicle, recreational vehicle, or personal belongings. Items left are subject to removal & costs to be paid by owner within 30 days. Failure to pay within 30 days causes forfeiture of property to Port Huron Township.

(5) **Skating and coasting.**

- a. Use roller skates, roller blades or skateboard except at such times and upon such places as may be designated or maintained therefore.
- b. Coasting or sledding with hand sleds, bobs, carts, or other vehicles, on wheels or runners, except at such times and upon such places as may be designated or maintained therefore.

(6) **Usage of bicycle and pedestrian pathways.**

- a. 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. Bicyclists shall at all times operate same with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting..
- b. Operate any motorized vehicles within a park, including but not limited to automobiles, trucks, motorcycles, go-carts, golf carts, motor scooters, mopeds, dune buggies, all terrain vehicles, four wheelers and snowmobiles on a bicycle or pedestrian pathway except:
  1. Maintenance or repair vehicles authorized by the Township.
  2. Ambulance, emergency, fire or police vehicles for public safety and response.
  3. An individual with a disability using a single-passenger motorized wheelchair, which has been medically prescribed for the individual operating the wheelchair.
  4. Unless otherwise permitted by the Township or Park Commission
- c. Glass containers are prohibited on paved pathways.

Sec. \_\_Sec. \_\_-5. - Merchandising, advertising and signs.

**No person in a park shall:**

- (1) **Vending and peddling.** Expose or offer for sale any food, article or thing, nor shall he/she station or place any stand, cart, or vehicle for the transportation, sale or display of any such food, article or thing, except when authorized or permit granted pursuant to this chapter.
- (2) **Advertising.** Announce, advertise, distribute handbills or other advertising matter, or call the public attention in any way to any article or service for sale or hire.
- (3) **Signs.** Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, or erect or cause to be erected any sign whatsoever on any public lands, highways, or roads adjacent to a park, nor place handbills, fliers, or other advertising materials on any vehicles parked within or upon any parking area.

Sec. \_\_Sec. \_\_-6. - Traffic and parking.

**No person in a park shall:**

- (1) **Motor vehicle laws apply.** Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles.

- (2) **Enforcement of traffic regulations.** Fail to obey all peace officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, street or roads immediately adjacent thereto.
- (3) **Obey traffic signs.** Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.
- (4) **Operation confined to roads.** Drive any vehicle on any area except the paved park roads, parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Township.
- (5) **Parking.** Park, stand, load or unload in certain prohibited areas.
  - (a) **Designated areas.** Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present. It shall be unlawful 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 pickup and loading of materials, or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
- (6) **Excessive noise.** Operate any motor vehicle in any manner that results in excessive noise or disturbs the peace, quiet, or tranquility of the area.
- (7) **Unsafe operation of vehicle.** Operate a vehicle in an unsafe manner, 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.

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Secs. 24-7—24-32. - Reserved.

Secs. 24-33—24-60. - Reserved.

**ARTICLE III. - BOATING REGULATIONS**

FOOTNOTE(S):

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**State Law reference**— Watercraft and marine safety, MCL 324.80101 et seq

**PENALTIES**

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a Municipal Civil Infraction and shall be subject to such fines. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

**SEVERABILITY**

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**EFFECTIVE DATE**

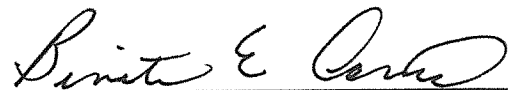
The above Ordinance was offered for adoption by Township Board Member Livingston, and was seconded by Township Board Member Riehl, the vote being as follows:

YEAS: Livingston, Riehl, Dudas, Reno, Shonka, Lewandowski

NAYS: None

ABSENT: Clerk Davis

ORDINANCE DECLARED ADOPTED:



By: Benita Davis, Clerk  
Charter Township of Port Huron

**CERTIFICATION**

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on March 19, 2019, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

DATED: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
By: Penny Simpson, Deputy Clerk  
Charter Township of Port Huron