

ENSLEY TOWNSHIP  
NEWAYGO COUNTY, MICHIGAN  
(ORDINANCE NO. 07-11)  
Adopted: November 6, 2007  
Effective: December 14, 2007

At a regular meeting of the Township Board for Ensley Township in Newaygo County, Michigan, held at the Ensley Township Hall located at 7163 E 120<sup>th</sup> Street, Sand Lake, Michigan in the Township on November 6, 2007, beginning at 8:00 p.m., the following Ordinance was offered for adoption by Township Board Member Vander Meulen, which motion was seconded by Township Board Member Harwood:

AN ORDINANCE TO REGULATE THE USES AND ACTIVITIES (AND OTHER MATTERS) WITH REGARD TO THE ENSLEY TOWNSHIP BAPTIST LAKE PARK AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF ENSLEY (the "Township") ORDAINS:

1. Purpose and Intent. The Township Board for Ensley Township hereby finds that it is necessary for the public health, safety and welfare to regulate the use, maintenance, and other aspects of the Ensley Township Baptist Lake Park. It is the intent of this Ordinance to minimize problems associated with noise, litter, parking, and similar matters with regard to the Ensley Township Baptist Lake Park.

2. Short Title. This Ordinance shall be known and may be cited and referred to as the "Ensley Township Baptist Lake Park Ordinance," and shall hereinafter be referred to as the "Ordinance."

3. Applicability. This Ordinance shall apply to the real property located within Ensley Township, Newaygo County, Michigan, commonly known as the Ensley Township Baptist Lake Park and legally described as follows:

Lots 14-20, Kinney's Grove Plat, part of the NE 1/4, Section 23, T11N, R11W, Ensley Township, Newaygo County, Michigan, [and] Also that part of Section 24, T11N, R11W, Ensley Township, Newaygo County, Michigan, described as:  
Commencing at a point on the section line 781.6 feet S00 degrees 05'W of the section corner common to sections 13, 14, 23 and 24 (NW corner of section 24), thence S80 degrees 53' E 196.3 feet; thence Northeasterly on a 334.6 foot radius curve to the left, 267.25 feet; thence S00 degrees 05'W 261.4 feet more or less to the high water line of Baptist Lake; thence Southerly and Westerly along the high water line of Baptist Lake 640 feet more or less, to the meander post of the North side of Baptist Lake; thence N00 degrees 05'E on the section line 353.3 feet to the point of beginning, being 3.69 acres more or less.

(This legal description also includes the shore and bottomlands of such property.)  
(the "Park")

4. Prohibition on Animals. No dogs, cats, pets, or other animals shall be kept, allowed, walked, tethered or permitted in the Park.

5. Closing the Park or Portions Thereof. The Ensley Township Board has the authority to close all or portions of the Park partially or entirely during any time period specified by the Township Board. The Township shall give public notice of any such closing by posting a notice thereof at the Township Hall and also by posting a notice thereof at the Park. It shall be unlawful for anyone to enter upon, occupy, or be within the Park contrary to such posted closing. Furthermore, the

Township Board shall also have the right to close the gate at the boat launch at any time or times it deems appropriate.

6. Hours. The Park is open to the general public from 7:00 a.m. until 10:00 p.m. daily. No person shall be in or at the Park between the hours of 10:00 p.m. and 7:00 a.m. the next day. During the time when the Park is closed, there shall be no parking on or at the Park. Notwithstanding such regulations, fishermen may use the Park (and the boat launch, unless closed) at any time for fishing purposes only so long as such fisherman has a valid fishing license and is complying with all applicable state of Michigan statutes, rules, and regulations regarding such fishing.

7. No Camping. There shall be no camping at or on the Park.

8. Prohibition on Commercial Enterprises. No person or entity shall lease, sell or offer for sale any article, beverage, thing, privilege, or service within, at, from or on the Park. Furthermore, there shall be no begging, hawking, peddling, or soliciting at, on or from the Park. Notwithstanding such prohibitions, the Township Board may grant a permit to allow the sale of food, beverages, or items approved by the Township Board at its discretion for special events or under limited circumstances. The Township Board can attach reasonable conditions to the granting of any such permit and may also charge a permit fee, as well as require any approved vendor to enter into a written contract or agreement with the Township pursuant to the granting of any such permit. Furthermore, and notwithstanding such prohibitions, scuba diving (including pursuant to commercial scuba diving classes) is permitted without a permit at the Park and bottomlands thereof.

9. Disorderly Conduct Offenses. No person or entity shall do any of the following at, from, or on the Park:

- A. Either by word or act, indulge in any noisy, boisterous, disorderly, or indecent conduct.
- B. Disturb the peace.
- C. Disturb the good order of the community.
- D. Gamble or play any game of chance.
- E. Do or engage in any indecent, lascivious, lewd, or improper act or conduct.
- F. Urinate or defecate except within a portable lavatory installed by the Township at or on the Park.
- G. Be under the influence of alcohol, narcotic drugs or opiates.
- H. Consume or possess any alcoholic beverage or narcotic drugs or drug paraphernalia.
- I. Hunt or discharge any firearm.
- J. Possess, sell, light, or discharge any fireworks.

10. Compliance With Rules and Regulations. Anyone using the Park or present at or on the Park shall comply with any and all rules and regulations regarding the Park adopted by the Township Board.

11. Direction by a Township or Police Official. Any person directed by a police officer, law enforcement agent, or Township official to leave the Park shall do so promptly and peaceably.

12. Fires. No person shall start or maintain a fire in or at the Park, except small fires for culinary purposes only and in such places designated for such use by the Township. Any fire shall be put out by the person or persons starting or using the same before such person or persons leave the immediate vicinity of the fire.

13. Garbage and Refuse. Garbage and refuse shall be removed from the Park by the person or persons creating or originating such garbage and refuse, unless properly deposited in garbage

receptacles provided at the Park by the Township. Trash or garbage receptacles are for the use of Park users only.

14. Preservation of Property and Natural Features. No person or entity shall deface, alter, disturb, or destroy any portion of the Park, any property, structure, or building in the Park, any tree in the Park, or any similar item.

15. Reservation of the Park for Special and Certain Events. The Park shall not be used for any event or activity such as, but not limited to, a reunion, group gathering, birthday party, social gathering, fishing tournament, sport event, or similar event, use, or activity, unless a reservation for such use or activity has been approved by the Township Board at least two weeks before the use or activity occurs and the Township Board has issued a permit for such use or activity. In approving a permit for a use or activity, the Township Board may attach reasonable conditions to the granting of such a permit. The regulations contained in this Section 15 regarding reservations and permits shall not be applicable for any gathering or event involving 50 or fewer persons. For any gathering of 50 persons or less, use of the park shelter shall be on a first come-first serve basis. Someone must be present to hold use of the tables and shelter.

16. Traffic and Parking. No person shall drive, park, or store any vehicle, automobile, truck, motorcycle, or bicycle within the Park, except in areas specifically designed by the Township for such purposes. No vehicle or person shall block any entrance, exit, parking area or launching facility on or within the Park. Any parking area which is designated with a handicap parking sign shall be utilized only by handicapped persons as defined by Michigan law. The Township has the authority to remove or tow any vehicle or equipment which is improperly parked, placed, or stored anywhere within the Park and the owner of such equipment or item shall be responsible for reimbursing the Township for any and all towing or removal costs and expenses.

17. Swimming. There shall be no swimming in the boat launch area. There shall be no boat launching in the swim area. No water skiing or water tubing shall occur at the Park or commence near the shoreline of the Park.

18. Damage. Any person or entity who causes any damage to the Park (or to any tree, bush, structure, building, or item within the Park) shall be responsible for fully reimbursing the Township for any and all costs and expenses associated with the repair of the damage or replacement of the damaged item.

19. Park Advisory Committee. The Township Board, at its discretion, may appoint a Park Advisory Committee to advise the Township Board regarding matters related to the Park. Such committee shall have no fewer than three members nor more than seven members, who shall be appointed for three-year terms. At the Township Board's discretion, initially, members can be appointed for staggered terms (for example, some members would be appointed for an initial one-year term, others for an initial two-year term, and the balance of members for a three-year term). Only residents of the Township may be members of the advisory committee. The committee shall comply with all requirements of the Michigan Open Meetings Act, as amended. This shall be an advisory committee only.

20. Docks and Boats. No dock shall be installed at or on the Park except a dock approved and installed by the Township. Furthermore, no boat, vessel or watercraft shall be kept, stored, anchored or moored at or along any dock installed by the Township, or the shore or bottomlands of the Park. Notwithstanding such prohibition, boats may be launched pursuant to any launching facility at the Park which is approved by the Township for boat launching (so long as it is done in compliance with this Ordinance and any rules and regulations of the Township Board). Furthermore, boats, watercraft and vessels may be docked or moored temporarily so long as someone is present on the boat and the temporary docking or mooring is done to facilitate the

dropping off or the picking up of persons. No overnight docking, mooring or anchoring of any boat, vessel, or watercraft is allowed.

21. Use at Own Risk. Any person who utilizes the Park (or the bottomlands or shore of the Park, as well as any structure, improvement or item on or at the Park) does so at that person's own risk. No life guard(s) are at or on the Park.

22. Violation; Penalty, Remedies, and Enforcement. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

The following officials are authorized to issue municipal civil infraction tickets/citations pursuant to this Ordinance:

- Township Supervisor
- Township Clerk
- Township Zoning Administrator
- Township Enforcement Officer
- Any member of the Newaygo County Sheriff's Department
- Any State Police officer

23. Exceptions. Specific provisions of this Ordinance shall not apply to any Township official, Township contractor, law enforcement officer or firefighting or emergency personnel engaged in a lawful governmental function, use or activity.

24. Fees. At its discretion, the Township Board may, by resolution, set any required fees for use of the Park, permits, and similar matters.

25. Repeal. This Ordinance shall repeal Ensley Township Ordinance No. 92-01A (adopted on December 3, 2002) in its entirety, which repeal shall be effective on the date that this Ordinance becomes effective.

26. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

27. Effective Date. The provisions of this Ordinance shall take effect thirty (30) days from the date of publication of the Ordinance or a summary of its provisions in accordance with the law.

The vote regarding this Ordinance was as follows:

YEAS: Joann VandenBerg, Faye Folkema, John VanderMeulen, Cynthia Harwood, and Steve Knox

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Ensley Township Board at a regular meeting held at the Ensley Township Offices on November 6, 2007, pursuant to the required statutory notice and procedures.

Respectfully submitted,  
Dated: November 6, 2007

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Cynthia Harwood  
Ensley Township Clerk  
05852 (001) 345823.2

ENSLEY TOWNSHIP

Notice of Adoption of Amendment

Ordinance 07-11, Section 15 is being amended by adding, "For any gathering of 50 persons or less, use of the park shelter shall be on a first come-first serve basis. Someone must be present to hold use of the tables and shelter.

ORDINANCE AMENDMENT DECLARED ADOPTED UPON PUBLICATION. For a complete copy of the ordinance, contact Cynthia Harwood at 231-937-5091.

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