

**Art. I. In General, §§ 16.5-1--16.5-19**  
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## **ARTICLE I. IN GENERAL**

Sec. 16.5-1. Short title.

This chapter shall be known and shall be cited as the "Parks and Recreation Ordinance".  
(Ord. No. 430, § 1, 9-20-04)

Sec. 16.52. Intent and purpose.

The intent and purpose of this chapter is to regulate the use of township parks and to provide for enforcement of the provisions of the chapter.  
(Ord. No. 430, § 2, 9-20-04)

Sec. 16.5-3. Definitions.

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

*Code enforcement officer* means the official designated by the township, charged with the responsibility of enforcing this chapter.

*Director* means the director of parks and recreation, or the person designated by the township board to serve in that capacity, to whom all park staff are responsible.

*Motor vehicle* means every vehicle which is self-propelled.

*Park* means a park, playground, beach, recreation center or any other area owned, used, leased by the township and devoted to active or passive recreation.

*Park staff* means any employee, consultant or volunteer of the township whose job functions include maintaining, repairing or supervising a park or whose job functions include enforcing this chapter, including park rangers.

*Public place* means any structure, building, alley, street, house, hall, room, or other place to which the public has access.

*Vehicle* means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. Exception is made for baby strollers and vehicles in the service of the township parks.

*Resident* means any person who resides within the corporate boundaries of Highland Township.

*Special events* means all events scheduled through the director of parks and recreation.

*Structure* means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

(Ord. No. 430, § 3, 9-20-04)

Secs. 16.5-4--16.5-19. Reserved.

## ARTICLE II. PARK OPERATIONS

Sec. 16.5-20. Park operating policy.

(1) *Regular park hours.* Township parks shall be open daily to the public between the hours of 6:30 a.m. and 10:00 p.m. during the season of May 1 through October 31. Township parks shall be open daily to the public between the hours of 8:00 a.m. and 8:00 p.m. during the season of November 1 through April 30. Unless otherwise posted, no person shall occupy or be present in any park when it is closed; provided that township personnel, police officers on official duty, other township officers or employees on park duty or other persons with special permits from the director of parks and recreation who are conducting township business, are not so restricted.

(2) *Special events hours.* The director of parks and recreation is authorized to extend the hours of operation for any park in the township for special events. The director's authority to extend the hours of operation of the park must be made in writing, and the director shall maintain a record of such authorization in a permanent file to be kept in the director's office, with a copy in the supervisor's office.

(3) *Closure of park areas.* Any section or part of any park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or only to certain specified uses, as the director shall find reasonably necessary. Areas closed by the director shall be clearly identified as being closed.

(4) *Park permits.* Any organized club, school, association or group desiring the use of specific areas of any park, such as picnic areas, athletic fields, or pavilions, shall file an application with the director of parks and recreation, and shall not use said park or area until said permit is granted. The use of the park shall be limited to the capacity of the park.

(a) *Special permits, agreements, and contracts.* Any organized club, school, organization, association or recognized group desiring to use a portion of the park for money-raising affairs, whether to cover the cost of operation or for profit, shall file an application with the director of parks and recreation. Such group shall pay fees, charges, rents or percentages required by the department for such activities and event. The application must designate the portion of the park desired, where ticket sales will be set up or money is to be collected, and the charges per person or other unit of measurement. A special permit will be issued if the application is approved by the director of parks and recreation. Any fees for the permit may be waived or refunded at the discretion of the director of parks and recreation.

(b) *Exclusive use of park.* No permits shall be issued for the exclusive use of any park and no permittee shall exclude the public from the park, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering any park, except as provided in paragraph (4)(a), above.

(c) *Granting of permits.* The authority for granting permits is hereby vested in the director of parks and recreation (or in the absence of the director, the township supervisor), or their designee.

(d) *Cleanup by permittee.* All permits shall require the permittee to clean up the park (or areas designated on the permit) after each day of use, and after the activity has terminated. All applications for permits must give the name, address, and telephone number of the permittee responsible for the necessary policing thereof. The permittee shall be required to pay a security deposit, which is refundable unless the area is damaged, loss of equipment is incurred, and/or there is improper cleanup. If permittee fails to clean the facility to the satisfaction of the township, the township shall use permittee's security deposit for clean-up purposes. If the security deposit does not cover the costs required to clean the park area that had been permitted for use, the township may, at its discretion, outsource the cleanup and bill the permittee.

(e) *Honoring special permit.* All persons shall honor any special permits issued by the director of parks and recreation for certain areas, days, and times to clubs, organizations, teams, or any other groups, including, but not limited to picnic grounds and athletic fields, provided such permit is presented on official township forms.

(Ord. No. 430, § 4, 9-20-04)

Sec. 16.5-21. Fees.

Park and recreation use fees shall be set by the township board of trustees, upon recommendation of the director of parks and recreation.  
(Ord. No. 430, § 5, 9-20-04)

Sec. 16.5-22. Nondiscrimination.

All township parks and recreation activities and facilities shall be administered on a nondiscriminatory basis.

(Ord. No. 430, § 6, 9-20-04)

Secs. 16.5-23--16.5-34. Reserved.

### ARTICLE III. ACTIVITIES BY PERSONS IN PARKS

Sec. 16.5-35. Use of park property.

(1) *Buildings and other property* .

(a) *Disfiguration and removal*. No person in a park shall willfully mark, deface, disfigure, injure, tamper with or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other utilities or parts of appurtenances thereof, signs, notices or placards whether temporary or permanent, monument, stakes, posts, or other boundary markers, or other structures or equipment, facilities on park property or appurtenances whatsoever.

(b) *Restrooms and washrooms*. Users of park bathroom facilities shall maintain same in a neat and sanitary condition.

(c) *Removal of natural resources*. No person in a park shall dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, flowers, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(d) *Erection of structures*. No person in a park shall construct or erect any building or structure of any kind whatsoever, whether permanent or temporary in nature, or run or string any public service utility into, upon, or across such lands, except with a special written permit issued hereunder.

(2) *Trees, shrubbery, lawns*. No person in a park shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any person attach any device, rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural conditions of any area.

(3) *Climbing*. No person shall climb any building or walk, stand or sit upon monuments, fountains, railing, fences or upon any other property not designated or customarily used for such purpose.

(4) *Wild animals, birds, etc* .

(a) *Hunting*. No person in a park shall molest, harm, frighten, kill, trap, chase, tease, shoot or throw projectiles/missiles at any animal, reptile, or bird; nor shall anyone remove or have in their possession any young of any wild animal, or the eggs, nest, or young of any reptile or bird.

(b) *Feeding*. No person in a park shall give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances, or feed any water fowl of any kind.

(5) *Glass containers* . No person in a park shall bring or use glass containers within the park. (Ord. No. 430, § 7, 9-20-04)

Sec. 16.5-36. Sanitation.

(1) *Pollution of waters* . No person in a park shall throw, discharge, or otherwise place or cause to be placed in the water of any fountain, pond, lake, stream, or other body of water, including wetlands, in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) *Refuse and trash*. No person in a park shall bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, lawn waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof. All fires shall be extinguished and coals deposited in designated receptacles at the conclusion of a permitted activity and prior to leaving a park area. (Ord. No. 430, § 8, 9-20-04)

Sec. 16.5-37. Traffic.

(1) State motor vehicle laws apply. All persons on township park property shall comply with all applicable provisions of the Michigan Vehicle Code and/or the Michigan Uniform Traffic Code in regard to equipment and operation of motor vehicles, together with such regulations as are contained in this chapter and other township ordinances.

(2) *Enforcement of traffic regulations.* All persons on township park property shall obey all traffic officers and park staff, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the park and on the highways, streets or roads immediately adjacent thereto, in accordance with the provisions of these regulations, and such supplementary regulations as may subsequently be issued by the director.

(3) *Obey traffic signs.* All persons on township park property shall 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) *Speed of vehicles.* No person in a park shall ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) *Operation confined to roads.* No person in a park shall drive any motorized vehicle in any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director, except as authorized by the township, Oakland County Sheriff's Department, and any authorized utility company, contractor or consultant vehicles. Motorized vehicles are prohibited on any paved path designated for use by pedestrians, bicycles, skates or other nonmotorized vehicles.

(6) *Parking.*

(a) *Designated areas.* No person shall park a vehicle in other than a designated parking area, and such use shall be in accordance with posted directions or with the instructions of any attendant who may be present.

(b) *Storage of vehicles.* No person in a park shall park or store any motor vehicle overnight in any park owned by the township without written permission of the director. The vehicle may be towed by the township or township contractor at the owner's expense.

(c) *Immovable vehicles.* No person in a park shall leave any vehicle anywhere in the park with one (1) or more wheels chained, or with motor set in gear and doors locked or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand. The vehicle may be towed by the township or township contractor at the owner's expense.

(d) *Double parking.* No person shall double park any vehicle on any road or parkway unless directed by a park official.

(e) *Muffler required.* Motor vehicles in use in any park shall be equipped with a muffler adequate to deaden the sound of the exhaust system in the motor vehicle.

(f) *Towing.*

i. *Authority granted.* Deputies of the Oakland County Sheriff's Department are hereby authorized to remove and tow away by a commercial towing service any motor vehicle parked in violation of this chapter, which violation is declared to be a nuisance.

ii. *Impounding.* Motor vehicles towed away for illegal parking shall be stored.

iii. *Payment of fines and charges.* Motor vehicles so towed away for illegal parking or storage shall be restored to the owner or operator of such motor vehicle upon payment of the fines as provided in article IV and reasonable towing and storage charges.

(7) *Bicycle and other vehicles.*

(a) *Confined to road.* No person in a park shall ride a bicycle on other than the paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) *Operation.* Bicyclists shall at all times operate their bicycles with reasonable regard for 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.

(c) *Rider prohibited.* No person in a park shall ride with more persons on a bicycle than the bicycle was designed to accommodate.

(d) *Designated racks.* No person in a park shall leave a bicycle in a place other than a bicycle rack, when such is provided and there is a space available.

(e) *Immobile.* No person in a park shall leave a bicycle lying on the ground or paving or set against trees, or in any place or position where another person may trip over or be injured by said bicycle.

(f) *Night operation.* No person in a park shall ride a bicycle at night without an illuminated headlight and without a tail light or reflector plainly visible.

(8) *Unsafe operation of vehicle.* No person in a park shall operate a vehicle, as defined by this chapter, in an unsafe manner.

(9) *Other vehicles.* Any unlicensed vehicles or "all-terrain vehicles," or snowmobiles, are prohibited from use in any park, unless authorized by the director of parks and recreation and designated in certain areas.

(10) *Roller skating (blading) or coasting.* It shall be unlawful to use roller skates (blades), a skateboard, hand sled, bobsled or cart or to operate any other vehicle on wheels or runners except on paths or areas designated for such use. Such vehicles shall be operated in a safe manner. Proper safety equipment is recommended.

(11) No vehicles shall be permitted in any area designated for pedestrian use.  
(Ord. No. 430, § 9, 9-20-04)

#### Sec. 16.5-38. Recreational activities.

(1) *Picnic areas and use.* No person in a park shall:

(a) Picnic or lunch in a place other than those areas designated for that purpose. Park staff 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 by park staff to achieve this end.

(b) Violate the regulations that use of individual grills, together with tables and benches, follows generally the rule of "first come, first served."

(c) Leave a picnic area before a cooking grill is completely extinguished, and coals are placed in the proper receptacle, and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker, to be properly disposed of elsewhere.

(2) *Camping.* Unless special permission is granted by the director, no person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping. Nor may any person leave, in a park after closing hours any movable structure, or special vehicle, to be used or that could be used for such purposes as house trailer, camp trailer, camp wagon, or the like.

(3) *Games.* No person shall take part in or allow the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes, except in areas set apart for such forms of recreation. The playing of games such as, but not limited to, football, baseball, soccer, golf and softball is prohibited except on the fields and courts or areas provided therefore.

(4) *Fishing.* No park user may fish in any waters, using hook and line, net, trap, or other device, except in waters designated by the director for that use and under such regulations and restrictions as have been or may be prescribed by the director.

(Ord. No. 430, § 10, 9-20-04)

#### Sec. 16.5-39. Prohibited behavior.

(1) *Intoxicating beverages and illegal substances.* No person in a park may be under the influence of intoxicating beverages or controlled substances while on park property. "Under the influence of intoxicating beverages" shall mean having an alcohol content of eight one-hundredths (.08) grams or more per one hundred (100) milliliters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine. No person shall possess or consume beer, wine, or other alcoholic beverages within any park property, unless authorized by the director of parks and recreation and in designated areas.

(2) *Fireworks and explosives* No person in a park shall bring in, or have in his or her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, rockets or other fireworks or explosives, 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. An exception shall be made for any professional display of fireworks with special approval of the board of trustees.

(3) *Animals.*

(a) *[Restrictions.]* Animals are not allowed on playgrounds or athletic fields.

(b) *Dogs.* All dogs shall be restrained at all times by adequate leashes unless in a designated no-leash area and able to meet the requirements of voice and sight control. In designated no-leash areas, pet owners are required to exercise control of their dog, so that the dog does not:

- i. Charge, chase or display aggression towards any person, or behave in a way that any reasonable person may find harassing or disturbing.
- ii. Charge, chase or display aggression toward any other dog or other animal.
- iii. Charge, chase or disturb wildlife or livestock.
- iv. Fail to come to and stay with the owner or keeper immediately upon command by that person.

An owner must have a leash in the owner's possession at all times. No more [than] two (2) dogs may be under voice and sight control per owner or keeper at any time. Failure to have control of a dog may result in issuance of a court summons for a dog observed running, threatening, or endangering persons, wildlife, or livestock.

(c) *Other animals.* It shall be unlawful to ride, lead, or cause to allow a horse or other animal to be in any park or any portion thereof, unless permitted by the director.

(d) *Removal of animal excrement required.* It shall be unlawful for any owner of any animal to allow or permit such animal to soil, defile, defecate, or to commit any nuisance on a public thoroughfare, sidewalk, passage, bypass, play area, park or any place where people congregate or walk, or upon public property whatsoever, or upon, any private property without permission of the owner of such property, unless:

- i. Such owner shall immediately remove any droppings deposited by such animal by any sanitary method and, for such purposes, shall possess a container of sufficient size to collect and remove the above-mentioned droppings and exhibit the container, if requested by any official empowered to enforce this chapter; and
- ii. Such owner shall deposit said droppings or container of droppings in a toilet or a receptacle ordinarily used for garbage and covered by a lid, or in an otherwise lawful and sanitary manner.

(4) *Reservation of facilities.* No park user may occupy any seat or bench, enter into, or loiter, or remain in any pavilion or other park structure, or section thereof, which may be reserved, unless such user is part of the group having reserved said area of the park. If such area is not currently reserved, the facility is available on a "first come-first served" basis.

(5) *Fires.* No person shall build or attempt to build a fire within a park, except in fireplaces, grills, designated receptacles or other areas designated for that purpose.

(6) *Closed areas.* No person shall enter an area posted as "closed to the public", nor shall any person use, or allow the use of any area in violation of posted notices.

(7) *Disorderly conduct.* No park user may engage in any disorderly conduct or behavior tending to a breach of the public peace, including but not limited to, the playing of musical entertainment devices at a loud volume or the performance of sexual acts or indication thereof.

(8) *Causing or risking public inconvenience, annoyance or alarm.* No person shall cause, recklessly create risk of, or knowingly contribute to the inconvenience, annoyance, or alarm to any other person in a park by:

- (a) Engaging in fighting or threatening, or engaging in violent or tumultuous behavior;
- (b) Jostling or roughly crowding persons unnecessarily;
- (c) Making an obscene communication or display;
- (d) Creating a hazardous condition;
- (e) Possessing or discharging any firearm, except by law enforcement officials in performance of their duties.

(9) *Exhibit permits.* No person shall fail to produce and exhibit any permit from the director, which he/she claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of ensuring compliance with any ordinance or rule.

(10) *Interference with permittees.* No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

(Ord. No. 430, § 11, 9-20-04)

Sec. 16.5-40. Merchandising, advertising and signs.

(1) *Vending and peddling.* No person in a park shall expose or offer for sale any article or thing, nor shall they station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. An exception is made for any regularly licensed concessions acting by and under the authority and regulation of the township.

(2) *Advertising.* No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire, except as authorized by the township.

(3) *Signs.* No person in a park shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lauds, highways, roads or paths adjacent to a park, except as authorized by the director.

(Ord. No. 430, § 12, 9-20-04)

Secs. 16.5-41--16.5-54. Reserved.

## ARTICLE IV. VIOLATION AND PENALTIES

### Sec. 16.5-55. Governing law.

In addition to the provisions of this chapter, all other federal, state, county and local laws, regulations and ordinances shall also control.

(Ord. No. 430, § 13, 9-20-04)

### Sec. 16.5-56. Enforcement and penalties.

(1) *Officials.* The Oakland County Sheriff Department, director, code enforcement officer, and park staff shall take such actions as are necessary for the enforcement of this chapter, consistent with township ordinances and state law, and shall have the power to issue warning notices for any violations of this chapter.

(2) *Ejection.* The Oakland County Sheriff Department, director, code enforcement officer, and park staff shall have the authority to eject, for a period of twenty-four (24) hours, from the township park, any person who violates this chapter. Repeated violations of this chapter may result in permanent ejection from any township park. Ejection reports shall be filed in the parks and recreation department, with a copy in the supervisor's office.

(3) *Seizure of property.* The Oakland County Sheriff Department, director, code enforcement officer, and any park staff shall have the authority to seize impound or confiscate any property, thing, or device in the park used in violation of this chapter.

(Ord. No. 430, § 14, 9-20-04)

### Sec. 16.5-57. Civil infraction.

Unless otherwise provided herein, a violation of this chapter shall be a civil infraction.

(Ord. No. 430, § 15, 9-20-04)

### Sec. 16.5-58. Misdemeanor.

Failing to obey the lawful directive of any person authorized to enforce this chapter shall be a ninety-three-day misdemeanor.

(Ord. No. 430, § 16, 9-20-04)

### Sec. 16.5-59. Restitution.

In addition to the penalties specified herein, restitution shall be made for any damage to or removal of park property.

(Ord. No. 430, § 17, 9-20-04)

### Sec. 16.5-60. Savings clause.

That nothing in this chapter hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

(Ord. No. 430, § 18, 9-20-04)

### Sec. 16.5-61. Severability.

The various parts, sections and clauses of this chapter are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected.

(Ord. No. 430, § 19, 9-20-04)

### Sec. 16.5-62. Adoption.

This chapter is hereby declared to have been adopted by the Charter Township of Highland Township Board at a meeting thereof duly called and held on the 10th day of September 2003, and ordered to be given effect upon publication as mandated by Charter and statute.

(Ord. No. 430, § 20, 9-20-04)