

**Article XXXIV  
Millen Township Ordinance 2021-01  
Barton City Park**

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**Section 34.0 – Barton City Park Ordinance**

An ordinance to provide for the use, protection, regulation and control of the public parks and park facilities 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.

**MILLEN TOWNSHIP OF ALCONA COUNTY, MICHIGAN ORDAINS:**

**Section 34.1: Short Title**

This ordinance may be known and referred to as the **BARTON CITY PARK ORDINANCE**.

**Section 34.2: Public Use and Hours**

1. General public

Any group or gathering of 25 or more persons may use certain areas within the public parks in BARTON CITY PARK to the exclusion of others by making application and being granted a permit by the BARTON CITY PARK manager or her designated representative of the MILLEN TOWNSHIP BOARD.

2. Permits

- a. Applications for permits for reserved park space shall be made upon forms to be furnished by the BARTON CITY PARK manager as approved by the MILLEN TOWNSHIP BOARD.
- b. MILLEN TOWNSHIP BOARD or its agent may, upon written application, grant specific use permits for special uses when, in the opinion of the MILLEN TOWNSHIP BOARD or its agent, special consideration is warranted.
- c. Application shall be made in advance of the time of the reservation request sufficient to allow at least 12 hours posted notice of reservation of space.
- d. In the event more applications for reserved space are received than spaces available, such applications shall be considered in the chronological order received.

3. Fees and Charges

- a. Fees and charges may be assessed by the MILLEN TOWNSHIP BOARD for the use of any facility, land, area, or program on BARTON CITY PARK property of MILLEN TOWNSHIP.

- b. 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 MILLEN TOWNSHIP BOARD without payment of such fee or charge.
- c. Persons reserving the BARTON CITY PARK shall complete a BARTON CITY PARK USE AGREEMENT and pay associated fees per this agreement.

#### 4. Hours

No person or vehicle shall remain upon property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD between posted closing times and sunrise excepting at designated areas and other special use areas, provided however, that upon application to the MILLEN TOWNSHIP BOARD or its authorized agent, said hours may be extended.

### **Section 34.3: Protection of Property**

1. Destruction of buildings, markers, monuments, and other properties shall be prohibited, and no person shall, on BARTON CITY PARK property:
  - a. Willfully destroy, deface, alter, change, or remove any monument, stone marker, benchmark, stake, post, or blaze, marking, or designate any boundary line, survey line, or reference point.
  - b. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, or other structure.
  - c. Deface, destroy, or remove any placard, notice, or sign, whether permanent or temporary, posted or exhibited within or upon park property.
  - d. Appropriately excavate, injure, or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the MILLEN TOWNSHIP BOARD or its agent.
2. Destruction of plant life and natural surroundings shall be prohibited, and no person shall:
  - a. Cut, remove, or destroy any tree, sampling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
  - b. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, without written permission of the MILLEN TOWNSHIP BOARD or its agent.
3. The following rules shall apply to fires on BARTON CITY PARK property of MILLEN TOWNSHIP:
  - a. No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the BARTON CITY PARK property of MILLEN TOWNSHIP.

- b. No person shall build any fire upon BARTON CITY PARK property except within the fireplaces, receptacles or open spaces approved and designated by the MILLEN TOWNSHIPBOARD for such purpose.
- c. No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or upon any the BARTON CITY PARK property of MILLEN TOWNSHIP.
- d. Fires shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.

#### **Section 34.4: Camping**

It shall be unlawful to camp except in such areas as may be provided and designated for such purposes by the MILLEN TOWNSHIP BOARD. No person shall camp without a written permit issued by an authorized representative of the **MILLEN TOWNSHIP BOARD**.

#### **Section 34.5: Parking**

Parking in Prohibited Areas; Standing for Loading or Unloading in Certain Places

1. It shall be unlawful to park any vehicle in any area which is designated as a prohibited parking area.
2. It shall be unlawful to drive or park any motor vehicle in or upon BARTON CITY PARK property of MILLEN TOWNSHIP which is used for recreational purposes, unless otherwise allowed by these rules.

#### **Section 34.6: Trespass**

##### **Peddling and Soliciting**

It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, water, structures, or property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD, or to use such lands, water, structures or property unless first authorized in writing by the MILLEN TOWNSHIP BOARD or its agent.

##### **Alcoholic Beverages & Drugs**

No person shall have in their possession any intoxicating beverage while in or upon the BARTON CITY PARK property administered by or under the jurisdiction of the MILLEN TOWNSHIP in areas determined by MILLEN TOWNSHIP and designated by posting at the main entrance or other conspicuous place to be areas in which no alcoholic beverages are permitted. No person shall sell, use, or have in his possession any drug or narcotic; the sale, use or possession of which is prohibited by the state law.

### **Personal conduct**

1. It shall be unlawful for any person to be under the influence of intoxicants, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any BARTON CITY PARK property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD.
2. It shall be unlawful to conduct or to participate in any form of gambling, lottery, or game of chance upon BARTON CITY PARK property of MILLEN TOWNSHIP.

### **Use of loudspeaker**

It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon BARTON CITY PARK property without a written permit issued by the MILLEN TOWNSHIP BOARD or its agent.

### **Fireworks**

No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon the BARTON CITY PARK property of MILLEN TOWNSHIP unless the MILLEN TOWNSHIP BOARD or its authorized agent shall have authorized same by the issuance of a permit therefore.

### **Firearms**

No person shall at any time, bring into or upon the BARTON CITY PARK properties, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun, water 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, park ranger, or other duly appointed law enforcement officer.

### **Littering**

It shall be unlawful to discard or deposit refuse of any kind or nature in or upon BARTON CITY PARK property of MILLEN TOWNSHIP except by placing said refuse in containers provided for such purpose.

### **Public Exhibition**

No person shall exhibit any machine or show, or any animal, or indulge in any acrobatic exhibitions in or upon any BARTON CITY PARK property of MILLEN TOWNSHIP, nor shall any person carry on any performance or do anything whatsoever which shall cause persons to congregate so as to interfere with the proper use of such property by the general public or to obstruct the passage of vehicles or persons without first having obtained written permission from MILLEN TOWNSHIP or its agent.

### **Special Permits**

No erection, construction or maintenance shall be made above or below ground, across or beneath BARTON CITY PARK property by any person, firm, or corporation without first having obtained written

permission from the MILLEN TOWNSHIP BOARD authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

### **Emergency powers**

Nothing in these rules shall:

1. Prohibit or hinder duly authorized agents of MILLEN TOWNSHIP or any peace officers from performing their official duties.
2. Prohibit MILLEN 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 MILLEN TOWNSHIP to order all persons off BARTON CITY PARK property, and close all or any portion of said park.

### **Section 34.7: Enforcement**

Fines and imprisonment-Any person violating any provision of the foregoing rules shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500 and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days, or both, for each offense.

### **Section 34.8: Definitions**

1. "Person" or "persons" shall mean individuals, male or female, singular or plural; firms, corporations, or any group or gathering of individuals.
2. "Camping" means the overnight 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 administered by the MILLEN TOWNSHIP BOARD.
3. "Rules" shall mean the rules adopted by the MILLEN TOWNSHIP BOARD to all property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD and all amendments thereto.

### **Section 34.9: Saving Clause**

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### **Section 34.10: Effective date**

This ordinance shall be published as required by law, to become effective on the date of final publication.

