

**State of Michigan
Township of Richfield
County of Roscommon
Richfield Township Park Ordinance**

ORDINANCE NO. 61

An ordinance adopted to regulate the use and operation within Richfield Township Park and for providing penalties for the violation thereof:

THE TOWNSHIP OF RICHFIELD ORDAINS:

Sec. 1 As used in this ordinance, the following definitions shall apply:

- a) "Township" shall mean Richfield Township, Roscommon County, and State of Michigan.
- b) "Richfield Township Park" means any property owned by Richfield Township or, land leased to Richfield Township from the State of Michigan or the Federal government that is open to the public primarily for recreational use including all associated enforcement laws and rules. This excludes all other State or Federal leased lands, or any private lands leased to Richfield Township within the corporate boundaries of Richfield Township not intended for public recreational use. For the purpose of clarity of this Amendment, properties defined as "Richfield Township Park" are properties including but are not limited to and located on Airport Road East as defined on **Liber 250, Page 169-170, June 24, 1970, Tax ID# 0103230130400 as recorded**, including all campsites, community picnic areas, bathrooms, community hall, parking lots, other parking areas, and all game and play areas. Further, clarification of Lake St. Helen Boating Access Site (aka BAS) is defined as all properties legally stated on **Liber 250, Page 169-170 as recorded and Cove Park and Marina**. These properties include all associated parking lots, swim and fish areas, the boat launch, and adjoining land.
- c) "Richfield Township Airport" means any land owned by Richfield Township designated as the Saint Helen Airport by FAA.
- d) "ORV" means a motor driven vehicle capable of cross-country travel with benefit of a road or trail, immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, golf cart or other means of transportation deriving power from a source other than muscle or wind.
- e) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended. MCL 324.81129 or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- f) "Driver's License" means an operator's or chauffeur's license issued to an individual issued by a state, county or other governmental unit authorized to issue driver licenses.

- g) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- h) "Operator" means an individual who operates or is in actual physical control of the operation of an ORV.
- i) "Posted boundaries" means any form that the township deems reasonable to convey or mark where an ORV may operate.
- j) "Parking lot area" means the entire section of Richfield Township Park located on south side of Airport Road, Saint Helen, Michigan, so legally designated and described in Liber 250, Page 169-170, Parcel ID# 0203230130400.
- k) "Motor vehicle" or "motorized vehicle" means every device in, upon, or by which any person operates said device as defined in MCL 257.33, Sec.33.
- l) "Anchor" means the act of dropping a weighted object that is attached to a boat, by means of a chain, cable, rope or other device to the bottomland of a lake or the act of placing a weighted object on the upland property for the purpose of preventing or restricting the motion or operation of the boat to which it is attached.
- m) "Beach" means the act of pulling a boat on upland property or grounding a boat on the bottomlands for the purpose of preventing or restricting the motion or operation of the boat.
- n) "Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and non-motorized boats such as rowboats. Boat, however, does not include an air mattress, paddleboard, inflatable raft, canoe or kayak, boogie board or similar device used by one (1) or two (2) persons for floating or paddling.
- o) "Bottomlands" means the land beneath the water of a lake that attaches to upland and riparian property by operation of law.
- p) "Dock" means a pier, platform or other structure extending from shore of a lake over the water to which a boat is moored.
- q) "Lake" means Lake St. Helen.
- r) "Moor" or "Mooring" means the act of securing a boat to a buoy or other device attached or anchored to the bottomlands of the lake by means of a chain, cable, rope, or other device or to a dock by means of a chain, cable, rope, or other device for the purpose of preventing or restricting the motion or movement of the boat.
- s) "Person" means an individual, firm, corporation, association, partnership, or other legal entity.
- t) "Public Access Site" means riparian property owned or leased by Richfield Township to serve as a means for the public to gain access to the lake to which it abuts.

Sec. 2 Operation of an ORV on Richfield Township Park Property; Speed Limit, and Designated Area Use:

Except as set forth herein or otherwise provided by law, all of the following conditions may operate within Richfield Township Park under the following provisions:

- a) An ORV may operate within the posted open sections of Richfield Township Park property
 - b) An ORV shall not operate on the entire south side of the section of land known as the parking lot unless that ORV is being unloaded or re-loaded and travels to and from Airport Road, excluding all designated times for any Township approved scheduled recreational event for which ORVs are specifically authorized.
 - c) An ORV shall not operate on land legally described and designated as Saint Helen Airport.
 - d) The speed limit on all township park property shall not exceed 10 MPH.
 - e) Unless a person possesses a valid driver's license, said person shall not operate an ORV within Richfield Township Park if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three (3) wheels.
 - f) An ORV shall not be operated by a person less than 12 years of age on lands designated as Richfield Township Park and St. Helen Boating Access Site (BAS) unless the child is under the direct visual supervision of an adult and the child has in its immediate possession, a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
 - g) An ORV shall operate with the flow of traffic.
 - h) ORV's shall travel single file except when overtaking and passing another ORV.
 - i) An ORV shall comply with noise emission standards defined by law.
 - j) An ORV shall not be operated in a negligent manner. For the purpose of this subsection "to operate in a negligent manner" is defined as the operation of an ORV in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian on sidewalks, paths, trails, walkways, ball fields, play scape areas, park building, pavilion, beach or park area.
 - k) An ORV shall not be used to carry more persons at one time than the number for which it is designed and equipped. Trailers, skids implements of any type, shall not be used in conjunction with an ORV.
 - l) Parking shall be in designated parking areas only.

SEC. 3 Boating, mooring, parking, and regulations at Lake St. Helen Boating Access Park; aka "BAS" and Cove Park and Marina

IT IS NOTED: Section 3 regulations relate to Lake St. Helen Boating Access Site 72-14, Section 21, T23N R1W, which lies north of W. Airport Road and east of Iroquois Road, Roscommon County and Cove Park and Marina. The following is prohibited and no person shall:

- a) Storing of supplies or accessories on a dock; making alterations to a dock; igniting or maintaining a fire for cooking or any other purpose on a dock; use of a dock for the purpose of diving, jumping, swimming or bathing. Furthermore, there shall be no jumping, swimming, or bathing in any fueling or service area, or any other dock area, no engaging in any violent, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct, no obstructing the free passage of other persons, making major repairs on a vessel, operating a bicycle or motorized vehicle on or over the dock or sidewalks or paths.
- b) No means shall be used to attach a boat to the Universal Fishing Pier or Canoe-Kayak Launch or buoys.
- c) No boats are allowed in designated swimming areas.
- d) No glass containers are allowed except in transport to and from private vehicles to a boat.
- e) No person shall construct, place, or maintain a dock, hoist, or mooring device on any Richfield Township Park property including shoreline property or bottomlands.
- f) No person shall moor any boat overnight on any bottomlands owned or operated by Richfield Township.
- g) No mooring is allowed between the Universal Fish Pier and Canoe-Kayak launch.
- h) Horizontal parking of vehicles and boat trailers is prohibited. Vehicles and boat trailers will be parked in designated areas only,
- i) Igniting or maintaining a fire for cooking or for any other purpose anywhere In Richfield Township Park is prohibited except in designated grilling areas. This prohibition does not apply to a cooking stove fueled with propane or alcohol, used on a vessel.
- j) A person shall not feed waterfowl or other aquatic birds.
- k) Parking of vehicles without a trailer attached is permitted in a parking space designated "Parking for Vehicles with Trailers," only when regular car parking areas are full.
- l) Parking of a vehicle of any type between the hours of 11:00 pm and 4:00 am daily, from May 1 through September 14, is prohibited. No overnight parking is permitted.
- m) No person or persons shall launch or recover any vessel without the purchase of an annual pass.

SEC. 4 Alcohol in Richfield Township Park Property

Possession or consumption of an alcoholic beverage or possessing an open alcoholic beverage is prohibited except for the purpose of transporting it from vehicle to boat. Alcohol use exceptions are allowed through a permit obtained from the Richfield Township Board under provisions of a Lease Agreement between Richfield Township and the permit holder. All possession and consumption of alcoholic beverages are to be in compliance with Michigan Liquor Control Code of 1998, Act 58 of 1998; 436.1915.

SEC. 5 Possession of animals requires cleanup and proper disposal of pet fecal material. Further requirements include:

- a) Animals must be under immediate control and on a leash not exceeding 6 feet in length.
- b) No animals are allowed in the designated swimming areas.
- c) Animals must be licensed.
- d) No animal is to be left unattended.
- e) Legal service animals are exempt of restrictions except for cleanup and proper disposal of fecal material.
- f) Pet fecal matter must be picked up and disposed of immediately.

SEC. 6 Baseball Field-No Smoking; Other Conduct

During any organized game or practice where the youth participating are age 17 and under, the use of tobacco in any form is prohibited on the field, spectator bleachers, dugout or any common areas by all persons in attendance. Furthermore, there shall be no engaging in any violent, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct.

SEC. 7 Compliance with Uniform Traffic Code and Chapter III – Michigan Vehicle Code.

All ORV's operated within Richfield Township Parks shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of State Police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

SEC. 8 Civil Infractions; Penalties for Violation

Any person violating any provision of this Ordinance shall be responsible for a civil infraction. Each day that a violation occurs shall be considered a separate offense.

Schedule of Fines

Violations of this Ordinance shall be assessed fines according to the following schedule:

- 1) First Offense: \$100.00 to \$500.00.
- 2) Second Offense: \$200.00 to \$750.00
- 3) Third Offense: \$600.00 to \$1000.00
- 4) Fourth and Additional Offenses: \$1250.00 to \$2500.00

SEC. 9 Additional Relief.

- a) In the event the Township takes legal action against a person for violating this Ordinance, any appropriate fines, along with the Township's attorney's fees, and other costs, shall be assessed against the person. No provision of this Ordinance shall be deemed to limit the Township's ability to seek other relief as provided by law, including, but not limited to, equitable or injunctive relief.
- b) A court may order a person who causes damage to the environment, a road, or other property, to pay full restitution for that damage which may be above the penalties paid for the civil infraction.

SEC. 10 Severability

The provisions of this Ordinance are declared to be separate; if any Court holds that any section or provision is invalid, the holding will not affect or impair the validity of any other section or provision of this Ordinance.

SEC. 11 Repealer Clause

Any and all Richfield Township Ordinances, Resolutions, or parts thereof, which are in conflict, are repealed.

SEC. 12 Saving Clause

That nothing in this Ordinance shall be construed to affect any proceeding, impending in any court, or any rights acquired, liability incurred, or any causes of action under any act or ordinance hereby repealed; nor shall any just or legal remedy be affected by this Ordinance.

SEC. 13 Effective Date

This ordinance shall take effect thirty (30) days after publication.

ORIGINAL ADOPTED by Richfield Twp : July 3, 2014

AMENDED: April 17, 2018

PUBLISHED:

EFFECTIVE: