

ENSLEY TOWNSHIP
NEWAYGO COUNTY, MICHIGAN

ORDINANCE NO. 09-09

Adopted: September 1, 2009

Effective: October 10, 2009

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 120th Street, Sand Lake, Michigan in the Township on September 1, 2009, beginning at 8:00 p.m., the following Ordinance was offered for adoption by Township Board Member Bird, 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 NATURE
PRESERVE 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 Nature Preserve. It is the intent of this Ordinance to minimize problems associated with trespass, trail use, litter, parking, and similar matters with regard to the Ensley Nature Preserve.
2. Short Title. This Ordinance shall be known and may be cited and referred to as the “Ensley Nature Preserve 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 Nature Preserve and legally described as follows:

The southwest ¼ of the southeast ¼ of Section 28, T11N, R11W Ensley Township, Newaygo County, Michigan.
4. Hours. The Ensley Nature Preserve is open to the general public during daylight hours only
5. Closing the Ensley Nature Preserve or Portions Thereof. The Ensley Township Board has the authority to close all or portions of the Nature Preserve 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 Nature Preserve. It

shall be unlawful for anyone to enter upon, occupy, or be within the Nature Preserve contrary to such posted closing.

6. Fees. At its discretion, the Township Board may, by resolution, set any required fees for use of the Nature Preserve, permits, and similar matters.
7. Ensley Nature Preserve Advisory Committee. The Township Board, at its discretion, may appoint a Ensley Nature Preserve Advisory Committee to advise the Township Board regarding matters related to the Nature Preserve. 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.
8. Use at Own Risk. Any person who utilizes the Nature Preserve does so at that person's own risk.
9. Traffic and Parking. No person shall drive, park, or store any vehicle, automobile, truck, motorcycle, or bicycle within the Nature Preserve, except in areas specifically designed by the Township for such purposes. No vehicle or person shall block any entrance, exit, parking area 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 Nature Preserve 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.
10. Prohibition on Animals. No horses, dogs, cats, pets, or other animals shall be kept, allowed, walked, tethered or permitted in the Nature Preserve.
11. Prohibition on Hunting and Trapping. There shall be no hunting or trapping in the Nature Preserve
12. Prohibition on Camping. There shall be no camping or over night stays at or on the Nature Preserve.
13. Fires. No person shall start or maintain a fire in or at the Nature Preserve.
14. Prohibition on Motorized Vehicles or Bicycles. There shall be no motorized vehicles or bicycles on foot trails within the Nature Preserve. Motorized conveyances or bicycles necessary for handicap purposes are allowed on Nature Preserve designated trails.

15. 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 Nature Preserve. Furthermore, there shall be no begging, hawking, peddling, or soliciting at, on or from the Nature Preserve. 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.
16. Garbage and Refuse. Garbage and refuse shall be removed from the Nature Preserve by the person or persons creating or originating such garbage and refuse, unless properly deposited in garbage receptacles provided at the Nature Preserve by the Township. Trash or garbage receptacles are for the use of Nature Preserve users only.
17. Disorderly Conduct Offenses. No person or entity shall do any of the following at, from, or on the Nature Preserve:
 - 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 Nature Preserve.
 - 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. Discharge any firearm.
 - J. Possess, sell, light, or discharge any fireworks.
 - K. Engage in games that will deface, alter, disturb, or destroy any portion of the Nature Preserve.

18. Preservation of Property and Natural Features. No person or entity shall deface, alter, disturb, or destroy any portion of the Nature Preserve, any property, structure, or building in the Nature Preserve, any tree, flora, fauna, or any similar item in the Nature Preserve.
19. Damage. Any person or entity causing damage to the Nature Preserve (or to any tree, flora, fauna, structure, building, or item within the Nature Preserve) 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.
20. Compliance With Rules and Regulations. Anyone using the Nature Preserve or present at or on the Nature Preserve shall comply with any and all rules and regulations regarding the Ensley Nature Preserve adopted by the Township Board.
21. Direction by a Township or Police Official. Any person directed by a police officer, law enforcement agent, or Township official to leave the Nature Preserve shall do so promptly and peaceably.
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 fifty dollars (\$50.00) 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. 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.
25. 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: Folkema, Bird, Starr, Harwood, and VanderMeulen

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 September 1, 2009, pursuant to the required statutory notice and procedures.

Respectfully submitted,

Dated: September 1, 2009

By _____
Cynthia Harwood
Ensley Township Clerk