

ACME TOWNSHIP
ORDINANCE NO. 50 OF 2019

ACME TOWNSHIP PARKS ORDINANCE

THE TOWNSHIP OF ACME ORDAINS:

SECTION 1. Purpose of this Ordinance

The purposes of this ordinance are:

To protect the health, safety and welfare of visitors to the Township's parks.

To protect the health, safety and welfare of residents living near the parks.

To meet the Township's responsibility as the trustee of assets held for the present and future benefit of the public.

SECTION 2. Definitions as Used in this Ordinance:

"Facility" means any building, sign, structure, equipment, utility or other improvement in or on any park.

"Park" means any land or facility of any size or shape, including but not limited to linear ways, road ends, and submerged lands, owned by or under the full or partial control of Acme Township, that is used for recreation or held for future recreational use. Parks include areas within the riparian extensions of park boundary lines.

"Paths" means Paths 1, 2, 3 and 4, and Border Avenue, as depicted in the Plat of Woodland Acres. The paths include the beaches within the path boundary lines and the areas within the riparian extensions of those lines. (*See attached map.*)

"Personal Property" includes kayaks, kiteboards, paddleboards, boats, canoes, and other watercraft, beach chairs, hammocks and sun umbrellas as well as trailers, recreational vehicles, camping equipment or similar equipment used within a park.

"Recreation" includes picnicking, swimming, beach activities, hiking, boating, sports, lounging, photography, nature activities, fishing, and similar pursuits.

"Woodland Acres" means the subdivision platted in 1924 from a portion of Fractional Lot 3, and the SW 1/4 of the SE 1/4 and all of Fractional Lot 4, in Sec. 27, T 29 N, R 10 W, Acme Township, Grand Traverse County Michigan.

"Trail" means a path or narrow transportation-oriented corridor for the primary purpose of

biking, running, walking, or other non-motorized use. It may be of impervious surface, or other types of natural material, or may be left in its natural state. Trails usually have a beginning and ending point and have at least one trailhead.

SECTION 3. General Use Restrictions

All Township, State and Federal ordinances apply within the parks.

The following use restrictions shall be observed in all parks:

Hours. No person may be in a park from 30 minutes after sunset to 30 minutes before sunrise. Road ends and boat launches are open for launching and recovering boats 24 hours per day, and for swimming and wading in designated areas from 30 minutes before sunrise to 30 minutes after sunset.

Trespass. Users of the parks shall not trespass on adjacent property.

Litter. Littering in the parks or adjacent property is prohibited.

Vandalism. Vandalism or destruction of any public or private property is prohibited, including the cutting or removal of live vegetation or alteration of any surfaces.

Commercial and Vending Activities. Commercial and vending activities are not allowed. See ordinance #2016-02, as amended.

Hunting. Hunting is prohibited in all parkland areas other than Yuba Creek Natural Area. Hunting activities at Yuba Creek Natural Area must be in compliance with Michigan DNR regulations and may not include baiting of game.

Fires. Fires are prohibited in all parks except in designated and posted locations. Any fires for cooking must be made within the stoves or grills provided for that purpose or within other privately owned grills which are designed to retain the ashes and prevent their deposit upon the ground

Camping. Camping and overnight parking are prohibited in all parks.

Fireworks. Fireworks are prohibited in all parks. See Ordinance # 2016-01, as amended.

Storage. Storage of personal property is allowed only during designated park hours. No overnight storage is allowed.

Glass. Glass containers are prohibited within the areas of any park, including any water area, used for swimming or beach purposes.

Alcohol. No person may be intoxicated in any park.

Noise and conduct. Any activities or operation of equipment that disturbs the quiet, safety, comfort or repose of a reasonable person of normal sensitivities is prohibited. Any creation of a disturbance by obscene or disorderly conduct is prohibited.

Pets. Dogs and other pets are permitted within parks. All pets must be on a leash no longer than six feet and under the control of a responsible individual. The owner of any pet is responsible for cleaning up all solid waste left by the pet. No pets are allowed in designated swimming areas.

Motor vehicles. No person may operate any motorized vehicle in any park except where designated and posted. No person may operate a motorized vehicle in excess of 15 miles per hour in any park, except where designated and posted. Drivers of motorized vehicles shall obey all posted traffic control signs and devices. This section does not prohibit motorized wheelchairs and similar devices.

No person may park any motorized vehicle in any Park except where designated and posted. No motorized vehicle may be parked or left in any Park at times during which the Park is closed to the public. No motorized vehicle may be parked in any Park except for purposes directly related to use of said Park. The Township may post signs setting out parking regulations in any Park in which the Township determines a sign is necessary. The Township may also post signs stating that a motorized vehicle in violation may be towed and informing the vehicle's owner of the towing company's contact information.

Boats. Trailered boats shall only be launched from designated and posted launching sites. This section does not restrict the launching of kayaks, canoes and similar watercraft.

SECTION 3B. Park Specific Rules

1. Special Use Restrictions for the Paths in Woodland Acres

The paths in the Woodland Acres subdivision run into Grand Traverse Bay. The paths were dedicated to the public in 1924 with the intent and purpose of their use by residents in the neighborhood. The paths are public property under the jurisdiction and control of Acme Township. The general use restrictions in Section 3 of this ordinance shall apply to the paths, except as modified by the following special use restrictions shall be observed on the paths and their riparian extensions:

Hours. The paths may be used 24 hours per day.

Quiet hours. All persons shall observe quiet hours on the paths between the hours of 11 p.m to 7 a.m. Quiet hours shall mean any noise must be kept no louder than normal conversation.

Swimming. Swimming and wading are allowed on the paths.

Motor vehicles. Motorized vehicles are prohibited on the paths. This section shall not be interpreted to prohibit the use of boats on the water of Grand Traverse Bay within the riparian extensions of the paths. This section does not prohibit motorized wheelchairs and similar devices. Designated parking does not exist and parking on a shore path is prohibited.

2. Yuba Creek Natural Area:

The Yuba Creek Natural Area is additionally regulated by its management plan: [Yuba Creek Natural Area Management Plan](#)

3. Saylor Park:

Daily boat launch fees apply. Annual boat launch passes are available at the Acme Township Hall. Boat launch fees shall be determined by resolution of the Acme Township Board and maintained on the Township Fee Schedule.

The Saylor Park pavilion is available for rent by contacting Acme Township. Pavilion rental fees shall be determined by resolution of the Acme Township Board and maintained on the Township Fee Schedule.

SECTION 4. Violations and Penalties

Any person who violates any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than \$100.00. Each day this ordinance is violated shall be considered a separate violation. Any action taken under this section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

The Township Zoning Administrator, Township Supervisor, authorized Township Parks employees, Township Manager, and the County Sheriff and his/her deputies are designated as the authorized local officials able to initiate municipal civil infraction actions directing alleged violators of this ordinance to appear in court.

SECTION 5. Nuisance Per Se

A violation of this ordinance is a nuisance *per se*.

SECTION 6. Separate Court Action

In addition to enforcing this ordinance through the use of municipal civil infraction proceedings,

the Township may initiate proceedings in the circuit court to abate or eliminate the violation.

SECTION 7. Validity of this Ordinance and Other Ordinances

If any portion of this ordinance or any application of it is held invalid, the remaining portions or applications of this Ordinance shall continue to be given effect. All prior ordinances in conflict with this ordinance are repealed and shall have no effect.

SECTION 8. Effective Date

This ordinance shall be effective 30 days after being published in the *Traverse City Record Eagle*.

TOWNSHIP OF ACME

By: Jay B. Zollinger Date: 7-3-2019
Jay B. Zollinger, Supervisor

By: Cathy Dye Date: 7-3-2019
Cathy Dye, Clerk

WOODLAND ACRES.

Being a portion of Frl. Lot 3 and the SW¹/₄ of SE¹/₄ of all of Frl. Lot 4, Sec. 27, T. 28 N. R. 10 W. Acme Tp, Grand Traverse County, Michigan.

Examined and Approved

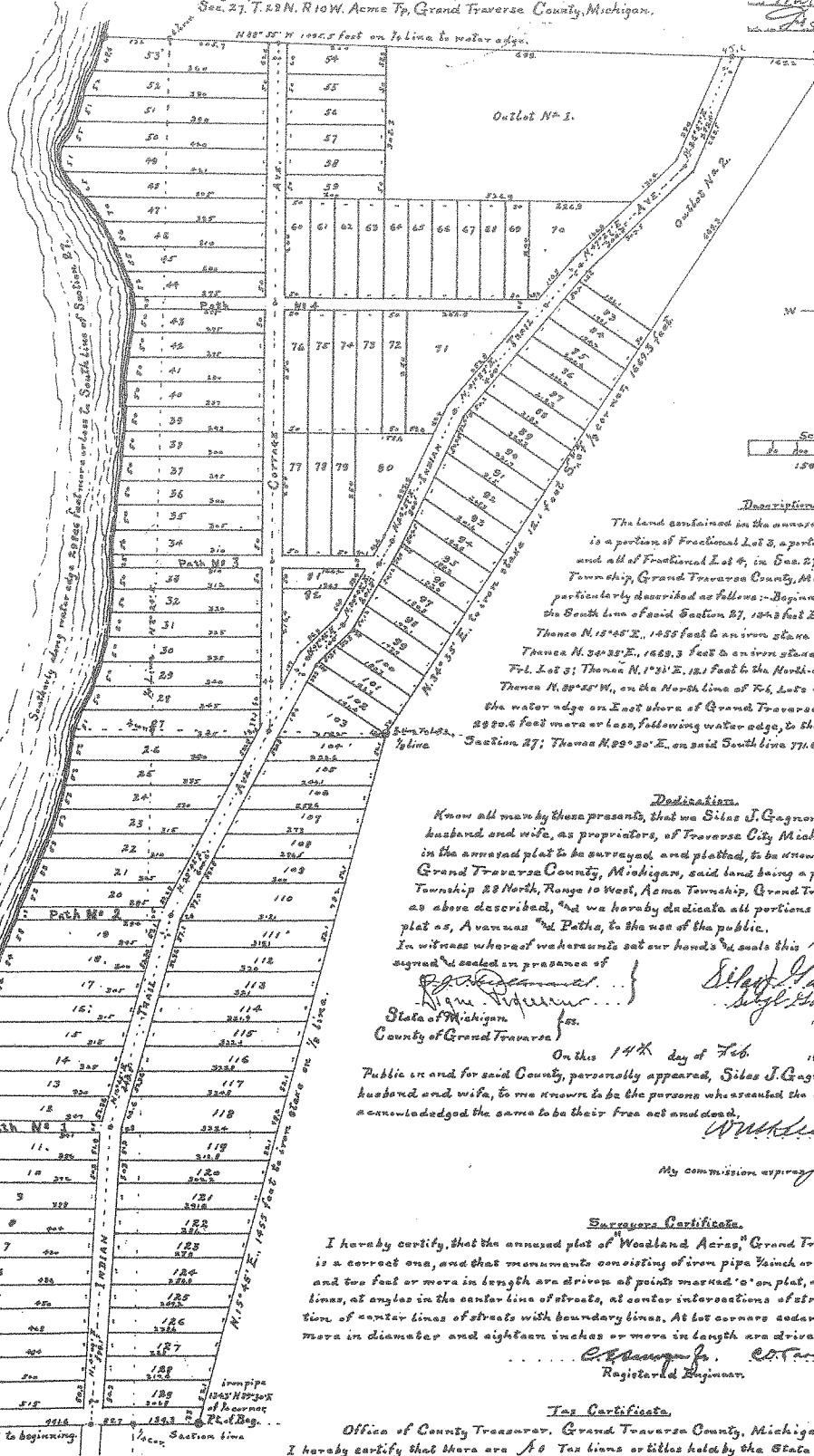
18636

May 25 1924

S. J. Gagnon
Deputy Auditor General

Register's Office
Grand Traverse County
Plat of Woodland Acres
Gen. Reservation 27
March 20 1924
Photo
Chas. Litchfield

FILED IN AUDITOR GENERAL'S OFFICE
May 25 1924
S. J. Gagnon
Deputy Auditor General



Description.
The land contained in the annexed plat of Woodland Acres is a portion of Fractional Lot 3, a portion of the SW¹/₄ of the SE¹/₄, and all of Fractional Lot 4, in Sec. 27, T. 28 N. R. 10 W. Acme Township, Grand Traverse County, Michigan, and is more particularly described as follows: Beginning at an iron stake on the South line of said Section 27, 1048 feet East of the 57th post thereof; Thence N. 12° 45' E., 1455 feet to an iron stake on the South line of said Section 27; Thence N. 30° 25' E., 1659.3 feet to an iron stake on the East line of said Frl. Lot 3; Thence N. 1° 31' E., 121 feet to the North-east corner of said lot; Thence N. 89° 50' W., on the North line of Frl. Lot 3 and 2, 1000 feet to the water edge on East shore of Grand Traverse Bay; Thence Southwesterly 2828.6 feet more or less, following water edge, to the South line of said Section 27; Thence N. 89° 50' E., on said South line 771.6 feet to the point of beginning.

Dedication.
Know all men by these presents, that we Sibus J. Gagnon and Sibyl Gagnon, husband and wife, as proprietors, of Traverse City Mich., have caused the land in the annexed plat to be surveyed and platted, to be known as Woodland Acres, Grand Traverse County, Michigan, said land being a part of Section 27, Township 28 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, as above described, and we hereby dedicate all portions designated on said plat as, Avenues and Paths, to the use of the public.
In witness whereof we hereunto set our hands and seals this 14 day of Feb. 1924 and signed and sealed in presence of
Sibus J. Gagnon 1851
Sibyl Gagnon 1851
State of Michigan
County of Grand Traverse

On this 14th day of Feb. 1924 before me a Notary Public in and for said County, personally appeared, Sibus J. Gagnon and Sibyl Gagnon, husband and wife, to me known to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.
W. H. Anderson
Notary Public.
My commission expires July 4 1924

Surveyor's Certificate.
I hereby certify, that the annexed plat of Woodland Acres, Grand Traverse County, Mich., is a correct one, and that monuments consisting of iron pipe (and or iron nail in diameter and two feet or more in length are driven at points marked 'o' on plat, at all angles in boundary lines, at angles in the center line of streets, at center intersections of streets and at intersection of center lines of streets with boundary lines. At lot corners cedar stakes two inches or more in diameter and eighteen inches or more in length are driven.
C. P. Macomber 1877
Registered Engineer. County Surveyor.

Tax Certificate.
Office of County Treasurer, Grand Traverse County, Michigan.
I hereby certify that there are no Tax liens or titles held by the State on the land described in this plat, and that there are no tax liens held by individuals on said lands for the five years preceding the 20th day of March 1924, and that the taxes, for said period of five years, are paid as shown by the records of this office.
John Haggis
County Treasurer

Approval of County Board
This plat approved 20th day of March 1924
Fred J. Haggis Judge of Probate.
John Haggis County Treasurer.
George W. Haggis County Clerk.

Approval by Township Board.
This plat approved by the Township Board of the Township of Acme, Grand Traverse County, Michigan, at a meeting held March 17th 1924.
Mildred J. Carter Township Clerk.
Deputy