**TOWNSHIP OF RAY**

**MACOMB COUNTY, MICHIGAN**

**AMENDMENT OF WOLCOTT MILL METROPARK ORDINANCE**

**ORDINANCE NO. 48-A**

**TITLE**

 AN ORDINANCE amending the Wolcott Mill Metropark Ordinance, being Ordinance No. 48, as amended, to adopt additional regulations relating to the operation and maintenance of Wolcott Mill Metropolitan Park and repealing any and all Ordinances and/or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENTS**

 The Wolcott Mill Metropark Ordinance, Ordinance No. 48, is hereby further amended as follows:

 Section 1.1 Section 6 (Dogs, Pets, Horses and Livestock), Sec. 6.2 shall be repealed and the following substituted therefor:

**Sec. 6.2** Permitted in Posted Areas Only. No person shall bring into or have in his possession or control any dog or pet, in any area of Wolcott Mill Metropolitan Park except in areas designated by the Authority by posted notices, provided that this Section shall not apply to leader dogs for the blind, service dogs acting in the capacity of a service dog and identified by visible covering or to dogs under the control of the Authority.

 Section 1.2 Section 6 (Dogs, Pets, Horses and Livestock), shall have the following Sections added thereto:

**Sec. 6.5** Food and Shelter. It shall be unlawful for any person in charge of an animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter; to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry such animal in or upon any vehicle in a cruel or inhumane manner.

**Sec. 6.6** Abuse Prohibited. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse, or cruelly beat, strike or abuse any animal, or by any act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering or injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals.

 Section 1.3 Section 7 (Alcoholic Beverages), sec. 7.1 shall be deleted and the following substituted therefor:

**Sec. 7.1** Minors in Possession. A person less than 21 years of age (“Minor”) shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor or possession or attempt to possess alcoholic liquor, or have any bodily alcohol content within the boundaries of Wolcott Mill Metropolitan Park. A Minor who violates this Section is responsible for a civil infraction or guilty of a misdemeanor as follows punishable by the following fines and sanctions:

a. For the first violation, the minor is responsible for a civil infraction and shall be fined not more than $100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in the public health code, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subsection.

b. If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in the public health code, MCL 333.6230 and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

c. If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than $500.00 or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in the public health code, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

 Section 1.4 Section 7 (Alcoholic Beverages), Sec. 7.6, shall be repealed and the following substituted therefor:

**Sec. 7.6** Consumption and Smoking of Marijuana Prohibited. No person shall consume or smoke marijuana within the boundaries of Wolcott Mill Metropolitan Park.

**Sec. 7.6.1** Minor in Possession of Marijuana. A person less than 21 years of age shall not possess marijuana. A violation of this subsection is a civil infraction punishable in accordance with MCL 333.27951 et. seq.

**Sec. 7.6.2** Possession of Marijuana by Persons Over the Age of 21.

(a) A person over the age of 21 years who possesses more than 2.5 ounces, but less than 5 ounces, of marijuana is responsible for a civil infraction punishable in accordance with MCL 333.27951 et. seq.

(b) A person over the age of 21 years who possesses more than 5 ounces of marijuana is guilty of a misdemeanor but shall not be subject to imprisonment unless the violation was habitual, willful and for a commercial purpose or the violation involved violence.

 Section 1.5 Section 10 (Preservation of Property and Natural Resources), Sec. 10.3 shall be deleted and the following substituted therefor:

**Sec. 10.3** Wildlife. No person shall kill, trap, hunt, pursue or in any manner disturb any wild bird or animal within the boundaries of Wolcott Mill Metropolitan Park without written permission of the Authority. This Section does not apply to deer culls conducted and managed by the Authority to maintain healthy animal populations.

 Section 1.6 Section 10 (Preservation of Property and Natural Resources) shall have the following Sections added thereto:

**Sec. 10.4** Tents, Canopies, Structures. No person shall erect, use or maintain any tent, canopy, lean-to or other similar structure larger than 10 feet by 10 feet in size without permission of the Authority or an authorized designee. All tents, canopies or similar structures may not be staked into the ground without written permission of the Authority and only in areas designated by the Authority.

**Sec. 10.5** Fishing License No person shall fish within the boundaries of the Wolcott Mill Metropolitan Park without first having obtained the appropriate license from the State of Michigan.

**Sec. 10.6** Watercraft Operation. No boat, vessel or watercraft shall be operated in a careless or reckless manner that endangers the health, safety or property of another.

 Section 1.7 Section 12 (Receipt of Service, Privilege or License without Payment of Fee) is repealed and the following substituted therefor:

 **Sec. 12** Receipt of Service without Payment of Fee; Denial of Facility

 Use.

**Sec. 12.1** Receipt of Service without Payment of Fee. Where a fee or charge is requested for any service, privilege or license offered by the Authority or its licensees within the boundaries of Wolcott Mill Metropolitan Park, no person shall obtain, or attempt to obtain such service, privilege or license without payment of such fee or charge and shall comply with all the requirements of any permit pertaining to the service, privilege or license.

**Sec. 12.2** Denial of Facility Use. Any person utilizing or taking advantage of any facility, service, privilege or license offered by the Authority or its licensees within the boundaries of Wolcott Mill Metropolitan Park who violates any posted or printed rule or regulation relating to the use of that facility, service, privilege or license may be denied use of the particular facility, service, privilege or license involved by the Authority and its designated representative. Any person denied use of a particular facility due to violation of this Ordinance may be requested to vacate Wolcott Mill Metropolitan Park and be prohibited from re-entry for a minimum time period of 24 hours.

 Section 1.8 Section 13 (Disorderly Conduct) shall be deleted and the following substituted therefor:

**Section 13** Prohibited Conduct and Offenses.

**Sec. 13.1** Disorderly Conduct. No person or group of persons shall engage in a drunken, loud, boisterous, assaultive or indecent conduct or behavior causing a public disturbance including, but not limited to, behaving in a manner where other patrons are unable to enjoy use of the Park and its facilities.

**Sec. 13.2** Indecent Conduct. No person shall:

(a) intentionally expose the male or female buttocks or genital areas or the female breasts;

(b) observe or attempt to observe persons of the opposite sex while occupying a bathhouse or restroom facility;

**Sec. 13.3** Resist/Obstruct Police Officer. No person shall obstruct, resist, hinder, assault or oppose any Park Police Officer, ordinance or traffic officer, or Sheriff’s deputy in the performance of his or her official duties.

**Sec. 13.4** False ID to Police Officer. No person shall provide or furnish false identification concerning himself to any police officer, public safety attendant, Park Police Officer, or Macomb County Sheriff’s Deputy engaged in the performance of his or her official duties;

**Sec. 13.5** Loitering. No person shall loiter in or on any road, drive, parking lot or other median within the boundaries of Wolcott Mill Metropolitan Park in such a manner as to obstruct or hinder the free flow of vehicular traffic or the passage of pedestrians or to create alarm for the safety of persons, after having been requested to cease such obstruction or hindrance or abate such alarm by Park Police or Macomb County Sheriff’s Deputy.

**Sec. 13.6** Skateboards/Game Equipment. No person shall use a skateboard, roller skates, frisbee, football, soccer ball or other similar game/recreational equipment within the boundaries of Wolcott Mill Metropolitan Park in any area where use of such is prohibited by posted notices.

**Sec. 13.7** Throwing Stones/Missiles. No person shall throw a stone, brick, or other item at a moving car, truck, bus, taxi, train or other motor vehicle.

**Sec. 13.8** Public Intoxication Prohibited. No person shall be intoxicated and/or either endanger directly the safety of another person or property or act in a manner that causes a public disturbance.

**Sect. 13.9** Filing a False Report. No person shall intentionally make a false report of a commission of a misdemeanor, or intentionally cause a false report of a misdemeanor to be made to a Park Police Officer, Macomb County Sheriff’s deputy or other law enforcement officer, 911 operator or any other government employee. Any person who violates this Section shall upon conviction thereof be guilty of a misdemeanor and subject to a penalty not to exceed $500.00 or imprisonment in the Macomb County Jail for a period not to exceed 93 days or both such fine or imprisonment.

 **Sec. 13.10** Assault and Battery. No person shall attempt or offer, with force and violence to do a corporal hurt to another, or assault and/or batter any other person within the boundaries of Wolcott Mill Metropolitan Park. Any person who violates this Section shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed $500.00 or imprisonment in the Macomb County Jail for a period not to exceed 93 days, or both such fine and imprisonment.

**Sec. 13.11** Malicious Destruction of Property. No person shall intentionally or recklessly destroy or damage any property that belongs to another person, the damage of which is under $200.00. Any person who violates this Section shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed $500.00 or imprisonment in the Macomb County Jail for a period not to exceed 93 days, or both such fine and imprisonment.

**Sec. 13.12** Larceny. No person shall steal, take, carry away or fail to return the property, goods or money of another or fail to pay for goods offered for sale with a value less than $200.00. Any person who violates this Section shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed $500.00 or imprisonment in the Macomb County Jail for a period not to exceed 93 days, or both such fine and imprisonment.

**SECTION 2.** **VIOLATION, PENALTY**.

Unless otherwise stated herein, any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred ($500.00) Dollars or imprisoned in the Macomb County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

**SECTION 3. REPEAL OF CONFLICTING PROVISIONS**

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 4. SEVERABILITY**.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5. PUBLICATION**.

This Ordinance, or summary thereof, shall be published in a newspaper of general circulation within Ray Township within seven (7) days after its adoption.

**SECTION 6. EFFECTIVE DATE**.

This Ordinance shall take effect thirty (30) days from and after the date of publication as set forth in Section 5.

 **CERTIFICATE OF TOWNSHIP CLERK**

 I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Ray, Macomb County, Michigan, at a meeting held on the 15th day of October, A.D., 2019.

 I hereby further certify that the following Township Board members were present at the meeting: Jarzyna, Lascoe, Stier, Bohm and Grader and the following Township Board Members were absent: None.

 I further certify that Member Grader moved for the adoption of the Ordinance, and that motion was supported by Member Lascoe.

 I further certify that the following Township Board Members voted for the adoption of the Ordinance: Grader, Lascoe, Stier, Bohm and Jarzyna and that the following Township Board members voted against adoption of the Ordinance: None.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Lori R. Lascoe, Clerk

 Ray Township

**CERTIFICATE OF PUBLICATION**

 I, Lori Lascoe, the Township Clerk of the Township of Ray do hereby certify that on October 23, 2019, the foregoing Ordinance, or a summary thereof, was duly published in The Record a newspaper having a general circulation in Ray Township.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Lori R. Lascoe, Clerk

 Ray Township