

ORDINANCE NO. 388

VILLAGE OF SPRING LAKE PARKS AND RECREATION AREAS
ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, AMENDING CHAPTER 249, CONCERNING PARKS AND RECREATION AREAS, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Chapter 249, Article I. Chapter 249, Article I of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan is hereby amended to state in its entirety as follows:

Chapter 249 – Parks and Recreation Areas
ARTICLE I – MILL POINT PARK

§249-1. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

FEE

A designated sum of money to be paid by someone for entering Mill Point Park with a boat trailer attached to a motor vehicle or a mechanism on a motor vehicle designed or capable of carrying a boat, whether or not there is a boat located on such trailer or carrier, or the fee paid by someone to launch watercraft.

MILL POINT PARK

Includes all of the designated areas within the Village known and identified as “Mill Point Park” adjacent to the waters of the Grand River and situated southerly of Exchange Street, including designated parking areas.

PERMIT

The approval granted by the Village on a daily basis or as otherwise determined by the Village to enter Mill Point Park with a motor vehicle towing a boat trailer or having attached to the motor vehicle a mechanism capable of carrying a boat, or to launch watercraft, for the fee assessed and paid by such person to the Village.

§249-2. Permit Required.

A. Vehicle Permit. Each person entering Mill Point Park with a boat trailer attached to a motor vehicle or a mechanism located on a motor vehicle designed or capable of carrying a boat, whether or not there is a boat located on such trailer or carrier, shall be required to pay for and secure a permit to enter Mill Point Park. Failure to obtain the permit shall be the responsibility of the registered owner of the vehicle who will be issued a citation as set forth in this Article.

B. Watercraft Permit. No person shall use the Mill Point boat launch to launch or retrieve a boat or any other watercraft, specifically including but not limited to kayaks and canoes, without first securing a permit and paying the appropriate fee.

§249-3. Fee schedule and terms. The Village Council by resolution shall determine the fees to be assessed to obtain a permit to enter Mill Point Park, and such resolution may also determine the conditions for issuance of a permit. All fees and charges connected with the issuance of such permit shall be payable as provided in the permit and the resolution adopting the fee schedule and terms and conditions by the Village Council. Any permit shall provide that it may be terminated by the Village at any time without cause, in its sole discretion. The Village Manager, pursuant to such resolution of the Village Council, may give such orders and directions relative to the use and occupancy of Mill Point Park for purposes of launching a boat into or retrieving from the waters of the Grand River as are consistent with the resolution of the Village Council and the permit, and this article and the laws of the state, and as may be necessary to promote health, safety and good order within Mill Point Park.

§249-4. Swimming. No swimming shall be permitted at the Mill Point Park boat launch.

§249-5. Violations and Penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this article shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

Section 2. Amendment of Chapter 249, Article II. Chapter 249, Article II of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan, is hereby amended to state in its entirety as follows:

ARTICLE II – PUBLIC BOAT DOCKS

§249-6. Definitions. The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

MILL POINT PARK

Includes all of the designated areas within the Village known and identified as “Mill Point Park” adjacent to the waters of the Grand River and situated southerly of Exchange Street, including designated parking areas.

TANGLEFOOT PARK

Includes all of the designated areas within the Village known and identified as “Tanglefoot Park” adjacent to the waters of the Grand River and situated southerly of Exchange Street, including designated parking areas.

WEST BRIDGE DOCKS

Includes the docks situated at the west end of the Village, just North of the M104 Bridge adjacent to the waters of the Grand River and the waters of Spring Lake.

FEE

A designated sum of money to be paid by someone mooring their vessel at public docks situated at Mill Point Park and Tanglefoot Park, or the West Bridge Docks.

PERMIT

The approval granted by the Village on a daily basis or as otherwise determined by the Village to moor a vessel at public docks situated at Mill Point Park and Tanglefoot Park, or the West Bridge Docks.

VESSEL

Means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation in water.

§249-7.

- A. **Permit Required.** No vessel shall moor at public docks situated at Mill Point Park and Tanglefoot Park, or the West Bridge Docks without obtaining an appropriate permit and paying the appropriate fee.
- B. **Seasonal and transient slips.** The public docks situated at Mill Point Park and Tanglefoot Park shall be allocated so that seasonal permits may be granted for 75% of the docks and transient permits granted for 25% of the docks. Seasonal permits would permit vessels to moor between May 1st and October 15th of each year. Overnight mooring is only permitted in seasonal boat docks. In

transient boat docks, mooring is only permitted during daylight hours. The West Bridge Docks will be designated as transient slips.

§249-8. Fee schedule and terms. The Village Council by resolution shall determine the fees to be assessed to obtain a permit to moor at the public boat docks situated at Mill Point Park and Tanglefoot Park, as well as the West Bridge Docks and such resolution may also determine the conditions for issuance of a permit. All fees and charges connected with the issuance of such permit shall be payable as provided in the permit and the resolution adopting the fee schedule and terms and conditions by the Village Council. Any permit shall provide that it may be terminated by the Village at any time without cause, in its sole discretion. The Village Manager, pursuant to such resolution of the Village Council, may give such orders and directions relative to the use and occupancy of the public boat docks situated at Mill Point Park and Tanglefoot Park, as well as the West Bridge Docks as are consistent with the resolution of the Village Council and the permit, and this article and the laws of the state, and as may be necessary to promote health, safety and good order of the Village.

§249-9. Swimming/Fishing. No swimming or fishing is permitted from the public boat docks.

§249-10. Unauthorized berthing. No vessel shall occupy any public boat dock at Mill Point Park and Tanglefoot Park, as well as the West Bridge Docks without first securing an appropriate seasonal or transient permit and paying the appropriate fee. Unauthorized vessels mooring at Mill Point Park and Tanglefoot Park, as well as the West Bridge Docks shall be considered trespassing and may be removed and impounded by the Village. All costs associated with the removal and retrieval of the unauthorized vessel shall be the responsibility of the vessel owner. This shall be in addition to the penalties set forth in Section 249-9.

§249-11. Violation and Penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this article shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for “repeated violations,” which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

Section 3. Amendment of Chapter 249, Article III. Chapter 249, Article III of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan, is hereby amended as follows:

ARTICLE III – PARKS BOARD; REGULATIONS

§249-12. Title. This article shall be known as the “Village of Spring Lake Parks Ordinance” or the “parks ordinance.”

§249-13. Citizen participation; Parks Board established.

- A. To afford citizen participation in the affairs of the Village government for the purpose of determining community needs and means of meeting such needs through the government of the Village, a Parks Board is hereby established. For the purposes of this article, the Parks Board shall be referred to as the “Board.”
- B. The Board shall be comprised of seven citizens of the Village who have qualifications required by Village Charter for elective offices of the Village and may specifically include a person holding office on the Village Council. The terms of members of the Board shall be for three years and shall be so arranged that the terms of two members of the Board shall expire in one year, the terms of the two other members of the Board shall expire in two years, and the term of the other three members shall expire in three years. The members of the Board shall be appointed by the Village Council and they shall receive no compensation for their services to the Village, unless otherwise expressly provided by the Village Council. The members of the Board shall be allowed reasonable and actual expenses when incurred on behalf of the Village and approved by the Village Council. The Village Council may appoint such additional nonvoting members to the Board as the Village Council deems desirable.
- C. The Board shall hold at least two meetings per year, and the minutes of each meeting shall be filed with the Village Clerk as a public record. If any member of the Board fails to attend four consecutive Board meetings, that member’s membership on the Board shall be subject to immediate termination by the Village Council, in which case the vacancy for the balance of the member’s term shall be filled as set forth in Subsection **B** above. The Village Council may remove any member of the Board for malfeasance, misfeasance, or nonfeasance.

§249-14. Parks Board; scope of duties.

- A. The Board shall consider the problems and functions of the Village as it concerns parklands situated within the Village. The Board shall, from time to time, on its own motion or at the request of the Village Council, make investigations, reports, and recommendations to the Village Council regarding park matters. If the Village Council desires that any matter be investigated by more than one board or commission of the Village, such referrals may be made for the purpose of giving the Village Council the benefit of a full investigation of all aspects of any matter. In performing its

duties and functions, the Board shall be entitled to the benefit of the facilities and experience of the Village administrative staff, the Village Planning Commission, and all other sources of information in the Village bearing upon the scope of such duties and functions.

- B. The Village Council shall provide in each annual budget of the Village for the operation and conduct of Village's parks and recreation properties, facilities, and programs. The Village Council shall appropriate for that purpose those amounts which will assure the operation and maintenance of the Village's parks and recreation properties, facilities, and programs in a manner consistent with the needs and the financial resources of the Village.
- C. The Village Council may join and cooperate with local school districts and with any other unit of government in the operation, maintenance, and improvement of park and recreation property and facilities, and in the conduct of recreational programs.

§249-15. Parks and places of recreation; miscellaneous unlawful acts.

The following acts are declared to be unlawful and are expressly prohibited in Village parks and places of recreation except as authorized by proper written permission:

- A. No person may enter, use, or occupy Village parks or places of recreation for any purposes when the lands are posted against such entry, use, or occupancy, as determined and posted by the Board or Village Council.

Section 249-15(B) is hereby amended to state in its entirety as follows:

- B. No person may enter or remain in a Village park or place of recreation between the hours of 10:00 p.m. and 7:30 a.m. unless otherwise permitted by posted notice, with the exception of Tanglefoot Park where no person may enter or remain in the park between the hours of 11:00 p.m. to 7:30 a.m. Any vehicle remaining in a Village park or place at a time when the park or place is closed, may be towed by the Village at the owner's expense.
- C. No person may enter or remain in a Village park or place of recreation between the hours of 10:00 p.m. and 7:30 a.m. unless otherwise permitted by posted notice, with the exception of Tanglefoot Park where no person may enter or remain in the park between the hours of 11:00 p.m. to 7:30 a.m.
- D. No person may consume liquor in a Village park or place of recreation unless otherwise permitted by posted notice, or as set

forth in Chapter 90, Section 90-13. Any person who shall be found in or upon any such public place having in the person's possession an open receptacle or container containing any alcoholic liquor shall be deemed guilty of a violation of this subsection. For purposes of this section, the phrase "alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume which are fit for use for beverage purposes.

- E.** No person may peddle or systematically solicit business of any nature, distribute handbills or other advertising matter, post signs, or establish a base of commercial operations in a Village park or place of recreation without proper written permission. In considering whether or not permission shall be granted, the following will be considered by the Board or Village Council:
- (1) Interference with the safety, health and welfare of the public;
 - (2) Need for the service; and
 - (3) Whether the service will be a duplication of services available.
- F.** No person may use a loudspeaker, public address system or sound-amplifying equipment of any kind without proper written permission. Permission will not be granted if the system is capable of interfering with the use and enjoyment of a Village park or place of recreation by others. No person may operate any motorboat, motor vehicle, radio, television, or any device in such a manner that produces excessive noise.
- G.** No person may engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct tending to create a breach of the peace, or disturb or annoy others, or obstruct the free passage of others by lounging, sitting, or laying upon walks, passages, steps, or porches.
- H.** No person may build a fire except in designated places or in approved stoves or grills, unless otherwise approved by the Board or Village Council.
- I.** No person shall store, throw, discard or deposit, or cause or permit to be stored, thrown, discarded or deposited, any garbage, debris, cans, bottles, papers, junk, refuse, or other waste material or unwholesome substance of any kind or description anywhere within

a Village park, places of recreation, or in the adjacent waters of the Grand River except in such receptacles as may be provided for the deposit and collection of such materials and substances.

- J. No person may store or leave a boat in a nondesignated area without first obtaining proper written permission. Permission for nondesignated areas will be granted only in cases of emergency.
- K. No person may operate or cause to be operated any motor vehicle in excess of five miles per hour.

§249-16. Motor vehicles; miscellaneous unlawful acts. The following acts are declared to be unlawful and are expressly prohibited in Village parks and places of recreation except as authorized by proper written permission:

- A. No person may operate or park a motor vehicle except on roads or designated parking areas; operate a motor vehicle on a park road or parking lot at a speed exceeding five miles per hour, in an unsafe manner, at a speed greater than that posted, or in disobedience of traffic signs. When a motor vehicle is found parked in a Village park or place of recreation, the registration plate displayed on the motor vehicle shall constitute prima facie evidence that the owner of the vehicle was the person who parked it on the location where found.
- B. No person may operate an off-the-road, motor-driven vehicle such as a minibike, motorcycle, dune-mobile, snowmobile, converted snowmobile, amphibious vehicle, or any motored device except on designated roads, trails, or areas posted for such use.

§249-17. Animals, miscellaneous unlawful acts. The following acts are declared to be unlawful and are expressly prohibited in Village parks and places of recreation except as authorized by proper written permission:

- A. No person may possess a dog or other animal unless the same shall be under immediate control on a leash not exceeding six feet in length; bring a dog or other animal into an enclosed park building, or leave a dog or other animal unattended at any time; permit a dog or other animal to run loose or create a disturbance; or fail to properly control a dog or other animal without the specific authorization of the Village Manager. Any dog or other animal found not in the possession or under the immediate control of its owner, or the owner's agent, or any dog creating a nuisance or disturbance, may be removed from the Village park or place of recreation.

- B. No person may ride, permit or allow horses or other riding animals, except on bridle trails designated by the Board or Village Council.

§249-18. Firearms and hunting; miscellaneous unlawful acts. The following acts are declared to be unlawful and are expressly prohibited in Village parks and places of recreation except as authorized by proper written permission:

- A. No person may possess a firearm of any kind or description.
- B. No person may shoot and/or discharge an air gun, gas gun, spring-loaded gun, slingshot, or archery equipment.
- C. No person may hunt, trap, kill, wound, or capture any bird, animal, or other wildlife.

§249-19. Unlawful assembly; permit required.

- A. Proper written permission is required for any of the following in the Village parks and places of recreation:
 - (1) A gathering of 30 or more persons;
 - (2) Any play, performance, or demonstration open to the general public;
 - (3) Any public meeting or public assembly open to the general public; and
 - (4) Any parade.
- B. Any violation of the provisions of this section shall constitute an unlawful assembly of persons.

§249-20. Injury to property; miscellaneous unlawful acts. The following acts are declared to be unlawful and are expressly prohibited in Village parks and places of recreation:

- A. No person who is not an employee or agent of the Village shall write on, mutilate, deface, damage, remove, or destroy in any manner, any building, equipment, structure, fountain, fence, bench, masonry, statue, ornament, or any other property, real or personal, or any appurtenances thereto, owned or operated by the Village, and located in any Village park or place of recreation, or belonging to any person and rightfully in such park or place of recreation.

§249-21. Injury to plants and trees; miscellaneous unlawful acts. The following acts are declared to be unlawful and are expressly prohibited in Village parks and places of recreation:

- A. No person who is not an employee or agent of the Village, or who is not authorized to do so, shall pull, pluck, break, trample, climb into, remove, injure, mutilate, or destroy any trees, shrubs, plants, vines, hedge, flowers, or fruit, whether wild or cultivated.
- B. No such person shall cut, break down, bend, damage the bark, or trim any sapling, tree, shrub, or plant, or any limb, branch, twig, or leaf thereof, that is growing and located in any Village park or place of recreation.

§249-22. Violations and Penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this article shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for “repeated violations,” which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

Section 4. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 5. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 6. Repeal. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: December 19, 2023

By: _____
Mark Powers
Its: President

By: _____
Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Parks and Recreation Areas Ordinance Amendment was adopted at a regular meeting of the Village Council held on December 18, 2023. The following members of the Village Council were present at that meeting: Abbott, Duer, Petrus, Roggenbau, TePastte & VanLeeuwen-Vega. The following members of the Village Council were absent: Powers. The Ordinance was adopted by the Village Council with members of the Council Abbott, Duer, Petrus, Roggenbau, TePastte & VanLeeuwen-Vega voting in favor, and members of the Council None voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on December 5, 2023.

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake