

**FRENCHTOWN CHARTER TOWNSHIP
PARKS REGULATION ORDINANCE
Ord. No. 196; Date of Adoption: August 2001**

An Ordinance to prohibit the possession or consumption of alcohol, alcoholic liquor or spirits on Frenchtown Charter Township Park Property, establishing violation as a nuisance per se, and providing penalties.

THE CHARTER TOWNSHIP OF FRENCHTOWN ORDAINS:

Section 1. Township Legislative Findings and Interests.

The Township Board of Frenchtown Charter Township recognizes and concludes that undesirable behavior may stem from the possession or consumption of alcohol in public places and that it poses a threat to the health, safety and welfare of the persons within Frenchtown Charter Township. The intent of this Ordinance is to eradicate the effects of undesirable behavior stemming from alcohol, alcoholic liquor and spirits on Township Park Property and also to regulate the hours during which the Township Parks are open to the general public for the protection of the health, safety and welfare of its residents and the general public.

Amended by Ordinance Amendment No. 196-1, July 11, 2006.

Section 2. Short Title.

This Ordinance shall be known as the Frenchtown Charter Township Parks Regulation Ordinance.

Section 3. Definitions.

The term alcoholic beverages shall include all of the following:

A. Alcohol means the product of distillation of fermented liquid whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

B. 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 as defined and classified by the Michigan Liquor Control Commission according to alcoholic content as belonging to one of the varieties defined in the Michigan Liquor Code.

C. Frenchtown Charter Township Parks or Township Parks means areas of land with or without water developed and used for recreational purposes including landscaped tracts, picnic grounds, playgrounds, athletic fields, camps, bicycle and bridal paths, motor vehicle drives, wildlife sanctuaries, museum, zoological and botanical gardens, facilities for bathing,

boating, hunting and fishing as well as other recreational facilities for use and benefit of the public under ownership of the Frenchtown Charter Township including but not limited to the Kiwanis Park located at Nadeau Road and/or the Township Hall Park located on Vivian Road.

D. Park Hours means the hours between 6:00 AM and 11:00 PM.

Amended by Ordinance Amendment No. 196-1, July 11, 2006.

Section 4. Prohibition; Exception.

A. No person shall be present, enter or occupy the premises of any Township Park within Frenchtown Charter Township at any time other than the Park Hours established by this Ordinance.

B. No person shall possess or consume alcohol, alcoholic liquor or other intoxicating beverages or controlled substances on the premises of any Township Park within Frenchtown Charter Township.

C. No person shall offer for sale alcohol, alcoholic liquor or other intoxicating beverages or controlled substances on the premises of any Township Park within Frenchtown Charter Township.

D. The prohibition set forth in Section 4A of this Ordinance shall not apply to those persons occupying or utilizing a Township Park pursuant to a function or activity organized and approved by the Township which commences during Park hours but which does not conclude until after the closing hours of the Park or to those persons occupying or utilizing the Township Kiwanis Park Building pursuant to a rental agreement which permits additional hours.

E. The prohibition set forth in Section 4B of this Ordinance shall not apply to those persons occupying or utilizing the Township Kiwanis Park Building pursuant to a rental agreement with the Township.

Amended by Ordinance Amendment No. 196-1, July 11, 2006.

Section 5. Enforcement.

A. Officers, employees and representatives of the Michigan State Police Department and the Monroe County Sheriff's Department are authorized to issue citations to any person violating the provisions of this Ordinance.

B. Any alcohol, or alcoholic beverage containers may be seized and held as evidence pending final disposition of any civil or criminal proceedings pursuant to this Ordinance.

Amended by Ordinance Amendment No. 196-1, July 11, 2006.

Section 6. Penalty.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine of not more than \$500.00 or by imprisonment in the Monroe County Jail for a period not to exceed 90 days or by both such fine and imprisonment in the discretion of the court. The imposition of a sentence shall not exempt the offender from compliance with this Ordinance. Any person possessing or consuming alcohol or alcoholic liquor on the Township Park Property described in Section 4 shall be deemed to be permitting the existence of a nuisance per se injurious to the public health, safety and welfare of the citizens of Frenchtown Charter Township, which shall be subject to abatement, including but not limited to by equitable relief in the discretion of the Court.

Section 7. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 8. Repeal.

All Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 9. Effective Date.

This Ordinance shall become effective thirty (30) days after adoption and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.

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