

**TITLE IX: GENERAL REGULATIONS**

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## CHAPTER 90: CEMETERIES

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***GENERAL PROVISIONS***

**90.001 TITLE.**

This chapter shall be known and cited as the Big Rapids Charter Township Cemetery Chapter.  
(Ord. 19, eff. 7-16-1994)

**90.002 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***FUNERAL DIRECTOR.*** Includes all licensed morticians, their agents and employees.  
(Ord. 19, eff. 7-16-1994)

***GENERAL RULES***

**90.015 VEHICLES; HOURS.**

The speed of cars and other vehicles driven in the cemetery shall not exceed 15 mph. No vehicle shall be driven in the cemetery other than during 8:00 a.m. to dusk, road conditions permitting. Cars, other motorized vehicles and bicycles are to be operated on the roads only.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.016 TRUCKS.**

All trucks with monumental material shall be driven only on cemetery roads.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.017 DAMAGE.**

Persons driving in the cemetery are responsible for all damage caused by their negligence. All vehicles shall use the Bellevue Street entrance, the north gate to enter and the south gate to exit.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.018 CHILDREN.**

Children shall not be permitted on the cemetery grounds unless attended by an adult person who shall be responsible for their conduct. Mischievous behavior shall not be tolerated. The cemetery shall not be used as a playground.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.019 ADVERTISING.**

No advertisement is permitted in the cemetery.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.020 PROHIBITED ACTIVITIES.**

Sleigh riding, snowmobiling, skiing or sliding downhill within the cemetery is prohibited.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.021 VISITORS.**

All persons interested in the cemetery should confine themselves to the walks and drives as much as possible. Vandalism and/or desecration of cemetery property is prohibited.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.022 ALCOHOLIC BEVERAGES.**

No alcoholic beverages are allowed.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.023 WORK AND ACTIVITIES.**

No work or activity shall be performed within the cemetery boundaries without the express knowledge and consent of the Grounds and Maintenance Manager.  
(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.024 ENFORCEMENT.**

The Grounds and Maintenance Manager has the authority to enforce these rules.  
(Ord. 19, eff. 7-16-1994)

***INTERMENT AND SERVICES***

**90.035 COMPLETED BURIAL - TRANSIT PERMIT.**

A completed burial-transit permit must be furnished to the Grounds and Maintenance Manager or his or her designate before the remains are removed from the hearse or other conveyance.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.036 APPLICATIONS FOR BURIAL.**

All applications for burials shall be made to the Grounds and Maintenance Manager in time to allow 12 working hours to prepare the grave for burial. The owner of the lot or grave or the person ordering the grave prepared for burial, shall complete a burial order form provided by the township. Scheduling of storage burials is at the discretion of the Grounds and Maintenance Manager.  
(Ord. 19, eff. 7-16-1994)

**90.037 PAYMENT FOR GRAVE OPENING.**

Payment for any grave opening must accompany the burial transit permit.  
(Ord. 19, eff. 7-16-1994)

**90.038 INTERMENTS.**

(A) Owners of cemetery lots shall not permit interments on the lots for remuneration. Cemetery lots shall be used only for the burial of the human dead. No interment of two or more bodies shall be made in one grave except in the case of parent and infant child or two infants buried in one casket.

(B) All interments must be made under the supervision and direction of the Grounds and Maintenance Manager. The funeral director shall provide adequate personnel to transfer the casket from the hearse or conveyance onto the lowering device.  
(Ord. 19, eff. 7-16-1994)

**90.039 DISINTERMENTS.**

(A) No body interred shall be disinterred, except by permission of the Township Board, (plus any other permits required).

(B) Parties ordering disinterment must furnish a concrete or steel vault to receive the remains.  
(Ord. 19, eff. 7-16-1994)

**90.040 FUNERAL PROCESSIONS.**

All funeral processions in the cemetery shall be under the sole control of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994)

**90.041 CHARGES; SERVICES.**

(A) Charges for all services shall be available from the Grounds and Maintenance Manager or from the office of the Township Clerk. Cemetery service charges are subject to change or revision by action of the Township Board. Charges for services not pertaining to the opening and closing of graves shall be due upon completion of the service. A service shall be rendered only upon the completion of a work order by the person requesting the service and accepting responsibility for payment for the service.

(B) The township offers the following services:

- (1) The opening and closing of graves;
- (2) Disinterment and reinternment in the same cemetery;
- (3) Disinterment for removal to another cemetery (charges for the above three services vary for infants or adults);
- (4) Grading or sodding the grave or lot;
- (5) Setting foundations for grave markers or memorials;
- (6) Snow removal at cost of removal;
- (7) Genealogy research assistance and copies of records; and
- (8) Work requested by the lot owner is subject to current wage, equipment and overhead charges. A work order describing the service to be performed must be filled out and signed by the person or entity accepting responsibility for payment. No service will be performed without this being done.  
(Ord. 19, eff. 7-16-1994)



**90.042 VAULTS.**

All burials shall be made in a steel or cement vault with the exception of Babyland or cremains.  
(Ord. 19, eff. 7-16-1994)

**90.043 CREMATION BURIALS.**

There shall be a maximum of four cremation burials per grave. A maximum of two cremation burials may be allowed on a previous full burial on any given lot. The size of any cremains container must allow for a minimum of eight inches of soil above the top of said container.  
(Ord. 19, eff. 7-16-1994)

**90.044 GRAVESIDE SERVICES.**

Graveside services are allowed from April 1 to October 31 at the discretion of the Grounds and Maintenance Manager. All other graveside services and processions will be at the discretion of the Grounds and Maintenance Manager.  
(Ord. 19, eff. 7-16-1994)

**90.045 SUNDAY OR HOLIDAY BURIALS.**

The township does not bury on Sunday or holidays without the expressed approval of the Township Board or the Township Supervisor.  
(Ord. 19, eff. 7-16-1994)

***USE OF CEMETERY VAULT***

**90.060 SUMMER SEASON.**

The Township Board may prohibit or restrict the use of the cemetery vault during the summer season. All bodies deposited therein must be removed forthwith when so ordered by the Township Board through the Grounds and Maintenance Manager, and if not removed, the bodies will be interred within the grounds set aside for strangers at the expense of those who are liable therefore. The body of a person who died from contagious disease will not be admitted to the receiving vault unless prepared by a licensed embalmer.  
(Ord. 19, eff. 7-16-1994)

**90.061 WINTER.**

The Township Board authorizes the Grounds and Maintenance Manager to restrict or prohibit interments during the winter as he or she deems it advisable. Graveside services and processions are restricted from November 1 through April 30. Witnessing during this time will be allowed only with the expressed permission of the Grounds and Maintenance Manager who shall have the authority to control the burial site activity. Winter burials will be conducted at the discretion of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994)

***FLOWERS, TREES, MONUMENTS AND THE LIKE*****90.075 PROHIBITIONS.**

All persons are strictly prohibited from plucking any flowers, either wild or cultivated, breaking trees, shrubs or plants, or writing upon or defacing any monument, fence or structure within the cemetery.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.076 CONTAINERS.**

The use of jars, bottles, jugs or other items deemed inappropriate by the Grounds and Maintenance Manager for cut flowers is discouraged. All containers for the use of cut flowers must be set flush with the ground.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.077 URNS.**

All flower urns, other than bronze, must be kept painted. Placement of urns to be under the control of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.078 GROWING OF FLOWERS.**

The growing of flowers is not included in the perpetual care of the cemetery.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.079 PROPERTY LEFT IN CEMETERY.**

Vases, settees, chairs, planting urns, baskets or other property left in the cemetery are left at the risk of the owner thereof and neither the Grounds and Maintenance Manager nor the Township Board shall be responsible or liable for the loss, destruction or damage of said property.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.080 TREES.**

No tree or trees growing on any lot shall be trimmed or removed without the consent of the Grounds and Maintenance Manager or the Township Board.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.081 LANDSCAPING.**

All planting in the cemetery shall be done in accordance with a definite plan of landscaping and under the supervision and direction of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.082 PLANTING FLOWERS ON GRAVES.**

All flowers planted on any grave shall be planted directly in front of the headstone, monument or footstone, or at the head of the grave if there is no marker. Flower beds are to be cultivated and kept neat at all times.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.083 REMOVAL OF FLOWERS AND GRAVE DECORATIONS.**

The Grounds and Maintenance Manager or his or her agent shall remove all dead flowers, emblems or grave decorations when, in his or her judgement and discretion said flowers, emblems or grave decorations shall be unsightly. Neither the Grounds and Maintenance Manager, his or her agent, nor the Township Board shall be liable or responsible for the return of said removed objects to the lot owner.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.084 WINTER ORNAMENTATION.**

Winter ornamentation shall be removed by May 10.

(Ord. 19, eff. 7-16-1994)

**90.085 ARTIFICIAL FLOWERS.**

No artificial flowers are permitted (except from November 15 through March 31). No gravel, crushed or pea stone, lava stone, edging materials and the like shall be used in the cemetery.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

***MARKERS, MONUMENTS AND VAULTS*****90.100 ONE MONUMENT/MARKER PER BURIAL LOT.**

Only one monument will be permitted on any burial lot and only one marker per grave. Additional markers may be added for cremation burials, but must be flush to the ground.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.101 CONCRETE FOUNDATION REQUIRED.**

No monument or marker shall be erected without a concrete foundation which shall be installed by the cemetery employees and under the direction and supervision of the Grounds and Maintenance Manager.  
(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.102 BABYLAND MARKERS.**

No marker in Babyland shall be larger than 21 inches long and ten inches wide.  
(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.103 MATERIALS.**

All materials used in the construction of mausoleums, vaults, monuments, head stones and permanent lot markers, where permitted, must be of recognized durable granite, marble or standard bronze. The use of sandstone, terra cotta, slate, artificial stone, wood or iron in any form is not permitted where exposed to the elements.  
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.104 MAUSOLEUMS.**

No mausoleum shall be built in the cemetery until specifications for same shall have been approved by the Township Board. The Township Board reserves the right to reject any or all plans or specifications. (Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.105 LANDMARKS AND CORNERSTONES.**

(A) Before contraction of a private mausoleum is begun, a sum of money specified by the Township Board shall be deposited with the Township Treasurer who shall establish a specific perpetual care fund for the perpetual care of said private mausoleum. The interest income generated by this fund shall be used for the perpetual care of this mausoleum. The duty of perpetual maintenance imposed herein is limited to the interest income generated from the investment established hereunder.

(B) No landmarks or corner stones indicating boundaries, steps leading to lots, fences, curbing or cement or gravel covered graves above ground shall be permitted. (Ord. 19, eff. 7-16-1994) Penalty, see 10.99

**90.106 DISREPAIR.**

If any marker, monument or mausoleum falls into disrepair, it may be removed by order of the Township Board. (Ord. 19, eff. 7-16-1994)

**90.107 INSPECTION.**

The Grounds and Maintenance Manager is charged with the responsibility of inspecting and approving all materials used for monumental work before it can be brought onto the cemetery grounds. (Ord. 19, eff. 7-16-1994)

***PURCHASE OF CEMETERY LOTS AND RESTRICTIONS AS TO THE USE***

**90.120 PAID IN FULL.**

Cemetery lots must be paid for in full at time of purchase. (Ord. 19, eff. 7-16-1994)

**90.121 SPECULATION PURCHASES.**

No purchase of burial rights shall be made for speculation purposes. No burial rights shall be transferred from one owner to another for more than the original cost, and the transfer must be recorded at the office of the Township Clerk.

(Ord. 19, eff. 7-16-1994)

**90.122 PERPETUAL CARE.**

All purchases of burial rights shall include the perpetual care thereof.

(Ord. 19, eff. 7-16-1994)

**90.123 SUBJECT TO RULES AND REGULATIONS.**

Purchasers of burial rights are subject to these rules and regulations and any charges, alterations, amendments or modifications thereof made and adopted by the Township Board.

(Ord. 19, eff. 7-16-1994)

**90.124 GRADE.**

The Township Board shall establish the grade of all lots, lawns and avenues and shall supervise all improvements within the cemetery, before and after interments, and no lot shall be filled or raised above the established grade.

(Ord. 19, eff. 7-16-1994)

**90.125 PLANTING OF TREES, SODDING, SURVEYING AND THE LIKE.**

The planting of trees, sodding, surveying and all general improvements to the cemetery shall be controlled, authorized and directed by the Township Board.

(Ord. 19, eff. 7-16-1994)

**90.126 RAISING OR LOWERING OF CEMETERY LOTS.**

Whenever, in the opinion of the Township Board, one or more cemetery lots need raising or lowering in order to beautify or improve the general appearance of the area where said lot or lots are located, the Township Board shall have full power and authority to do so without the consent of the lot owner. In all such cases the Grounds and Maintenance Manager shall restore the lot to as good a

condition as before said raising or lowering, or as near thereto as possible and said raising or lowering shall be without expense to the lot owner, unless requested by the owner.

(Ord. 19, eff. 7-16-1994)

**90.127 MOUNDS.**

No mounds shall be erected on lots or graves which shall interfere with or impede the unrestricted use of a lawn mower.

(Ord. 19, eff. 7-16-1994)

**90.128 GROUNDS AND MAINTENANCE MANAGER AND EMPLOYEES.**

The digging, opening, refilling and trimming of graves, the removal of bodies from one place to another in said cemetery, the construction of foundations for head stones and tablets, and the constructing of graves shall be done solely by the Grounds and Maintenance Manager and the employees of the township under his or her direction.

(Ord. 19, eff. 7-16-1994)

**90.129 REMOVAL AND MODIFICATION OF ORNAMENTATION.**

Individual taste in ornamentation of cemetery lots is permitted and will be respected, but the right to remove or modify an improvement on any lot which the Grounds and Maintenance Manager considers injurious to the general appearance or well-being of the cemetery, or the adjacent lot(s), is reserved to the Grounds and Maintenance Manager and he or she shall be the sole judge when said improvement shall be removed or modified, either before or after interment.

(Ord. 19, eff. 7-16-1994)

**90.130 CARING FOR LOTS.**

Persons caring for lots shall do so under the supervision and direction of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994)

***PERPETUAL CARE FUNDS*****90.145 PERPETUAL CARE FUND.**

The Township Board recognizes its obligation to maintain the existing Perpetual Care Fund. It is to be administered by the Township Board and is to be held in trust and invested by the Township Treasurer and the interest therefrom shall be used for the care and maintenance of cemetery lots or parts thereof entitled to perpetual care.

(Ord. 19, eff. 7-16-1994)

***ENFORCEMENT; CORRECTION OF ERRORS*****90.160 ENFORCEMENT.**

All person(s) disturbing the peace and quiet of the cemetery or creating a disturbance, destruction or damage therein shall be considered as a disorderly person and punished as provided under current township, state and federal ordinances and laws.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

**90.161 CORRECTION OF ERRORS.**

The Township Board shall have the right to correct any errors which may be made, either in making interments or disinterment's, or in the description, transfer or conveyance of any property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or by refunding the amount of money paid on account of that purchase. In the event the error shall involve the interment of remains of any person in such property, the Township Board shall have the right to remove and reinter in such other property of equal value and similar location as may be substituted and conveyed by the Township Board.

(Ord. 19, eff. 7-16-1994)



## CHAPTER 91: TOWNSHIP PARK RULES

### Section

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- 91.02 Public use and hours
- 91.03 Protection of property
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- 91.06 Boating
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- 91.08 Traffic and parking
- 91.09 Trespass
- 91.10 Definitions
  
- 91.99 Penalty

### **91.01 SHORT TITLE.**

This chapter may be known and referred to as the Big Rapids Charter Township Park Chapter.  
(Ord. 13, passed 6-6-1989)

### **91.02 PUBLIC USE AND HOURS.**

#### *(A) Fees and charges.*

(1) Fees and charges may be assessed by the Township Board for the use of any facility, land, area or program on township park property.

(2) It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the Township Board without payment of such fee or charge.

*(B) Hours.* No person or vehicle shall remain upon property administered by or under the jurisdiction of the Township Board outside posted hours of operation.  
(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

**91.03 PROTECTION OF PROPERTY.**

(A) Destruction of buildings, markers, monuments and other properties shall be prohibited, and no person shall, on township park property:

(1) Willfully destroy, deface, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze, marking or designate any boundary line, survey line or reference point;

(2) Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge or other structure;

(3) Deface, destroy or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property; and

(4) Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the Township Board or its agent.

(B) Destruction of plant life and natural surroundings shall be prohibited, and no person shall:

(1) Cut, remove or destroy any tree, sampling, seeding, bush or shrub, whether alive or dead, or ship, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass; and

(2) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Township Board or its agent.

(C) The following rules shall apply to fires on Township Park property:

(1) No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the property of the Township Board;

(2) No person shall build any fire upon Township Board property except within the fireplaces, receptacles or open spaces approved and designated by the Township Board for such purpose;

(3) No person shall drop, throw or otherwise scatter lighted matches, burning discarded cigarettes, tobacco paper or other flammable materials within or upon any property of the Township Board; and

(4) Fire shall not be left unattended. All fires shall be used in accordance with Chapter 92 of this code of ordinances and be extinguished upon leaving the immediate vicinity.

(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

**91.04 PROTECTION OF WILDLIFE.**

It shall be unlawful for any person while on Township Park property to:

(A) Cause any animal or fowl to run at large;

(B) Bring, drive or lead any animal onto township park property; excepting that horses and other beasts of burden and draft animals may be ridden by persons in charge thereof or driven before a vehicle attached thereto, on such portions of township park property as may be designated;

(C) Bring, drive, led or carry any dog or other animal or pet which is unleashed, upon a leash more than six feet in length, or upon township park property. All such animals must be under the immediate control of a competent person at all times;

(D) Suffer his or her dog or pet to enter any public building, except a trained and working leader dog;

(E) Torture, ill-treat or neglect any animal or fowl; and

(F) (1) No person shall hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow of any animal in or upon any land or waters administered by or under the jurisdiction of the Township Board.

(2) All game, animals, fowl, birds, fish and other aquatic life, hunted, killed, taken or destroyed, bought, sold, bartered, or had in possession, contrary to any of the provisions hereof, shall be and the same are declared to be contraband and the same shall be turned over to the State Department of Natural Resources for disposal. Provided further that any weapon or object carried or used by any person in violation of these rules, shall be subject to seizure by the Township Board or its agents and disposed of according to law.

(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

**91.05 REGULATIONS GOVERNING SPORTS, GAMES, ACTIVITIES AND OTHER USES.**

(A) No violent or rough exercises or play which endangers other park users shall be engaged in any public park.

(B) There will not be a designated swimming area provided within any township park.

(C) Canoe and tube landings in the park should take place in designated areas provided in the township park for such purpose.

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(D) No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in or on any park property except in containers provided for that purpose. Glass containers will be prohibited within 100 feet of any watercourse.

(Ord. 13, passed 6-6-1989) Penalty, see 91.99

**91.06 BOATING.**

No person shall bring into, use or navigate any boat, yacht, raft or other watercraft upon any watercourse located within or upon the properties administered by or under the jurisdiction of the Township Board, except at such time and places as may be provided or designated for such purpose. All watercraft shall comply with and be used in compliance with Public Act 451 of 1994, being M.C.L.A. ' ' 324.80101 et seq., as amended, and such regulations as may be adopted under the authority of the act, a copy of which is attached hereto and made a part of these rules.

(Ord. 13, passed 6-6-1989) Penalty, see 91.99

**91.07 CAMPING.**

It shall be unlawful to camp anywhere within the park area.

(Ord. 13, passed 6-6-1989) Penalty, see 91.99

**91.08 TRAFFIC AND PARKING.**

(A) *Parking in prohibited areas; standing for loading or unloading in certain places.*

(1) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials.

(2) It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.

(3) It shall be unlawful to park any vehicle in any area which is designated as a prohibited parking area.

(4) It shall be unlawful to drive or park any motor vehicle in or upon township property which is used for recreational purposes, unless otherwise allowed by these rules.

(B) *Motor-driven vehicles.* It shall be unlawful for any person to:

(1) Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas;

(2) Operate a motor-driven vehicle on any park road at a speed exceeding ten mph or at any speed greater than that posted; provided further, however, that notwithstanding any provision herein, any person driving a vehicle on any park road shall drive at a careful and prudent speed not greater than nor less than is responsible and proper, having due regard to the traffic, surface and width of the road and of any other condition then existing, and no person shall drive any vehicle upon a park road at a speed greater than will permit him or her to bring said vehicle to a stop within the assured clear distance ahead;

(3) Operate a motor vehicle upon township property in a speed contest or for the purpose of making a speed record, including that commonly known as a drag race, whether from a standing start or otherwise over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of the elapsed time, superior performance or speed;

(4) Operate any vehicle upon township property, including, but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property;

(5) Drive any vehicle upon township property while impaired or under the influence of intoxicating liquor or narcotic, drug, barbitol or any derivative of barbitol;

(6) Operate a motor vehicle upon township property without having a valid operators license, motor vehicle registration certificate and proof of the minimum liability coverage or uninsured motor vehicle fee as required by the State Vehicle Code in his or her possession;

(7) Operate any vehicle upon township property contrary to posted traffic signs, symbols, rules or regulations or marked roadways;

(8) Operate any motor vehicle in any manner upon township property which results in excessive noise or disturbs the peace, quiet or tranquility of the area;

(9) Leave or cause to be left, any vehicle upon property administered by or under the jurisdiction of the township except during designated park hours; and

(10) Operate or ride on a motorcycle or motor-driven cycle without wearing a crash helmet approved by the Department of State Police. Rules of the Department of State Police for the implementation of ' 658(d), Public Act 300 of 1949, being M.C.L.A. ' ' 257.1 through 257.923, as amended, shall apply to this rule.

(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

**91.09 TRESPASS.**

(A) *Livestock.* No person shall drive or cause to be driven any horses, cattle, sheep, goats, swine or other livestock upon or across property administered by or under the jurisdiction of the township, without the written permission of the township or its agent.

(B) *Peddling and soliciting.* It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, water, structures or property administered by or under the jurisdiction on the township, or to use such lands, water, structures or property unless first authorized in writing by the township or its agent.

(C) *Unlawful obstruction.* No person, firm or corporation shall by force, threats, intimidation, unlawful fencing, enclosing or by any other means prevent or obstruct any person from entering, leaving or making full use of any property administered by or under the jurisdiction of the township.

(D) *Hindering employees.* No person shall interfere with, or in any manner hinder any employee or agent of the township while performing his or her official duties.

(E) *Resisting park ranger.* No person shall interfere with any park ranger or police officer in the discharge of his or her duties; or fail or refuse to obey any lawful command of any park ranger or police officer.

(F) *Alcoholic beverages, drugs.*

(1) The sale of alcohol is prohibited upon the property administered by or under the jurisdiction of the township or its agent.

(2) The consumption of alcohol by minors upon property administered by or under the jurisdiction of the township is prohibited at all times.

(3) No person shall sell, use or have in his or her possession any drug or narcotic; the sale, use or possession of which is prohibited by the state law.

(G) *Personal conduct.*

(1) It shall be unlawful for any person to be under the influence of intoxicants, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any property administered by or under the jurisdiction of the township.

(2) It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property.

(H) *Use of loudspeaker.* It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon township property.

(I) *Fireworks.* No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib or other fireworks or any substance of an explosive nature within or upon the property of the township.

(J) *Weapons.* No person shall, at any time bring into or upon the townships parks properties, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun or any gun, rifle, firearm or low or other weapon that discharges projectiles either by air, explosive substance or any other force, provided, however, that this section shall not apply to any Deputy Sheriff, police officer, peace officer or other duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

(K) *Littering and pollution of waters.* It shall be unlawful to throw, cast, lay, drop or discharge into or leave in waters administered by or under the jurisdiction of the township any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters.

(L) *Balloons, airplanes and parachutes.*

(1) No person shall make any ascent in any balloon or airplane or any descent in or from any balloon or airplane or parachute on any lands or waters administered by or under the jurisdiction of the township.

(2) Flying of model air craft in or on park premises is prohibited.

(M) *Emergency powers.* Nothing in these rules shall:

(1) Prohibit or hinder duly authorized agents of the township or any peace officers from performing their official duties; or

(2) Prohibit the Township Board from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property; including, but not limited to, the right of the Township Board to order all persons off township property, and to close all or any portion of said park. (Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

**91.10 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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**CAMPING.** The overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on the premises or waters within any park or recreation area administered by the township.

**PERSON or PERSONS.** Individuals, male or female, singular or plural; firms, corporations or any group or gathering of individuals.

**RULES.** The rules adopted by the Township Board, applicable to all property administered by or under the jurisdiction of the said Township Board and all amendments thereto.

**TOWNSHIP BOARD.** The Board of Big Rapids Charter Township.

**TOWNSHIP PARK PROPERTY.** All lands, waters and property administered by or under the jurisdiction of Big Rapids Charter Township.

(Ord. 13, passed 6-6-1989)

**91.99 PENALTY.**

(A) Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof be fined an amount as set by the Township Board from time to time and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days or both, for each offense.

(B) Pursuant to applicable state law, any person convicted of an act of vandalism in a park or recreation area owned and operated by the township shall reimburse the township for up to three times the amount of the damage as determined by the court. In every case of a conviction for an offense of vandalism, the court before whom such conviction is obtained, shall enter judgement in favor of the township and against the defendant for liquidated damages in a sum up to three times the amount of the damage as determined by the court. The Township Attorney shall take such steps as shall be necessary to collect the award by execution or otherwise. If two or more defendants are convicted of the vandalism, the judgment for damages shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his or her parents. Upon collection the sums shall be credited to the General Fund of the township and shall be used for repairs and improvements to the parks and recreation areas.

(Ord. 13, passed 6-6-1989)



## CHAPTER 92: OPEN BURNING

### Section

- 92.01 Intent
- 92.02 Permission needed
- 92.03 Bonfires
- 92.04 Definitions
  
- 92.99 Penalty

### **92.01 INTENT.**

This chapter is adopted in the interest of public safety, health and morals, and is designed to promote the general peace, health, safety and welfare of the township.  
(Ord. 12, passed 6-16-1987)

### **92.02 PERMISSION NEEDED.**

No person, partnership, firm, association or corporation shall within the limits of the township, start or have an open fire except for domestic purposes, without checking the DNR site for availability of burning at current time.  
(Ord. 12, passed 6-16-1987) Penalty, see ' 92.99

### **92.03 BONFIRES.**

(A) Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper only. Bonfires shall not contain rubbish, garbage, trash or materials made of or coated with rubber, plastic, leather or petroleum base materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burned may be determined by the fire officials and shall be based upon the fire safety requirements of the situation and the desirable duration of the burn.

(B) Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use.  
(Ord. 12, passed 6-16-1987) Penalty, see ' 92.99

**92.04 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DOMESTIC, CAMP OR COOKING FIRES.*** Any fires around the home, where the material to be burned has been properly piled or placed in a debris burner.

(Ord. 12, passed 6-16-1987)

**92.99 PENALTY.**

(A) Any person, partnership, firm, association or corporation, or clerk or agent thereof, who shall set or start an open fire without permission as required by this chapter, shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to an appearance citation issued by the Township Fire Department, and/or the County Sheriff Department, and/or the Department of Natural Resources (DNR).

(B) Any person, partnership, firm, association or corporation who violates or fails to comply with any provision of this chapter or who sets an open fire which necessitates calling the Township Fire Department, or any other fire department, shall pay to the township by reason of calling the Township Fire Department or any other fire department.

(Ord. 12, passed 6-16-1987)

## CHAPTER 93: NOISE CONTROL

### Section

- 93.01 Title and purpose
- 93.02 Unlawful noise prohibited
  
- 93.99 Penalty

### **93.01 TITLE AND PURPOSE.**

(A) This chapter shall be known and cited at the Big Rapids Charter Township Noise Control Chapter.

(B) The Township Board finds the need to establish noise control regulations within the township, to secure the public health, safety and general welfare of the residents and property owners therein.  
(Ord. 8, passed 10-4-1983)

### **93.02 UNLAWFUL NOISE PROHIBITED.**

(A) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any excessive, unnecessary or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the township.

(B) The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) *Horns and signal devices.* The sounding of any horn or signal device on any vehicle, while not in motion, except as a danger signal or to give warning of intent to get into motion, or, it in motion, only as a danger signal after or as brakes are being applied; the creation by means of such signal devices of any unreasonably loud or harsh sounds, and the sounding of any signal device for any unreasonable or unnecessary period of time;

(2) *Radio, phonograph, musical instruments.* The playing of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder or other electronic sound

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producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section;

(3) *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing or the making of any other loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity;

(4) *Animal or bird noises.* The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property;

(5) *Whistle or siren.* The blowing of any whistle or sirens, except to give notice of the time to begin or stop work or as a warning of danger, or as a warning of fire or emergency vehicles;

(6) *Engine exhaust.* The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom;

(7) *Construction noises.* The erection (including excavation therefor), demolition, alteration or repair of any building, and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor be first obtained from the Township Supervisor; and

(8) *Vibration.* Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property line of the source. For the purposes of this section, **VIBRATION PERCEPTION THRESHOLD** means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation.

(Ord. 8, passed 10-4-1983) Penalty, see ' 93.99

**93.99 PENALTY.**

(A) Any person, firm or corporation found violating the provisions of this chapter, shall, upon conviction, be punished by a fine as set by the Township Board from time to time or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court.

(B) Each day that a violation shall continue is to constitute a separate offense.

(C) Provisions of this chapter may also be enforced by suit for injunction, damages or other appropriate legal action.

(Ord. 8, passed 10-4-1983)



**CHAPTER 94: PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS**

Section

94.001	Purpose
94.002	Title
94.003	Definition
94.004	No Marihuana Establishments
94.005	Violations and Penalties
94.006	Severability
94.007	Repeal
94.008	Effective Date

**PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS**

**94.001 PURPOSE.**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Big Rapids Charter Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**94.002 TITLE.**

This ordinance shall be known as and may be cited as the Big Rapids Charter Township Prohibition of Marihuana Establishments Ordinance.

**94.003 DEFINITION.**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**94.004 NO MARIHUANA ESTABLISHMENTS.**

Big Rapids Charter Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**94.005 VIOLATIONS AND PENALTIES.**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

**94.006 SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**94.007 REPEAL.**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**94.008 EFFECTIVE DATE.**

This ordinance was adopted on July 2, 2019, and shall take effect August 1, 2019.