

PERU TOWN ORDINANCE #1 FOR YEAR 2014

ORDINANCE REGULATING USE OF FACILITIES AT PERU TOWN PARKS

Section 1. Purpose:

The purpose of this ordinance is to regulate the use of the facilities of the parks of the Town of Peru (hereinafter referred to as the “Town”).

Section 2. Definitions:

The following terms shall have the following meanings indicated in this section:

Motor Vehicle- Any vehicle operated or driven on Park grounds which is propelled by any power other than muscular power. For purposes of this ordinance, “motor vehicle” shall not include police, fire or emergency vehicles whose operator is on duty at the time, vehicles owned by the Town and operated by employees of the Town or vehicles involved in and necessary and attendant to the performance of a contract with the Town or mechanized or motorized wheel chairs or other equipment intended to provide ambulatory assistance to disabled, injured or infirm persons.

Parks – The grounds, buildings therein, water therein, and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the Town for public park purposes. This includes, but is not limited to, Lapham Mills Park, Sullivan Park, Heyworth Mason Park and the Little AuSable Trail system.

Person – any individual, firm, partnership, corporation or association of persons; the singular number shall include the plural.

Town – The Town of Peru.

Section 3. Prohibited Activities:

The following activities are prohibited:

- a. Parking a motor vehicle in other than designated locations.
- b. Overnight parking of motor vehicles.
- c. Parking a motor vehicle for any period of time if the person operating the motor vehicle is not attending an event at the Park or otherwise utilizing the Park or its facilities, other than only its parking facilities, in a lawful manner and in conformance with any and all laws, rules and regulations.
- d. Riding or using a skateboard or on any surface other than a sidewalk, road or parking lot.

- e. Operating a motor vehicle in excess of five (5) miles per hour or in any manner contrary to posted regulations.
- f. Operating a motor vehicle on other than the designated roads.
- g. Operating a motor vehicle on any part of the Little AuSable Trail system.
- h. Operating or parking a snowmobile.
- i. Horseback riding on other than the designated roads.
- j. Unleashed dogs.
- k. Entering or using the parks during other than the designated, and posted, hours.
- l. Operating or parking a motor vehicle except on designated roads or parking lots.
- m. Sale or consumption of alcoholic beverages as defined in the Alcoholic Beverage Control Law in the Town Park.
- n. The use of or being under the influence of any illegal drug or substance in any Town Park.
- o. Possession or use of firearms, paint ball guns, bow and arrow or other dangerous weapons within the park, unless authorized by law or the Board of the Town.
- p. Disturbing the peace and good order in the parks by fighting or arguing in loud voices or threatening violence to any person or the property of others.
- q. Begging, hawking, peddling or soliciting within the parks except as authorized by the Board of the Town.
- r. Use of profane or abusive language while in the parks.
- s. Injuring, defacing, destroying, disturbing or removing any part of the parks.
- t. Loitering in or near park rest room buildings.
- u. Littering or leaving behind refuse and garbage except in receptacles provided for such purpose.
- v. Starting a fire in a park except in park grills, fireplaces or designated areas.

- w. Failure to extinguish before leaving the park all fires started or used. The dumping of ashes or fire onto the ground is absolutely prohibited.
- x. Golf practice except in designated areas.

Section 4. Hours of Closing

- a. No person shall be permitted to remain, stop or park within the confines of any Town park between sunset and sunrise the following day except in emergencies or with special permit from the Board of the Town. In case of an emergency or when in the judgment of the Board of the Town the public interest demands it, any portion of the park may be closed to the public or to designated persons until permission is given to reopen
- b. Notwithstanding the hours of closing stated herein, the Board of the Town may establish closing hours for designated park facilities.

Section 5. Penalties for Offenses: Enforcement:

- a. A violation of this ordinance shall constitute an offense punishable by a fine not to exceed \$100.00 for each and every offense.
- b. Any motor vehicle parked in violation of this ordinance shall be removed and the owner of the motor vehicle shall be responsible for any towing and storage costs.
- c. Any state police officer or police officer of Clinton County or any of its municipal subdivisions may, without a warrant, arrest any offender whom he or she may detect in the violation of any of the provisions of Section 3 of this ordinance and take the persons so arrested forthwith before a magistrate having competent jurisdiction and he or she shall have at all times a right to enter the premises of any building, structure or enclosure in any Park, including such grounds, buildings, structures or enclosures in any Park which may be leased or set aside for the private or exclusive use of any individual or groups of individuals, for the purpose of arresting violators hereof and may use all reasonable and necessary means to attain that end.

Section 6. Severability:

Should any section, paragraph, sentence, clause or phrase of this Local Ordinance be declared unconstitutional or invalid for any reason by a court of competent jurisdiction the remainder of said ordinance shall not be affected thereby.

Section 7. Repeal:

Any ordinance, local rule or regulation inconsistent herewith is hereby repealed.

Section 8. Effective Date:

This ordinance shall take effect after ten (10) days of its, or a summary or abstract thereof, publication in the official newspaper of the Town; but this ordinance will take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the Town; and showing the date of its passage and entry in the minutes.

D:\data\DB\Town of Peru\Ordinances, Rules and Regulations\2014\ParksOrdinance.doc

DRAFT