

**VILLAGE OF BERRIEN SPRINGS
ORDINANCE NUMBER 374**

AN ORDINANCE TO AMEND AND RESTATE A PORTION OF CHAPTER 26 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BERRIEN SPRINGS, ENTITLED "PARKS AND RECREATION", ARTICLE I ENTITLED "IN GENERAL", SECTION 26-1, ENTITLED "PUBLIC PARKS AND PUBLIC LANDS AND STRUCTURES USE."

NOW, THEREFORE, The Village of Berrien Springs ordains:

SECTION 1. Purpose

The purpose of this Ordinance is to amend and restate Article I, entitled "In General" and Section 26-1, entitled "Public parks and public lands and structures use" as follows:

Article I "Prohibited Activity"

Section 26-1. Basic Park Rules.

(a) *Title.* This section shall be known and cited as the Village of Berrien Springs Basic Park Rules Ordinance.

(b) *Definitions.*

Village parks is hereby defined to include parks established by the village for public use and enjoyment and the village's other lands and public structures.

(c) *Public conduct.* It shall be unlawful for any person in or using village parks as herein defined to:

- (1) Engage in threatening, abusive, or inflammatory language; or engage in disorderly conduct or behavior, including but not limited to fighting or any other activity tending to be a breach of the public peace or offensive and disturbing to other inhabitants of the village facility.
- (2) Disturb or interfere unreasonably with any person or party occupying any area of the village facility or adjacent residential premises.
- (3) Erect or occupy any tent, stand or other structure in such village facility without the approval of an authorized village official, or the village council, as may be applicable.
- (4) Conduct any commercial activity within such village facility without the prior approval of the village council during a special event approved by the village council as a reasonable accessory to a public event also approved by the village council.

- (5) Damage, destroy or vandalize any portion of such village facility or the buildings, improvements or equipment therein.
- (6) Scatter, drop or leave any debris or other rubbish or unsightly or obstructive material or personal property within such village facilities except in receptacles provided by the village and designed for such purposes.
- (7) Operate any radio or other audio device in a volume to be disturbing or annoying to other inhabitants of the village facility or adjacent residents, thereby interfering with their use and enjoyment of said facility or adjacent area.
- (8)
 - a. Damage, cut, trim, prune, carve, transplant, or remove any tree, plant, wood, turn, grass or other vegetation, or attach any hammock, zip line, rope, wire or other object to any tree.
 - b. Excavate for, erect, install or place, or do any act as part of or commencement of excavating, erection, installation or placement or any temporary or permanent structure in or on any village park.
 - c. Take, remove, destroy, break, cut, injure, mutilate or deface in any way or attach anything to any structure, monument, statue, fountain, wall, fence, railing, gate or other property in any village park.
- (9) Leave a minor child unattended, without adult supervision, in a camping area overnight.
- (10) No person shall possess or consume any controlled substance, the possession or consumption of which constitutes a crime under state or local law.
- (11) No person shall engage in any violent, abusive, boisterous, loud, illegal, obscene, or similar disorderly conduct, which unreasonably interferes with another person's use or enjoyment of the park.
- (12) No person shall discharge any rifle, shotgun, pellet gun, air rifle, pistol or other firearm or bow and arrow in any park for any reason, provided that this rule does not apply to any law enforcement officer acting in the course of his or her employment.
- (13) Conduct any activity, including any and all unauthorized use, in any manner, that unduly threatens the safety of any individual or threatens to damage or harm park property.
- (14) In any manner disturb the peace, quiet or good order of the park area; disturb another person or park neighbor.

- (15) Enter into a restroom intended for the opposite gender, or enter into or remain in any restroom or on any park property for the purpose of committing any sexual act.
- (16) Resist, obstruct, be abusive or address in a profane or obscene manner any park manager or official.
- (17) Bring onto park property or be in possession of any animal that is vicious or dangerous to park visitors or other animals.

These provisions shall not prohibit authorized work done for, by, or on behalf of the village.

- (d) *Sanctions.* A person who violates any provision of these rule, in addition to any other penalties provided for herein, may be summarily evicted from the park by the park manager or other village official without any refund whatsoever.

In addition, any person who violates any provisions of this section shall be responsible for a municipal, civil infraction subject to payment of a civil fine as follows:

1st Offense - \$100.00

2nd Offense - \$500.00

3rd or More Offense - \$1,000.00

Additionally, the violator shall pay costs which shall include all expenses, direct and indirect (including but not limited to, costs incurred by the village to repair, replace or repaint park equipment and buildings) which the village has incurred in connection with the municipal civil infraction. Each day that a violation continues shall be a separate infraction.

In addition to any remedies at law, the village may bring an action for an injunction or other process against any person, firm or entity to restrain, prevent or abate any violation of this section.

The balance of Chapter 26 remains unchanged.

Secs. 26-2 – 26-25. Reserved

SECTION 3. Prior Ordinances.

All other ordinances or parts of ordinances in conflict with or superseded by this Ordinance are repealed except to the extent that any project, condition, violation or prosecution that was subject to the prior ordinance shall continue.

SECTION 4. Headings.

The headings used in each section of this ordinance are for the purpose of identification and are not a substantive part of this ordinance.

SECTION 5. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unlawful or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. Effective Date.

This Ordinance shall take effect twenty (20) days after publication.

SECTION 7. Publication.

The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

YEAS: Roll Call Vote: Jack Davis/Aye; Kristin von Maur/Aye; Lonna Johnson/Aye; Jesse Hibler/Aye; Sandy Swartz/Aye; President Milt Richter/Aye.

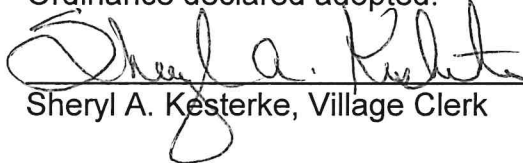
Absent: President Pro-Tem Barry Gravitt.

Dated: January 20, 2020



Milt Richter, Village President

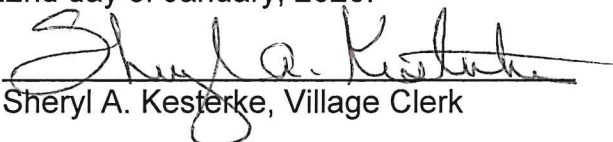
Ordinance declared adopted:



Sheryl A. Kesterke, Village Clerk

Certification

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the *Journal Era*, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 22nd day of January, 2020.



Sheryl A. Kesterke, Village Clerk