

**CHARTER TOWNSHIP OF COMSTOCK**

**ORDINANCE NO 540**

**ADOPTED: July 1, 2024**

**EFFECTIVE: UPON PUBLICATION**

An Ordinance to amend regulations regarding the use of Township Parks, including Robert Morris Park, which are compiled at Sections 91.000 and 92.000 of the General Compilation of Township Ordinances Charter Township of Comstock, to provide for severability, to repeal all ordinances or parts of ordinances in conflict herewith and to provide an effective date.

**CHARTER TOWNSHIP OF COMSTOCK  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**  
**AMENDMENT OF SECTION 91.000, ROBERT MORRIS PARK**  
**GENERAL COMPILATION OF TOWNSHIP ORDINANCES**

Section 91.000, Robert Morris Park, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

**91.001 Name.**

Sec. I. This Ordinance shall be known and cited as the Robert Morris Park Regulation Ordinance.

**91.002 Limitation upon users.**

Sec. II. Robert Morris Park shall be open to the general public subject to the conditions and terms set forth in this Ordinance.

**91.003 Park permits.**

Sec. III.

- (a) Any person or vehicle desiring admission to or use of Robert Morris Park shall first obtain a park permit issued pursuant to this Ordinance.
- (b) Permit fees (annual and daily) shall be established by the Park and Recreation Commission and may be amended from time to time thereafter by the Park and Recreation Commission as it deems appropriate.

- (c) All annual permits issued shall be for the calendar year during which the permit is issued.
- (d) No person to whom a park permit has been issued shall loan or transfer the permit to any other person for use in obtaining admission to the park.
- (e) An individual's privilege under a park permit to come onto and use the park may be suspended by the Park and Recreation Director for a violation of the terms of this Ordinance or any rules or regulations adopted thereunder and posted on the park premises. The Parks and Recreation Commission has the right to revoke an individual park permit, upon notice to the permit holder and a hearing. The extent of the suspension or revocation shall be based upon the nature of the violation or violations, the frequency thereof, and any prior warning given or disciplinary actions taken against the party involved. An individual whose park privileges under a park permit have been suspended or revoked pursuant to this Section shall not come onto the park premises during the period of his/her suspension or revocation.

**91.004 Alcoholic beverages and controlled substances.**

Sec. IV. Smoking, vaping, tobacco products, controlled substances, marijuana and alcohol are prohibited within Robert Morris Park. No person shall be in the park while under the influence of intoxicating liquors and/or a controlled substance.

**91.005 Tents and house trailers.**

Sec. V. No camping tents, travel trailers, tent trailers or house trailers of any kind shall be erected or located within Robert Morris Park without a permit from the Parks and Recreation Director/Commission.

**91.006 Motor vehicles.**

Sec. VI.

- (a) Motor vehicles, including motorcycles, shall be driven only on designated roadways and at speeds of not more than ten miles per hour.
- (b) Motor vehicles shall only be parked in designated parking areas within the park.
- (c) Washing, polishing or repairing of motor vehicles within the park is prohibited.

**91.007 Use of facilities.**

Sec. VII.

- (a) Charcoal grills and picnic tables should not be used or held for a longer time than necessary to permit their use by a maximum number of people. These are first come first serve unless reserved.

- (b) Any fires for cooking must be made within the grills provided. No fires shall be built directly upon the ground. Hot coals should be disposed of properly in receptacles provided.
- (c) No person shall dispose of refuse, trash or debris anywhere on the park premises except within containers provided for that purpose.
- (d) No person shall damage, destroy, or deface Township property in the park.
- (e) The launching, beaching or docking of boats, kayaks, paddleboards, navigational devices or any other type of recreational watercraft from or within the park is prohibited without prior written approval.
- (f) No person shall bring a dog or other animal pet onto park premises. This prohibition shall not apply to a dog that is used as a guide or leader dog for a person who is blind or visually impaired, a hearing dog for a person who is deaf or audibly impaired, or a service dog for a person with physical limitations.
- (g) Clothing, including bathing suits, shall not be changed within private motor vehicles within the park.
- (h) No person under 12 years of age shall be permitted within the park unless under the control and supervision of a person at least 18 years of age.
- (i) The use of profane or obscene language in the park is prohibited. All persons within the park shall conduct themselves in an orderly manner consistent with all posted rules and regulations adopted by the Township Park and Recreation Commission.
- (j) The playing of any radio, loud speaker, public address systems or other electronic or mechanical sound producing device, including any musical instrument, with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons in the park is prohibited without a permit from the Parks and Recreation Director/Commission.
- (k) No person shall have in their possession or control any slingshot, bow and arrow, BB gun, paint ball gun, fireworks or explosives within any Township park without prior approval. Bow and arrow will be allowed only for a Parks and Recreation sponsored Archery program.
- (l) No person shall discharge any rifle, shotgun, pellet gun, air rifle, pistol, or other firearm in any Comstock Township managed park for any reason, provided that this rule shall not apply to any law enforcement officer acting in the course of his or her employment. Violations or criminal offenses involving transportation, possession, brandishing or discharge of pistols, other firearms, ammunition, or components of firearms on park property shall be prosecuted in accordance with the local ordinance and state law.

**91.008 Hours of operation.**

Sec. VIII. Robert Morris Park shall be open to the public daily from 9:00 a.m. until sunset. The Township Park and Recreation Director or Commission shall have authority to close the park on specific days or hours of a day for purposes of maintenance or such other reason the Director or Commission deems appropriate. No unauthorized person shall be in the park when it is closed. Hours may vary for a special event. Special events must be approved by the Parks and Recreation Director.

**91.009 Park commission.**

Sec. IX. The Township Park and Recreation Commission shall have authority to impose additional rules and regulations upon the use and management of Robert Morris Park, not inconsistent with the provisions contained in the within Ordinance, and which are designed to protect the health, safety and welfare of those persons using the park facilities. Any such additional rules and regulations shall be appropriately posted within the park for the information of those affected by the same.

**91.010 Liability and assumption of risk.**

Sec. X. Any person using the Robert Morris Park facilities shall assume the risk of any injury, damage or loss suffered or incurred while within such park. The holder of a park permit shall be liable to the Charter Township of Comstock and to all others lawfully using the park facilities for any loss, injury or damages caused by such permit holder or from the negligence or willful or wanton act of such permit holder.

**91.011 Sanctions.**

Sec. XI. Any person, firm or corporation that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be subject to a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Charter Township of Comstock has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Additionally, any person, firm or corporation violating any of the provisions of this Ordinance or any of the rules or regulations of the Park and Recreation Commission may also have his/her park permit revoked or suspended for such a period of time as the Park and Recreation Commission may consider appropriate in accordance with the standards referred to in Section III(e).

**91.012 Reserved for Future Use**

**91.013 Reserved for Future Use**

**SECTION II**  
**AMENDMENT OF SECTION 92.000 PARKS REGULATIONS**  
**COMPILATION OF TOWNSHIP ORDINANCES**

Section 92.000, Parks Regulation, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

**92.001 Name.**

Sec. I. This Ordinance shall be known and cited as The Comstock Charter Township Parks Regulation Ordinance.

**92.002 Use of facilities.**

Sec. II.

- (a) Charcoal grills and picnic tables should not be used or held for a longer time than necessary to permit their use by a maximum number of people. These are first come first serve unless reserved through the Comstock Township Parks and Recreation office.
- (b) Any fires for cooking must be made within the grills provided. No fires shall be built directly upon the ground. Hot coals should be disposed of properly in receptacles provided.
- (c) No person shall dispose of refuse, trash, ashes or coals from grills, or debris anywhere on the park premises except within containers provided for that purpose.
- (d) No person shall damage, destroy, or deface Township property in the park.
- (e) Dogs or other pets are not allowed at Robert Morris Park unless certified as a guide, leader, hearing or service animal. Dogs shall be allowed in other park areas subject to the following limitations:
  - (1) Dogs must be leashed (6 ft. maximum).
  - (2) The person accompanying the dog shall pick up any of the dog's feces and place them in a waste disposal container.
  - (3) Dogs, with the exception of service dogs, shall not be allowed in playground areas, park buildings, or any area designated by sign as being prohibited to entry by dogs. Service dogs are permitted in all pedestrian areas.
  - (4) Excessive barking is prohibited.

- (f) The use of profane or obscene language is prohibited. All persons within the park shall conduct themselves in an orderly manner consistent with all posted rules and regulations adopted by the Township Park and Recreation Commission.
- (g) The playing of any radio, loud speaker, public address systems or other electronic or mechanical sound producing device, including any musical instrument, with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons in the park is prohibited without prior written approval.
- (h) Persons playing baseball or softball shall do so only in a location or locations which do not endanger other persons and which will not result in damage to buildings or structures in the park or elsewhere.
- (i) No person shall have in their possession or control any slingshot, bow and arrow, BB gun, paint ball gun, fireworks or explosives within any Township park without prior approval. Bow and arrow will be allowed only for a Parks and Recreation sponsored Archery program.
- (j) No person shall discharge any rifle, shotgun, pellet gun, air rifle, pistol, or other firearm in any park for any reason, provided that this rule shall not apply to any law enforcement officer acting in the course of his or her employment. Violations or criminal offenses involving transportation, possession, brandishing or discharge of pistols, other firearms, ammunition, or components of firearms on park property shall be prosecuted in accordance with the local ordinance and state law.

**92.003 Alcoholic beverages and controlled substances.**

Sec. III. Smoking, vaping, tobacco products, controlled substances, marijuana and alcohol are prohibited within or about any Township park. No person shall be in the park while under the influence of intoxicating liquors and/or a controlled substance.

**92.004 Tents and trailers.**

Sec. IV. No camping tents, travel trailers, tent trailers or house trailers of any kind shall be allowed to be erected or located within any Township park without a permit from the Parks and Recreation Director/Commission.

**92.005 Motor vehicles.**

Sec. V.

- (a) Motor vehicle parking will only be permitted in designated parking areas.
- (b) Washing, polishing or repairing of motor vehicles within any park is prohibited.

**92.006 Hours of operation.**

Sec. VI. All Township parks, except Robert Morris Park, shall be open from dawn until dusk, except that lighted ball fields and other lighted recreation areas may be utilized after dark but not later than 11:00 p.m. The Comstock Township Park and Recreation Director or

Commission shall have the right to close any park on specific days or hours of the day for purposes of maintenance, policing or because of the lack of availability of public supervision. No unauthorized persons shall be in any portion of a park that is closed.

**92.007 Park Commission rules and regulations.**

Sec. VII. Comstock Township Park and Recreation Commission shall have authority to impose additional rules and regulations upon the use and management of Township parks, not inconsistent with the provisions contained within the Ordinance and not inconsistent with the provisions contained in Ordinance No. 438 or any other ordinance concerning Robert Morris Park and which are designed to protect the health, safety and welfare of those persons using the park facilities. Any such additional rules and regulations shall be appropriately posted within any park for the information of those affected by the same. Persons using any Township park shall comply with such posted rules and regulations.

**92.008 Liability and assumption of risk.**

Sec. VIII. Any person using the Comstock Township parks shall assume the risk of any injury, damage or loss suffered or incurred while within such park.

**92.009 Sanctions.**

Sec. IX. Any person, firm or corporation that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Charter Township of Comstock has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Additionally, any person, firm or corporation violating any of the provisions of this Ordinance or any of the rules or regulations of the said Commission may be required to leave the particular Township Park by the attendant thereof, by any law enforcement officer, or Ordinance Enforcement Officer authorized to enforce Comstock Charter Township Ordinances.

**92.010 Reserved for Future Use**

**92.011 Reserved for future use.**

**SECTION III**  
**SEVERABILITY**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

**SECTION IV**  
**REPEAL**

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

**SECTION V**  
**EFFECTIVE DATE**

This Ordinance shall take effect 30 days following publication after adoption.

Nicole Beauchamp, Clerk  
Charter Township of Comstock