

**INDIAN PINES ORDINANCE ENFORCEMENT AGREEMENT**

This Indian Pines Ordinance Enforcement Agreement (this "Agreement") is made as of \_\_\_\_\_, 2016, between the City of Mt. Pleasant, a Michigan home rule city with offices at 320 West Broadway, Mt. Pleasant, MI 48858 (the "City"), and the Charter Township of Union, a Michigan charter township with offices at 2010 South Lincoln Rd, Mt Pleasant, MI 48858 (the "Township").

**RECITALS**

- A. The Municipal Partnership Act, 2011 PA 258, MCL 124.111 *et seq.*, authorizes local governmental units to engage in joint endeavors to perform or exercise any functions or services they could each perform or exercise separately.
- B. The City and the Township (collectively, the "Parties") are local governmental units with authority to operate and maintain public parks both inside and outside of their jurisdictional boundaries, and to adopt and enforce municipal ordinances.
- C. Indian Pines is a City park approximately 80 acres in size located within the jurisdictional boundaries of the Township, as depicted on the map of City parks attached as **Exhibit A** ("Indian Pines").
- D. The City and the Township wish to form a joint endeavor to cooperatively establish and enforce park regulations for Indian Pines, pursuant to the terms and conditions of this Agreement.

**TERMS AND CONDITIONS**

In exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

- 1. **Indian Pines Park Regulation Ordinance.** The Township shall adopt an ordinance substantially in the form shown in **Exhibit B** to establish regulations for the use and enjoyment of Indian Pines (the "Indian Pines Ordinance").
- 2. **Ordinance Enforcement.** The Township hereby deputizes, authorizes, and appoints the following persons to enforce the Indian Pines ordinance on behalf of the Township: (i) all City officers and employees with authority to enforce City ordinances in the City; and (ii) all state and county law enforcement officers with authority to enforce state law in the Township. Township officers and employees shall also have the authority to enforce the Indian Pines Ordinance and any other applicable Township ordinance within the boundaries of Indian Pines.
- 3. **Ordinance Prosecution and Revenues.**
  - a. When a City officer or employee issues a citation in Indian Pines, the City shall have the authority and sole discretion to prosecute the citation on behalf of the Township as it deems appropriate, and to retain any revenues obtained through the prosecution.
  - b. When a person other than a City officer or employee issues a citation in Indian Pines, the Township shall have the authority and sole discretion to prosecute the citation as it deems appropriate, and to retain any revenues obtained through the prosecution.
- 4. **Agreement Duration and Termination.** This Agreement shall remain in effect indefinitely, but may be terminated by either party upon 60 days written notice to the other party.
- 5. **Miscellaneous.**
  - a. This is the entire agreement between the parties regarding its subject matter. There are no prior or contemporaneous agreements. It may not be modified or amended except in writing, approved by the respective governing bodies and signed by the parties. It shall not be affected by any course of dealing. The captions are for convenience only and shall not affect its interpretation, but the recitals are an integral part of this Agreement.
  - b. There is no separate legal entity or authority created by this Agreement.
  - c. This Agreement does not authorize the levy of any taxes and no taxes will be levied by the joint endeavor. Each Party shall be responsible for any costs it incurs in performing functions pursuant to this agreement.

- d. Both Parties currently perform ordinance enforcement, so no competitive bidding is required.
- e. No employees will be transferred pursuant to this Agreement, nor will any jobs be created or ended as a result of this Agreement. Therefore, no employment terms or conditions will be affected by this Agreement and this Agreement will have no effect on any collective bargaining agreement.

The parties have signed this Agreement as of the date first written above.

CITY OF MOUNT PLEASANT

CHARTER TOWNSHIP OF UNION

By: \_\_\_\_\_  
Kathleen Ling, Mayor

By: \_\_\_\_\_  
Russ Alwood, Supervisor

By: \_\_\_\_\_  
Jeremy Howard, Clerk

By: \_\_\_\_\_  
Margie Henry, Clerk

Date signed: \_\_\_\_\_, 2016

Date signed: \_\_\_\_\_, 2016

DRAFT

**Exhibit A**  
**Depiction of City Parks**



**Exhibit B**

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**ORDINANCE NO. 2016-\_\_**

**AN ORDINANCE TO EXTEND REGULATIONS APPLICABLE TO TOWNSHIP PARKS  
TO INDIAN PINES**

The Charter Township of Union, Isabella County, Michigan, Hereby Ordains:

**211.001 – Title, intent and purpose.**

Sec. I. This ordinance shall be known and cited as the Charter Township of Union "Indian Pines Park Ordinance." The purpose of this ordinance is to regulate the use of the public park known as Indian Pines, which is located within the jurisdictional boundaries of the Charter Township of Union, owned by the City of Mt. Pleasant, and dedicated as a City park. Indian Pines is depicted on the map attached Exhibit 1 Ordinance No. 2016-\_\_\_. On \_\_\_\_, 2016, the Charter Township of Union and the City of Mt. Pleasant entered into an intergovernmental agreement allowing the City of Mt. Pleasant to enforce the provisions of this ordinance.

**211.002 – Park regulations.**

Sec. II. The regulations established in Ordinance No. 1994-5, Part 75, shall be applicable to Indian Pines as if it were a Township park. The Township has deputized, authorized, and appointed the following persons to enforce those regulations in Indian Pines on behalf of the Charter Township of Union: (i) all City of Mt. Pleasant officers and employees with authority to enforce City ordinances in the City; and (ii) all state and county law enforcement officers with authority to enforce state law in the Charter Township of Union. Township officers and employees shall also have the authority to enforce the regulations and any other applicable Township ordinances within the boundaries of Indian Pines.

**211.003 – Violations.**

Sec. III. The following provisions supersede Section 7.01 of Ordinance No. 1994-5, with respect to violations occurring in Indian Pines:

(A) Any person who violates this ordinance may be required to leave the Indian Pines premises and prohibited from returning to Indian Pines for a minimum of 30 days, or such other time as ordered by a court.

(B) Except as provided in subsection (C), any person who violates this ordinance shall be responsible for a municipal civil infraction, subject to a fine of \$50 for a first violation, \$100 for a second violation within the same calendar year, and \$250 for any subsequent violation within that calendar year.

(C) Any person who violates subsections 2.01(F), 2.01(H), 2.01(J), or 6.01(A)–(C) of Ordinance No. 1994-5 shall be guilty of a criminal misdemeanor.

**211.004 - Severability.**

Sec. IV. The provisions, sections, sentences and phrases of this ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall not affect or invalidate the remainder of this ordinance.

**211.005 - Effective date.**

Sec. V. This ordinance shall take effect 30 days after publication by the Charter Township of Union Board of Trustees.

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Russ Alwood, Supervisor

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Margie Henry, Clerk

CERTIFICATION OF ADOPTION OF TOWNSHIP ORDINANCE

I, Margie Henry, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance 2016-\_\_ was adopted at a regular meeting of the Charter Township of Union Board of Trustees held on \_\_\_\_\_, 2016, at which meeting the following named members were present and voted in person: \_\_\_\_\_

Voting in favor of adoption:

Voting against adoption:

Certification Date: \_\_\_\_\_

\_\_\_\_\_  
Margie Henry, Clerk

I, Margie Henry, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance 2016-\_\_ was published in a newspaper of general circulation within the Township on \_\_\_\_\_, 2016, and that the Ordinance and the publisher's affidavit hereto attached are filed in the Charter Township of Union Ordinance Book on the date of this Certificate, such date being within one week after the date of such publication.

Certification Date: \_\_\_\_\_

\_\_\_\_\_  
Margie Henry, Clerk

**Exhibit 1  
Depiction of City Parks**



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