

MICHIGAN AIR LINE TRAIL ORDINANCE

Last updated: August, 2022

Section 1 - General Rules and Jurisdiction. The provisions of this Ordinance shall apply in and to all the grounds, buildings, facilities, and territory from time to time under the management, jurisdiction, and control of the Commerce, Walled Lake, and Wixom Trailway Management Council hereinafter referred to as the "CW2 Council" and which are used for or occupied by the "Michigan Air Line Trail" within the boundaries of the (INSERT JURISDICTION) , hereinafter referred to as the "Trailway" or the "Trail."

Section 2 - Trail Hours. The Trail shall be open for public use during the hours of one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset, subject to restrictions on or permission for certain activities as established by the CW2 Council more specifically set forth in Section 7 of this Ordinance.

Section 3 - Protection of Trailway Property.

3.01. Natural Features. No person shall move, remove, damage, deface, prune, or in any way disturb, construct, or alter any structure, fixture, tree, plant, shrub, rock, soil, turf, or any other natural or artificial thing or object in the Trailway without first obtaining written approval from the CW2 Council.

3.02. All Plantings Prohibited. No person shall bring into or plant in or upon the Trailway any tree, shrub, plant or any other kind of flora or any part or seed thereof without first obtaining written approval from the CW2 Council.

3.03. Monuments and Memorials. No person shall bring into, leave, erect or install any rock, plaque, monument, sign, symbol or object of any kind in or upon the Trailway without first obtaining written approval from the CW2 Council.

3.04. Snow Removal. No person shall deposit snow on the trail surface or disturb the surface in such a way that it makes it unsafe for its intended purpose.

3.05. Dumping Prohibited. No person shall drop, throw, place, or otherwise scatter any material, object, or substance on the Trailway and not pick up and remove such material, object or substance. No commercial or household waste or hazardous or dangerous material may be deposited in the trash receptacles or upon the trail or in its waters, including, but not limited to paint, petroleum products, chemicals, cleaning supplies, flammable liquids, or construction debris.

3.06. Trash Disposal. Trail user shall carry out, or dispose of in trash receptacles, their personal trash, including, but not limited to, glass, plastic, styrofoam, or paper beverage or food containers, wraps, lids or bags. Pet waste and soiled diapers shall be bagged and also may be deposited in trash receptacles.

3.07. Fires. No person shall intentionally or unintentionally prepare, light or make use of any fire in the Trailway, except as may from time to time be permitted by written order of the CW2 Council, and except as required for the regular furnaces, fireplaces, and other heating equipment installed in the Trailway buildings.

3.08. Restricted Areas and Activities. No person shall be in, occupy, or enter upon any portion of the Trailway that has been designated closed to public use or entry by order of the CW2 Council. No person operating, directing, or responsible for any airplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus will take off or land in or on any Trail section or waterway, except when human life is endangered or written permission has been first obtained from the CW2 Council. No remote-controlled aircraft, drone, quadcopter, vessel, or car may be operated on the Trail unless operating in a properly designated area, and with prior written approval of the CW2 Council.

Section 4 - Protection of Birds and Animals.

4.01 Hunting and Trapping. All hunting and/or trapping is expressly prohibited.

4.02. Control and Custody of Pets. Persons owning or having the right to immediate custody or control of any animal shall not permit or allow such animal to enter into or remain in the Trailway unless at all times it is within the Trailway and such animal is, by means or a leash or other physical equipment, entirely and continuously under and subject to the direction and control of a person. Owner shall immediately remove their animal feces from the Trail and/or encase and deposit in appropriate waste containers.

Section 5 - Vehicles and Traffic.

5.01. Vehicles, Trailers or Other Objects. No vehicle, bicycle, equipment, material, trailer or other object may be parked or stored on the Trailway.

5.02. Motor Driven Vehicles. No person shall have or operate any motor driven vehicle in the Trailway, except on roadways, Trail crossings and designated parking areas from time to time designated by the CW2 Council excepting the following:

- (a) Law Enforcement, First Responders, and Emergency Vehicles.
- (b) Maintenance Personnel.
- (c) Visitors that are mobility-disabled.
- (d) Operators of **Class 1** e-bikes (those that require a pedal assist) **are permitted.**
No other e-bike classes are permitted on the Trailway.

5.03. Operating Vehicles. The operator of any vehicle or bicycle must obey all signs in regard to speed limits, danger, direction of traffic, and other traffic rules specifically applicable in designated Trailway areas.

5.04. Vehicle Speed. No person shall drive a vehicle or bicycle at a speed greater than is reasonable or prudent, having due regard for the surface, width, and condition of paving and traffic thereon. All vehicles, including bicycles, shall give right of way to pedestrians and announce their presence when approaching and passing.

5.05. Horseback Riding. The Trail is not open for horseback riding.

5.06. Traffic on Trail. All persons on the Trail shall comply with all rules and regulations relating to traffic on the Trail as may from time to time be promulgated by the CW2 Council.

5.07. Trail Signs. Signs may be placed by the CW2 Council along the trail in accordance with proper standards and guidelines for enhancement of Trail use and the protection of adjacent property owners.

Section 6 - Personal Conduct.

6.01. Games and Sports. No person shall engage in any sport, game or amusement in the Trailway except in areas specifically designated for such activity by the CW2 Council, and then only under such rules and regulations as may be prescribed by the CW2 Council.

6.02. Public Assemblies, Meetings, Contests. No person or group of persons shall call or hold any public meeting, exhibition, contest, tournament or public entertainment of any kind in the Trailway without first obtaining the written permission of the CW2 Council.

6.03 Weapons, Missiles, Explosives, Fireworks. Except for persons with a valid permit to carry a weapon, no person shall bring into, carry or use in any way in the Trailway any knife, firearm, air gun, pellet gun, or other weapon of any kind, or any instrument or device designed for or capable of hurling projectiles or missiles, or any fireworks or explosives of any kind. No person shall throw, cast or shoot stones, arrows or other missiles of any kind on, in, above, or into the Trailway. No explosives or any substance, compound, mixture, or article that, in conjunction with any other substance or compound may explode, discharge or burn, will be permitted.

6.04. Advertisements. No person shall display any placard or advertisement of any kind in the Trailway, nor shall any person distribute, cast, throw or place any hand bill, pamphlet, circular, advertisement, or notice of any kind, nor post, stencil, draw, paint, spray or otherwise affix or create any notice, bills, advertisement or other papers or things upon any structure or thing in on or above the Trailway. No person shall drive, park, or station on any road, parkway, or parking lot any vehicle displaying a sign or notice that it is for sale or exchange, or otherwise display advertising within the Trailway without a written permit from the CW2 Council. Nothing in this section 6.04 shall be construed to prohibit, or is intended to prohibit, the expression of speech protected under the First Amendment to the United States Constitution.

6.05. Drunkenness-Alcoholic Beverages and Illegal Drugs. No drunk or intoxicated person or individual under the influence of alcohol, drugs, or narcotics will be permitted entry to Trailway

areas and if discovered therein will be subject to arrest and/or immediate expulsion. The sale or consumption of alcoholic beverages including liquors, beer, wine or illegal drugs or narcotics is prohibited.

6.06. Improper Speech and Conduct. No person in the Trailway System shall use or engage in any abusive, threatening, insulting, indecent, lewd, profane or obscene language, signs, symbols, postures, or acts, or employ any such language or acts in such a way as to be conducive to a breach of peace in the Trailway. Nothing in this section 6.06 shall be construed to prohibit, or is intended to prohibit, the expression of speech protected under the First Amendment to the United States Constitution.

6.07. Breach of Peace and Disorderly Conduct. No person shall make, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, in the Trailway System, or be guilty of any disorderly conduct as described by State statute or local ordinance, or collect with any other person, in bodies or crowds, for unlawful purposes, or for any purpose to the annoyance or obstruction or disturbance of others there present. No person shall stand, sit or recline on any fence, rail or on any picnic table or any structure not intended for such use.

6.08. Public Demonstrations, Gatherings, Performances, and Speeches. No person or persons or representatives of any political party, religious sect, musical group, or other public exhibition, shall hold or attempt to hold any meeting, any parade or drill in the Trailway without written approval from the CW2 Council. No public address or electrical amplification will be permitted.

6.09. Resisting or Interfering with Officer. No person shall resist any law enforcement officer serving in the Trailway in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such Officer or in any way interfere with or hinder or prevent any such Officer from discharging his/her duty, or in any manner assist or give aid to any person in custody to escape or to attempt to rescue any person held in such custody.

6.10. Camping. No person shall set up, occupy or use tents, shacks, or any other temporary shelters, or any special vehicle to be used for such purpose; such as a house-trailer, camp-trailer, camp-wagon, or the like, for the purpose of overnight camping. Camping is expressly prohibited.

6.11. Trespass to Adjacent Lands. No person shall go onto land adjacent to Trailway land which is in private ownership, without the express permission of the landowner.

6.15. Damage to Property. No person shall injure, deface, disturb, defoul, change or remove any portion of any marker, structure, equipment, fence or any other property within the Trailway.

Section 7 - Special Permits. Other recreational activities may be allowed by special permit if authorized by the CW2 Council.

Section 8 – Penalty. Violation of this ordinance shall constitute a civil infraction punishable by a fine of not more than five hundred dollars (\$500.00). Unauthorized use of vehicles on the Trailway may be subject to impoundment of the vehicle.

Section 9 - Emergency Powers. Nothing in this article shall prohibit the CW2 Council or their designee(s) from establishing emergency rules designed to protect the health, welfare, and safety of trail visitors, to protect the Trailway, and to maintain order.