

AMENDED PARK RULES ORDINANCE

CLINTON COUNTY PARKS AND GREEN SPACE COMMISSION

Ordinance #2008-1

AUTHORITY

The purpose of this Ordinance is to 1) establish rules and regulations for public lands and recreation facilities under the jurisdiction of the Clinton County Board of Commissioners and the Clinton County Parks and Green Space Commission ("Commission"), as permitted by MCL 46.364, as amended, and MCL 46.11, as amended, 2) establish that violations of such rules and regulations shall be misdemeanors or civil infractions, as provided for by MCL 46.364, as amended, and MCL 46.11, as amended, 3) provide penalties for the violation thereof, as provided for by MCL 46.364, and MCL 46.11, as amended, and 4) authorize the enforcement of said Ordinance by employees, designees, or agents of the Commission, Clinton County Sheriff's Office, Michigan State Police and Michigan Department of Natural Resources Law Enforcement Division.

DEFINITIONS

1. "Commission" shall mean the Clinton County Parks and Green Space Commission, its Coordinator, or its authorized agent.
2. "Commission property" shall mean all lands and recreational facilities owned, leased or licensed by the County of Clinton, a State of Michigan municipal corporation, and under the management and control of the Commission.

ARTICLE I – ACCESS; USE

SECTION 1 — GENERAL PUBLIC

Commission property shall be managed for the benefit and enjoyment of Clinton County residents. Non-residents may also use Commission property for recreational purposes. Use discrimination based on race, color, religion, sex, age, marital status, national origin, ancestry, physical or mental handicap, or any other legally recognized protected status is expressly prohibited.

SECTION 2 — HOURS OF OPERATION

The Commission shall establish times and periods when Commission property is open and closed for public use. Such times and periods shall be posted at Commission property entrances. It shall be unlawful for any person to enter or to be present on Commission property that has been designated as closed to public use or entry.

ARTICLE II – PERSONAL CONDUCT

SECTION 1 — GENERAL CONDUCT

It shall be unlawful:

- a) To engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to lounge, sit or lie upon walks, roads, trails or paths obstructing the free passage of another person.
- b) To move, remove, destroy, mutilate or deface posters, notices, signs or markers of the Commission or any other agency of government.
- c) To use a loudspeaker, public address system or sound amplifying equipment of any kind without the written permission of the Commission.
- d) To hold events including, but not limited to races, endurance contests, exhibitions, performances, tournaments, competitions, or trail rides, unless the events are conducted pursuant to a permit.
- e) To paint or otherwise mark any tree, rock, structure or property, unless first authorized in writing by the Commission.
- f) To impersonate any Commission employee or agent.
- g) To interfere with any Commission employee or agent in the discharge of official duties; or refuse to obey any lawful command of a Commission employee or agent.

SECTION 2 — ALCOHOLIC BEVERAGES

It shall be unlawful to distribute alcoholic beverages from kegs, balls, ponies, coolers or any other bulk container to others, whether for a cost or without cost, or to have such containers in one's possession while on Commission property unless the Commission shall have authorized same by the issuance of a permit. This rule does not prohibit individuals present in designated camping and picnic areas from personally consuming alcoholic beverages from their own single serving containers. Possession of alcoholic beverages outside of designated camping and picnic areas is prohibited unless the Commission shall have authorized same by the issuance of a permit.

SECTION 3 — DESTRUCTION OF PLANT LIFE AND NATURAL SURROUNDINGS

It shall be unlawful:

- a) To destroy, damage, or remove trees, shrubs, wildflowers, grasses, or other vegetation. Except in wildlife food plots, this rule does not apply to picking and removing mushrooms, berries and edible fruits for personal use.
- b) To remove or cause to be removed any sod, earth, humus, boulders, gravel or sand.
- c) To bring into, dispose, or attempt to establish any tree, grass, bush, aquatic plant or any other living or dead vegetation that originated outside of Commission property.

SECTION 4 — LITTERING

It shall be unlawful:

- a) To discard or deposit refuse of any kind or nature except by placing it in containers provided for such purpose.
- b) To deposit refuse or waste material that originated outside of Commission property in receptacles provided for collection of on-site produced refuse or waste.
- c) To set fire to the contents of a trash container; or to place or burn garbage in a fire ring or stove.

SECTION 5 — FIRES

It shall be unlawful:

- a) To build any fire except in designated places or stoves or grills that are approved by the Commission for such purposes.
- b) To leave a campfire, picnic or warming fire unattended or unsupervised at any time.
- c) To dispose of hot coals from a cooking grill by dumping them on the ground or in containers used to collect waste materials capable of catching fire. Hot coals shall be disposed in containers specifically placed and marked for this purpose.
- d) To bring firewood of any kind or composition into Commission property without the prior written authorization of the Commission.

SECTION 6 — FIREWORKS AND FIREARMS

It shall be unlawful:

- a) To possess, discharge or set off any firecracker, rocket, sparkler or any other fireworks or substance of an explosive or dangerous nature unless the Commission shall have authorized same by the issuance of a permit. Any permit issued shall not relieve a person desiring to use fireworks from obtaining the necessary permits as required by law from the local governing authority wherein the property is located.
- b) To discharge or set off a revolver, pistol, shotgun, rifle, bow and arrow, crossbow, air rifle, air gun, or other firearm or weapon that discharges projectiles either by air, explosive substance or any other force. This section shall not apply to any duly appointed law enforcement officer while carrying out the duties of their position.

ARTICLE III – CONDUCT RELATED TO RECREATIONAL ACTIVITIES

SECTION 1 — BOATING

It shall be unlawful:

- a) To bring into Commission property or launch any boat, canoe, raft or other watercraft, except at such time or place as may be designated for such purpose.
- b) To bring into Commission property any watercraft with a gasoline or other liquid or solid fuel powered engine attached to it.
- c) To store or leave a boat or other watercraft on Commission property overnight without the written authorization of the Commission.
- d) To operate, dock or anchor any watercraft within a designated swim area.

SECTION 2 — CAMPING

It shall be unlawful to camp on Commission property without the prior written authorization of the Commission.

SECTION 3 — HUNTING, TRAPPING AND FISHING

It shall be unlawful to hunt, trap, catch, wound, kill, or disturb any bird or animal without the prior written authorization of the Commission. Hunting, if permitted by the Commission, will be subject to Michigan Natural Resources Commission established rules and regulations.

Fishing is permitted subject to Michigan Natural Resources Commission established rules and regulations.

SECTION 4 — SWIMMING, BATHING AND WADING

It shall be unlawful:

- a) To possess a glass container within any land or water area designated as a swimming beach or a land or water area that is regularly used for sunbathing, swimming or wading.
- b) To remove, destroy or otherwise render useless signs, depth-marking buoys, reaching poles, ring buoys and other equipment designated and situated for water safety purposes, except for use in a lifesaving situation.
- c) To jump from, run off of, or swim from or around any shoreline pier, gangway, platform, dock or other structure, unless the structure is specifically signed "swimming allowed".
- d) To fail to exercise supervisory responsibility for minor children entrusted to their care. Children under the age of thirteen (13) shall be at all times under the immediate supervision of a parent or guardian.

SECTION 5 — RECREATIONAL TRAILS

It shall be unlawful:

- a) To bring into, park or operate a motor vehicle on a trail, except for public safety and authorized maintenance vehicles and electric-powered mobility devices used by physically handicap visitors.
- b) For trail users to fail to yield to motor vehicles and pedestrians at driveway, road and highway crossings.
- c) To jump from bridges and/or trestles.
- d) To bring onto, ride, walk or otherwise have present horses on trails designated for non-equestrian use.
- e) To operate a bicycle on a trail designated for equestrian use.

SECTION 6 — YOUTH PLAYGROUND

It shall be unlawful for parents or guardians to fail to exercise supervisory responsibility for minor children entrusted to their care. Children in the playground under age nine (9) shall be under the immediate supervision of a parent or guardian.

SECTION 7 — OTHER ACTIVITIES

It shall be unlawful to conduct or participate in activities that have the potential to cause personal injury, damage property or disrupt the peaceful enjoyment of the property by others without the prior written authorization of the Commission. By way of example, geocaching, metal detection, paintball and operation of remote-controlled miniature scale model planes, boats and land vehicles are subject to this rule.

ARTICLE IV – FEES AND CHARGES

SECTION 1 — PURCHASE AND DISPLAY OF PERMITS

It shall be unlawful:

- a) To use any facility, land or area for which a fee or charge has been established by the Commission without payment of such fee or charge.
- b) To fail to display a valid daily or annual entrance permit on the windshield of any vehicle entering Commission property requiring such a permit.

SECTION 2 — FACILITY RESERVATIONS

Any group may use certain designated lands and/or facilities to the exclusion of others by making application and being granted a use permit by the Commission. It shall be unlawful for any person, group or organization to occupy, use or fail to vacate any facility, building, land area or equipment for which exclusive use has been granted by permit to another person, group or organization.

ARTICLE V – ANIMALS

It shall be unlawful:

- a) To bring, drive or lead any animal into Commission property, except at such time or place as may be provided or designated for such purpose.
- b) To bring, drive, lead or carry any dog or other animal which is unleashed, or upon a leash more than six feet in length.
- c) To bring, drive, lead or carry any adult dog over four months of age that is not wearing a valid license tag issued by a recognized county animal control authority.
- d) To cause any dog or pet to enter any public building or to be upon any designated beach, youth playground or picnic grounds, except a trained and working service dog.

- e) To feed any wild animal or waterfowl unless authorized to do so by a permit issued by the Commission.
- f) To walk any dog or other animal without having in immediate possession a device to pick up the animal's feces.
- g) To fail to keep any dog or pet under the immediate control of its owner or the owner's agent, or be in the possession of any dog creating a nuisance or disturbance.
- h) To abandon or release any wild or domestic animal without the written authorization of the Commission.

ARTICLE VI – TRAFFIC CONTROL

SECTION 1 — MOTOR VEHICLES

It shall be unlawful:

- a) To operate or park a vehicle in areas other than designated roads and parking lots.
- b) To operate a vehicle on any road or parking lot in excess of the posted speed limit.

SECTION 2 — PARKING IN PROHIBITED AREAS

It shall be unlawful:

- a) To stop, stand or park in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers and materials.
- b) To stop, stand or park upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.

ARTICLE VII – EMERGENCY POWERS

Nothing in these rules shall:

- a) Prohibit or hinder any Commission employee or agent, or any peace officer from performing their official duties.
- b) Prohibit the Commission from establishing additional rules required to protect the health, welfare, and safety of visitors; protect Commission property; and maintain order.

ARTICLE VIII – REVOKING PERMITS; EVICTION

In addition to any other penalty prescribed by law for violation of these rules, the Commission may revoke any permit and expel the offending person(s) from Commission property.

ARTICLE IX – FINES AND IMPRISONMENT

Except for the operation of a motor vehicle on a recreational trail, any person violating any provision of the foregoing rules shall be deemed guilty of a misdemeanor and upon

conviction thereof shall be fined not more than \$100 and costs of prosecution, or imprisonment for a period not exceeding ninety (90) days or both, for each offense.

The operation of a motor vehicle on a trail at any time, in any place, or in a manner prohibited by the rules is a civil infraction punishable by a fine not to exceed \$500.

ARTICLE X – REIMBURSEMENT FOR DAMAGES; JUDGEMENT; COLLECTIONS; MINOR DEFENDANT

- a) In addition to the penalties provided in this ordinance for violating its provisions, any person convicted of an act of vandalism, destruction of property, or injury to a person shall reimburse the Commission for the amount of the damage as determined by the court.
- b) The Commission may recover damages in an amount not to exceed \$2,500 in a civil action in a court of competent jurisdiction against the parents or parent of an unemancipated minor, living with his or her parents or parent, who has maliciously or willfully destroyed real, personal, or mixed property which belongs to the Commission or who has maliciously or willfully caused bodily harm or injury to a person, as permitted by MCL 600.2913, as amended.

ARTICLE XI – NOTICE TO APPEAR

As permitted by MCL 46.364, the Commission is authorized to appoint Park Rangers to issue and serve appearance tickets to District Court with respect to civil infractions and/or misdemeanor offenses if there is reasonable cause to believe that a person has violated a provision of this Ordinance for which a fine, imprisonment or both may be levied as a result of such violation.

ARTICLE XII – SEPARABILITY

The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Adopted by the Clinton County Board of Commissioners on November 25, 2008
Amended by the Clinton County Board of Commissioners on December 16, 2011