

# **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.

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## **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 — MOTZ & BIG CLINTON LAKES BEACHES**

#### **NO LIFEGUARD ON DUTY** **SWIM AT YOUR OWN RISK**

#### **BEACH RULES/SAFTEY**

- 1) Children age 12 & younger must be under the immediate supervision of an adult at all times.
- 2) Except to save a life, do not remove, play or tamper with equipment placed for water safety purposes. Swimmers playing with water depth markings buoys will be required to leave the water. When submerged buoys are released, they quickly return to an upright position and are capable of causing serious injury to nearby swimmers.
- 3) Dogs are not allowed in the beach area.
- 4) Do not feed seagulls/geese. Bird poop is unpleasant and harmful to human health and water quality.
- 5) Glass containers and food items are not allowed in the beach area.
- 6) Lightning Kills! When a storm is present or thunder heard, leave the water and beach immediately and seek shelter.
- 7) Sand play is allowed only within 15' of the shoreline. When play is done, holes must be filled, and the beach returned to its original level condition. A rake and shovel are provided on the reverse side of this sign.

**In case of emergency, call 911. Any other questions or concerns should be directed to Clinton County Parks and Green Space at 989-224-5128.**

## SECTION 8 — LITTLE CLINTON LAKES DOG BEACH

### Clinton Lakes Dog Beach - Rules and Regulations

- 1) Owners are responsible for the behavior of their dogs and must remain on the Dog Beach and supervising their dog with a leash readily available
- 2) Dogs must be leashed while entering and exiting the Dog Beach Area
- 3) Dog owners are responsible and assume all legal liability/responsibility for all actions, behaviors and/or damage from their dogs at all times
- 4) Dogs known to be aggressive towards other dogs or people may not enter the Dog Beach
- 5) Owners are required to clean up after their dogs
- 6) Dog Beach is located within the signed and fenced area only
- 7) No animals other than dogs are permitted in the Dog Beach Area
- 8) No glass containers, strollers, bicycles, or children's toys allowed in Dog Beach Area
- 9) No female dogs in heat permitted in Dog Beach Area
- 10) Dog owners must fill in holes before leaving the Dog Beach
- 11) Children age 12 & younger must be under the immediate supervision of an adult at all times
- 12) Gate must be closed and latched at all times, except for entering and exiting the Dog Beach
- 13) All dogs must be at least 4 months old, healthy, licensed, and up to date on all vaccinations
- 14) No human or dog food in the Dog Beach Area.
- 15) Dog owners must immediately clean up after their dog
- 16) Failure to comply with the rules may result in removal from the Dog Beach

**In case of emergency, call 911. Any other questions or concerns should be directed to Clinton County Parks and Green Space at 989-224-5128.**

## SECTION 9 — LARRY MARTIN PAVILION

### PAVILION USE LICENSE & RELEASE OF LIABILITY WAIVER

#### CONDITIONS, PROCEDURES, POLICIES, RULES AND REGULATIONS

- 1) **When:** Reservations may be made up to one year prior to the date being requested. All fees must be paid within 7 business days of that request to secure the reservation. Open dates are assigned on a first-come, first-served basis.
- 2) **How:** Reservations may be requested in person, mail, Internet, telephone or FAX. The signed *Pavilion Use License & Release of Liability Waiver* form and payment must be

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- received by the Commission within 7 days of reservation request, or the reservation will be cancelled.
- 3) **Half Pavilion:** Full and half pavilion reservations are available. When a half pavilion is reserved, the Commission retains the right to reserve the other half pavilion to another group.
  - 4) **Fee Waivers:** Local government units and 501(c)(3) non-profit organizations located in Clinton County providing a free public service to county residents may request a waiver of fees. Member social events are not eligible for a waiver. Waivers are more likely to be approved for weekday than weekend dates.
  - 5) **Refunds:** Refunds, less a \$20 handling fee, will be provided when cancellation notification is received at least 14 days prior to reservation date. Cancellations made within 14 days of event are non-refundable.
  - 6) **Hours of Use:** Motz County Park is open for use from 8:00 am until Sundown. Pavilion reservations outside of these hours must be pre-approved by the Commission Coordinator.
  - 7) **Alcoholic Beverages:** The sale or free distribution of alcoholic beverages is prohibited! Individuals of legal drinking age may consume reasonable amounts of alcoholic beverages from their own personal supply but may not share beverages with others. Coolers, kegs, ponies and other types of bulk containers may not be brought into the park. Beverages, alcoholic or otherwise, must be in unbreakable containers.
  - 8) **Tobacco Use Restricted:** Use of tobacco products in Motz County Park is only permitted in specific locations. Please refer to the beach house bulletin board for information on designated tobacco-free areas and where tobacco use is allowed.
  - 9) **Pets:** Pets, except trained and working service dogs, are not allowed in or around buildings, picnic grounds and swimming beach. **This is strictly enforced!** Pets taken elsewhere in the park must be on a 6' long leash at all times and under the immediate control of its handler.
  - 10) **Amplified Sound:** Amplified music, loudspeakers or public address systems are not allowed without the written authorization of the Commission Coordinator.
  - 11) **Picnic Tables:** Tables are arranged to comply with clearance requirements of the *Americans with Disabilities Act*. Any other table arrangement must be approved by the Commission Coordinator and may involve an additional fee to cover staff cost related to repositioning tables.
  - 12) **Games:** Horseshoes, volleyball and other games may not be located next to the pavilion due to safety concerns and underground utilities. Check with Park Rangers for acceptable locations to set up.
  - 13) **Inflatable Toys/Equipment:** Inflatable toys/equipment require written approval of the Commission Coordinator, the signing of a separate *Use Agreement for Inflatable Toys/Equipment* and provision of a \$1 million-dollar general liability insurance policy in which the County is named as "additional insured" and policy holder. Call (989) 224-5128 for more information.
  - 14) **For Profit Use:** Direct commercial for-profit sales are strictly prohibited.
  - 15) **Vehicle Parking:** Motor vehicles may not operate off of the entrance drive and designated parking areas without the written authorization of the Commission Coordinator.
  - 16) **Decorations/Signs:** Use of tape, staples, nails and tacks to hang decorations or signs are not permitted. All free-standing decorations and signs must be completely removed. No sidewalk chalk or similar products are to be used in the pavilion. Clean-up or repair charges may be assessed against the *Pavilion Use License & Release of Liability Waiver* applicant.

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- 17) **Clinton County Park Rules Ordinance:** Commission employees may inspect the pavilion at any time to ensure compliance with these Conditions and the *Ordinance*. The *Ordinance* is posted on the beach house bulletin board and on the Commission web site.

## **SECTION 10 — 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 April 26, 2022