

PARK RULES ORDINANCE

GRATIOT COUNTY PARKS AND RECREATION COMMISSION Gratiot County Ordinance #2005-2

AUTHORITY

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

DEFINITIONS

1. "Commission" shall mean the Gratiot County Parks and Recreation Commission, its Director, or its authorized agent.
2. "Commission property" shall mean all lands, waters, and property administered by or under the jurisdiction of the Gratiot County Parks and Recreation Commission.
3. "Person" or "person(s)" shall mean individuals, male or female, singular or plural; firms, corporations, or any group of individuals.
4. "Camping" means the overnight lodging or sleeping of person(s) in a cabin, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any other conveyance erected, parked or placed on the premises within any property administered by the Gratiot County Parks and Recreation Commission.

ARTICLE I – ACCESS; USE

SECTION 1 — GENERAL PUBLIC

Commission property shall be managed for the primary benefit of the residents of Gratiot County. Visitors from outside the geographical boundaries of Gratiot County are welcome to use and enjoy Commission property.

Any group may use certain designated park facilities to the exclusion of others by making application, depositing a fee, and being granted a permit by the Commission.

Commission property and services shall be governed by the highest principles of equal and fair access. 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 — SPECIAL PERMITS

- a) No construction or maintenance shall be made above or beneath Commission property by any person without first obtaining written permission from the Commission authorizing such construction or maintenance and a permit specifying in detail the work to be done and the conditions to be fulfilled to the terms of such approval.
- b) Notwithstanding any of the provisions hereof, the Commission may, upon written application, grant specific use permits for special uses when in the opinion of the Commission special consideration is warranted.

SECTION 3 — HOURS OF OPERATION

Commission property is open for public use between the hours of 8:00 a.m. and 9:00 p.m. Registered campers may remain on designated Commission property 24 hours a day during the period covered by the camping permit. Said hours may be changed upon approval of the Commission. It shall be unlawful for any person to enter or remain on Commission property that has been designated as closed to public use or entry.

SECTION 4 — UNLAWFUL OBSTRUCTION

No person, firm or corporation shall by force, threats, intimidations, unlawful fencing, enclosing or by other means, prevent or obstruct any person from entering, leaving or making full use of Commission property.

ARTICLE II – PERSONAL CONDUCT

SECTION 1 — GENERAL CONDUCT

It shall be unlawful:

- a) To be under the influence of intoxicants, narcotics, or other mind affecting drugs, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace, or disturb or annoy others, while in or on any Commission property.
- b) To conduct or participate in any form of gambling, lottery or game of chance on Commission property, except as permitted by state law and approved by the Commission.

SECTION 2 — ALCOHOLIC BEVERAGES

The sale and/or free distribution of alcoholic beverages is prohibited on Commission property. This rule does not prohibit individuals from consuming moderate amounts of

alcoholic beverages from their own personal stock. It does, however, prohibit the sale and/or distribution of alcoholic beverages from "community" sources such as kegs, balls, ponies, etc. All beverages, whether alcoholic or otherwise, must be consumed from unbreakable containers.

SECTION 3 — VANDALISM AND DESTRUCTION OF PROPERTY

No person shall without the written permission of the Commission:

- a) Destroy, deface, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze, marking or designating any boundary line, survey line or reference point.
- b) Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, trail feature, fence, gate, hedge or other structure.
- c) Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon Commission property.
- d) Appropriate, excavate, injure or destroy any historical ruin or pre-historical ruin or any object of antiquity.

SECTION 4 - DESTRUCTION OF PLANT LIFE AND NATURAL SURROUNDINGS

No person shall without the written permission of the Commission:

- a) Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
- b) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand.
- c) Introduce, plant or attempt to establish any tree, grass, bush, aquatic plant or any other living vegetation within Commission property.

SECTION 5 — LITTERING AND POLLUTION OF WATERS

It shall be unlawful:

- a) To discard or deposit refuse of any kind or nature except by placing said refuse in containers provided for such purpose.
- d) To deposit refuse or waste material that originated outside of Commission property in receptacles provided for collection of park refuse or waste.
- e) To set fire to the contents of a refuse basket or trash container; or to place or burn garbage in a fire ring or stove.
- f) To throw, lay, drop or discharge into or leave in Commission administered waters any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

SECTION 6 — FIRES

No person shall:

- a) Willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow.
- b) Build any fire except within receptacles or open spaces approved and designated for such purposes.
- c) Drop, throw or scatter lighted matches, burning cigars, cigarettes, tobacco paper or other inflammable material within or upon Commission property.
- d) Leave fires unattended. Campers shall completely extinguish all fires, including embers, prior to leaving the boundaries of their assigned camp site.
- e) Dispose of hot coals from a cooking grill by dumping them on the ground or in containers used to collect paper and plastic products or other materials capable of catching fire. Picnickers shall dispose of hot coals in containers specifically placed and marked for this purpose.

SECTION 7 — FIREWORKS

No person shall fire, discharge or have in his/her possession any firecracker, rocket, sparkler or other fireworks or any 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 this park is located.

SECTION 8 — FIREARMS

No person shall, at any time, bring into or upon Commission property, nor have in their possession, nor discharge or set off anywhere upon said property, a revolver, pistol, shotgun, rifle, air rifle, air gun, or any gun, rifle, firearm or other weapon that discharges projectiles either by air, explosive substance or any other force. This section shall not apply to any deputy sheriff, police officer, authorized park ranger or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position, or to any person while upon designated target ranges or areas.

Any person who has satisfied the provisions of Public Act 381 of 2000, as amended, commonly referred to as the Carry Concealed Weapon (CCW) law and has in his/her possession a valid CCW permit, may carry a concealed pistol but may not discharge the pistol.

SECTION 9 — AMPLIFIED SOUND

It shall be unlawful to use a loudspeaker, public address system or sound amplifying equipment of any kind without the written permission of the Commission; or to operate a

motor, motorboat, motor vehicle, radio, television, or any device in a manner that produces excessive noise.

SECTION 10 — PUBLIC EXHIBITION

No person shall without prior written permission of the Commission:

- a) Exhibit any machine or show.
- b) Exhibit any animal.
- c) Carry on any performance or do anything whatsoever in or upon Commission property that shall cause persons to congregate so as to interfere with the proper use of such property by the general public.
- d) Obstruct the passage of vehicles or persons.

ARTICLE III – CONDUCT RELATED TO RECREATIONAL ACTIVITIES

SECTION 1 — BICYCLING

Bicycles shall be operated as close to the right hand side of the path, trail, or roadway as conditions permit and shall be ridden single file.

No person shall:

- a) Operate a bicycle in a manner that endangers pedestrians, oneself or other bicyclists.
- b) Carry any person upon a bicycle handlebar or frame, or for any person to so ride upon a bicycle in this manner.
- c) Operate a bicycle between the hours of sunset and sunrise.

SECTION 2 — BOATING

- a) No person shall bring into, launch, moor, use or navigate any boat, canoe, raft or other watercraft upon any watercourse, lagoon, lake, pond or slough located within or upon Commission property, except at such time or place as may be provided or designated for such purpose.
- b) All watercraft shall comply with Public Act 303 of the State of Michigan (1967), as amended. A U.S. Coast Guard approved personal flotation device must be properly worn by all occupants of watercraft.
- c) Watercraft with gasoline powered motors attached are prohibited on the waters administered by the Commission.
- d) Watercraft with battery powered motors or propelled with human muscle may be used on Commission administered waters.
- e) Vehicles and/or trailers used to transport watercraft must remain within designated roads and parking lots at all times. Unless a designated launch ramp is provided, watercraft must be hand carried to and from Commission administered waters.

- f) No person shall store or leave a boat or other watercraft on lands, waters and property administered by the Commission without the written authorization of the Commission Director.
- g) No person shall operate, dock or anchor any watercraft within twenty-five (25) feet of a designated swim area.
- h) Use of miniature (scale model) watercraft on Commission property is a regulated activity that may only be conducted under a permit issued by the Commission.

SECTION 3 — CAMPING

It shall be unlawful:

- a) To camp without a permit.
- b) To camp except in areas provided and designated for such use.
- c) For more than one (1) family consisting of a father, mother and unmarried children to occupy a single camp site.
- d) For more than four (4) unrelated persons to occupy a single camp site.
- e) For unsupervised children under the age of 18 to occupy a camp site. Supervision must be provided by a parent or legal guardian eighteen (18) years of age or older.
- f) For more than two (2) motor vehicles, and one (1) camping unit to occupy a single camp site. A camping unit is defined as a motor home, travel trailer, pop-up camper, van, pickup camper, or large tent. An additional tent unit may be used as long as the occupancy limit, as defined above, is not exceeded.
- g) For anyone between the hours of 10:00 p.m. and 8:00 a.m. to create disturbance to disrupt the peace, quiet and tranquility of the camping area.
- h) For person(s) to wash dishes at pumps or drinking fountains; to fail to clean camp sites daily; or to discharge wastes of any type, except into designated containers, or dumping stations.
- i) To occupy a camp site after 1:00 p.m. on the last day covered by the permit.
- j) To occupy camp sites contrary to assignments made by the Commission's authorized representative.
- k) For a person to use a campground for a permanent or semi-permanent residence or as a base for the operation of a business.
- l) For unregistered campground visitors to enter or remain in a campground or day use area between 9:00 p.m. and 8:00 a.m.
- m) For travel trailers to be parked with tongue facing center of camp site. Trailer tongues must face the road for easy hook up in case of fire.
- n) To dig a trench or make any excavation on any camp site.

SECTION 4— GEOCACHING

Geocaching is a regulated activity that may only be conducted under a permit issued by the Commission Director.

SECTION 5 — HUNTING, FISHING, TRAPPING

No person shall hunt, trap, catch, wound or kill or treat cruelly, attempt to trap, catch, wound or kill any bird or animal, molest or rob any nest of any bird or lair, den or burrow of any animal in or upon Commission property. Fishing is permitted in accordance with the laws of the Department of Natural Resources of the State of Michigan in such areas designated for such purposes with the following two exceptions:

a) Ice Shanties:

Portable Ice shanties may be used on the waters located within Reed Park and West Park. Such shanties shall be removed daily.

b) Spearing of Fish:

The spearing of fish found within Commission administered waters is prohibited.

SECTION 6 — CONTRABAND

All game animals, fowl, birds, fish and other aquatic life, hunted, killed, taken or destroyed, bought, sold, bartered or had in possession, contrary to any of the provisions hereof, shall be declared to be contraband and shall be turned over to the State of Michigan Department of Natural Resources for disposal. Further, any weapon or object carried or used by any person in violation of these rules shall be subject to seizure by the Commission or its agents and disposed of according to law.

SECTION 7— METAL DETECTORS

Use of metal detectors is a regulated activity that may only be conducted under a permit issued by the Commission Director.

SECTION 8 — PAINTBALL

Use of paintball equipment and supplies on Commission property is prohibited.

SECTION 9 — SWIMMING, BATHING AND WADING

No person shall:

- a) Swim, bathe, wade or scuba dive in any of the watercourses, lakes, ponds or sloughs, located within Commission property except at such times and places as may be designated for such purposes. Persons must abide by posted swim rules.
- b) Possess a glass container within any land or water area that is designated as a bathing beach or a land or water area that is regularly used for sunbathing, swimming or wading.
- c) Use any flotation device, inflated or otherwise, in any watercourse, lake, pond or slough located within Commission property except in specifically designated areas.

- d) Except in a lifesaving situation, remove, destroy or in any manner whatsoever render useless equipment designated and situated for water safety purposes.
- e) 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 responsible adult.

SECTION 10 — YOUTH PLAYGROUND

No person shall fail to exercise supervisory responsibility for minor children entrusted to their care. Children in the playground area under age nine (9) shall be under the immediate supervision of a responsible adult at all times.

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 park entrance permit on the windshield of any vehicle entering Commission property requiring such a permit.

SECTION 2 — FACILITY RESERVATIONS

- a) Applications for exclusive use of certain park facilities shall be made upon reservation forms furnished by the Commission.
- b) If more applications are received than facilities are available, applications shall be considered in the chronological order received.
- c) 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.
- d) Nothing contained herein shall exempt users of reserved facilities from full compliance with all ordinance provisions and rules of the Commission relating to use and conduct on Commission property.

ARTICLE V – ANIMALS AND PETS

No person shall:

- a) Cause any animal or fowl to run at large.
- b) Bring, drive or lead any unlicensed animal onto Commission property, except at such time or place as may be provided or designated for such purpose. Except for working dog guides, pets are prohibited from the buildings, picnic areas and swimming beaches of all parks.

- c) Bring, drive, lead or carry any dog or other animal or pet which is unleashed, or upon a leash more than six feet in length.
- d) Cause any dog or pet to enter any public building or to be upon any designated beach, youth playground, except a trained and working dog guide.
- e) Torture, ill-treat or neglect any animal or fowl.
- f) Feed waterfowl found in designated picnic and swimming areas.
- g) Feed any wild animal within Commission property unless authorized to do so by a permit issued by the Commission.
- h) Walk any dog or other animal without having in immediate possession a device to pick up the animal's feces.
- i) Fail to keep any dog or pet in the direct possession or 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.
- j) Cause damage to a tree or other living vegetation by tying, chaining or fastening in any other manner a dog or other animal to a tree or other living vegetation.
- k) Abandon or release any wild or domestic animal within Commission Property without the written authorization of the Commission.

ARTICLE VI – TRAFFIC CONTROL

SECTION 1 — MOTOR DRIVEN VEHICLES

It shall be unlawful for any person to:

- a) Operate motor driven vehicles of any kind or nature, including trail bikes, snowmobiles, ATVs and similar vehicles, licensed or unlicensed, in areas other than designated roads and parking areas.
- b) Operate a motor driven vehicle on any park road at a speed exceeding 15 miles per hour or at any speed greater than that posted.
- c) Violate provisions of the Motor Vehicle Code Act #300 of the Public Acts of 1949, as amended. This act is hereby adopted in its entirety and made a part and incorporated herein by reference.

SECTION 2 — PARKING IN PROHIBITED AREAS

It shall be unlawful for a motor vehicle operator to stop, stand or park a vehicle:

- a) In any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers or for the unloading and delivery or pick up and loading of materials.
- b) In any place identified for Lifeguard use only.
- c) Upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
- d) In any marked handicapped parking space, except when by permanent or temporary permit, properly displayed, such use is authorized by a legally recognized regulatory authority and the person to whom the permit was granted is present in the park.

ARTICLE VII – COMMERCIAL ACTIVITIES, PEDDLING AND SOLICITING

It shall be unlawful for any person to peddle or solicit business of any nature whatever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, waters, structures, or property administered by or under the jurisdiction of the Commission, or to use such lands, waters, structures, or property, unless first authorized in writing by the Commission Director.

ARTICLE VIII – HINDERING AND RESISTING COMMISSION EMPLOYEES

No person shall interfere with or hinder any Commission employee or agent in the discharge of his/her official duties; or fail or refuse to obey any lawful command of any Commission employee or agent.

ARTICLE IX – IMPERSONATION OF COMMISSION EMPLOYEES

No person shall impersonate any employee or agent of the Commission for any reason whatsoever.

ARTICLE X – 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 emergency rules required to protect the health, welfare, and safety of park visitors; to protect park property; to maintain order.

ARTICLE XI – WILLFULLY REMAINING ON THE PREMISES

Upon violation of the Park Rules, the Commission may revoke any permits and expel the offending person from the park, provided:

- a) The offending person is notified by the Commission that:
 - 1) The person making notification is a Commission representative, and;
 - 2) The offending person is in violation of properly promulgated (enacted) rules of the County of Gratiot.
- b) It appears to the Commission representative that the offending person is in fact in violation of such rules.
- c) The offending person is directed to leave Commission property.
- d) The offending person remains, and thereby:

- 1) Constitutes a clear and substantial risk of physical harm or injury to other persons or of damage or destruction to Commission property and facilities, or;
- 2) Constitutes an unreasonable prevention or disruption of the customary and lawful functions of the Commission.

ARTICLE XII – FINES AND IMPRISONMENT

Except for the operation of a motor vehicle on a designated recreational trailway, 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 \$100.00 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 recreational trailway at a time, in a place, or in a manner prohibited by the rules is a civil infraction punishable by a \$50 fine for a first offense, \$75 for a second offense and \$100 for a third or greater number of offenses.

ARTICLE XIII – 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 XIV – NOTICE TO APPEAR

- a) 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 municipal civil infractions and/or misdemeanor offenses if the Commission has 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.
- b) Appearance ticket means a complaint or notice to appear upon which the Commission shall record an occurrence involving one or more violations of this Ordinance.

ARTICLE XV – 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.

ARTICLE XVI – EFFECTIVE DATE

This Ordinance shall become effective 9 days after adoption by the Gratiot County Board of Commissioners, subsequent publication of the ordinance in a newspaper of general circulation in Gratiot County once a week for two consecutive weeks, and the posting of a copy of the rules near each gate or principle entrance to the park area or facility.

Adopted by the Gratiot County Board of Commissioners this 2nd Day of August, 2005.

Richard D. Gay, Chairman
Gratiot County Board of Commissioners

Attested:

Carol A. Vernon
Gratiot County Clerk

STATE OF MICHIGAN}
 } SS
COUNTY OF GRATIOT}

I hereby certify that the foregoing Ordinance is a true copy adopted by the Gratiot County Board of Commissioners at their regular meeting held on _____, 2005 and signed by Chairman Richard D. Gay on _____, 2005.

Carol A. Vernon, County Clerk
And Clerk of the Gratiot County Board of
Commissioners