

ORDINANCE NO. 11-1
(last update 7-14-06)

PARK RULES

Revised Language Shown in Red

An ordinance to establish rules and regulations for **public parks and park facilities** under the jurisdiction of the Ottawa County Parks and Recreation Commission, to establish violations of those rules and regulations as municipal civil infraction violations, to establish penalties therefore, and to provide for the enforcement thereof.

Section 1. PURPOSE

The purpose of this Ordinance is to establish rules and regulations for public parks and park facilities under the jurisdiction of the Ottawa County Board of Commissioners and the Ottawa County Parks and Recreation Commission, as permitted by MSA 5.331, as amended, MCLA 46.11, as amended, to further provide that violations of such rules and regulations shall be municipal civil infractions, as provided for by MSA 5.331(m) as amended; MCLA 46.11(m), as amended, to provide civil infraction penalties for the violation thereof, and to further authorize the enforcement of said ordinance by employees of the Ottawa County Parks and Recreation Commission.

Section 2. RULES AND REGULATIONS

The Ottawa County Board of Commissioners adopts the following rules & regulations for the use, protection, regulation and control of public parks & park facilities owned & operated by Ottawa County.

Section 3. DEFINITIONS

- 3.1 "Commission" shall mean the Ottawa County Parks and Recreation Commission.
- 3.2 "Commission Park Property" shall mean all lands, waters and property administered by the Ottawa County Parks and Recreation Commission as park areas.
- 3.3 "Agent" shall mean the Parks and Recreation Director, Coordinator of Maintenance and Operations or Parks Manager.
- 3.4 "Designee" shall mean Parks Supervisors or other Commission staff as designated by the Commission, Director, Coordinator of Maintenance and Operations, or Parks Manager.
- 3.5 "Person" shall mean individuals male or female, singular or plural, or any group or gathering of individuals.
- 3.6 "Camping" shall mean the establishment of a lodging or sleeping site for a Person on the ground or in any other manner, or in any sleeping bag, tent, trailer, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on Commission Park Property for overnight, or day use.
- 3.7 "Written Permission" shall mean a park permit, a written note or letter signed by the Chairperson of the Commission or its Agent.
- 3.8 "Posting" shall mean the display of a sign or other device which is of size, shape and wording as to convey a clear message to reasonable people.

Section 4. PARK HOURS AND PUBLIC USE

- 4.1 No person shall:
 - 4.1a Enter a Commission Park Property except during park hours unless prior permission is obtained from the Commission or its Agent. Park hours are 7:00 a.m. - 10:00 p.m. from March 1 through October 15; 7:00 a.m. - 8:00 p.m. from October 16 through the last day of February or as posted.
 - 4.1b Willfully remain on Commission Park Property outside of park hours unless prior written permission is obtained from the Commission or its Agent.
 - 4.1c Re-enter Commission Park Property once expelled for reason of rule violation for a period of time determined by the Commission or its Agent.
 - 4.1d Enter or use a County Park or portion thereof which has been closed by the Commission or its Agent and posted as such.

- 4.2 Any person may use specific areas or facilities within Commission Park Property to the exclusion of others by making application per established Commission procedures and being granted a permit by the Commission or its Agent.

Section 5. FEES AND CHARGES

- 5.1 No person shall:
- 5.1a Use any facility, land, area or service for which a fee or charge has been established by the Commission without payment of such fee or charge per Commission procedures.
- 5.1b Fail to display or affix a valid permit in the manner established by the Commission when entering or using a Commission Park Property requiring such a permit.

Section 6. PROHIBITED ACTIVITIES

- 6.1 No person, while on Commission Park Property shall:
- 6.1a Deposit or abandon any garbage, refuse, trash, waste or other obnoxious materials except in receptacles specifically provided for such purposes.
- 6.1b Deposit or abandon in any way, any garbage, refuse, trash, waste or other obnoxious materials originating outside the Commission Park Property.
- 6.1c Engage in organized activities such as contests, shows, exhibitions; organized sporting or musical events, children's day camp, parades, or any other activity to the exclusion of others, without prior written consent of the Commission, or its Agent.
- 6.1d Use a park area, structure, play area or amenity for a use other than its intended or designed use.
- 6.1e Conduct any activity, including an authorized use, in any manner that unduly threatens the safety of any individual or threatens to damage or harm Commission Park Property or the natural resources therein.
- 6.1f Occupy or use a reserved facility when that facility is reserved by another person per established Commission procedures and is posted as such.
- 6.1g Hinder, interrupt, or interfere with any authorized use; or any use for which a permit has been granted, including a permit that allows the use of Commission Park Property to the exclusion of others.
- 6.1h Build fires except in grills, fireplaces, fire rings or other areas specifically provided and identified for that purpose.
- 6.1i Engage in the activity of Camping, unless prior written permission is obtained from the Commission or its Agent.
- 6.1j Peddle or solicit business of any nature whatever; distribute handbills or other advertising matter; post unauthorized signs on any lands, waters, structures, or other Commission Park Property; or use Commission Park Property for the purpose of commercial operations unless prior written permission is obtained from the Commission or its Agent.
- 6.1k Make use of loudspeakers or audio devices which produce sound at a level which bothers or annoys other park users, park neighbors, or in any way disturbs the peace and order of a park area.
- 6.1l Possess or discharge fireworks.
- 6.1m Be allowed to bring any glass bottle or container into a swimming beach or sunbathing area.
- 6.1n Fish from a swimming beach or be in possession of any fishing hooks or tackle while in a designated swimming beach area.
- 6.1o Trespass onto adjacent private property.
- 6.1p Smoke or use a tobacco product in any beach area, including sand areas, grass areas, decks, overlooks and other structures; or adjoining areas, as designated by signing.
- 6.1q Dispose of smoking waste or tobacco product waste in any beach area, including sand areas, grass areas, decks, overlooks and other structures; or adjoining areas, as designated by signing.

Section 7. PUBLIC CONDUCT

- 7.1 No person, while on Commission Park Property shall:
- 7.1a Commit, make or engage in noisy, boisterous, disorderly, lewd, lascivious or indecent conduct.
 - 7.1b In any manner disturb the peace and quiet or good order of a park area; disturb another person or park neighbor.
 - 7.1c Enter into a restroom intended for the opposite gender, or enter into or remain in any restroom or on any commission property for the purpose of committing any sexual act.
 - 7.1d Be present on any Commission Park Property with completely or partially exposed or visible genitals, pubic region, buttock, or completely exposed female breast.
 - 7.1e Be allowed to remain on Commission Park Property with a blood alcohol level that exceeds the legal limit; or when under the influence of illegal drugs or controlled substances.
 - 7.1f Be allowed to conduct or participate in any form of gambling or games of chance.
 - 7.1g Resist or obstruct, or be abusive or address in a profane or obscene manner any Commission Agent or Designee.
 - 7.1h Allow any Person under 8 years of age to use, enter or be in a playground or swimming beach area without the supervision of an adult.
- * * *DELETE ALL OF e.*
- 7.1e *Be allowed to loiter when it is detrimental to the good order of the Park or preservation of Commission Park Property*
 - 7.1i Travel at a speed on paths, trails, driveways or other areas on a horse, bicycle or any other conveyance at a speed that endangers any park visitor or may cause damage to park property.

Section 8. ALCOHOLIC BEVERAGES

- 8.1 No person, while on Commission Park Property shall possess any alcoholic beverage of any kind except at specific times and at specific locations by making application per established Commission procedures; and being granted a permit by the Commission or its Agent.

Section 9. ANIMALS

- 9.1 No person, while on Commission Park Property, shall:
- 9.1a Bring into, have or keep on any Commission Park Property any animal, except for leader dogs for the blind and horses used for mounted patrols; except in areas and at such times as specifically designated by the Commission or its Agent; on a leash not more than ten feet in length and under the immediate control of a competent person who shall remove and properly dispose of any waste produced by the animal immediately and completely.
 - 9.1b Bring onto Commission Park Property or be in possession of any animal that is vicious or dangerous to park visitors or other animals.
 - 9.1c Ride or allow horses or other riding animals, without written permission, except on designated bridle trails.

Section 10. PRESERVATION OF PARK PROPERTY AND NATURAL FEATURES

- 10.1 No person, while on Commission Park Property shall:
- 10.1a Destroy, injure, deface, disturb, remove or befoul any part of a park area, building, sign, equipment or other property therein; nor shall any tree, turf, grass, dune grass, flower, shrub or any other plant; rock or any other mineral; be removed, injured or destroyed.
 - 10.1b Release animals, pets or dispose of plants in a Commission Park Property without prior written consent of the Commission or its Agent.
- 10.2 The use of a metal detector is allowed only on sand beaches, during regular park hours unless prior written permission is obtained from the Commission or its Agent. Metal detecting is not allowed in any beach area with established vegetation. Holes created as part of the act of metal detecting must be promptly filled in.

Section 11. HUNTING, FISHING & TRAPPING

- 11.1 No person, while on Commission Park Property shall remove, hunt, trap, wound, kill, molest or in any other way harm any living thing, unless prior written permission is obtained from the Commission or its Agent, or Designee.
- 11.2 Hunting is allowed during special archery deer hunting programs at selected park sites during specific time periods per specific archery deer hunting program rules and regulations; per State of Michigan DNRE laws, and per other applicable County Park rules.
- 11.3 Fishing on Commission Park Property shall be permitted in accordance with Commission guidelines and the laws of the Department of Natural Resources of the State of Michigan in such areas designated by the Commission for such purposes.

Section 12. FIREARMS AND WEAPONS

- 12.1 No person while on Commission Park Property shall:
 - 12.1a Discharge or set off a pistol, rifle, shotgun, slingshot or any other instrument which discharges a projectile by air, explosion or any other force except for any deputy sheriff, police officer or other duly appointed law enforcement officer carrying out the duties and responsibilities of their position; unless prior written permission is obtained from the Commission or its Agent.
 - 12.2 The possession of firearms shall be permitted on Commission Park Property in accordance with the laws of the State of Michigan.
 - 12.3 Weapons associated with fishing shall be allowed in park areas and at such times as provided for those activities by the Commission, and in accordance with all applicable Federal and State laws and regulations.

Section 13. MOTOR VEHICLES

- 13.1 No person, while on Commission Park Property shall:
 - 13.1a Operate a motor vehicle unless the vehicle is duly authorized and licensed for operation on public roads.
 - 13.1b Operate a motor vehicle except on roads, parking lots and other areas expressly designed and designated by the Commission for that purpose.
 - 13.1c Operate a motor vehicle in any way which does not give right of way to pedestrians, bicyclists and equestrians; or endangers the safety of people or property.
 - 13.1d Park or leave unattended any automobile, truck, bus, motor home, trailer or any other similar device except in designated parking spaces or spaces assigned by a Commission designee and during regular park hours.
 - 13.1e Park or leave unattended any motor vehicle in a manner that blocks in another parked vehicle; blocks, restricts or impedes the normal flow of traffic; where parking is prohibited; on or in a turf area, wetland, meadow, prairie, marsh, field woodland; for the purpose of washing or making any repairs or alterations except those of an emergency nature; or in such a way as to occupy more than one provided parking space.
 - 13.1f Use a motor vehicle or any other motorized device to continuously cruise into, out of or through any area, roadway or parking lot.
 - 13.1g Exceed 20 mph or posted speed limits, or exceed a reasonable speed for given traffic conditions and special hazards such as trail crossings, entrances to parking areas, hills, or curves.
 - 13.1h Commit an act of property destruction with a motor vehicle or any other motorized device.
 - 13.1i Operate a snowmobile, off-road vehicle, any motor-driven vehicle or any motorized device in any park area unless specifically designated for such purpose.
 - 13.1j Park any vehicle in a Commission administered parking lot or space for a period exceeding the designated time limit as determined by the Commission and identified by posted signs noting the applicable time limitation.

Section 14. WATERCRAFT

- 14.1 No person, while on Commission Park Property shall:

- 14.1a Launch, navigate or use any boat, canoe, jet ski, sailboard, raft or other similar device upon any lake, pond or watercourse except at such times and places provided by and designated for such purpose by the Commission.
- 14.1b Enter a posted swim area with any boat, canoe, jet ski, sailboard or other similar device.
- 14.1c Beach, moor, or store any boat, raft, canoe, jet ski, sailboard or other similar device outside of regular park hours unless prior written permission is obtained from the Commission or its Agent.

Section 15. BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER-SKATES OTHER DEVICES

- 15.1 No person, while on Commission Park Property shall:
 - 15.1a Use a bicycle, tricycle or other similar conveyance except upon roadways, parking areas and designated paths or trails.
 - 15.1b Use a skateboard, scooter, roller-skates or similar device except where it is specifically allowed by the Commission.
 - 15.1c At any time obstruct vehicle or pedestrian traffic into, out of or through Commission Park Property by the use of a bicycle, skateboard, roller-skates or similar devices.
 - 15.1d At any time use a bicycle, skateboard, roller-skates or similar device in a careless manner which may result in injury to a person or damage to property.

Section 16. SPORTS, GAMES AND HOBBIES

- 16.1 No person, while on Commission Park Property shall:
 - 16.1a Engage in any sport, game or similar activity while on Commission Park Property which unreasonably interferes, annoys or bothers the use and enjoyment of an area by others.
 - 16.1b Use or operate any amusement device while on Commission Park Property that would threaten the safety of any person or potentially damage park property; or would interfere, annoy or bother the use and enjoyment of an area by others.
 - 16.1c Use or operate any motorized model airplane, car, boat or similar device unless prior written permission is obtained from the Commission or its Agent.
 - 16.1d Launch, land, operate or otherwise engage in the use of hot air balloons, parachutes, hang gliders, or other similar conveyances without obtaining prior written permission from the Commission or its Agent.

Section 17. PENALTIES

- 17.1 Any person who violates the Rules and Regulations of the Ottawa County Parks and Recreation Commission may be expelled from Commission Property and be responsible for municipal civil infraction violations punishable by a municipal civil infraction penalty not to exceed \$100 and costs of prosecution.

Section 18. ENFORCEMENT

- 18.1 Notice To Appear.
 - 18.1a Any Ottawa County Sheriff's Deputy, and any Agent or designee of the Commission are authorized to issue and serve municipal civil infraction citations with respect to municipal civil infraction violations if the Deputy, Agent or Designee has reasonable cause to believe that a person has committed a municipal civil infraction violation of this Ordinance.
- 18.2 Nothing in these rules and regulations shall:
 - 18.2a Prohibit or hinder any Commission employee or agent, or any peace officer from performing their official duties.
 - 18.2b Prohibit the Commission, its Agent or Designee from establishing any emergency rules required to protect the health, welfare and safety of park visitors; to protect Commission Park Property; or to maintain order.
 - 18.2c Prevent other officers from carrying out their sworn duties within the Commission park properties or facilities as defined by the applicable laws of the State of Michigan and the United States or by the ordinances, resolutions and policies of Ottawa County Michigan or in accord with any policing agreement approved by the Board.

Section 19. CONFLICT WITH CRIMINAL LAWS

Nothing in this Section shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law.

Section 20. SEVERABILITY

The phrases, sentences, sections and provisions of this Section are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 21. REPEAL OF CONFLICTING ORDINANCES

All other Ordinances, part of Ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

Section 22.

This Ordinance was approved and adopted by the Ottawa County Board of Commissioners on
, and shall be effective on