

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BOARD OF COMMISSIONERS—AMEND PARKS ORDINANCE #1010.1

WHEREAS, a public hearing, duly noticed, was held in the Board Room, County Services Building on March 14, 2019 at 1:00pm, to allow public comment.

THEREFORE BE IT RESOLVED that upon hearing public comment, the Board of Commissioners hereby adopts the amended Parks Ordinance No. 1010.1 as presented; and

BE IT FURTHER RESOLVED that the Parks Ordinance #1010.1 shall take effect April 1, 2019; and

BE IT FURTHER RESOLVED that notice of said amended ordinance shall be published in a newspaper of general circulation in Allegan County within ten (10) business days of adoption; and

BE IT FINALLY RESOLVED that the Clerk is authorized to publish and post notices of this ordinance to inform the general public of its adoption.

Moved by Commissioner DeYoung, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Cain. Nays: Thiele.

ATTEST, A TRUE COPY



_____, Clerk-Register

APPROVED: March 14, 2019

cc: Admin. - Finance - Human Resources - Parks

ALLEGAN COUNTY**Park Ordinance #1010.1****Effective: April 1, 2019****PURPOSE AND AUTHORITY**

The purpose of this Ordinance is to provide guidance for the use of public parks under the jurisdiction of the Allegan County Board of Commissioners so that County park infrastructures, natural resources, and the ability of the public to safely enjoy park amenities shall not be degraded, to provide notice to all persons the possibility of arrest, incarceration, and prosecution for alleged violation of the laws of the State of Michigan and the United States of America while on park property, to provide that violations of the rules published herein may result in enforcement action ranging from a warning to eviction from County park properties, and to authorize the enforcement of said rules by designees of the Allegan County Board of Commissioners, per Michigan Compiled Laws (MCL) 46.11 (j) (m) and 46.10 (b) and MCL §436.1915(3).

ARTICLE I - DEFINITIONS

- A. **“Board”** shall mean the Allegan County Board of Commissioners.
- B. **“Camper”** means a motorized vehicle manufactured and designed to serve as a basic shelter unit that includes sleeping quarters.
- C. **“Camping”** is the use of temporary living arrangements in any sleeping bag, tent, camper, recreation unit, motor vehicle, boat, or any other conveyance or structure erected, parked, or placed within any park property.
- D. **“Equine”**, for the purposes of this ordinance, refers specifically and only to horses, donkeys, mules, and ponies.
- E. **“Fireworks”** shall be defined as a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect or both, by combustion, deflagration, or detonation.
- F. **“Motorized Vehicle”** shall mean a self-propelled vehicle, commonly wheeled and operating on land that does not operate on rails.
- G. **“Park Property”** shall mean all lands, and improvements, buildings, and facilities thereon, under the jurisdiction of the Board open to the public for prescribed recreational purposes.
- H. **“Person”** shall mean individuals, male or female, singular or plural, and firms, corporations, or any group or gathering of individuals.

- I. **“Pet(s)”** shall be defined as any dog, cat, horse, fowl, tamed bird, or other living creature carried, led, ridden, or otherwise transported into a County park from another location by any person.
- J. **“Recreation unit”** means a non-motorized vehicle manufactured and designed to serve as a basic shelter unit that includes sleeping quarters that is attached upon or pulled behind a motorized vehicle.
- K. **“Rules”** shall mean these rules and the amendments thereto, adopted by the Board, applicable to the use and management of park property.
- L. **“Watercraft”** means any contrivance used or designed for navigation in or on water.
- M. **“Alcoholic Beverage”** shall be defined as any intoxicating beverage as defined by Michigan statute.
- N. **“Controlled Substance”** shall be defined as any substance or its immediate precursor as identified in MCL §333.7211-7220. Generally, a controlled substance is an illegal drug that can have a detrimental effect on a person's health and welfare. As a result, state and federal governments have seen fit to regulate these substances. A person caught possessing a controlled substance can be fined and held in jail or prison by local, state, and federal law enforcement.

ARTICLE II - PARK PROPERTY ACCESS & USE

- A. To the extent of the privileges and limitations contained in these rules, any person may use park properties on a first-come-first-served basis, when park properties are open to public entry for the purposes designed and provided.
- B. On a first-come-first-served basis, any person may seek a Special Use Permit for the recreational use of a specifically designated park area or a Camping or Facilities Permit for the recreational use of a specific campsite or picnic or play area, for a specific date and period of time, to the exclusion of others, for approved activities, by making application, meeting any requirements, paying such fees as may be established, and displaying the permit, registration, or reservation document where required.
- C. When participation fees are charged, commercial activity scheduled, and/or the use of additional apparatus or equipment desired, a Special Use Permit must first be secured, subject to the conditions in II.B. above and such other requirements as the Board shall deem appropriate.
- D. No person shall be on park property before or after park hours except for those having a valid Special Use or Facilities Permit allowing access between sunset and sunrise or a Camping Permit.

- a. Park Hours:
 - i. May 1 – September 30:7:00am – 9:30pm
 - ii. October 1 – April 30:8:00am – 8:00pm

- E. Nothing contained herein shall exempt the users of reserved facilities from full compliance with all applicable rules while on park property.
- F. Special Use Permits and Camping and Facilities Reservations are available one year in advance of the use date with the complete and full payment of all related fees.

ARTICLE III - CONDUCT ON PARK PROPERTY

On park lands owned or under the control of the County of Allegan, a person shall not:

- A. Consume alcoholic beverages in any County Park Property, except within a designated campsite with a paid camping permit.
- B. Be under the influence of intoxicants, controlled substances, narcotics, or other mind-affecting drugs, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, obscene or otherwise disorderly conduct tending to create a breach of the peace or to disturb or annoy others, while in or on any County Park Property.
- C. Attempt to sell, systematically solicit business of any nature, or distribute or post any handbills or other advertising matter.
- D. Use County-owned park lands for commercial purposes unless the commercial operations are conducted pursuant to a written authorization/permit.
- E. Fail to exercise supervisory responsibility for minor children and others entrusted to their care. Children under age twelve (12) shall be under the immediate supervision of a responsible adult, 18 years of age or older, at all times.
- F. Leave a fire unattended. Campers and park users shall completely extinguish all fires, including embers, prior to leaving the boundaries of their assigned campsites or park area.
- G. Hunt, trap, catch, wound, kill or treat cruelly, attempt to trap, catch, wound or kill any animal, molest or rob any nest, lair, den, or burrow of any animal in or on park property. Fishing will be permitted in accordance with the laws of the Department of Natural Resources of the State of Michigan in such areas designated for such purposes.
 - a. The pond located in Allegan County’s Bysterveld Park has been designated as catch-and-release-only.

- H. Continuously cruise with any motorized vehicle through and around park property or campgrounds for the purpose of attracting, distracting, or harassing bona fide park users.
- I. Possess glass containers on any beach.
- J. Impersonate any County employee or agent.
- K. Discharge firearms; air, gas, or spring-loaded guns; bow and arrow, crossbow, or slingshot.
- L. Operate a motor, motorboat, motorized vehicle, radio, television, generator, or any other device that produces excessive loud noise or music.
- M. Ascend, launch, direct, or land an airplane, hot air balloon, remote controlled aircraft, or ultra-light from County park property without the permission of the Board.
- N. Dump, deposit, scatter, throw, or cause or permit dumping, placing, throwing, or leaving of any litter, waste (hazardous/yard/household), wastewater, glass, garbage, refuse, tobacco waste, sewage, noxious material, or any other material, solid or liquid, not generated by the camping experience in park receptacles provided for the disposal of camping refuse, waste, litter, and garbage or fail to carry away all such materials when County receptacles are not provided.
- O. Possess, ignite, attempt to ignite, or otherwise cause to explode, discharge, or burn, any fireworks, smoke bombs, torpedoes, rockets, or other pyrotechnics or explosives within a County park.

ARTICLE IV - PETS

- A. Pets are permitted in County parks unless posted otherwise, if either caged or on a leash or rein no greater than six (6) feet in length, under the immediate and continuous control of a competent person, and not allowed to disturb or annoy other park users.
- B. Pets are NOT permitted on beaches, in swimming waters, or in park buildings or shelters.
- C. Only equines are permitted on County equestrian trails.
- D. Trained, working, and documented Leader or Assist Dogs are permitted in all areas of all parks.
- E. Those responsible for the presence of pets in County parks shall not permit an animal to damage the real or personal property or natural resources of the County parks.
- F. Equines are allowed in all areas at Silver Creek and Ely Lake parks except picnic, pavilion, beach, and other day use areas, and shall not be tied to a Park fence, tree, shrub, building, equipment, gate, or other Park structure not specifically established/designed for such use.

- G. All persons shall clean up after their pet. The person in charge of any pet on park property, except equines on equestrian trails, shall immediately remove and dispose of all wastes deposited by such animal by any sanitary method.
- H. Equine generated waste, i.e. manure and straw specifically, shall be removed from County park property by the person responsible for the pet's presence.
- I. Equestrians shall neither ride on non-designated trails nor create a shortcut or a new trail.

ARTICLE V - CAMPING

While camping on park property, a person shall not:

- A. Camp in areas other than those designated for such use; disrupt the peace, quiet and tranquility of a campground; occupy a campsite other than that to which the person is registered; and occupy a campsite after 3 PM on the day after the last night of campsite registration, or for unregistered campers to enter or remain in a campground from 10:00 PM to 7:00 AM.
- B. Camp without registering and paying the required fee for a campsite, occupy an unregistered or unpaid campsite with private property, or leave a campsite continuously unoccupied for longer than five (5) consecutive days. In such cases, personal property may be removed at the owner's expense and risk.
- C. Occupy, use, or fail to vacate any facility, building, land area, or equipment for which a permit allowing exclusive use has been granted to another person.
- D. Allow more than one (1) single family or more than four (4) unrelated persons to camp on one designated campsite. A single family includes parents or guardians and their children and other relatives if not more than two (2) temporary living units, i.e. tent, camper, recreational unit, or combination thereof, is used and there are fewer than 9 individuals.
- E. Orient a camper or recreation unit on a campsite in any manner that would hinder its quickest removal from a County park in the case of emergency.
- F. Wash dishes at pumps or drinking fountains; fail to clean campsites upon departure; dispose of waste, rubbish, trash, refuse, or garbage not resulting from the use of County park lands in receptacles or dumping stations provided; set fire to the contents of a trash container; place or burn garbage in a fire ring or stove; bury waste, refuse, rubbish, trash, or garbage regardless of its origin; and dig a trench or make any excavation on any campsite.
- G. Occupy a campsite for longer than a maximum of fifteen (15) consecutive nights in thirty (30) days, after 3 PM on the day of the last night of campsite registration, or for

unregistered campers to enter or remain in a campground from sunset to sunrise. In cases where a person transfers to another camp site, the total time permitted at the new site at the same park shall not exceed, in the aggregate, fifteen (15) consecutive nights in thirty (30) days.

- H. Make, cause, or create any noise or disturbance which is a hindrance to the peace and quiet of a campground between sunset and sunrise.

ARTICLE VI - WATERCRAFT USAGE

No person shall store, moor, or leave watercraft unattended for more than 48 hours without written authorization.

ARTICLE VII - TRAFFIC CONTROL

Vehicle operators shall not:

- A. Operate a motorized vehicle except on designated roads and parking areas at a speed greater than 15 miles per hour or at any speed greater than that posted.
- B. Operate a motor vehicle in careless or reckless manner; or which does not give right away to pedestrians, bicyclists and equestrians; or endangers the safety of people or property.
- C. Allow, place, or drive more than two (2) motorized vehicles onto one (1) campsite, except that four (4) motorcycles are permitted if each is operated by a registered camper.
- D. Allow vehicles of any nature on equestrian trails.

ARTICLE VIII - EMERGENCY POWERS

Nothing in these rules shall prohibit the Board from establishing emergency rules required to protect the health, welfare, and safety of park visitors; to protect property; or to maintain order.

ARTICLE IX - ENFORCEMENT AND PENALTIES

- A. It shall be unlawful for any person to willfully enter or remain upon park property after having been prohibited from doing so by a Law Enforcement Officer, Park Ranger, or persons authorized by the Board upon violation of any of the provisions of this Ordinance.
- B. It shall be unlawful for any person to resist, fail or refuse to obey any lawful command of, interfere with, or in any manner hinder, Law Enforcement Officer, Park Ranger, or persons

authorized by the Board or any employee of the Allegan County Parks Service in the performance of his or her official duties.

- C. Any person who violates the Rules and Regulations of the ALLEGAN COUNTY PARKS ORDINANCE #1010.1 may be responsible for municipal civil infraction violations punishable by a municipal civil infraction penalty not to exceed \$100 and costs of prosecution.
- D. Persons violating any of this ordinance may also be evicted from said Park Property upon the day of the offence and for up to a year if deemed necessary by the Board.
- E. Any Law Enforcement Officer, Park Ranger, or persons authorized by the Board is authorized to issue and serve municipal infraction citations with respect to municipal civil infraction violations if the Law Enforcement Officer, Park Ranger, or persons authorized by the Board has reasonable cause to believe that a person has committed a municipal civil infraction violation of this ordinance.
- F. 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 County for the amount of the damage as determined by the court.

ARTICLE X – 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. 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.