

Montcalm County

County Parks Ordinance

Adopted: September 25, 1995
As Amended on the following dates:
August 11, 2003
June 26, 2006

MONTCALM COUNTY PARKS ORDINANCE

An ordinance to regulate and control all lands, waters, structures, fixtures and other property owned by Montcalm County, or otherwise under the jurisdiction of Montcalm County, which are designated for current or future use as public recreation areas or facilities, and to set forth certain powers and duties of the Montcalm County Parks and Recreation Commission and the Montcalm County Building and Grounds Supervisor.

WHEREAS, MCLA 46.11; MSA 5.331 authorizes the Montcalm County Board of Commissioners to enact ordinances relating to county affairs; and

WHEREAS, MCLA 46.351; MSA 45.570 (101) authorizes the Montcalm County Board of Commissioners to make rules and regulations with respect to the Montcalm County Parks and Recreation Commission as the Board considers advisable; and

WHEREAS, The Board of Commissioners of Montcalm County and the Montcalm County Parks and Recreation Commission believe that the safety and general welfare of the people of Montcalm County and their guests would be enhanced by the enactment of a county ordinance regulating and controlling all lands, waters, structures, fixtures and other property owned by Montcalm County, or otherwise under the jurisdiction of Montcalm County, which are designed for current or future use as public recreation areas or facilities.

NOW THEREFORE BE IT RESOLVED, by the Montcalm County Board of Commissioners, Montcalm County, Michigan, as follows:

SECTION 1 – Definitions

- A. "Building and Grounds Supervisor" shall mean the Montcalm County Building and Grounds Supervisor, as well as authorized Montcalm County employees under the direction thereof.
- B. "Camping" shall mean the overnight lodging or sleeping of persons in a cabin, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle or in any other conveyance erected, parked, or placed on the premises of any Commission property.
- C. "Commission" shall mean the Montcalm County Parks and Recreation Commission, or its authorized agents.
- D. "Commission Property" shall mean all lands, parks, waters, structures, fixtures and other property owned by Montcalm County, or otherwise under the jurisdiction of Montcalm County which are designated for current or future use as public recreation areas or facilities.

- E. "Day Use Area" shall mean those park areas containing developed recreation facilities, including, but not limited to picnic grounds, swimming beaches, trails for hiking and biking, trails for skiing and horseback riding, boat launch facilities, youth playgrounds, sport fields, and parking lots which are used during normal park day time hours of operation. Campgrounds and undeveloped lands or waters on Commission property are not considered to be day use areas unless posted otherwise.
- F. "Person" or "Persons" shall mean individuals singular or plural, firms, corporations, or any group of individuals.

Section II – Reservations and Permits

- A. Any individual or group may reserve the use of certain designated park facilities to the exclusion of others by making advance application, depositing a fee, and being granted a permit to reserve park facilities by the Building and Grounds Supervisor.
- B. Application for a Permit to Reserve Park Facilities shall be made upon forms furnished by the Building and Grounds Supervisor, which have been approved for such use by the Commission. Applications must be filled out completely, legibly and accurately in order to be considered valid submissions. Applications must also be accompanied by payment of applicable fees, payable to Montcalm County, in the form of a personal check drawn on funds held in a Michigan bank, a certified check from a Michigan Bank, or U.S. currency in order to be considered valid submissions.
- C. Any individual submitting payment of fees in the form of a check which is returned for insufficient funds may be subject to prosecution and/or penalties as provided under state law. Any permit issued on the basis of such insufficient payment shall be considered void. Moreover, following the return of a check for insufficient funds, the Building and Grounds Supervisor shall not accept another check from the same individual.
- D. If more applications are received than facilities are available, applications shall be considered in the chronological order received.
- E. In the event of a cancellation for use of a reserved facility, any permit fee will be refunded in full, upon formal request to the Building and Grounds Supervisor, up to ten full working days before the effective date of the permit. There will be no refunds for cancellations which are made known to the Building and Grounds Supervisor less than ten full working days before the effective date of the permit.

- F. Nothing contained herein shall exempt the users of reserved facilities on Commission property from full compliance with all provisions of this ordinance.

Section III – Hours

- A. Parks on Commission property shall be open to the public daily as follows:

May 1 through Labor Day – 7 a.m. to 10 p.m.

After Labor Day through October 31 – 7 a.m. to 7 p.m.

It shall be unlawful for any person to enter Commission property during times when that property is closed to public use or entry.

Section IV – Vandalism and Destruction of Property

- A. No person shall perform any of the following acts without the formal permission of the Montcalm County Board of Commissioners. Prior to making a final decision on the request, that body shall direct the Commission to evaluate the request and make a recommendation to the Montcalm County Board of Commissioners within 60 days on whether the request should be granted.
 - 1. Appropriate, destroy, mark upon, deface, alter, change, remove or injure any monument, stone marker, bench mark, state, post or blaze marking or designating any boundary line, survey line or reference point on Commission property.
 - 2. Appropriate, destroy, mark upon, deface, alter, change, remove or injure any building, equipment boat landing facility, cooking grill, picnic table, bench, bridge, drain wall, fountain, lamp post, trail feature, fence, gate, hedge or other structure within or upon Commission property.
 - 3. Appropriate, destroy, mark upon, deface, alter, change, remove or injure any placard, sign or notice within or upon Commission property.
 - 4. Appropriate, deposit, plant, uproot, destroy, mark upon, deface, alter, change, remove or injure any tree, sapling, seedling, flower, fruit, bush, shrub or other plant, whether alive or dead, within or upon Commission property.
 - 5. Remove, excavate, or cause to be removed or excavated, any sod, earth, rocks, humus, peat, gravel or sand within or upon Commission property.

6. Set or cause to be set on fire any tree, woodland, brush land, grassland or meadow, nor any man-made structure thereon, within or upon Commission property.
 7. Build any fire except in designated fire receptacles, cooking fixtures, or open space specifically designated for that purpose within or upon Commission property.
 8. Drop, throw or scatter lit matches, or other burning materials, including tobacco products, within or upon Commission property.
 9. Leave fires unattended within or upon Commission property, or vacate park premises without first completely extinguishing any and all fires, including embers.
- B. No person shall appropriate, excavate, destroy, mark upon, deface, alter, change, remove or injure any historical ruin or artifact of antiquity, whether hidden from view or otherwise, within or upon Commission property, without the expressed advance permission of Montcalm County Board of Commissioners. Prior to making a final decision on the request, that body shall direct the Commission to evaluate the request and make a recommendation to the Montcalm County Board of Commissioners within 60 days on whether the request should be granted. In addition, such permission shall only be given after the Montcalm County Board of Commissioners has obtained formal clearance to grant the request from the Michigan State Bureau of History.

Section V – Hunting, Fishing and Trapping

- A. No person shall hunt, fish, trap, catch, threaten, disturb, torment, imprison, molest, wound, appropriate or treat cruelly, any mammal, reptile, bird, fish, other living animal, nor their nests, dens, burrows, eggs or offspring, within or upon Commission property, with the exception that fishing shall be allowed in accordance with the laws of the State of Michigan in areas designated for that purpose.
- B. All mammals, reptiles, birds, fishes, other living animals, and their eggs or offspring, which have been hunted, killed, taken or destroyed within or upon Commission property, regardless if they have been subsequently bartered or sold, contrary to the provisions of this ordinance shall be declared to be contraband and shall be turned over to the Michigan Department of Natural Resources for disposal. Further, any weapon or other tool or device used to trap, kill, process, transport or immobilize said contraband shall be subject to seizure by law enforcement officers and disposed of according to law.

Section VI – Swimming, Bathing and Wading

- A. No person shall swim, bathe, dive, or scuba dive in any of the watercourses, streams, rivers, creeks, lakes, ponds or sloughs located within or upon Commission property except at such times and places as may be designated for such purposes.
- B. Except in a lifesaving situation, no person may remove, destroy, or in any manner alter equipment designed for and situated for water safety purposes on Commission property.

Section VII – Supervision of Minors

No adult shall fail to exercise appropriate supervisory responsibility, on commission lands or waters, for minor children in their care. Children under age 12 shall be under the immediate supervision of a responsible adult at all times while on Commission property.

Section VIII – Water and Waste Water Use

- A. On Commission property, it shall be unlawful to: wash dishes at potable water pumps or drinking fountains; fail to clean campsites daily; discharge wastes of any type except into designated containers, receptacles or dumping stations.

Section IX – Boating

- A. All operators of watercraft shall comply with all Public Acts adopted by the State of Michigan Legislature.
- B. No person shall bring into, launch, moor, and use or navigate any boat, canoe, raft, or other watercraft upon any watercourse, lagoon, lake, stream, river, creek, pond or slough located within or upon Commission property, except at such time and place, and in such manner, as may be provided or designated for such purposes. State law shall apply to any watercraft on any navigable waterway which flows through or adjacent to Commission property.
- C. Boats and/or trailers are allowed upon Commission land during the duration of a person's stay during regular park hours. For registered users of Camp Ford Lincoln, boats and trailers are allowed upon Commission property equal to their length of stay which shall be the twenty-four (24) hour periods properly reserved and paid for in advance.

Section X – Parking and Driving in Prohibited Areas

- A. It shall be unlawful for a vehicle operator to stop, stand or park said vehicle in any place marked as a passenger or loading zone on Commission property, other than for the expeditious loading or unloading of passengers and/or materials.
- B. It shall be unlawful for a vehicle operator to stop, stand or park said vehicle upon any roadway or in any parking area on Commission property in such manner as to form an obstruction thereon.
- C. It shall be unlawful for a vehicle operator to stop, stand or park said vehicle in any place marked for use by the handicapped on Commission property, except when such use by the driver or a passenger is authorized by a properly displayed handicapper license plate or other legal handicapper parking permit recognized by the State of Michigan.
- D. It shall be unlawful for a private vehicle operator to stop, stand or park said vehicle in any place on Commission property marked for use exclusively by Montcalm County services vehicles, police and fire vehicles, or utility vehicles.

Section XI – Motor Vehicles

- A. It shall be unlawful for any person to operate a motor driven vehicle of any kind on Commission property except on designated roads and parking areas. Motorcycles, snowmobiles, ATV's, dune buggies, three-wheelers and similar motor vehicles are prohibited from operating on Commission property, except on roads, parking areas and trails specifically designated for their use as posted.
- B. It shall be unlawful for any person to operate a motor driven vehicle on any Commission road or parking area at a speed exceeding 15 miles per hour except as may be posted otherwise.
- C. It shall be unlawful for any person to violate provisions of the motor vehicle code, Act 300 of the Public Acts of 1949, as amended, on Commission property. Said act is hereby adopted in its entirety as a part of this ordinance.

Section XII – Operation of Bicycles

- A. It shall be unlawful to operate a bicycle on Commission property in a manner which endangers pedestrians, oneself or other bicyclists.

Section XIII – Unlawful Obstruction

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

Section XIV – Peddling and Soliciting

- A. It shall be unlawful for any person to peddle or solicit business of any nature, distribute handbills or other advertising matter, or post unauthorized signs and advertisements on any lands, waters or structures within or upon Commission property.

Section XV – Hindering/Resisting Montcalm County Personnel

- A. No person shall falsely impersonate, interfere with or otherwise hinder any Montcalm County employee, contractor or agent in the discharge of his/her official duties, or fail to obey a lawful command from the same.

Section XVI – Fireworks

- A. No person, other than an authorized Montcalm County employee, contractor or agent, shall fire, discharge or possess any firecracker, rocket, sparkler, other firework or explosive device at any time on Commission property.

Section XVII – Arms

- A. No person at any time shall fire any weapon on county property. This section will not apply to any law enforcement officer carrying out the responsibilities of his/her position while on duty. In addition, the prohibition of possessing a pistol or revolver shall not apply to any person who has a valid concealed pistol license issued by a concealed weapon licensing board in accordance with Act No. 372 of the Public Acts of 1927, as amended (being MCL 28.421-28.435).

Section XVIII – General Personal Conduct

- A. It shall be unlawful for any person to be impaired in judgment, coordination or reflexes under the influence of alcohol, narcotics or any other intoxicants or mind altering substances on Commission property.
- B. It shall be unlawful for any person to engage in any violent, abusive, threatening, boisterous, intimidating, lewd, vulgar, obscene or otherwise disorderly behavior or conduct which creates a breach of the general

peace, a violation of other provisions of this ordinance, or a disturbance for other persons on Commission property.

- C. It shall be unlawful for any person to conduct or participate in any form of gambling, lottery, or game of chance involving a wager of money or goods of value on Commission property, except as permitted by State law.
- D. It shall be unlawful to sell, trade, give away or otherwise distribute alcoholic beverages and other intoxicants to members of the public at large on Commission property. "Community sources" used or intended for use in aiding such distribution of alcoholic beverages and other intoxicants are also prohibited on Commission property. Community sources include kegs, pony kegs, beer balls, punch bowls, bars, bar fixtures and any other vessel or container used or intended for wide distribution of alcohol and other intoxicants.

Nothing in this provision is to be construed as a restriction on authorized park users, whether as individuals or as a group, from privately and peacefully consuming their own private stocks of alcohol in moderation, and in accordance with other provisions of this ordinance and state law.

Section XIX – Noise

- A. On Commission property, it shall be unlawful for any person to make, continue, or cause to be made or continued, any loud or unnecessary noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the parameters set forth below.
- B. For users of Camp Ford Lincoln:

Quiet hours shall be those hours during which the park is normally closed to patrons. During these quiet hours, Ford Lincoln users are expected to refrain from making excessive noise.
- C. The following acts on Commission property are declared to produce loud, disturbing and unnecessary noises in violation of this ordinance. However, this enumeration is not exclusive. Additional loud, unnecessary, annoying, disturbing, injuring, or endangering noises are also violations of this ordinance.
 - 1. Using, operating, or permitting the use or operation of, any radio, musical instrument, sound amplification equipment or other device which produces or reproduces sound so as to disturb the peace and comfort of others, or with a sound volume that is louder than necessary for convenient hearing by involuntary listeners.

2. Operating any automobile engine or motor without a fully functional muffler and/or other fully functional sound deadening devices, as required by state law.
 3. Operating any engine or motor, so as to produce excessive noise by wantonly “revving”, “racing” or “gunning” the engine or motor for purposes which are inconsistent with the necessary operation, of that engine or motor.
- D. Noise produced on Commission property shall be deemed to be a violation of this ordinance if it is plainly audible at a distance of fifty feet from its source by involuntary listeners.
- E. It is not required that a law enforcement officer, or other complainant be able to understand or make out any specific words or phrases which may be included in the noise for a violation to exist. Moreover, it is not required that complainants be able to identify a particular voice, nor the precise cause or type of any noise for a violation to exist.

Section XX – Littering and Pollution of Waters

- A. It shall be unlawful for any person to discharge, leak, pour, discard, deposit, abandon, burn or bury wastes or refuse of any kind on Commission property, except in the manners and for the purposes specifically set forth in this ordinance.
- B. It shall be unlawful for any person to dispose of any wastes or refuse on Commission property which was previously generated as wastes or refuse outside Commission property.
- C. Waste and refuse generated on Commission property must be placed in trash receptacles which have been provided by Montcalm County for that purpose. Liquid and viscous wastes must be further isolated in sealed leak-proof plastic or metal containers before being deposited in trash receptacles. A trash receptacle is considered out of service if there is no more room for waste or refuse to be completely contained within its confines. In that event, persons must either use another trash receptacle which can accommodate their waste and/or rubbish, or properly remove their waste and/or rubbish from Commission property on their own.
- D. It shall be unlawful for any person to dispose of petroleum products, electrical batteries, paint, varnish, stains, chemical cleaning solutions, or other toxic substances in a trash receptacle or anywhere else on Commission property.

- E. It shall be unlawful for any person to burn waste and refuse anywhere on Commission property.

Section XXI – Skating, Sledding, Skiing and Traversing On Ice

- A. It shall be illegal for any person to use roller skates, roller blades or skateboards on Commission property, except at such times and upon such places as may be designated for such use.
- B. It shall be illegal for any person to skate, sled, or to otherwise traverse upon any ice covering any pond, lake, stream, creek or river on Commission property except at such times and places as may be designated for such use. State law shall apply to any craft on any waterway which flows through or adjacent to Commission property.
- C. It shall be illegal for any person to ski on Commission property except at such times and places as may be designated for such use.

Section XXII – Domestic Animals and Pets

- A. It shall be unlawful for any person to allow any domestic animal or pet to run at large on Commission property. All such domestic animals or pets are to be restrained in a portable cage or by an effective leash or tether not to exceed twelve feet in length. All farm livestock animals, as well as any animal which is known to be sick, dangerous or vicious, are prohibited from Commission property at all times.
- B. It shall be unlawful for any person to allow a domestic animal or pet in her/his charge or possession to disturb, trespass upon, annoy, intimidate, threaten or attack other animals or other people on Commission property. It shall be unlawful for a domestic animal or pet to be left unattended.
- C. It shall be unlawful for any person to take or direct any domestic animal or pet into public buildings on Commission property, except that the handicapped may be escorted by leader dogs in any area or facility on Commission property which is open to the public.
- D. It shall be unlawful to allow a domestic animal or pet to graze or feed on the natural flora and fauna of Commission property.
- E. All feces of domestic animals or pets on Commission property must be immediately and completely cleaned up and disposed of properly.

Section XXIII – Public Exhibition

- A. No person shall make, exhibit or organize any performance, speech, act, sermon, demonstration, show, concert, parade or other event on Commission property which shall cause more than ten persons to congregate without first applying for and obtaining a written Permit to Reserve Park Facilities which details the anticipated number of participants, spectators and/or attendees from the Building and Grounds Supervisor in Accordance with Section II of this ordinance. The purpose of this provision is to preclude any prospect for such events to disrupt public access to and from Commission property, over-utilize Commission facilities and services, disturb the general peace, and interrupt proper maintenance of Commission property.
- B. Subsequent to the passage of this ordinance, the Commission shall develop valid time, place, and manner restrictions and criteria so that protected free speech and/or assembly will not be prohibited or unduly regulated.

Section XIV – This Section Reserved for Future Use

Section XXV – Fees and Charges

- A. It shall be unlawful for any person to use any facility, land or area for which fee and permit requirements have been established by the Commission without first paying that fee and obtaining a permit as prescribed in this ordinance.

Section XXVI – Emergency Powers

- A. Nothing in this ordinance shall be construed to prohibit or hinder Montcalm County, its authorized officers, employees or agents, law enforcement officers, fire fighters, the Commission or Commission Members from performing their official duties.
- B. Nothing in this ordinance shall be construed to prohibit or hinder Montcalm County from establishing emergency rules required to protect the health, welfare, and safety of visitors to Commission property; to protect that property from harm; or to maintain civil order and the general peace in accordance with applicable laws.

Section XXVII – Revoking of Permits and Expulsion

- A. In accordance with procedures established below, the Building and Grounds Supervisor may revoke any permit and/or expel any person from Commission property for violating permit conditions, provisions in this ordinance or posted rules governing Commission property. Apparent violations as observed by the Building and Grounds Supervisor, other

authorized Montcalm County Employees, law enforcement personnel, or credible civilians shall be sufficient grounds for taking such action.

- B. In revoking a permit or ordering expulsion from Commission property, the Building and Grounds Supervisor, or other Authorized Montcalm County Employees, will take the following steps:
1. Attempt to inform violators of the specific ordinance provisions, permit conditions and/or posted rules being violated.
 2. Attempt to inform violators of the identity and authority of the person revoking a permit or ordering expulsion from Commission property.
 3. Clearly direct the violator to surrender any permits to use Commission property and/or to remove himself/herself and his/her possessions from Commission property.
 4. Promptly record in writing the date, time, place and nature of the apparent observed violation, the actions taken, and (if known) the identity(ies) and address(es) of the violator(s). Further, this information shall be submitted to the Montcalm County Chief Executive Officer, along with any permit documents which were confiscated, no later than the next business day.
- C. It shall be unlawful for anyone in violation of this ordinance, permit conditions, or posted rules to refuse an order from authorized Montcalm County employees to surrender a permit or to remove oneself and one's possessions from Commission property.

Section XXVIII – Fines and Imprisonment

- A. Any person found by a court of competent jurisdiction to be in violation of any provision of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof, violators shall be subject to a fine of not more than \$500.00 for each separate offense, the costs of prosecution, and/or imprisonment in the Montcalm County Jail for a period not exceeding ninety days, or a combination thereof. Each day a violation exists shall be considered a separate offense.

Section XXIX – Reimbursement For Damages; Judgment; Collections; Joint Convictions; Minor Defendants

- A. In addition to the penalties provided in this ordinance for violating its provisions, any person convicted of an act of vandalism or destruction of Commission property shall reimburse Montcalm County for the full

replacement and/or repair costs of restoring Commission property to its original condition as determined by a court of competent jurisdiction.

- B. In cases of vandalism or destruction of property where applicable state or federal law requires repairs or replacement with new or new types of materials, processes, fixtures or equipment, as demonstrated to the court by the Montcalm County Prosecutor, reimbursement may be set by the court so as to accommodate such requirements.
- C. Reimbursement of full replacement and repair costs for vandalized Commission property shall include, but not necessarily be limited to, the costs of labor, materials, and the use of county vehicles at current state specified account charge rates.
- D. If two or more defendants are convicted for vandalism or destruction of property, the judgment for damages shall be entered against them jointly and severally.
- E. In every conviction the court shall enter judgment in favor of Montcalm County and against the defendant for liquidated damages in a sum determined by the court. Montcalm County, with the assistance of the Court, shall collect the reward as appropriate for each case.

Section XXX – Notice to Appear

- A. Any law enforcement unit of the State of Michigan, or its political subdivision, is authorized to enforce the provisions of this Ordinance in accordance with State law. A copy of an appearance ticket shall be provided to the Commission.

Section XXXI – Authority and Duties of the Montcalm County Parks & Recreation Commission

- A. To develop or commission a written recreation plan for Montcalm County and to propose updates to that plan for approval by the Montcalm County Board of Commissioners at least once every five years. As such a plan was developed and duly approved in 1992, the next update proposal from the Commission is due no later than the end of 1997, but can come earlier.

Any update of that plan must be approved by the Commission following a public hearing held and advertised by the Commission to gather public comments on the plan, in accordance with the Open Meetings Act. Any update of that plan must be further approved by the Montcalm County Board of commissioners in accordance with the Open Meetings Act.

- B. To consider and evaluate permit and reservation application disputes and grievances between two or more persons, in accordance with the provisions of this ordinance. The Commission shall have the authority to grant refunds of permit application fees in accordance with this ordinance and to develop, redevelop and administer permit application forms for public use as needed.
- C. To oversee and direct such Commission agents as may be assigned by the Montcalm County Board of Commissioners.

The Montcalm County officer, regardless of specific position title, who has been duly appointed by the Montcalm County Board of Commissioners to act as Montcalm County's Chief Executive Officer, is hereby assigned as an agent of the Commission for the purposes of aiding in the administration of Commission affairs and providing for staff support at Commission meetings. The Montcalm County Building and Grounds Supervisor is hereby assigned as an agent of the Commission for the purposes of providing additional staff support at Commission meetings.

- D. To make recommendations to the Montcalm County Board of Commissioners concerning any issue concerning Commission property.
- E. To develop and adhere to Commission bylaws and amendments to those bylaws which become effective when approved by the Montcalm County Board of Commissioners.
- F. To advocate for the advancement, enhancement, expansion, and general welfare of Commission property before diverse institutions and audiences as Commission members deem necessary, or as requested by the Montcalm County Board of Commissioners.
- G. To perform other duties and functions specified as being those of the Commission throughout this ordinance.

Section XXXII – Severability

- A. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared to be void or ineffective for any reason, it shall not affect any other part of portion hereto.

Section XXXIII – Non-Repeal

- A. This ordinance shall not be construed to repeal by implication any other ordinance of the county pertaining to the same subject matter.

Section XXXIV – Effective Date

- A. This ordinance shall become effective on the date that notice of its adoption by the Montcalm County Board of Commissioners is published in a newspaper of general circulation in Montcalm County in accordance with applicable provisions of State law. Any and all conflicting rules, or parts of other ordinances, governing Commission property will be automatically repealed at that time.