

PARK RULES & ORDINANCE

ISABELLA COUNTY PARKS AND RECREATION COMMISSION

An Ordinance to regulate and control all lands, waters, and property administered by or under the jurisdiction of the Isabella County Parks and Recreation commission.

WHEREAS, MCLA 46.11; MSA 5.331, authorizes the Isabella County Board of Commissioners to enact Ordinances relating to County affairs; and

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

WHEREFORE, the County Board of Commissioners of Isabella County believes that the safety and general welfare of the People of the County would be enhanced by the enactment of a County Ordinance regulating and controlling all lands, waters, and property administered by or under the jurisdiction of the Isabella County Parks and Recreation Commission;

NOW THEREFORE, BE IT ORDAINED by the County of Isabella, Michigan as follows:

DEFINITIONS

1. "Commission" shall mean the Isabella 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 Isabella County Parks and Recreation Commission.
3. "Person" or "person(s)" shall mean individuals, male and 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, trail-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 Isabella County Parks and Recreation Commission.
5. "Day use area" shall mean those park areas containing developed recreation facilities including, but not limited to, picnic grounds, swimming beaches, youth playgrounds, sport fields and parking lots which are used during normal park day time hours of operation. Campgrounds, undeveloped forest and field areas and hiking trails, unless groomed for cross-country skiing, are not considered to be day use areas.

NOTE: EXCEPTIONS TO THE FOLLOWING RULES MAY BE PERMITTED BY THE COMMISSION.

SECTION 1 -- GENERAL PUBLIC

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, or its authorized agent.

SECTION 2 -- PERMITS

- a) Application for a permit for reserved park facilities shall be made upon forms furnished by the Commission.
- b) If more applications are received than facilities are available, applications shall be considered in the chronological order received or through random drawing.
- c) Nothing contained herein shall exempt the users of reserved facilities from full compliance with all ordinance provisions and rules of the Commission relating to use and conduct on Commission property.
- d) Annual Permit Replacement Policy (lost, stolen or damaged permits)
 - 1) Only registered permits may be replaced free or at a low cost.
 - 2) Replacement will only be made at the Commission Office in Mt.Pleasant.
 - 3) Provide the Commission with at least one-third of the original registered permit and it will be replaced free of cost or at a low cost.
 - 4) If unable to provide a portion of the original permit, a replacement will be given at the cost of \$5.00.

SECTION 3 -- FEES AND CHARGES

It shall be unlawful:

- a) To use any facility, land or area for which a fee and 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 4 -- HOURS

No person shall remain upon Commission property between sundown and 8:00 a.m., except at designated park areas. Said hours may be changed upon approval of the Commission. It shall be unlawful for any person to enter park lands or waters which have been designated as closed to public use or entry.

SECTION 5 -- VANDALISM AND DESTRUCTION OF PROPERTY

No person shall:

- 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) Appropriately excavate, injure or destroy any historical ruin or prehistorical ruin or any object of antiquity, without permission of the Commission.

SECTION 6 -- DESTRUCTION OF PLANT LIFE AND NATURAL SURROUNDINGS

No person shall:

- 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.
- a) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Commission.

SECTION 7 -- 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.

SECTION 8 -- 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 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.

Ice Shanties:

- Must be made of sturdy materials and be maintained in good repair.
- Must display owner's name and address.
- Must be removed prior to ice melt. If removed by park staff, a service charge will be made.
- Must be placed on lake by using designated boat ramp.

- Are prohibited for use on the waters within Herrick County Park.
- Parks and Recreation Commission will not be responsible for any damage or vandalism to shanties.

SECTION 9 – 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 10 – SWIMMING, BATHING, WADING

No person shall:

- Swim, bathe, wade or scuba dive in any of the watercourses, lakes, ponds or sloughs, located within or upon Commission property except at such times and places as may be designated for such purposes. Persons must abide by posted swim rules.
- 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.
- Use any flotation device, inflated or otherwise, in any watercourse, lake, pond or slough located within or upon Commission property except in specifically designated areas.
- Except in a lifesaving situation, remove, destroy or in any manner whatsoever render useless equipment designated and situated for water safety purposes.
- Fail to exercise supervisory responsibility for minor children entrusted to their care. Children under the age of thirteen (13) shall be under the immediate supervision of a responsible adult.

SECTION 11 – YOUTH PLAYGROUND

No person shall fail to exercise supervisory responsibility for minor children entrusted to their care. Children under age thirteen (13) shall be under the immediate supervision of a responsible adult.

SECTION 12 – CAMPING

It shall be unlawful:

- To camp without a permit.
- To camp except in areas provided and designated for such use.
- For more than one (1) family consisting of a father, mother and unmarried children to occupy a single camp site.
- For more than four (4) unrelated persons to occupy a single camp site.
- For unsupervised children to occupy a camp site. Supervision must be provided by a parent or legal guardian eighteen (18) years of age or older.
- For more than two (2) motor vehicles, and one (1) major camping unit to occupy a single camp site.
- 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.
- 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.
- To occupy a camp site after 1:00 p.m. on the last day covered by the permit.
- To occupy camp sites contrary to assignments made by the Commission's authorized representative.
- For a person to use a campground for a permanent or semi-permanent residence or as a base for the operation of a business.
- For unregistered campground visitors to enter or remain in a campground or day use area between 10:00 p.m. and 8:00 a.m.
- For trailers to be parked with tongue facing center of camp site. Trailer tongues must face road for easy hook up in case of fire.
- To dig a trench or make any excavation on any camp site.

SECTION 13 – CONTINUOUS WALKING OR CRUISING IN OR NEAR CAMPGROUNDS

It shall be unlawful to pass through and around the parks for the purpose of attracting or distracting campers or other visitors.

SECTION 14 – WATERCRAFT

- 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) Gasoline powered watercraft are prohibited on the waters within Deerfield and Herrick County Parks. All watercraft are prohibited from operating on the Herrick County Park Swimming Pond.
- d) No person shall store or leave a boat for more than 48 hours without written authorization of the Commission Director. This provision shall not apply to currently registered campers using campground facilities.
- e) No person shall use any type of mooring device which protrudes above the surface of the water, except in the licensed mooring area. Only bottom anchors may be used in all other areas.

SECTION 15 – PARKING IN PROHIBITED AREAS

It shall be unlawful for a vehicle operator to stop, stand or park said 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) Upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
- c) 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.

SECTION 16 – MOTOR DRIVEN VEHICLES

It shall be unlawful for any person to:

- a) Operate a motor driven vehicle of any kind, other than licensed road vehicles, except on designated roads and parking areas. All motorized vehicles, other than licensed road vehicles, are prohibited from operating on Commission property.
- 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 17 – OPERATION OF BICYCLES

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

It shall be unlawful:

- a) To operate a bicycle in a manner which endangers pedestrians, oneself and other bicyclists.
- b) To carry any person upon a bicycle handlebar or frame, or for any person to so ride upon such bicycle.
- c) It shall be unlawful to operate a bicycle between sunset and sunrise.

SECTION 18 – 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 any Commission property.

SECTION 19 – 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.

SECTION 20 -- 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.

SECTION 21 — IMPERSONATION OF PARK EMPLOYEES

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

SECTION 22 — 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 obtain the necessary permits as required by law from the local governing authority wherein this park is located.

SECTION 23 — 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 nor to any person while upon designated target ranges or areas.

SECTION 24 — PERSONAL CONDUCT

- a) It shall be unlawful for any person 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) It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property except as permitted by state law and approved by the Commission.
- c) The sale and/or free distribution of alcoholic beverages are 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 distribution of alcoholic beverages from "community" sources such as kegs, balls, ponies, etc. All beverages, whether alcoholic or otherwise, must be served in unbreakable containers.

SECTION 25 – USE OF LOUDSPEAKER

It shall be unlawful to use a loudspeaker, public address system or sound amplifying equipment of any kind without proper 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 26 – LITTERING AND POLLUTION OF WATERS

It shall be unlawful:

- a) To discard, to deposit refuse of any kind or nature except by placing said refuse in containers provided for such purpose.
- b) To throw, lay, drop or discharge into or leave in waters any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

- c) To deposit refuse or waste material which has originated outside a campground in receptacles provided for campground users; to set fire to contents of a refuse basket or trash container; or to place or burn garbage in a fire ring or stove.

SECTION 27 – METAL DETECTORS

Metal detectors will be allowed in the picnic, campground, beach and other general park areas only when these areas have been closed to the public.

SECTION 28 - SKATING AND COASTING

No person shall:

- a) Use inline skates or skateboards within Commission property except at such times and upon such places as may be designated for such use.
- b) Skate, sled, walk or go upon any ice, or snowshoe, or ski, except at such times and upon such places as may be designated for such use.

SECTION 29 – PUBLIC EXHIBITION

No person shall:

- a) Exhibit any machine or show.
- b) Exhibit any animal.
- c) Indulge in any acrobatic exhibitions in or upon any property of the Commission.
- d) Carry on any performance or do anything whatsoever, which shall cause persons to congregate so as to interfere with the proper use of such property by the general public.
- e) Obstruct the passage of vehicles or persons, without first having obtained written permission from the Commission.

Exceptions may be made with written permission from the Commission.

SECTION 30 -- ANIMALS AND BIRDS

No person shall:

- a) Cause any animal or fowl to run at large.
- b) Bring, drive or lead any animal onto commission property, except at such time or place as may be provide or designated for such purpose. Except for working dog guides, pets are prohibited from the day use area 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, under immediate control of a competent person.
- d) Cause any dog or pet to enter any public building or to be upon any designated beach, youth playground, picnic area or groomed cross-country ski trail, except a trained and working dog guide.
- e) Torture, ill-treat or neglect any animal or fowl.
- f) Feed any waterfowl found in designated picnic and swimming areas.
- g) Walk any dog or other animal without having in possession a device to pick feces.
- h) Bring, drive or lead or carry any dog or other animal into a park which is not licensed.
- i) Fail to display a valid dog license upon checking into a campground.
- j) 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.

Said pets and owners may be removed from the park.

SECTION 31 -- 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 32 - 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.

SECTION 33 — 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 is such Commission, and;
 - 2) The offending person is in violation of properly promulgated (enacted) rules of the County of Isabella.
- b) It appears to the Commission 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.

SECTION 34 — FINES AND IMPRISONMENT

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 imprisoned in the county jail for a period not exceeding ninety (90) days or both, for each offense.

SECTION 35 - REIMBURSEMENT FOR DAMAGES; JUDGMENT; COLLECTIONS; JOINT CONVICTIONS; MINOR DEFENDANT

- 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 property shall reimburse the Commission for up to three (3) times the amount of the damage as determined by the court.
- b) In every case of conviction for the offenses, the court before whom such conviction is obtained, shall enter judgment in favor of the Commission and against the defendant for liquidated damages in a sum as provided in subsection "35 a)." The Commission shall, with the assistance of the prosecuting attorney, collect the award by execution or otherwise. If two (2) or more defendants are convicted of the vandalism or destruction of property, the judgment for damages shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his/her parents. This section is authorized by MCLA 318.255; MSA 13.1064(5).

SECTION 36 - NOTICE TO APPEAR

- a) The Commission is specifically authorized to issue and serve appearance tickets with respect to 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.
- c) Each Citation shall consist of the following part:
 - 1) The original which shall be a complaint or notice to appear by the Commission and filed with the Court.
 - 2) The second copy which shall be retained by the Commission.

- 3) The third copy which shall be delivered to the alleged violator. Such citation may be appropriately modified as to the content or number of citations to accommodate local court procedures and practices.

SECTION 37 - 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.

SECTION 38 - EFFECTIVE DATE

This ordinance shall become effective on the date that notice of adoption is published in a newspaper of general circulation in the County. At the time this ordinance takes effect, the then existing park rules are hereby repealed.