

# Calhoun County Parks - Rules and Regulations

## Authority

The Calhoun County Parks and Recreation Commission ("Commission"), with the approval of the Calhoun County Board of Commissioners ("Board of Commissioners"), does hereby establish rules and regulations for county parks and facilities under the jurisdiction of the Commission as permitted by MCL 46.364(1), as amended, to further provide that violations of such rules and regulations shall be a misdemeanor punishable by a fine of not more than \$100.00 and costs of prosecution or by imprisonment for not more than 90 days, or both, as authorized by MCL 46.364(3), and to further authorize the enforcement of these rules and regulations by employees, designees, or agents of the Commission and/or Calhoun County. Any violation using a motorized vehicle as defined herein on the Trailway in violation of these rules shall also be a municipal civil infraction subject to a civil fine of \$500.00.

## Definitions

"Board of Commissioners" shall mean the Calhoun County Board of Commissioners.

"Commission" shall mean the Calhoun County Parks and Recreation Commission.

"Parks" shall mean Historic Bridge Park, Kimball Pines Park, Ott Biological Preserve, the Trailway which connects Historic Bridge Park, Kimball Pines Park, and Ott Preserve, and Riverside Park.

"Person" or "Persons" shall mean individuals, male or female, singular or plural: firms, corporations, or any group or gathering of individuals.

"Motorized vehicle" shall mean any licensed and titled motor vehicle, all-terrain vehicle ("ATV") of any sort, motor bike, dirt-bike, golf cart, or other similar vehicle which may or may not be licensed for road use but which can be utilized off paved roads open to the public. Motorized vehicle shall not include motorized wheel chairs of any type.

"Rules" shall mean the rules and amendments thereto, adopted by the Commission and approved by the Board of Commissioners, applicable to all property administered by or under the jurisdiction of the said Commission, including, but not limited to, public park property owned by Calhoun County.

"Trailway" shall mean the Trailway running from the corner of Raymond Road and Emmett Street in the north to Historic Bridge Park in the South and all areas encompassed by the easement(s) associated with said Trailway.

## Article I-Park Land Access

### Section 1 – General Public

- Calhoun County Parks are open to the general public for use subject to the limitations set forth herein.
- Any group may use certain designated park facilities to the exclusion of others by making application, depositing a fee as set forth in the attached fee schedule (Exhibit A), and being granted a permit by the Commission as set forth herein.

### Section 2 – Hours of Operation

- No person shall remain upon parks property between 9 p.m. and 8 a.m. Said hours may be extended upon approval of the Commission. It shall be unlawful for any person to enter parks or waters, which have been designated as closed for public use or entry.

### Section 3 – Unlawful Obstruction

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

## Article II – Conduct on Park Property

### Section 1 – Permit Reservation

- The pavilion at Historic Bridge Park can be reserved for activities using an application form furnished by the Commission and attached hereto as Exhibit B. The County Administrator/Controller or her designee is authorized to collect any fees related to the application.
- Each application shall be accompanied by a deposit as outlined on the current fee schedule of the Commission.
- A Special Use Permit in the form attached hereto as Exhibit C can be applied for through the Commission for uses, other than the possession or consumption of intoxicating beverages, that are not permitted within the current adopted parks rules and regulation. A non-refundable application fee is required as set forth on Exhibit A.
- An additional reasonable special permit fee, depending on the scope of the requested activities, may be charged by the Commission.
- Nothing contained herein shall exempt the users of reserved facilities from full compliance with these park rules.

### Section 2 – Playgrounds

- No person shall fail to exercise supervisory responsibility for minor children entrusted to their care. Children shall be under the immediate supervision of a responsible adult at all times.
- Park patrons are encouraged to report any broken or defective playground equipment to the Commission immediately.

### Section 3 – Vandalism and Destruction of Property

- No person shall willfully destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post or blaze, marking or designating any boundary line, survey line, or reference point.
- No person shall cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamppost, trail feature, gate, hedge, or other structure.
- No person shall deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
- No person shall appropriate, excavate, injure or destroy any historical ruin or pre-historical ruin or any object of antiquity, without permission of the Commission.

### Section 4 – Destruction of Natural Surroundings

- No person shall 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.

- No person shall remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without prior written permission of the Commission.
- All maintenance of the park and park facilities, including the removal of invasive species, shall be by authorized Calhoun County employees or Commission volunteers.

### Section 5 – Fires

- No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow located in the parks.
- No person shall build any fire except within receptacles designated for such purposes. No open fires are allowed in any park.
- No person shall drop, throw or scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable material within any park.
- No person shall leave any fire unattended. Park users shall completely extinguish all fires in grilles, including embers, prior to leaving the park.

### Section 6 – Hunting, Fishing, Trapping

No person shall hunt, trap, catch, wound, 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 any park. 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.

### 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 in the parks.

### Section 8 – Personal Conduct

- It shall be unlawful for any person to 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, wanton, obscene or otherwise disorderly conduct tending to create a breach of the peace, or disturb or annoy others, while in the parks.
- It shall be unlawful to conduct or to participate in any form of gambling, lottery, or game of chance in the parks except as permitted by state law and approved by the Commission.
- It shall be unlawful for any person to peddle or solicit business of any nature whatever, or to distribute handbills, or other advertising matter, unless first authorized in writing by the Commission.
- No person shall consume or have in their possession any intoxicating beverage while in or upon the parks .

### Section 9 – Noise Pollution

It shall be unlawful to use a loudspeaker, public address system or sound amplifying equipment of any kind without proper written permission; or to operate a motor, motorboat, motor vehicle, radio, television, or any device in a manner that produces excessive noise.

### Section 10 – Littering and Pollution of Waters

- It shall be unlawful to discard, to deposit refuse of any kind or nature except by placing said refuse in containers provided for such purpose. There will be no littering of the ground in the parks.
- It shall be unlawful 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.
- It shall be unlawful to deposit refuse or waste material which has originated outside the parks in receptacles provided for county park 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 11 – 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.

## Article III - Fees and Charges

It shall be unlawful:

- To use any facility, land, portion of the parks, or area for which a fee and charge has been established by the Commission without payment of such fee or charge.
- For any person, group, or organization to occupy, use or fail to vacate any facility, building, land area or equipment for which a permit has been granted to another person, group or organization.

### Article IV – Swimming, Bathing, and Wading

No person shall swim, bathe, or wade in any lake, pond, or other watercourse located within the parks.

### Article V – Animals and Pets

- Pets are permitted in the parks unless posted otherwise. a) Pets are permitted in the parks unless posted otherwise.
- Pets are permitted on the trailway but must be kept within the surfaced area of the trail at all times.
- Pets shall be kept on a leash no greater than 6 feet in length, under the immediate and continuous control of a competent person and shall not be allowed to disturb or annoy park users or wildlife.
- Pets are not to be left unattended at any time or for any reason while in the parks.
- The person who owns or is in charge of any pet shall

immediately remove and dispose of all droppings deposited by such animal by any sanitary method and place in an appropriate receptacle in the parks or remove the waste from the parks.

- It shall be unlawful to torture, ill-treat or neglect any animal or fowl while in the parks.
- Owners of domestic animals shall be held responsible for the presence of their animal in any of the County parks.
- Any animal found not in the possession of, or under the immediate control or supervision of its owner or the owner's agent, or any animal creating a nuisance or disturbance, may be removed from the park.

## Article VI – Traffic Control

### Section 1 – State Laws

All motor driven vehicles (as defined by State law) operated on park roadways or parking lots shall be subject to the laws of the State of Michigan as set forth in the Michigan Motor Vehicle Code MCL 257.1 et seq, as amended. This act is hereby adopted in its entirety and made 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 said vehicles:

- 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 pickup and loading of materials.
- Upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
- In any place marked for use by the handicapped, except when by permanent or temporary permit, properly displayed, and authorized by a legally recognized regulatory authority.

### Section 3 – Motorized Vehicles

It shall be unlawful for any person to:

- Operate a motorized vehicle of any kind or nature except on designated roads and parking areas. Specifically, motorized trail bikes, snowmobiles, ATVs and similar vehicles are prohibited from operating on parks property and on the trailway.
- Operate, ride, or propel any motorized vehicle on park premises unless duly licensed to be operated on the highways of the State of Michigan.
- 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.
- Violate provisions of the Michigan Motor Vehicle Code MCL 257.1 et seq, as amended.

### Section 4 – Non-Motorized Vehicles

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:

- To operate a bicycle in a manner that endangers pedestrians, one's self and other bicyclists.
- To carry any person upon a bicycle handlebar or frame, or for any person to so ride upon such a bicycle.
- It shall be unlawful to operate a bicycle in the parks between sunset and sunrise.

## Article VII – Commercial Activities, Peddling and Soliciting

It shall be unlawful for any person to operate a business, 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 or its authorized agent. If approval is received from the Commission to operate a business (wholly or in part) within the boundaries of a park, a permit will be issued. To receive a permit, the business MUST show proof of insurance and pay established fee designated by the Commission for said permit.

### Article VIII – Hindering and Resisting Trustee Employees

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

### Article IX – Impersonation of Park Employees

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

### Article X – Emergency Powers

Nothing in these rules shall:

- Prohibit or hinder any County/Commission employee, agent or peace officer from performing his or her official duties.
- Prohibit the Commission, subject to approval by the County Board, from establishing emergency rules required to protect the health, welfare and safety of park visitors; to protect property; to maintain order.

### Article XI – Enforcement and Penalties

#### Section 1 – Fines and Enforcement

- Any person who violates the Rules and Regulations of the Calhoun County Parks is guilty of a misdemeanor punishable by a fine of not more than \$100.00 and costs of prosecution or by imprisonment for not more than 90 days or both.
- The trailway is a recreational trailway within the meaning of MCL 46.364(4) and the operation of a motorized vehicle on the trailway in violation of these park rules shall constitute a municipal civil infraction. A civil fine shall not exceed the maximum amount of a \$500.00
- Persons violating any of the above provisions may also be evicted from said park or parkland upon the day of the offense and for up to a year if deemed necessary by the Commission.

### Article XII – Separability

The provisions of these rules are separable, and the invalidity of any phrase, clause or part of these rules shall not affect the validity or effectiveness of the remainder or the rules.