

ORDINANCE NO. 11-2

(last update 7-14-06)

OPEN SPACE RULES

Revised Language Shown in Red

An ordinance to establish rules and regulations for **public open space lands** under the jurisdiction of the Ottawa County Parks and Recreation Commission, to establish violations of those rules and regulations as municipal civil infractions, to establish penalties therefore, and to provide for the enforcement thereof.

THE COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. PURPOSE

The purpose of this Ordinance is to establish rules and regulations for public open space lands 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 and by deputies of the Ottawa County Sheriff's Office.

Section 2. RULES AND REGULATIONS

The Ottawa County Board of Commissioners adopts the following rules and regulations for the use, protection, regulation and control of public open space lands owned and operated by Ottawa County.

Section 3. DEFINITIONS

- 3.1 "Commission" shall mean the Ottawa County Parks and Recreation Commission.
- 3.2 "Open Space Land" shall mean lands, waters and property administered by the Ottawa County Parks and Recreation Commission as open space areas distinct from lands and facilities designated as County Parks.
- 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 or a written note or letter signed by the Chairperson of the Commission, or it's 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. OPEN SPACE HOURS AND PUBLIC USE

- 4.1 No person shall:
 - 4.1a Enter Open Space Land except during permitted hours unless prior written permission is obtained from the Commission or its Agent. Permitted hours are 5:00 a.m. to 10:00 p.m. or as posted.
 - 4.1b Willfully remain on Open Space Land outside of permitted hours unless prior written permission is obtained from the Commission or its Agent.
 - 4.1c Re-enter Open Space Land once expelled for reason of rule violation for a period of time to be determined by the Commission or its Agent.

- 4.1d Enter or use Open Space Land or a portion thereof which has been closed by the Commission and posted as such.
- 4.2 Any person may use specific areas or facilities within Open Space Land 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 an Open Space Land requiring such a permit.

Section 6. PROHIBITED ACTIVITIES

- 6.1 No person, while on Open Space Land 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 Open Space Land.
- 6.1c Engage in organized activities such as contests, shows, exhibitions, organized sporting or musical events, ceremonies, 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 Conduct any activity, including an authorized use, in any manner that unduly threatens the safety of any individual or threatens to damage or harm Open Space Land or the natural resources therein.
- 6.1e 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 Open Space Land to the exclusion of others.
- 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 Peddle or solicit business of any nature whatever; distribute handbills or other advertising matter; post unauthorized signs on any lands, waters, structures, or other Open Space Land; or use Open Space Land for the purpose of commercial operations unless prior written permission is obtained from the Commission or its Agent.
- 6.1h Make use of loudspeakers or audio devices which produce sound at a level which bothers or annoys other users, neighbors, or in any other way disturbs the peace and order of an Open Space Land.
- 6.1i Build fires except in grills, fireplaces, fire rings or other areas specifically provided and identified for that purpose.
- 6.1j Engage in the activity of Camping, unless prior written permission is obtained from the Commission or its Agent
- 6.1k Possess or discharge fireworks.
- 6.1l Be allowed to bring any glass bottle or container into a swimming beach or sunbathing area.
- 6.1m Fish from a swimming beach or be in possession of any fishing hooks or tackle while in a designated swimming beach area.
- 6.1n Trespass onto adjacent private property.
- 6.1o Engage in the activities of sledding, skating, skiing or other similar activities except in areas designated by the Commission.

Section 7. PUBLIC CONDUCT

- 7.1 No person, while on Open Space Land 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 an Open Space Land area; disturb another person or Open Space Land 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 Open Space Land with completely or partially exposed or visible genitals, pubic region, buttock, or completely exposed female breast.
- 7.1e Be allowed to conduct or participate in any form of gambling or games of chance.
- 7.1f Resist or obstruct a Commission Agent or Designee in the performance of that person's duties.

Delete all of 7.1e

- 7.1e Be allowed to loiter when it is detrimental to the good order of the Open Space Land or preservation of Open Space Lands.
- 7.1e Be allowed to remain on Open Space Land with a blood alcohol level that exceeds the legal limit; or when under the influence of illegal drugs or controlled substances.
- 7.1g 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 Open Space Land.

Section 8. ALCOHOLIC BEVERAGES

- 8.1 No person, while on Open Space Land 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 Open Space Land shall:
 - 9.1a Ride or allow horses or other riding animals, without written permission, except on designated bridle trails or areas designated for such purposes.
 - 9.1b Bring in or allow dogs or other pets in areas that are posted as closed to dogs or other pets.
 - 9.1b Bring onto Open Space Land or be in possession of any animal that is vicious or dangerous to Open Space Land visitors or other animals.

Section 10. PRESERVATION OF OPEN SPACE LAND AND NATURAL FEATURES

- 10.1 No person, while on Open Space land shall:
 - 10.1a Destroy, injure, deface, disturb, remove or befoul any part of an Open Space Land 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 on an Open Space Land 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 open space 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 AND TRAPPING

- 11.1 Commission Open Space Lands shall be open to hunting in accordance with the laws of the Department of Natural Resources of the State of Michigan except when designated otherwise. Specific Open Space Lands may be designated as open to permit hunting only, open to archery hunting only, closed to all hunting, or may be designated otherwise.
- 11.2 No person while on Open Space Land shall be allowed to hunt within ninety (90) feet of the boundary between an Open Space Land and private property.

- 11.3 The use of bait to attract deer for the purpose of hunting is prohibited.
- 11.4 Tree stands and ground blinds (type 1 only) may be used according to the laws of the Department of Natural Resources of the State of Michigan.
- 11.5 Fishing on Commission Open Space Land 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.
- 11.6 Trapping is prohibited on Open Space Lands unless prior written permission is obtained from the Commission or its Agent.

Section 12. FIREARMS AND WEAPONS

- 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 the purpose of hunting in accordance with Section 11 of these rules and the laws of the State of Michigan.
- 12.1 The possession of firearms shall also be permitted on Commission Open Space Land in accordance with the laws of the State of Michigan.
- 12.2 Weapons associated with fishing shall be allowed in Open Space Land 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 Open Space Land 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 by the Commission for that purpose.
 - 13.1c Park or leave unattended any motor vehicle except in designated parking spaces and during regular open space hours.
 - 13.1d 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.
 - 13.1e 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.
 - 13.1f 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.
 - 13.1g Use a motor vehicle or any other motorized device to continuously cruise into, out of or through any area, roadway or parking lot.
 - 13.1h 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.
 - 13.1i Commit an act of property destruction with a motor vehicle or any other motorized device.
 - 13.1j Operate a snowmobile, off-road vehicle, any motor-driven vehicle or any motorized device in any area unless specifically designated for such purpose and signed accordingly.

Section 14. WATERCRAFT

- 14.1 No person, while on Open Space Land 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 Launch or operate a motorized watercraft in an area designated for non-motorized watercraft only.
- 14.1c Enter a posted swim area with any boat, canoe, jet ski, sailboard or other similar device.
- 14.1d Beach, moor, or store any boat, raft, canoe, jet ski, sailboard or other similar device outside of regular hours unless prior written permission is obtained from the Commission or its Agent.

Section 15. BICYCLES, SKATEBOARDS, SCOOTERS, ROLLERSKATES AND OTHER DEVICES

- 15.1 No person, while on Open Space Land shall:
 - 15.1a Use a bicycle, tricycle or other similar conveyance except upon broadways, 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 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 Open Space Land shall:
 - 16.1a Engage in any sport, game or similar activity while on Open Space Land 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 Open Space Land that would threaten the safety of any person or potentially damage Open Space Land; 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

- 7.1 Any person who violates the Rules and Regulations of the Ottawa County Parks and Recreation Commission may be expelled from Open Space Land and be responsible for municipal civil infraction violation punishable by a municipal civil infraction penalty not to exceed \$100.00 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 Open Space Land; or to maintain order.
 - 18.2c Prevent other officers from carrying out their sworn duties within the Open Space Land 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, parts 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 Commission on