ORDINANCE NO. 03-2
(last update 7-14-06)
OPEN SPACE RULES

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 Manager or Park Operations Superintendent or other Commission staff as designated by the Commission, Manager or Superintendent.

3.4 "Designee" shall mean Parks Supervisors or other Commission staff as designated by the Commission, Manager, or Superintendent.

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 lodging or sleeping of 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.

3.7 "Written Permission" shall mean a park permit, or a written note or letter signed by the Chairperson of the Commission, or its Agent.

Section 4. PARK HOURS AND PUBLIC USE

4.1 No person shall:

4.1a Enter Open Space Land except during permitted hours unless prior 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 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 or area for which a fee or charge has been established by the Commission without payment of such fee or charge.

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 Build fires except in grills, fireplaces, fire rings or other areas specifically provided. Fires in beach areas, sand dunes and forested areas are expressly forbidden.

6.1d Camp overnight or for an extended period unless prior written permission is obtained from the Commission or its Agent.

6.1e 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 Lands; or use Open Space Land as a base of commercial operations unless prior written permission is obtained from the Commission or its Agent.

6.1f 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.

6.1g Possess or discharge fireworks.

6.1h Be allowed to bring any glass bottle or container into a swimming beach or sunbathing area.

6.1i Fish from a swimming beach or be in possession of any fishing hooks or tackle while in a designated swimming beach area.

6.1j Occupy or use a reserved facility when that facility is reserved by another person per established Commission procedures and is posted as such.

6.1k Trespass onto adjacent private property.

6.1l 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 or in any other manner disturb the peace and quiet or good order of an Open Space Land area or the proper use of an Open Space Land by another person.

7.1b Be allowed to remain on Open Space Land when under the influence of alcohol or illegal drugs or controlled substances.

7.1c Be allowed to conduct or participate in any form of gambling or games of chance.

7.1d Resist or obstruct a Commission Agent or Designee in the performance of that person's duties.

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.

Section 8. ALCOHOLIC BEVERAGES

8.1 No person, while on Open Space Land shall:

8.1a Possess any alcoholic beverage of any kind.

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.

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 a park area, building, sign, equipment or other property therein; nor shall any tree, turf, grass, dune grass, flower, shrub, rock or other mineral be removed, injured or destroyed.

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 The use of bait to attract deer for the purpose of hunting is prohibited.

11.3 Tree stands used for archery hunting must be temporary and removed on a daily basis plus may not involve use of nails or screws that could harm the tree.

11.4 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.

11.5 Trapping is prohibited on Open Space Lands unless prior written permission is obtained from the Commission or its Agent.

Section 12. FIREARMS AND WEAPONS

12.1 No person, while on Open Space Land shall:

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.

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 Park or leave unattended any motor vehicle which obstructs vehicle or pedestrian traffic into, out of or within Open Space Land.

13.1e Use a motor vehicle or any other motorized device to continuously cruise into, out of or through any area, roadway or parking lot.

13.1f Exceed posted speed limits.

13.1g Commit an act of property destruction with a motor vehicle or any other motorized device.

13.1h 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, rollerskates or similar device except where it is specifically allowed by the Commission.

15.1c At any time use a bicycle, skateboard, rollerskates 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 Use or operate any motorized model airplane, car, boat, or similar device unless prior written permission is obtained from the Commission or its Agent.

16.1b 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 Commission Property 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.

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 September 23, 2003, and shall be effective on October 23, 2003.