

# **EATON COUNTY PARK RULES AND REGULATIONS**

Pursuant to Act 261 of the Public Acts of the State of Michigan of 1965, as amended, the Eaton County Parks and Recreation Commission herewith promulgates and publishes the following Ordinance: to provide for the use, protection, regulation, and control of public parks and park facilities in the County of Eaton, and for other matters concerning recreation, conservation, education, historic and scenic areas, preserves and parkways, and to provide for adoption of rules and regulations and other matters related to the use of and conduct on park property.

## **EATON COUNTY PARKS ORDINANCE NO. I AMENDED**

### **THE EATON COUNTY PARKS RULES AND REGULATIONS ORDINANCE**

An Ordinance to provide for the use, protection, regulation, and control of the public parks and park facilities in the County of Eaton, and for other matters concerning recreation, conservation, education, historic and scenic areas, preserves and parkways, and to provide for adoption of rules and regulations and other matters related to the use of and conduct on park property.

### **THE COUNTY OF EATON, STATE OF MICHIGAN, ORDAINS:**

#### **ARTICLE I - SHORT TITLE**

This Ordinance may be known and referred to as "The Eaton County Parks Rules and Regulations Ordinance."

#### **ARTICLE II - PUBLIC USE AND HOURS**

##### **Section 1 - General Public**

1.1 Any group may use certain areas, facilities, or services within Commission property to the exclusion of others by making application and being granted a permit by the Commission or its authorized Agent.

##### **Section 2 - Permits**

2.1 Application for a permit for reserved park space or facilities shall be made upon forms to be furnished by the Commission.

2.2 Each application shall be accompanied by such fee and within such time frame as shall be required by the Commission.

2.3 Nothing contained herein shall operate to exempt the users of reserved space or facilities from full compliance with all rules of the Commission relating to use of and conduct on Commission property.

##### **Section 3 - Hours**

3.1 No person or vehicle shall remain upon Commission property during hours such property or facilities are not posted open to public use. Provided, however, that upon application to the Commission or its authorized Agent said hours may be extended. It shall be unlawful for any person to enter upon any portion of Commission property which has been designated closed to public use or entry.

3.2 Any park or park lands, or portion thereof, may be closed entirely or closed to certain uses (including the use or possession of alcoholic beverages) for such period of time as may be determined by the Commission or its Agent when in their opinion such action is considered to be in the interest of public safety.

## **ARTICLE III - PROTECTION OF PROPERTY**

### **Section 4 - Destruction or Damage to Commission and/or Other Properties**

No person shall, upon Commission property:

4.1 Willfully destroy, deface, alter, change, or remove any monument, stone marker, bench mark, stake, post or blaze, marking or designating boundary line, survey line, or reference point.

4.2 Cut, break, mark upon or otherwise injure any building, equipment, bridge, table, wall, fountain, lamp post, fence, gate, hedge, or other structure.

4.3 Deface, destroy, cover or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.

4.4 Willfully or maliciously destroy, injure, or otherwise damage any property.

4.5 Take or carry away, or attempt to take or carry away, any property without written permission from the owner thereof.

### **Section 5 - Destruction of Plantlife and Natural Surroundings**

No person shall, upon Commission property:

5.1 Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether dead or alive, or chip, blaze, box girdle, trim or otherwise deface or injure any tree or shrubs, or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, whether dead or alive.

5.2 Destroy, remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, fossil or any geologic object without written permission of the Commission or its Agent.

### **Section 6 - Fires**

6.1 No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow within or upon Commission property.

6.2 No person shall build any fire upon Commission property except within the fireplaces, receptacles, or open spaces approved and designated for such purpose, without prior written permission of the Commission or its Agent. No person shall build or maintain a fire within fireplaces, receptacles or open spaces approved or designated for such purposes in a careless or negligent manner likely to endanger any person or property.

6.3 No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other inflammable material within or upon Commission property in a careless or negligent manner likely to endanger any person or property.

## **ARTICLE IV - PROTECTION OF WILDLIFE**

### **Section 7 - Animals and Birds**

It shall be unlawful for any person while on Commission property to:

7.1 Cause or allow any animal or fowl to run at large or to permit them to annoy or disturb other persons.

7.2 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 and not under immediate control of an adult person; except for animals used in designated shows or programs authorized by the Commission or its authorized Agent.

7.3 Cause or allow any animal or fowl to enter any public building or to be upon any designated beach area except a trained and working leader dog; or to allow his animal or fowl to enter any water body contained therein.

7.4 Abuse, mistreat, or neglect any animal or fowl.

7.5 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 any lair, den, or burrow of any animal on Commission property. Provided, however, that fishing may be permitted on Commission property in accordance with its procedures and the laws of the State of Michigan and the rules of the Department of Natural Resources of the State of Michigan in areas designated for such purposes by the Commission.

## **ARTICLE V - REGULATIONS GOVERNING SPORTS, GAMES, ACTIVITIES, AND OTHER USES**

### **Section 8 - Swimming, Bathing, and Wading**

No person shall:

8.1 Swim, bathe, or wade between sunset and sunrise, in any watercourse, lagoon, pond, or slough located on Commission properties.

8.2 Swim, bathe, or wade except at such times and places as may be provided and designated for such purposes.

8.3 Have in his possession any alcoholic beverage, any glass container, or any animal or fowl on any beach or in the water adjacent thereto.

8.4 Have in his possession any inner tube, or any other device, inflatable or otherwise, used in aid of swimming except where specifically permitted by posted notice. U.S. Coast Guard approved personal flotation devices may be worn by individuals whose physical disability is such that without such aid use of swimming area would be impossible.

### **Section 9 - Boating**

9.1 No person shall bring into, use, or navigate any boat, yacht, canoe, raft, or other floating device upon any watercourse, lagoon, lake, pond, or slough located on Commission properties, except at such time or place as may be provided or designated for such purpose by the Commission. All watercraft shall comply with and be used in compliance with Public Act 303 of the Public Acts of the State of Michigan, of 1967 as amended and such regulations as may be adopted under the authority of the Act.

### **Section 10 - Camping**

10.1 It shall be unlawful to camp except in such areas as may be provided and designated for such purposes by the Commission. No person shall camp without a written permit issued by the Commission or its authorized Agent; rules governing such activity may be established by the Commission and changed periodically.

## **ARTICLE VI - TRAFFIC CONTROL**

### **Section 11 - Continuous Cruising In or Through Park Areas**

11.1 It shall be unlawful to continuously cruise, in or on any motor driven vehicle in or through any area of the park system. To continuously cruise is herein defined as the repeated driving of a motor-driven vehicle in and through a park area without stopping for the purpose of using park facilities. A person who violates this Section shall be deemed guilty of a misdemeanor, as herein-after defined.

### **Section 12 - Motor Driven Vehicles**

It shall be unlawful for any person to:

12.1 Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas. A person who violates this section is responsible for a civil infraction.

12.2 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. A person who violates this section is responsible for a civil infraction.

12.3 Operate any motor-driven sled, ski, toboggan, or snowmobile on Commission property except where provided or designated for such purpose by the Commission. A person who violates this section is responsible for a civil infraction.

12.4 Operate any motor-driven vehicle on Commission property in violation of the laws set forth in the Uniform Traffic Code promulgated pursuant to MCLA 257.951 et. seq.

## **ARTICLE VII - PROHIBITED USES**

### **Section 13 - Peddling and Soliciting**

13.1 It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, to distribute handbills or other advertising matter, or to post signs on Commission property, unless first authorized in writing by the Commission or its agent.

## **Section 14 - Unlawful Obstruction**

14.1 No person, group, firm, or corporation shall by force, threats, intimidation, fencing, enclosing, or by any other means prevent or obstruct any person from entering, leaving, or making full use of any Commission property; provided, however, that any group may use certain areas, facilities, or services within Commission property to the exclusion of others as described in Section I, **supra**.

## **Section 15 - Alcoholic Beverages**

15.1 Pursuant to MCLA 436.34, no alcoholic beverage, except beer and/or wine shall be consumed in public parks and places of amusement not licensed to sell for consumption on the premises.

15.2 No person shall have in his possession any alcoholic beverage while on Commission property, except in areas approved and designated for such use by the Commission or its Agent. No consumption of alcoholic beverages shall occur on or upon playground areas, swimming beaches, nature trails, motorized vehicles, roadways, parking areas, or any other area not specifically designated for such use.

15.3 No person shall carry, transport, or possess beer or wine on Commission property, in kegs, barrels, or other bulk tap quantities without the prior written consent of the Commission or its Agent.

## **Section 16 - Personal Conduct**

16.1 No person shall interfere with, or in any manner hinder any employee or agent of the Commission while performing their official duties.

## **Section 17 - Use of Loudspeaker**

17.1 It shall be unlawful, unless written permission has been obtained from the Commission or its authorized Agent, to use a loudspeaker, public address system, or amplifier in such manner as to interfere with the use and enjoyment of the park by the public. The use of such devices such that the sound produced therefrom is audible in any direction at a distance in excess of 100 feet, shall be deemed a prima facie violation of this section.

## **Section 18 - Fireworks**

18.1 No person shall fire, discharge, or have in his possession any rocket, flare, firecracker, torpedo, squib, or other fireworks or any substance of an explosive or incendiary nature on Commission property unless the Commission or its Agent shall have authorized same by the issuance of a permit therefore.

## **Section 19 – Firearms and Other Weapons**

19.1 No person shall have in their possession or control any slingshot, BB gun, paint ball guns, or explosives.

19.2 No person shall have in their possession or control any bow or arrow except by prior written permission of the Parks Commission.

19.3 No person shall discharge any rifle, shotgun, pellet gun, air rifle, pistol, or other firearm within any park for any reason except by prior written permission of the Parks Commission; this rule does not apply to any law enforcement officer acting in the course of his or her employment.

19.4 This Section does not prohibit the lawful possession and transportation of firearms as defined by State Law.

## **Section 20 - Skating, Coasting, and Skiing**

20.1 No person shall while on Commission property, skate, walk, or go upon any ice, or coast with handsleds, toboggans, or other such coasting devices, or ski except at such times and places as may be provided or designated for such purposes by the Commission.

## **Section 21 - Balloons, Airplanes, and Parachutes**

21.1 No person shall make any ascent, descent, or landing in any balloon, airplane, parachute, or other airborne vehicle on Commission property without first obtaining written permission from the Commission or its Agent.

## **Section 22 - Public Exhibition**

22.1 No person shall exhibit any machine or display or show any animal, or indulge in any acrobatic exhibitions on Commission property, nor shall any person carry on any performance which shall cause persons to congregate so as to interfere with the use of such property by the general public or

to obstruct the passage of vehicles or persons, without first having obtained written permission from the Commission or its Agent.

### **Section 23 - Special Permits**

23.1 No erection, construction, or maintenance shall be made on, above, or below Commission property by any person, firm, or corporation without first having obtained written permission from the Commission authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

23.2 The Commission or its Agent may, upon written application, grant specific use permits for special uses when in the opinion of the Commission or its Agents such permit is consistent with use of the park by the public.

### **Section 24 - Fees and Charges**

24.1 It shall be unlawful for any person to use any facility, land, or area for which a fee or charge has been established by the Commission without payment in advance.

### **Section 25 - Emergency Powers**

Nothing in these rules shall:

25.1 Prohibit or hinder duly authorized Agents of the Commission or any law enforcement officer from performing his official duties.

25.2 Prohibit the Commission or the Director from establishing emergency rules required to protect the health, welfare, and safety of park visitors and to protect park property; including, but not limited to, the right of the Commission or the Director to order all persons off Commission property, and to close all or any portion of said property.

## **ARTICLE VIII - ENFORCEMENT**

### **Section 26 - Validity**

26.1 The requirements of this ordinance, its various parts, sections, and clauses thereof are hereby declared to be servable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

26.2 Wherever the requirements of this ordinance are at variance with the requirements of any other applicable rules, regulations, or laws the most restrictive or that imposing the highest standard shall govern.

### **Section 27 - Penalties and Civil Sanctions**

27.1 Any person violating provisions of this ordinance, with the exception of Article VI, Section 12, 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 90 days, or both, provided for by MCLA 46.11 (m), as the Court in its discretion may impose for each offense. Any person violating the provisions of Article VI, Section 12, which concern the unlawful use, operation, and parking of motor-driven vehicles will be deemed responsible for a civil infraction or guilty of a misdemeanor as provided by the Uniform Traffic Code promulgated pursuant to MCLA 257.951 et seq. Provided further the State of Michigan may hereafter change or amend these penalties and civil sanctions.

## **ARTICLE IX - DEFINITIONS**

1. "Commission" shall mean the Eaton County Parks and Recreation Commission.
2. "Commission property" or "Commission properties" shall mean all lands, waters, and property administered by or under the jurisdiction of the Eaton County Parks and Recreation Commission.
3. "Person," "Persons," or "His" shall mean individuals, male or female, singular or plural, firms, corporations, unincorporated associations, or any group or gathering of individuals.
4. "Camping" shall mean the overnight lodging or sleeping of a person or persons on the ground or in any other manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat, or in any other conveyance erected, parked, or placed on Commission property.

5. "Rules" shall mean the rules and regulations adopted by the Eaton County Parks and Recreation Commission, and all amendments thereto, applicable to all Commission property.
6. "Authorized Agent" or "Agent" shall mean the Director and/or the Parks Superintendent. The Parks Naturalist shall be the authorized Agent when the Director and Parks Superintendent are not available.
7. "Provided" or "Designated" shall mean those rules and policies for such use as are duly adopted from time to time by the Commission and posted in a manner to give public notice of such use.

#### **ARTICLE X - EFFECTIVE DATE**

This Ordinance shall become effective after adoption and final publication as provided by MCLA 46.11 (m).

Joseph C. Brehler  
Chairman  
Board of Commissioners

Adopted: October 14, 1980  
Amended: March 17, 2010