

Introduced by the County Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION MODIFYING THE ORDINANCE
ESTABLISHING THE INGHAM COUNTY PARK RULES AND REGULATIONS**

RESOLUTION #04-67

WHEREAS, it is the consensus of the Ingham County Parks Board that this modification of the Ordinance establishing the park rules and regulations is necessary to maintain an orderly and pleasant environment for park visitors.

WHEREAS, the Ingham County Parks Board recommends that the Ingham County Board of Commissioners approve the modifications listed below to the Ordinance establishing the park rules and regulations.

INGHAM COUNTY PARK RULES AND REGULATIONS

Adopted June 27, 1998 - Modified June 2002

Section 1. Ordinance Title. The title of this Ordinance shall be the Ingham County Park Rules and Regulations.

Section 2. Definitions.

“Authorized Local Official” means the Parks Director, Parks Law Enforcement Officers, or other personnel of the County legally authorized to issue municipal civil infraction citations

“Business Day” means a day of the year, exclusive of a Saturday, Sunday, or legal holiday.

“Citation” means a written complaint or notice to appear in District Court upon which an authorized local official records the occurrence or existence of one (1) or more violations of this Ordinance by the party cited.

“County” means the County of Ingham, Michigan.

“District Court” means the 55th Judicial District Court.

“Misdemeanor” means a violation of this Ordinance which is not designated as a municipal civil infraction by this Ordinance.

“Municipal Civil Infraction” means an act or omission that is prohibited by this Ordinance, but which is not a misdemeanor under this Ordinance, and for which civil sanctions including without limitations, fines, damages, expenses and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.

“Municipal Civil Infraction Action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

“State” means the State of Michigan.

“Violation” means an act which is prohibited by this Ordinance. A violation shall include any omission or failure to act where the action is required by this Ordinance.

Section 3. Park Hours.

A. All parks under the jurisdiction of the County shall open one half hour before sunrise for pedestrian access, 8:00a.m. for vehicle access, and close one half hour after sunset, unless otherwise posted or unless permission has been granted by the County or its designated representative.

B. Any park or park lands, or portions thereof, may be closed entirely or closed to certain uses for such period of **time as may be determined by the County or its designated representatives.**

C. No person or vehicle shall be within any park except when such park or portion thereof is open unless camping is approved by a permit issued by the County or its designated representatives.

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Section 4. Conduct on Park Property.

- A. Preservation of Property. No person shall willfully disturb, destroy, deface, alter, change, or remove any part of any park or any facility, building, sign, structure, equipment, utility or other property found herein.
- B. Preservation of Natural Resources and Plant Life. No person shall:
- (1) Remove, or cause to be removed, any sod, earth, humus, peat, boulder, gravel or sand found within any park without the written permission of the County or its authorized representatives.
 - (2) Cut, remove, dig, injure, pick, damage, deface or destroy any tree, flower, shrub or plant, whether alive or dead, found within the park without written permission of the County or its authorized representatives.
- C. Preservation of Wildlife. No person shall hunt, trap, bait, pursue, injure, feed, kill or in any manner disturb any amphibian, reptile, bird or mammal on any land or waters under the jurisdiction of the County unless written permission has been granted by the county or its designated representatives.
- D. No person shall introduce an exotic species into county park lands and waters, except as authorized by the parks board. Exotic species are defined as “all species of plants and animals not native to Michigan.”
- E. Fires. No person shall build a fire within any park except in grills or fire rings provided for such purpose. Fires in the beach area are expressly forbidden. Firewood may be collected to be used within the parks only if it is dead and not standing.
- F. Disposal or Refuse. No person shall:
- (1) Deposit or abandon in any park or in any waters in or adjacent to any park or on the ice thereof any garbage, refuse, trash, waste or other obnoxious material, except, in receptacles provided for such purposes.
 - (2) Bring into any park refuse or litter originating outside any park for the purpose of depositing such in park receptacles.
- G. Fireworks, Firearms and Other Weapons. No person shall:
- (1) Have in their possession or control any slingshot, bb gun, fireworks or explosives within any park.
 - (2) Have in their possession or control any bow or arrow within any park except by prior written permission of the County.
 - (3) Discharge any rifle, shotgun, pellet gun, air rifle, pistol or other firearm in any park for any reason, provided that this rule shall not apply to any law enforcement officer acting in the course of his or her employment.
- H. Alcoholic Beverages.
- (1) No person shall have in their possession within the park boundaries any alcoholic beverages stronger than beer or wine.
 - (2) Alcoholic beverages must be brought to the park in original containers, and said containers shall not exceed 67.6 fluid ounces (2 liters) in capacity.
 - (3) All allowed alcoholic beverages as defined shall be confined to the picnic and ball field area within the parks unless written permission has been granted by the County or the area is otherwise posted.
 - (4) Possession and/or use of alcoholic beverages within Lake Lansing Park-South, Rayner Park, Burchfield Park winter sports area, Hawk Island County Park, and the Kenneth A. Hope Soccer Complex is prohibited.
- I. Disorderly Conduct.
- (1) No person shall be a disorderly person within the park boundaries. A person is a disorderly person if the person is any of the following:
 1. A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.
 - B. A person who is engaged in indecent or obscene conduct in a public place.

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(2) No person shall interfere with any park employee in the discharge of his or her duties, or fail or refuse to obey any lawful command issued by them.

J. Audio Devices.

(1) No person shall use or operate any radio, musical instrument, phonograph, television or other machine or device that produces or reproduces sound in such a manner that produces excessive noise. The use of such a machine or device 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, unless written permission has been obtained from the County Parks or its designated representatives.

(2) No person, group or organization using any picnic shelter within any Ingham County Park, with or without having reserved or rented said picnic shelter, shall use or operate any radio, musical instrument, phonograph, television, compact disc player, tape player or other machine or device that produces or reproduces sound or music, regardless of its audio volume, within, or within 150 feet of, any picnic shelter, unless specific written permission has been obtained from the County or its designated representative. Such written permission shall be in the form of a County-approved Special Event Permit, and shall include the name of the person responsible for the control of such equipment, the type of equipment authorized for use, hours of use and any other information or restrictions regarding the audio equipment's use that shall be deemed necessary by the Ingham County Parks Department. This rule does not apply to the use of a machine or device equipped with a headphone or an earphone where the sound or music would be limited to or confined to the user in control of the machine or device while the headphone or earphone is in use for its intended purpose. The responsible party named in the written permit shall be on site and available to park officials at all times while the audio equipment is in use. Such permit may be revoked at any time by the County or its designated representative.

K. Other

(1) No person shall use metal detectors in any turf areas within the county park system.

(2) No person shall play Frisbee and/or ball games within the beach areas of Lake Lansing Park-South, Hawk Island Park, and William M. Burchfield Parks.

(3) No person shall operate a hot air balloon or model rocket vehicle, model aircraft, or model watercraft, which are powered by battery, gas, fuel or fuel pellet, on any park lands without the permission of the County or its designated representative.

(4) The launching of trailered watercraft is prohibited at Hawk Island County Park without written permission of the county or its representatives. Non-motorized watercraft that are capable of being hand carried are permitted to be launched at Hawk Island County Park at designated locations only. Non-electric motors are prohibited at Hawk Island County Park.

Section 5. Swimming, Bathing and Wading.

A. No person shall swim, bathe or wade except within those areas so designated, and swimming is prohibited within those designated areas when so posted.

B. Children 8 years of age and under shall be accompanied by an adult at least 18 years of age while in the swimming area of County park beaches.

C. Beach and swim areas during the regular summer season shall be open from 9:00 a.m. to sunset, unless otherwise posted.

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- D. Air mattresses, inner tubes, life jackets or any other devices inflatable or otherwise, used in the aid of swimming are prohibited unless otherwise posted. U.S. Coast Guard approved personal flotation devices may be worn by individuals whose physical disability is such that without such aid use of the swimming area would be impossible.
- E. Alcoholic beverages, glass containers and pets are not allowed within the posted limits of the beach area.

Section 6. Dogs and Pets.

- A. Dogs or other pets shall be kept on a leash no greater than 6 feet in length, under the immediate control of a responsible person and shall not be allowed to disturb or annoy park visitors.
- B. Dogs or other pets are allowed in Lake Lansing Park-North, Burchfield Park, Baldwin Park and McNamara Landing, except in areas posted. Pets are not allowed in Lake Lansing Park-South, the Lake Lansing Boat Launch, Hawk Island Park, Rayner Park, the Kenneth A. Hope Soccer Complex, and Riverbend Natural Area at Burchfield Park, unless otherwise posted. Pets are not allowed within the designated bathing beaches, park buildings, shelters and on the ski trails when they are open for skiing. Dogs or other pets may be allowed as a condition of an approved special event application, or when transporting a dog or pet directly from an automobile to a watercraft at the Lake Lansing Boat Launch.
- C. Guide or leader dogs, hearing dogs, and service dogs for disabled persons are permitted in all areas, as provided under Michigan Compiled Laws 750.502c, as amended.
- D. Pets must not be left unattended or left in a vehicle or trailer. Owners must clean up pet droppings.

Section 7. Horses. It shall be a violation for a person to ride, lead or allow a horse to be upon any property not designated as a horse trail which is administered by or under the jurisdiction of the County unless prior written permission has been obtained from the County or its designated representatives.

Section 8. Bicycles. Bicycles shall be permitted on designated trails only. No person shall operate a bicycle upon any sidewalk or trail which is posted against such use.

Section 9. Natural Area and Nature Trails.

- A. Nature trails shall be for pedestrian traffic only, unless otherwise posted.
- B. Fires are prohibited within any natural areas unless written permission has been granted by the County or its designated representatives.
- C. Bicycles, horses and pets are also prohibited within such areas.

Section 10. Motor Vehicles.

- A. It shall be unlawful for any person to:
 - (1) Operate a motor driven vehicle in excess of fifteen (15) miles per hour within the park, except where otherwise posted.
 - (2) Operate any motor driven vehicle of any kind or nature except on designated public roads.
 - (3) Operate a motor driven vehicle in violation of posted traffic control signs or devices.
 - (4) Operate an unlicensed motor vehicle upon any park road or parking area.

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- B. State Laws. All motor driven vehicles 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.

Section 11. Parking.

- A. Parking in Prohibited Areas. It shall be unlawful for any person to:

- (1) Park any motor vehicle within any area not designated as a parking area or space.
- (2) Stop, stand or park any motor vehicle at any place where official signs prohibit.

- B. Use of Parking Areas.

(1) The county park parking lots in all county parks are hereby closed to all park activities except parking of vehicles and entry and exit from vehicles. No park land usage, including, but not limited to, picnicking, frisbee throwing, games or other activities shall be permitted in the county parking lots of county parks. All park activities except traversing to and from county parking lots and/or parking of vehicles in case of emergencies are prohibited.

(2) When posted, parking at the Lake Lansing Boat Launch is hereby restricted on weekends and holidays to vehicles with boats only.

- C. Obstructing Traffic.

(1) It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle upon any roadway or in any parking area in such a manner as to form an obstruction to traffic.

(2) Whenever any police officer finds a vehicle unattended upon a roadway or in a parking area and where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(3) The necessary costs for such removal shall become a lien upon such vehicle and the person into whose custody the vehicle is given may retain it until all expenses involved have been paid.

Section 12. Commercial Activities and Advertising. No person or organization shall advertise, vend, sell, post or distribute any service, food, beverage, merchandise, commercial leaflet, or poster within any park, except by prior written permit from the County or its designated representatives.

Section 13. Camping. No person shall camp within any park except in those areas or buildings designated for that purpose, unless permission is provided in writing by the County or its representatives.

Section 14. Fees, Charges and Permits.

- A. It shall be a violation for any person to use any facility, building, land area or equipment for which a fee or charge has been established by the County without payment of such fee or charge.

- B. It shall be a violation 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.

Section 15. Violations and Penalties.

- A. Any person violating any provision of this Ordinance, except provisions of the Motor Vehicle Code incorporated herein and Section 4.H.(1), shall be responsible for a municipal civil infraction. Repeat violations under this Ordinance shall be subject to increased fines or misdemeanor penalties as provided in Sections 18 and 19 of this Ordinance.

- B. Any person violating the provisions of the Motor Vehicle Code shall be subject to the fines and penalties set forth in that Code.

- C. Persons continuing to violate any of the above provisions after being cited may also be evicted from said park or park land for the remainder of the day of the offense.

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Section 16. Municipal Civil Infraction Citations; Issuance and Service. Municipal civil infraction citations shall be issued and served by an authorized local official as follows:

- A. The time for appearance specified in a citation shall be within ten (10) days after the citation is issued.
- B. The place for appearance specified in a citation shall be the District Court.
- C. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the County and issued to the alleged violator as provided by Section 8705 of Act No. 236 of the Public Acts of 1961, as amended.
- D. A citation for a municipal civil infraction signed by an authorized local official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- E. An authorized local official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- F. An authorized local official may issue a citation to a person if:
 - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the County Prosecuting Attorney approves in writing the issuance of the citation.
- G. Municipal civil infraction citations shall be served personally by serving a copy of the citation upon the alleged violator.

Section 17. Municipal Civil Infraction Citations; Contents.

- A. A municipal civil infraction citation shall name the County as plaintiff and shall contain the name and address of the defendant, the municipal civil infraction alleged, the place where the defendant shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. Further, the citation shall inform the defendant that he or she may do one of the following:
 - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - (3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (a) Appearing in person for an informal hearing before the Judge or Magistrate of the District Court without the opportunity of being represented by an attorney, unless a formal hearing before the District Court's Judge is requested by the County.
 - (b) Appearing in the District Court for a formal hearing before the District Court's Judge, with the opportunity of being represented by an attorney.
 - (4) The citation shall also inform the defendant of all of the following:
 - (a) That if the defendant desires to admit responsibility "with explanation" in person or by representation, the defendant must apply to the District Court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (b) That if the defendant desires to deny responsibility, the defendant must apply to the District Court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain

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a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

- (c) That a hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the County.
 - (d) That, at an informal hearing, the defendant must appear in person before the District Court's Judge or Magistrate, without the opportunity of being represented by an attorney.
 - (e) That, at a formal hearing, the defendant must appear in person before the District Court's Judge with the opportunity of being represented by an attorney.
- (5) The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in the entry of a default judgment against the defendant on the municipal civil infraction.

Section 18. Establishment of Schedule of Civil Fines.

- A. A schedule of civil fines for violations of this Ordinance is hereby established. The fines for the violations shall be as follows:
- (1) For the first citation issued to a defendant who admits or is found by the District Court to have violated this Ordinance, the civil infraction fine shall be \$50.00 for the first violation cited and an additional \$50.00 for each additional violation listed within the citation, up to, but not to exceed, \$500.00. In addition to such fines, the defendant shall pay such costs and damages and expenses as may be set by the District Court, as authorized by Section 8727 of Act No. 236 of the Public Acts of 1961, as amended.
 - (2) For a second citation issued to a defendant who admits or is found by the District Court to have committed repeated violations of this Ordinance, the civil infraction fine shall be up to \$500.00 for each repeat violation. As used in this section, "repeat violations" means a second violation of the same requirement or provision (i) committed by a defendant within any one (1) year period, and (ii) for which the defendant admits responsibility or is determined to be responsible. In addition to such fines, the defendant shall pay such costs and damages and expenses as may be set by the District Court, as authorized by Section 8727 of Act No. 236 of the Public Acts of 1961, as amended.
- B. Failure to appear at the District Court within the time specified in a citation or at the time scheduled for a hearing or an appearance is a misdemeanor and will result in entry of a default judgment against the defendant on the municipal civil infraction.
- C. Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages, or expenses, so ordered may result in enforcement actions, including, but not limited to, imprisonment on civil contempt which shall not exceed one (1) day for each \$30.00 due, collections, placement of liens or other remedies as permitted by Chapter 87 of Act 236 of Public Acts of 1961, as amended.
- D. A municipal civil infraction is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

Section 19. Misdemeanor Violations.

- A. Any person convicted of violating Section 4.H.(1) relating to disorderly persons shall be guilty of a misdemeanor.
- B. A third and subsequent repeated violation of this Ordinance shall be a misdemeanor. As used in this section, "repeat violations" means a third or subsequent violation of the same requirement or provision (i) committed by a defendant within any one (1) year period, and (ii) for which the defendant admits responsibility or is determined by the District Court to be responsible.
- C. Actions or omissions which are a misdemeanor under this Ordinance shall be punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed ninety (90) days, or both.

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Section 20. Construction. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted as defined in statutes, regulations or codes to which they apply or if not so defined shall be defined in the manner or their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any section of this Ordinance.

Section 21. Severability. The various parts, sections, subsections, paragraphs, sentences, phrases and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 22. Repealer Clause. Any ordinance or parts of ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 23. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 24. Effective Date. This Ordinance shall become effective on the 27th day of June, 1998.

THEREFORE BE IT RESOLVED, that the Ordinance adopting the existing Ingham County Park Rules and Regulations (adopted June 27, 1998 and modified June 11, 2002) be modified as recommended by the Ingham County Parks Board.

BE IT FURTHER RESOLVED, that the modified Ordinance shall take effect when signed by the Board Chairperson, certified by the County Clerk, and notice of its adoption is published in a newspaper of general circulation in the County.

COUNTY SERVICES: Yeas: Swope, Thomas, De Leon, Hertel

Nays: None **Absent:** Severino, Nevin **Approved 3/2/04**

FINANCE: Yeas: Lynch, Grebner, Dedden, Thomas

Nays: None **Absent:** De Leon, Minter **Approved 3/3/04**

