

NEWAYGO COUNTY PARKS ORDINANCE RULES AND REGULATIONS



NEWAYGO COUNTY ORDINANCE #01/2020

ADOPTED 02/26 /2020

Amended 2024

SECTION 1.	APPLICATION OF ORDINANCE	4
SECTION 2.	HOURS	4
SECTION 3.	FEES AND CHARGES.....	4
SECTION 4.	PERMITS AND REGISTRATIONS	4
SECTION 5.	SPECIAL USE PERMITS	4
SECTION 6.	RESERVATIONS	5
SECTION 7.	CAMPING.....	5
SECTION 8.	FIRES	6
SECTION 9.	MOTOR-DRIVEN VEHICLES	6
SECTION 10.	MOTORCYCLES, SNOWMOBILES, AND OFF-ROAD VEHICLES.....	7
SECTION 11.	PARKING IN PROHIBITED AREAS	7
SECTION 12.	OPERATION OF BICYCLES	7
SECTION 13.	WATERCRAFT	7
SECTION 14.	SWIMMING, BATHING, AND WADING	8
SECTION 15.	PEDDLING AND SOLICITING	8
SECTION 16.	LOUDSPEAKERS	8
SECTION 17.	LITTERING	9
SECTION 18.	PERSONAL CONDUCT	9
SECTION 19.	DESTRUCTION OF PROPERTY	9
SECTION 20.	DESTRUCTION OF PLANT LIFE AND NATURAL SURROUNDINGS	9
SECTION 21.	HUNTING, TRAPPING, AND FISHING	10
SECTION 22.	FIREARMS AND WEAPONS.....	11
SECTION 23.	FIREWORKS	11
SECTION 24.	PETS.....	11
SECTION 25.	ANIMALS AND BIRDS.....	11
SECTION 26.	AIRCRAFT	12
SECTION 27.	PHOTOGRAPHY AND VIDEO AND AUDIO RECORDING	12
SECTION 28.	ALCOHOLIC BEVERAGES AND OTHER LEGAL DRUGS	12
SECTION 29.	SALE OF ALCOHOLIC BEVERAGES	12
SECTION 30.	LIMITED USE AREAS	12
SECTION 31.	UNLAWFUL OBSTRUCTION	12
SECTION 32.	EMERGENCY POWERS	13

Newaygo County Park Ordinance, Rules, and Regulations

PREAMBLE

An Ordinance to regulate and control all lands, waters, and property administered by or under the jurisdiction of the Newaygo County Park and Recreation Commission

DEFINITIONS

1. "Commission" shall mean the Newaygo County Parks and Recreation Commission.
2. "Commission Property" shall mean all lands, waters, and property administered by or under the jurisdiction of the Newaygo County Parks Commission.
3. "Commission Staff" shall mean any individual directly employed to work by the Newaygo County Parks and Recreation Department. Commission Staff includes the Parks and Recreation Director, Parks Administrative Staff, and Park Operations and Maintenance Staff.
4. "Person" or "Persons" shall mean individuals, male or female, singular or plural, firms, corporations, companies, associations, entities, organizations, or any group of individuals.
5. "Camping" means the overnight lodging or sleeping of person or persons on the ground, in a cabin, tent, pop-up camper, motorhome, trailer-coach, vehicle camper, motor vehicle, or in any other conveyance or structure erected, parked or placed on the premises within any park or recreation area administered by Commission.
6. "Campsite" shall generally consist of one (1) picnic table, one (1) fire pit, one (1) electric panel (where provided), one (1) water spigot (where provided) and one (1) septic/sewer connection (where provided). The Commission or its Staff will determine the size and boundaries.
7. "Quiet Hours" shall mean a designated time (11 PM-7 AM) during which noise, conversation, or activity shall be confined to the boundaries of one's campsite cabin or facility boundaries. Vehicle traffic shall be limited to and from the restroom and in and out of the campground only.
8. "Day-Use" shall mean the use of Commission property between 7 AM and Sunset by a person or persons not registered to camp on Commission property.
9. "Motor-Driven Vehicle" means a vehicle, motor vehicle, or vehicle operated or designed for operation upon a public highway by power other than muscular strength, including motorcycles.
10. "Motorcycle" means a vehicle having a saddle or seat for the use of the rider, designed for operation on not more than three wheels in contact with the ground, equipped with a motor that exceeds 50 cubic centimeters piston displacement.
11. "Off-Road Vehicle (ORV)" shall mean any motor vehicle that can be operated cross-country (without the benefit of a road or trail) over land, snow, and other natural terrains. ORV includes multi-track or multi-wheel vehicles; all-terrain vehicles (ATVs); motorcycles or related multi-wheel vehicles; amphibious machines (water-to-land and back); hovercrafts; and other vehicles that use mechanical power, including 2- or 4-wheel-drive vehicles that are highway registered but operated off highways or roads.
12. "Rules" shall mean the rules adopted by the Newaygo County Parks and Recreation Commission applicable to all property administered by or under the jurisdiction of the said Commission and all amendments thereto. These rules are enforced in compliance with the State of Michigan Public Act 261 of 1965 et seq.
13. "Alcoholic Beverages" means "alcohol," as defined in the Michigan Liquor Control Code of 1998, PA 58 pf 1998 et seq as amended.

IMPORTANT- UPON VIOLATION OF ANY RULES HEREIN, IN ADDITION TO ANY OTHER REMEDY PROVIDED FOR, COMMISSION STAFF MAY REVOKE THE PERMIT(S) AND EXPEL THE OFFENDING PERSON(S), OR PERSON(S)

AFFILIATED GROUP FROM COMMISSION PROPERTY. IN SUCH INSTANCE NO REFUND WILL BE ISSUED. VIOLATORS PROPERTY MAY BE REMOVED OR IMPOUNDED AT THE VIOLATORS SOLE EXPENSE. VIOLATORS MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

SECTION 1: APPLICATION OF ORDINANCE

The provisions of this ordinance shall apply to, regulate, and control all lands, waters, and property administered by, owned or under the jurisdiction of the Newaygo County Parks and Recreation Commission. These rules are enforced in compliance with the State of Michigan, PA 261 of 1965 et seq.

SECTION 2: HOURS

No person shall remain on Commission property between 30 minutes after sunset and 30 minutes before sunrise, except at designated areas. Provided, however, that upon application to the Commission or its authorized agent, said hours might be extended. No person shall enter Commission property that is closed to the public.

SECTION 3: FEES AND CHARGES

- a) No person shall use any Commission property for which a fee/ charge has been established by the Commission without payment of such fee or charge unless authorized in writing by the Commission or other written agreement or permit.
- b) No person or entity shall reserve or occupy a site or facility until all associated fees are paid in full.

SECTION 4: PERMITS AND REGISTRATIONS

- a) A person registering for camping or a facility rental (permittee) must be at least 18 years or older, and the permittee must accompany any minor persons at all times.
- b) An organized youth group camping with their leaders shall register on one permit.
- c) The person registering for a camping/facility permit shall provide the names of the persons at the site/facility, upon request from Commission Staff.
- d) A camping/facility permit holder shall only occupy the site/facility assigned by Commission Staff.
- e) A Newaygo County Parks Motor Vehicle Permit is required for each vehicle before entry onto Commission property.
- f) A valid Newaygo County Parks Motor Vehicle Permit shall be displayed visibly on the lower drivers' side of the windshield of any vehicle entering upon Commission property.
- g) Annual Motor Vehicle Permit stickers must be displayed and fully adhere to the windshield.
- h) Motor Vehicle Permits may not be altered or used in a way other than described in this ordinance.
- i) Motor Vehicle Permits are not transferable between vehicles.
- j) Commission Staff has the right to confiscate altered or misused Motor Vehicle Permits without issuing a refund and may refuse entry to anyone with an altered or misused Motor Vehicle Permit.
- k) Nothing contained herein shall exempt the users of reserved sites/facilities from full compliance with the laws, ordinances, and other rules relating to use and conduct.

SECTION 5: SPECIAL USE PERMITS

- a) No Person shall close or prevent public use of Commission property unless the area is reserved or the Commission permits special use.
- b) Users of special use permitted areas/facilities shall comply with all rules and policies of the Commission.

- c) Notwithstanding any of the provisions or hereof, the Commission may grant a special use permit when it feels necessary as defined by the Special Use Policy.
- d) The Commission may levy fees for the special use permit and its application process.

SECTION 6: RESERVATIONS

- a) Camping, boating, or other reservations are made available at any Commission property or facility the Commission chooses.
- b) All reservations require full payment at the time of booking.
- c) All advanced campsite reservations must be for a minimum of two (2) nights. One (1) night camping reservation is only available in person on a walk-in basis, the day the camping permit is to begin.
- d) All holiday and special event camping reservations must be for a minimum of three (3) nights, with those dates determined by the Commission. Camping reservation for less than three (3) nights, during holidays or special events, are only available in person on a walk-in basis the day the camping permit is to begin.
- e) Commission Staff will assign all sites/facilities; every effort will be made to assign the site/facility requested. The confirmation permit generated will confirm the site/facility assignment.
- f) A separate reservation is required for each site/facility. A separate booking is required for each period desired. A renewal past the reservation period cannot always be guaranteed.
- g) The Commission shall set by resolution and follow a refund policy. Exceptions may be made only in the case of serious injury, illness or death at Commission Staff's discretion.
- h) Once the permittee occupies the reserved site/facility, no refund will be made. If the permittee fails to claim their reservation or fails to cancel their booking, no refund will be made.
- i) Confirmed reservations will be held until 8 AM the following day unless the Commission Staff receives notice of late arrival. Refunds will not be authorized in the case of late arrival.
- j) No Person shall occupy a cabin, campsite, or other facilities over the capacity.

SECTION 7: CAMPING

- a) No Person shall camp except in areas permitted, provided and designated for such use.
- b) No Person shall camp on Commission property without valid camping and motor vehicle permit.
- c) A campsite may be occupied by only:
 - a. One family consisting of parental figures and unmarried children, or;
 - b. One group consisting of no more than eight (8) individuals.
- d) A campsite may only contain one (1) primary camping unit and a small tent for minor children under 18 unless camping in a designated group camping site.
- e) No Person shall register a campsite for another person, or let another person occupy his or her campsite, without first notifying and receiving approval from Commission Staff.
- f) No Person shall transfer campsite or vehicle permits, to any other vehicles, campers, or locations not on the permit.
- g) Removing all personal property from a campsite or cabin for a period longer than 24 hours without notifying the Commission Staff shall constitute abandonment of the site. Abandoned sites shall become available or reservations at 8 AM the morning after abandonment.
- h) No Person shall allow minors (under the age of 18) to occupy a campsite/facility without adult supervision.
- i) No Person shall create a disturbance that disrupts the peace, quiet, and tranquility of the camping area during Quiet Hours from 11 PM to 7 AM.
- j) No Person shall visit campers, between the hours of 10 PM and 7 AM, unless they are a registered camper at that property.

- k) No Person shall wash dishes at pumps or drinking fountains or fail to keep their campsite clean.
- l) No Person shall discharge water or waste of any type except in designated containers, drains, or dumping stations.
- m) No Person shall occupy a campsite or cabin after check-out time (1 PM) on the last day covered by the permit. Campsite renewals are based upon availability.
- n) No Person shall occupy a campsite or cabin before check-in time (3 PM), on the first day covered by the permit, without Commission Staff approval and payment of any applicable early check-in fees.
- o) No Person shall use the Commission property for permanent residence, business operations, or for advertising a business or service.
- p) No Person shall smoke or vape in any Commission building, structure, or playground area.
- q) No Person shall leave a site, facility, or cabin dirty or damaged. Doing so may result in loss of security deposit and charges for damages.
- r) No Person shall dig, bury, or place any item into the ground on Commission property, without permission from Commission Staff.
- s) No Person shall bring a pet inside camping cabins or other Commission buildings.
- t) No Person shall continuously walk or cruise in any motor-driven vehicle in, through, or around campgrounds to attract or distract persons using campsites or for the purpose of using a boat ramp, beach building, or other camping facilities, except registered campers/persons to a specific registered campsite.
- u) No person shall operate a generator that makes an audible sound during quiet hours from 11 PM to 7 AM. If Commission Staff is not able to contact the violator, Commission Staff has the authority to turn off the generator themselves.

SECTION 8: FIRES

No Person Shall:

- a) Willfully set fire to or cause to be set fire to any tree, woodland, grassland or meadow.
- b) Build any fire except within receptacles, or open space approved and designated for such purpose, or allow fires to be outside the confines of the designated receptacle or approved open space.
- c) Drop, throw or scatter lighted matches, burning cigars/cigarettes, extinguished cigarette/cigar/tobacco paper butts, or other flammable materials within or upon Commission Property.
- d) Dispose of coals, ash, any fire-starting device, or other burning or inflammable material except in designated areas provided for such purposes.
- e) Leave a fire unattended.
- f) Leave minors (under 18 years of age) unattended near fires or hot receptacles.
- g) Build a fire of a size larger than the approved fire ring/area.
- h) Build a fire when it is limited or prohibited entirely in the interest of fire safety based on existing conditions or circumstances.
- i) Burn pallets, treated wood or other harmful material, or any other noncombustible materials (glass bottles, metal cans, aluminum foil, nails, etc.).

SECTION 9: MOTOR-DRIVEN VEHICLES

No Person Shall:

- a) Operate a motor-driven vehicle of any kind or nature except on designated roads and parking areas.
- b) Operate a motor-driven vehicle on any park road at speed exceeding 10 miles per hour or at any speed higher than that posted.
- c) Violate provisions of the Michigan Motor Vehicle Code, Act 300 of 1949, as amended.

- d) Form an obstruction to traffic upon any roadway or in a parking area.
- e) The provisions of this Section shall not apply to law enforcement, emergency, or rescue vehicles used in the performance of official duties.

SECTION 10: MOTORCYCLES, SNOWMOBILES AND OFF-ROAD VEHICLES

- a) No Person shall operate a non-licensed motor-driven vehicle, snowmobile, or ORV, on any Commission property, unless it is posted open for such use.
- b) Any non-road licensed motor-driven vehicle, snowmobile, or ORV that is admitted for entry to Commission property, may only travel on designated roadways and parking areas.
- c) Vehicles with loud exhaust as defined by Federal, State, and local laws, may not be driven within Commission campgrounds during quiet hours from 11 PM and 7 AM.
- d) Operators shall comply with all other rules and regulations governing these vehicles by Federal, State, and local laws, including, but not limited to, the Michigan Motor Vehicle Code.
- e) The provisions of this Section shall not apply to law enforcement, emergency, or rescue vehicles used in the performance of official duties.

SECTION 11: PARKING IN PROHIBITED AREAS

No Person shall:

- a) Stop, stand or park a motor-driven vehicle or any part thereof, or any trailer, boat, or other towed vehicle of any kind in any place marked as a passenger or loading zone, other than for quick loading or unloading, delivery, or pick up and packing of materials.
- b) Stop, stand or park a motor-driven vehicle or any part thereof, or any trailer, boat, or other towed vehicle of any kind, upon any roadway or in any parking area in such manner as to form an obstruction to traffic.
- c) Stop, stand, or park a motor-driven vehicle or any part thereof, or any trailer, boat, or other towed vehicle of any kind in any area not designated for such purpose.
- d) Stop, stand, park, moor, or anchor watercraft in any area not designated for such purpose.
- e) Fail to move a motor-driven vehicle or any part thereof, or any trailer, boat, or other towed vehicle of any kind when directed to do so by Commission Staff.
- f) The provisions of this Section shall not apply to law enforcement, emergency, or rescue vehicles used in the performance of official duties.

SECTION 12: OPERATION OF BICYCLES

- a) Bicycles shall operate as close to the right-hand side of the path, trail or roadway as conditions permit and ride single file.
- b) It shall be unlawful for any person to ride a bicycle in areas closed to bicycle use.
- c) No Person shall operate a bicycle in a manner that endangers pedestrians, oneself, and other bicyclists.
- d) Bicyclists must yield to slower-moving trail traffic, such as equestrians and pedestrians. Bicyclists must also verbally announce their presence, with a statement such as, "passing on the left!" before passing other trail users.
- e) All Persons using bicycles in accordance with this ordinance shall also abide by Michigan statutes as they pertain to bicycle operation, equipment, and safety.

SECTION 13: WATERCRAFT

- a) No Person shall bring into, launch, moor, use, anchor or navigate any boat, canoe, raft, or other watercraft upon any body of water, watercourse, lagoon, lake, pond or slough located within or upon Commission property, except at such time or place as may be provided or designated for such purpose. All such

watercraft shall comply with all Federal and State laws, and all rules and regulations governing the use and operation of watercraft.

- b) All watercraft shall comply with and be used in compliance with Public Act 451 of 1994 as amended, and such regulations as may be adopted.
- c) No Person shall launch watercraft from Commission property without paying appropriate launch or park entrance fees, set by the Commission.
- d) No Person shall use a launch for any purpose other than expeditious launching or trailering the watercraft. Once launched or when retrieving the trailer, the watercraft should be out of the way of other ramp users.
- e) Boat docks, including mooring or other tie-down devices or structures, may not be constructed or installed by anyone other than the Commission. Any unauthorized device or structure will be removed, and the associated watercraft may be impounded at the owner's expense.
- f) No watercraft are permitted within 100 feet of designated swimming areas.
- g) Day-use watercraft trailers must be parked in designated parking areas only and remain attached to the tow vehicle.
- h) Campers must keep their watercraft trailers within the boundaries of their campsite, parking area, or in a designated storage area.
- i) It shall be unlawful for any person to leave a watercraft, trailer, motor-driven vehicle, or other property unattended in any County park, or to leave said property in the park when the park is closed, except for the duration of said person's stay at a reserved campsite within a County campground. Motor-driven vehicles, watercraft, trailers, and other property left on Commission property in violation of these rules are subject to removal and impoundment. The owner may reclaim possession of such property upon payment of charges incurred for its removal and storage.
- j) To prevent the spread of aquatic nuisance species, when entering and exiting Commission waters, persons shall inspect their watercraft, trailers, motors, and accessory equipment and remove any aquatic plants and animals.

SECTION 14: SWIMMING, BATHING, AND WADING

No Person shall:

- a) Swim, bathe, wade, snorkel, scuba dive, or enter the water in any of the watercourses, lakes, ponds or sloughs, located within or upon Commission property except at such times and places as designated for such purpose. Persons must abide by posted swim rules.
- b) Carry any food or beverage of any kind or have in their possession any glass container on any beach or in the water adjacent to it.
- c) Tamper with, remove, destroy, or in any manner whatsoever render useless equipment designated and situated for water rescue and safety purposes.
- d) Use designated water rescue equipment for any purpose other than water rescue or safety purposes.
- e) Move or tamper with swim area buoys or ropes placed by Commission Staff.

SECTION 15: PEDDLING AND SOLICITING

No Person shall peddle or solicit business on Commission property without permission.

SECTION 16: LOUDSPEAKERS

No Person shall use a loudspeaker, public address system, or amplified equipment within or upon Commission property without permission.

SECTION 17: LITTERING

No Person shall:

- a) Discard or deposit refuse of any kind or nature except by placing said refuse in containers provided for such purpose.
- b) Throw, lay, drop or discharge into or leave in lands or waters any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said lands or waters.
- c) Intentionally discard, place, or release invasive plants or animals on Commission property.

SECTION 18: PERSONAL CONDUCT

No Person Shall:

- a) Be under the influence of intoxicants, narcotics, or other mind-affecting drugs, unless prescribed by a physician or done so, according to Federal, State, and local law.
- b) 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 on any Commission property.
- c) Interact in a violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly manner towards Commission Staff, park customers, or other members of the public on Commission property.
- d) Conduct or participate in any form of gambling, lottery, or a game of chance upon Commission property except as permitted by State law.
- e) Smoke or use any vapor-producing product such as an e-cigarette or similar device in any Commission-owned building, vehicle, or playground located on Commission property.
- f) Interfere with, or in any manner hinder, any employee or agent of the Commission while performing their official duties.
- g) Fail or refuse to obey any lawful command from Commission Staff.
- h) Impersonate an employee or agent of the Commission for any reason.
- i) Appear on Commission Property in a state of nudity, or commit, perform, engage in any lewd, lascivious, obscene, or indecent act or behavior, or make any indecent exposure of his or her person.

SECTION 19: DESTRUCTION OF PROPERTY

No Person shall:

- a) Willfully destroy, deface, alter, change, or remove any monument, marker, survey line, post, blaze, or other Commission reference point.
- b) Cut, break, deface, engrave or otherwise damage in any manner Commission property, trails, facilities, fixtures, equipment, bridge, drain, gate, fencing, or other structures.
- c) Deface, destroy, or remove any placard, notice, sign, whether permanent or temporary, posted or exhibited within or upon Commission property.
- d) Appropriately excavate, injure or destroy any historic or prehistoric ruin or any object of antiquity.

SECTION 20: DESTRUCTION OF PLANT LIFE AND NATURAL SURROUNDINGS

No Person shall:

- a) Cut, remove, chip, blaze, box, girdle, trim, pick, gather, uproot, remove, deface or destroy any flower, plant, grass, tree, sapling, brush, or shrub on Commission property, without written permission of the Commission.

- b) Remove or cause to be removed any seed, sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Commission.
- c) Leave a designated trail or blaze new trails on Commission property without written permission of the Commission.
- d) Introduce, relocate, plant, discard or cast any plant, seed, sod, soil, boulders, gravel, and sand within or onto Commission property without written permission of the Commission.
- e) Divert, impound, or alter the course of a body of water on Commission property without written permission of the Commission.
- f) Throw, discharge, carry, cast, drag, push, deposit or otherwise place or cause to be placed into the waters of any natural or manmade stream, brook, creek, wetland, pond, tributary, river, storm sewer, or drain on or adjacent to Commission property any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters or injury to persons or wildlife, refuse container, picnic table, barricade, or other moveable or non-moveable property of the Commission or any person.

Park maintenance operations are exempt from the above rules.

SECTION 21: HUNTING TRAPPING AND FISHING

- a) No Person shall hunt any animal in or upon any Commission property unless authorized by the Commission. All hunting will be in accordance with the laws of the State of Michigan and regulations promulgated by the Michigan Department of Natural Resources. All hunters must also abide by any additional rules and policies established by the Commission.
- b) Fishing is permitted within or upon Commission property in accordance with the laws of the State of Michigan and regulations promulgated by Michigan Department of Natural Resources only in such areas designated for such purposes. Ice fishing is permitted on Commission property at your own risk. The Commission assumes no liability for injuries sustained while ice fishing. All shanties must comply with the laws of the State of Michigan and regulations promulgated by the Michigan Department of Natural Resources.
- c) No Person shall trap, catch, wound, kill, or attempt to catch, wound, or kill any animal unless authorized by the Commission or these Rules. No person shall steal any nest, lair, den, or burrow of any animal in or upon any Commission property unless authorized by the Commission or these Rules in designated areas and done in accordance with the laws of the State of Michigan and regulations promulgated by the Michigan Department of Natural Resources.
- d) The use of trail or game cameras is permitted only in areas open to hunting during hunting season or to observe wildlife for fishing. All cameras must be marked with the owner's name, address, and telephone number visible from the ground. Cameras cannot be affixed to trees or shrubs in any manner that causes damage. Cameras may not be used for the purpose of general wildlife observation or observation of Commission Staff or park patrons.
- e) All game animals, fowl, birds, fish, and other aquatic life hunted, killed, taken, 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 Michigan Department of Natural Resources for disposal.
- f) The provisions of this Section shall not apply to law enforcement officers or park employees within the performance of their duties.

SECTION 22: FIREARMS AND WEAPONS

The use, possession, and carrying of firearms or other weapons on Commission property shall be governed by federal, state, and local law.

SECTION 23: FIREWORKS

No Person shall fire, discharge, or have in his or her possession any rocket, firecrackers, sparklers, torpedo, squib, floating sky lanterns, other fireworks, or any substance of an explosive or dangerous nature within or upon the Commission property unless authorized by the Commission or its authorized agent through an agreement or permit. Any agreement/permit issued hereunder shall not relieve a person from obtaining the necessary licenses as required by law from the local governing authority wherein the Park is located.

SECTION 24: PETS

- a) The only pets allowed on Commission property are domesticated or working animals. Commission Staff has final approval powers as to the admittance of any pet.
- b) Commission Staff may refuse to admit any pet or animal that exhibits dangerous or vicious behavior, which could be hazardous to other persons on Commission property.
- c) No pet may be left unattended. Any animal found on Commission property, not in the possession of a person or under the control and custody of a person, may be removed from the property by the Commission or any other peace officer.
- d) Pets must be on a leash and secure or under control at all times. It shall be unlawful for any person to tie, hitch or tether any animal to a tree, shrub, plant, fence, building, equipment, or other structure on Commission property.
- e) It shall be unlawful for any person to permit an animal within her or his possession to damage or destroy the real or personal property or natural resources of the Commission or any other person on Commission property.
- f) Owners must clean up after their pets immediately.
- g) Pets must remain quiet. Owners may be asked to remove loud pets.
- h) All pets must have a current rabies vaccine or all vaccines required for licensing the type of pet.
- i) Any service animal, legal in the State of Michigan, assisting a person or in training, shall be allowed on Commission property.
- j) Owners or caretakers of animals assume full responsibility for all animals brought onto Commission property.

Failure to comply with these rules may subject immediate eviction of the pet or owner, without a refund.

SECTION 25: ANIMALS AND BIRDS

No Person Shall:

- a) Feed or bait wildlife on Commission property, unless it is legally allowed during hunting and trapping activities approved by the Commission.
- b) Cause any animal or fowl to run at large.
- c) Deliberately disturb or harass wildlife present on Commission property.
- d) Torture, ill-treat, or neglect an animal or fowl.
- e) Dispose of or set free any wild or domestic animal upon Commission property.
- f) Remove any animal, fowl, reptile, amphibian, insect, or any other wild living creature from Commission property unless an authorized hunter or trapper.

SECTION 26: AIRCRAFT

- a) No Person shall make any ascent or descent in any hot air balloon, airplane, ultra-light, fuel- or battery-powered rocket or projectile, or parachute on any Commission property, unless in the case of an emergency landing or special use permit.
- b) Any Person operating an unmanned, remote-control aircraft or drone shall do so following all Federal, State, and local laws, regulations, ordinances, and guidelines.

SECTION 27: PHOTOGRAPHY, VIDEO AND AUDIO RECORDING

Persons may take still photographs, video or audio recordings on Commission property (in accordance to Federal, State, and Local law) without first obtaining permission from Commission Staff unless any of the following apply:

- a) The photographs or recordings are used for purposes of advertising a product or service;
- b) The photographs or recordings involve professional or amateur cast, props, models, or crews, other than news media personnel covering a news event;
- c) The project carries substantial risk of damaging Commission property, disrupting park visitors, disrupting park operations, or compromising public health or safety regulations already covered by the law;
- d) The project requires access to Commission property that is closed or restricted to the public.

SECTION 28: CONSUMPTION OF ALCOHOLIC BEVERAGES AND OTHER LEGAL DRUGS

- a) Consumption and possession of alcohol and other legal drugs on Commission property must follow all associated Federal, State, and Local laws.
- b) It shall be unlawful for a person who is intoxicated, 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, to remain on Commission property.
- c) Consumption, cultivation, distribution, processing, sale, or display of marijuana is prohibited on Commission property.

SECTION 29: SALE OF ALCOHOLIC BEVERAGES:

The sale of alcoholic beverages within or on Commission property is prohibited unless all of the following apply:

- a) The Commission issued a special use permit to the permittee;
- b) The permittee has a valid liquor license for the activity;
- c) And, the permittee carries appropriate liability insurance approved by the Commission that specifically covers the sale and distribution of alcoholic beverages at the permitted activity and names the County as an additional insured.

SECTION 30: LIMITED USE AREAS

Limited use areas may have posted Commission rules and regulations specific to the area's use and users' conduct. Areas include, but are not limited to, beaches, boat launches, trails, campgrounds, hunting areas, picnic areas, facilities, and other areas as determined by the Commission. Users in these areas shall follow all posted rules and regulations in addition to those listed in this ordinance.

SECTION 31: UNLAWFUL OBSTRUCTION

No Person shall by force, threats, intimidations, unlawful fencing, enclosing, or by other means, prevent or obstruct any person from entering, leaving, or making full use of any Commission property.

SECTION 32: EMERGENCY POWERS

Nothing in these rules shall:

- a) Prohibit or hinder any Commission Employee, agent, or any peace officer from performing their official duties.
- b) Prohibit the Commission, or its Staff, from establishing emergency rules required to protect the health, welfare, and safety of park visitors; to protect park property and maintain order.

SECTION 33: VIOLATIONS ENFORCEMENT POLICY

- a) Purpose. The purpose of this policy is to provide County Park Staff a process for addressing violations of the Newaygo County Parks Ordinance Rules and Regulations. This Violations Enforcement Policy will set forth the process and procedure for violations of all Park policies. Nothing in this policy will prevent Law Enforcement from lawfully enforcing the County Parks Ordinance.
 - b) Parks and Recreation Director/Designee's Right to Suspend Privileges. Pursuant to this Policy, upon determining that a Park policy has been violated, the Parks and Recreation Director or the Director's designee may restrict access to Park Property with immediate dismissal of the patron from the Park Property, by suspending the patron's access to Park Property, or by denying access to specific services and/or programs. When appropriate, law enforcement may be called to intervene or assist Park Staff.
- I. Incident Reports. Park staff shall record in writing in the form of an Incident Report any violation of this Policy that may result in a suspension of Park privileges.
 - II. Violation of the Policy – Suspension of Privileges. Unless otherwise provided in this Ordinance, the Park shall handle violations as follows:
 - 1. Initial Violation: Park patrons or groups observed violating this Policy will be asked to cease the violation with a verbal request and educated about the Policy.
 - 2. Subsequent Violations: If the park patron or group is observed violating Policy after the initial violation, the Park Manager, Operations Supervisor or Director will make contact to address the additional violation. At that time Park Staff may ask the patron or group to leave immediately or may elect to give a final warning. A final warning shall be made verbally or in writing and shall include an explanation of next steps including removal, and possible trespass proceeding.

If the patron/group refuses to leave, law enforcement may be contacted.

The Parks and Recreation Director or the Director's authorized designee may further institute proceedings to trespass that patron from all parks and properties owned or operated by the Parks Commission. The Parks and Recreation Director shall send an official trespass warning letter to the individual outlining why they are being considered for trespass and the date, time and location of a hearing to consider the trespass. The hearing shall be held promptly following mailing of the trespass warning letter, but not less than seven (7) days.

If the violator cannot attend the hearing, they may request the hearing be done over the phone or other audio or video conferencing platform, or submit a written statement to be reviewed during the hearing.

The hearing will be held by the Park Board Vice-Chairman and two other Park Commissioners. The committee will review the incident reports, interview staff or witnesses and listen to and/or read the violator's statement at the scheduled hearing.

III. Violations that Affect Safety and Security. Violations involving verbal abuse, violence, threatening behaviors, sexual harassment, vandalism, drug sale or use or attempted drug sale or use, intoxication, theft or attempted theft, physical harassment, sexual misconduct, or any behavior that threatens the safety and security of staff and/or patrons shall be handled as follows:

1. Violation: Law enforcement will be called immediately if the conduct constitutes a violation of local, state, or federal law; arrest or criminal prosecution may ensue. Violations of this nature will result in an immediate suspension of Park privileges and trespass from Park Property. The Parks and Recreation Director shall send an official trespass warning letter within ten business (10) days to the individual outlining why they are being trespassed and the date, time and location of a hearing to consider extending the trespass. The hearing shall be held not less than seven (7) days, but not more than thirty (30) days following mailing of the trespass warning letter. The hearing shall be held in the same manner as set forth in section b(II)(2) above.

IV. Reinstatement. The patron whose privileges have been limited or suspended (and the patron's parent or guardian if the patron is a minor) may elect to appeal the initial decision pursuant to the Appeal Procedure outlined in the Park Commission Bylaws and listed below.

- c) Right of Appeal. Following proceedings under Section b(II)(2) or after a decision to extend or modify under Section b(III)(1), Patrons may appeal (1) a decision to limit or suspend privileges or (2) the conditions placed on reinstatement, by sending a written appeal to the Parks and Recreation Director within ten (10) business days of the date of the suspension or trespass. The Director will notify the Chair of the Parks and Recreation Commission of the appeal request. The decision of the Parks and Recreation Commission is final.
- d) Appeal Procedure. All appeals shall follow the Appeal Process as outlined in the current Park Commission Bylaws. Below is a copy of that Policy:

I. Appeal is requested by violator in writing to the Parks and Recreation Director.

II. The Board Chair will set an appeal hearing date, time, and location and mail the violator a letter describing the location, date and time. The hearing may not be sooner than 7 days after the letter is sent to the violator.

1. If the violator cannot attend the hearing, they may request the hearing be done over the phone or other audio or video conferencing platform, or submit a written appeal to be reviewed during the hearing
2. If the violator fails to appear at the hearing or file an appeal within the ten (10) day appeal period, the original decision is final and may not be re-appealed.

III. The Appeals Committee hearing the appeal will review the incident reports, interview staff or

witnesses and listen to and/or read the violator's appeal at the scheduled appeal hearing. The Appeals Committee shall consist of a group of three Park Commissioners including the Chair of the Park Board and two others. None of the three members of the Appeals Committee shall be the same as those who served at the trespass hearing set forth in section b above.

IV. The Appeals Committee will make a recommendation to do the following to the Parks Board: overturn the original decision, modify the penalty, or affirm the original decision.

V. The Appeals Committee will designate one member to serve as a representative. The Appeals Committee representative will present the recommendation to the Parks Board at the next scheduled meeting. The Parks Board will not hold another hearing on the appeal.

VI. The Parks Board will then vote to approve, deny or modify the Appeals Committee's recommendation at the next available Parks Board meeting following the appeal hearing. The Parks Board may ask the appellant/violator questions regarding the appeal, but the appellant/violator is not entitled to make further presentation on the appeal other than during the general public comment portion of the Parks Board meeting.

VII. All decisions voted on by the Parks Board are final and may not be re-appealed.

VIOLATION OF RULES

- a) In addition to any administrative penalty provided for herein, any person violating any provision of the above rules shall be guilty of a misdemeanor and upon conviction, therefore, shall be fined not more than \$100. Any person violating any portion of this ordinance may also be imprisoned in the County jail for a period not exceeding 90 days, at the discretion of the court.
- b) Violation of the above rules gives the Commission the right to remove the responsible individual or group without any refund. Violators may also be subject to civil penalties and trespass.

AVAILABILITY

A copy of this ordinance and any other rules or regulations shall be available at the main office of the Parks Commission and the Newaygo County Clerk's Office. Actual knowledge of any of the provisions of this Ordinance or other Park Rule is not, however, a requirement to its effectiveness or enforcement of this ordinance or the rules.

SEVERABILITY

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

EFFECTIVE DATE & REPEALER

This ordinance shall become effective on the date that both the ordinance is published in a newspaper of general circulation in the County as provided by law and the rules are posted near each gate, or principal entrance to the area or facility to which the rules apply is located, but not earlier than 9 days following adoption. At the time this ordinance takes effect, the existing Newaygo County Parks Rules and Regulations (Ordinance No. 95-ORD-001) as amended are hereby repealed and replaced.