

BARRY COUNTY ORDINANCE NO. 1974-C

THE BARRY COUNTY PARKS REGULATION ORDINANCE

Adopted: November 12, 1974
Effective: November 12, 1974
Amended: April 25, 1979
Amended: July 10, 1979
Amended: September 11, 2012
Amended: July 22, 2014

An Ordinance to regulate the use of County Parks within the County of Barry and to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith, excluding Historic Charlton Park Village, Museum and Recreation Area.

This ordinance does not apply to the Paul Henry Thornapple Trail or any other county-owned trails.

THE COUNTY OF BARRY
STATE OF MICHIGAN
ORDAINS:

SECTION 1: TITLE

This Ordinance shall be known and cited as “The Barry County Parks Regulation Ordinance”.

SECTION 11. REGULATIONS

1. Park entry fees may be established and changed from time to time by resolution of the Barry County Parks and Recreation Board. Notice of such fees shall be posted conspicuously near the entrance of Parks.
2. Tobacco use shall be prohibited at or on any county-owned or operated park or in any county park facility, including but not limited to all restrooms, pavilions, parking lots, walkways, playgrounds, aquatic areas, and outdoor areas, except in those areas designated by the Barry County Parks and Recreation Board.
3. It shall be unlawful to, and no person, firm, or corporation shall:
 - a. Enter upon a County Park or adjoining beach or boat launch when the Park is closed, which is 30 minutes after sunset to 30 minutes before sunrise, or as posted on the premises by order of the Barry County Parks and Recreation Board.

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- b. Park vehicles or boats of any kind in any area other than designated parking areas.
- c. Store or leave a vehicle, boat, duck blind, ice shanty, raft or other property on the premises overnight or moor private boats overnight on the premises without prior written permission of the Barry County Parks and Recreation Board.
- d. Dispose of refuse, rubbish, trash, or garbage anywhere on the premises except in receptacles provided for that purpose and only if the refuse, garbage, rubbish, or trash, resulted during the use of the premises.
- e. Post, place or erect signs, distribute commercial advertising material, erect a fence or barrier, construct or occupy improvement upon County Park lands.
- f. Destroy, damage, or remove any County equipment or property or destroy, damage, or remove any tree or shrub, grass, vegetation, soil, or land condition (biological, geological, cultural) without prior written permission of the County Parks and Recreation Board. Fishing is an encouraged activity and users in possession of a legal Michigan fishing license are allowed to possess fish under the provisions of their license. Regarding fishing:
 - (1) No cleaning fish or depositing fish parts on park property.
 - (2) No craft, gear or equipment shall be stored nor parked in the launching or parking area.
- g. Operate a self-propelled motor or mechanically-driven vehicle, excluding aid giving apparatus for the legally disabled and authorized vehicles, anywhere on the premises except on designated roads, trails or parking lots.
 - (1) Not to exceed 15 mph unless otherwise posted.
 - (2) A specially designated area shall be provided at McKeown Bridge Park for the launching and removal of small non-motorized pleasure craft, defined as manual, portable, limited to 12 feet in length, except for craft designated as canoes, canoe type, or kayaks.
- h. Move, remove, destroy, mutilate, or deface posters, notices, signs, or markers of the County or any other agency of government.
- i. Ride or lead a horse or other riding or pack animal on or allow such animal or any animal-drawn vehicle to use or travel on the premises without the prior written permission of the Barry County Parks and Recreation Board.
- j. Possess or use any illegal, controlled substance anywhere upon the Park premises or to consume alcoholic beverages in any area other than an established picnic area.
- k. Use profane language, in any context.
- l. Dive or jump from man-made structures, or enter any water areas from any undesignated area.

- m. Bring a dog or any other animal pet onto the Park premises except on a leash and under control at all times, nor shall animals be allowed in any buildings or be allowed in any designated beach or swimming area. The exception would be for any aid-giving animals. All animal waste must be removed and disposed of in a sanitary manner.
 - n. Use anything that fires a projectile, (firearms, bow and arrows, firecrackers, BB guns, etc.), upon Park premises, or to move, or, drive by any means, game on County Park property.
 - o. Build open or ground fires without the prior written permission of the Barry County Parks and Recreation Board.
 - p. Camp or park recreational units or tents on the premises overnight without the prior written permission of the County Parks and Recreation Board.
 - q. Bring glass beverage containers onto Park premises.
3. Definition of terms:
- a. "Designated" means posted with a sign or signs at the site or reasonably identified for a particular use.
 - b. "Written permission" means a written permit issued by the Chairman of the County Parks and Recreation Board or by a representative authorized by the Chairman to do so.
 - c. "Camp" means the erection of any tent, the opening or setting up of a tent-type camper, or the parking or occupancy of a motor vehicle, or trailer, or sleeping bag in any manner, or sleeping in any anchored, tied, or moored boat or floating craft of any type in Park lakes, river, or waters or Park lands after posted Park closing hours.

4. Penalty:

Any person, firm, or corporation to violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not to exceed five hundred dollars (\$500.00), imprisonment in the County jail for not more than ninety (90) days, or both.

SECTION III: AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time as provided in accordance with MCLA 46.11: MSA 5.331 as amended.

SECTION IV: VALIDITY SAVING CLAUSE

This ordinance and the various parts, sections, subsections, phrases, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Board of Commissioners hereby declare that it would have passed this ordinance and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, phrases, or sentences or clauses be declared invalid.

Where the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Barry, State of Michigan, the language imposing the highest standard shall govern.

SECTION V: STATUTORY AND LEGISLATIVE AUTHORITY

1. Pursuant to MCL §46.11(j), Barry County is authorized to pass ordinances that relate to County affairs and do not contravene the general laws of the State of Michigan or interfere with local affairs of a township, city, or village within the limits of the County.
2. Pursuant to MCL §46.10b, Barry County may provide lawful sanctions for violations of an ordinance.

SECTION VI: CONSTRUCTION

1. Any term in the singular shall include the plural.
2. Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
3. No provision herein shall make unlawful any act necessarily performed by any officer or employee of Barry County, the Barry County Parks and Recreation Department, or any other Barry County department or agency within the scope of her or his duty, or by any independent contractor, or her or his agent or employees, in the proper and necessary execution of the terms of any agreement with the Barry County Parks and Recreation Department.

SECTION VII: ENFORCEMENT

This Ordinance shall be enforced by the Barry County Sheriff's Department. Other law enforcement agencies may, from time to time, be authorized to enforce this Ordinance in Barry County parks by and under agreement with the Barry County Sheriff's Department.

SECTION VIII: SEVERABILITY

Any provision of this Ordinance that is found by a court of competent jurisdiction to be invalid, void or illegal shall in no way affect, impair or invalidate any other provisions contained herein, which shall remain in full force and effect.

SECTION IX: EFFECTIVE DATE

The provisions of this ordinance are hereby declared to be necessary for the public health, safety, and welfare and shall take effect on July 10, 1979. Enacted by the Barry County Board of Commissioners, Barry County, Michigan, on the twelfth day of November, 1974, and amended on (new date), as shown in the minutes of the meeting of those dates.

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