

ORDINANCE 15

BERRIEN COUNTY, MICHIGAN

AMENDMENT TO ORDINANCE 8 GOVERNING ACTIVITIES AT ALL BERRIEN COUNTY PARKS, BEACHES AND RECREATION AREAS

(AMENDMENTS TO ORIGINAL ORDINANCE ARE IN ITALICS)

THE COUNTY OF BERRIEN, STATE OF MICHIGAN, ORDAINS:

SECTION 1 – PURPOSE AND AUTHORITY

The Berrien County Board of Commissioners determines that it is necessary to consolidate the rules which regulate acts at the various county parks, beaches and recreation areas and to provide penalties for violation of the rules. MCL 46.11 authorizes the County Board of Commissioners to pass ordinances relating to county affairs. This Ordinance is intended to regulate the use of county parks, beaches and recreation areas and therefore comes under the authority granted in that statute.

SECTION 2 – PROHIBITIONS

The following activities are prohibited at all County parks, beaches and recreation areas:

- A. Possession or consumption of alcohol.
- B. Littering or dumping.
- C. Camping without a special permit.
- D. Ground fires.
- E. Defacing, destroying, transplanting, cutting or collecting of trees, plants, flowers or roots.
- F. Defacing or destroying of park property, facilities, furnishings or equipment.
- G. Excavation of park's terrain or soil.
- H. Unauthorized use of insecticides, foggers, herbicides or other chemicals.
- I. Releasing of wild or domestic animals.
- J. Hunting, trapping, harassing, taking, collecting or worrying of any wildlife.
- K. Use of bicycles on hiking trails, disc golf course or other restricted areas.
- L. Horseback riding.
- M. Unauthorized posting of signs.
- N. Playing in roadways or parking areas.
- O. Use of motor vehicles off roadways or parking areas.
- P. Use or possession of fireworks, explosives or devices capable of launching a projectile.
- Q. Any sound or noise generated by a group, person, or device which is excessive or profane. Excessive or profane noise shall be determined at the sole discretion of park personnel.
- R. Interfering with, obstructing or disobeying park personnel when discharging their lawful duties.
- S. Unauthorized solicitations or vending of merchandise.

SECTION 3 – SPECIAL RULES

The following special rules apply:

- A. The parks shall be open during posted hours only.
- B. Swimming is allowed in designated areas only.

- C. Glass containers are not permitted on bathing beaches.
- D. Fishing is permitted in designated area only, if the appropriate Michigan license(s) is possessed.
- E. Dogs or pets are not allowed on bathing beaches or at Love Creek County Park.
- F. All pets, when allowed, must be on a leash not over six feet in length and must remain under the owner's immediate control at all times. Any dog or pet deemed by park personnel to be a public nuisance or danger shall be removed from the premises.
- G. Picnicking is allowed in designated areas only.
- H. All park patrons are required to stay on trails established for hiking, skiing, etc.
- I. The Michigan Motor Vehicle Code is applicable on all county park roadways, including posted speed limits.
- J. All park patrons must purchase, display or show all required permits, receipts and passes.
- K. *Parking is allowed in designated spaces or areas only. Vehicles parked in roadways, fire lanes, connecting drives, circulating aisles or other designated areas may be fined and/or towed at owner's expense.*
- L. *Swimming is not permitted under red flag conditions or other emergent circumstances as determined by park personnel.*
- M. *Skateboarding, in-line skating and bicycling is allowed in designated areas only.*
- N. Deviations or exceptions to the mandates of this Ordinance may be granted only by special permission from the Berrien County Parks and Recreation Commission or the Parks Director.

SECTION 4 – PENALTIES

A person violating any of the terms of this Ordinance may be immediately evicted from the park and future park privileges may be suspended. Any violation of the provisions of this Ordinance is also a civil infraction, punishable by a civil fine of \$100.00 for the first offense and \$250.00 for second or subsequent offenses, plus court costs.

SECTION 5 – ENFORCEMENT

All employees of the Berrien County Parks Department and all law enforcement officers in Berrien County shall have the authority to issue civil infraction citations for any violation of this Ordinance. The County Corporate Counsel shall act as the prosecutorial arm for the enforcement of this Ordinance.

SECTION 6 – SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be declared a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portion or provisions of this Ordinance.

SECTION 7 – EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after sixty (60) days of the date of its adoption by the Berrien County Board of Commissioners.

AMENDED: August 20, 1998

AMENDMENT ADOPTED MAY 29, 2003

WHEREAS, the Southwest Michigan Symphony has requested permission to sell wine during its July 4 concert at the Shadowland Pavilion, and

WHEREAS, The Radio Stations of Michigan's Great Southwest has requested permission to sell beer and wine during its July 12 "Smooth Jazz at Sunset" concert at the Shadowland Pavilion, and

WHEREAS, Berrien County Ordinance Number 8 currently prohibits the possession or consumption of alcohol, on County park properties.

NOW, THEREFORE, BE IT RESOLVED, by this Berrien County Board of Commissioners that Berrien County Ordinance Number 8 is hereby amended to allow the sale and consumption of beer and wine during the above referenced concert events.

BE IT FURTHER RESOLVED, that this amendment is for a trial period covering these two concert events only and that the sale, possession and consumption of alcohol at Silver Beach and all County park properties shall continue to be prohibited under all other circumstances.

BE IT FURTHER RESOLVED, that the County's Corporate Counsel and the County Parks Director are hereby authorized to establish appropriate contractual terms and conditions governing these events including appropriate indemnifications, State licenses, insurance, hours of operation and security requirements.

AMENDMENT ADOPTED JUNE 3, 2004

WHEREAS, the Southwest Michigan Symphony has requested permission to sell beer and wine during its July 3 and August 28 concerts at the Shadowland Pavilion, and

WHEREAS, The Radio Stations of Michigan's Great Southwest has requested permission to sell beer and wine during its July 10 "Smooth Jazz at Sunset" concert at the Shadowland Pavilion, and

WHEREAS, similar requests from these two organizations were approved on a trial basis by the Board of Commissioners last year.

WHEREAS, there were no alcohol-related problems at last summer's events and 79% of those responding to opinion surveys administered at the concerts said they supported allowing the sale of beer and wine at future concerts at the Shadowland Pavilion.

NOW, THEREFORE, BE IT RESOLVED, by this Berrien County Board of Commissioners that Berrien County Ordinance Number 8 is hereby amended to allow the sale and consumption of beer and wine at the Shadowland Pavilion, at no more than four concerts per year over the next four years.

BE IT FURTHER RESOLVED, that all requests for beer and wine privileges shall be subject to individual review and approval by both the County Personnel and Human Services Committee and the County Parks Commission.

BE IT FURTHER RESOLVED, that the sale of beer and wine shall be managed by on-site professionals acceptable to both the County Personnel and Human Services Committee and the County Parks Commission.

BE IT FURTHER RESOLVED, that the County Parks Director shall be required to prepare a written evaluation each year reporting any alcohol-related problems, the volume of beer and wine sales, concert attendance, the results of any public opinion surveys, etc.

BE IT FURTHER RESOLVED, that the sale, possession and consumption of alcohol at Silver Beach and all County park properties shall continue to be prohibited under all other circumstances.

BE IT FURTHER RESOLVED, that the County's Corporate Counsel and the County Parks Director are hereby authorized to establish contractual terms and conditions governing the sale and consumption of beer and wine, including appropriate indemnifications, State licenses, insurance, management, hours of operation and security requirements.