

**ORDINANCE #8  
BERRIEN COUNTY PARKS ORDINANCE**

**ORDINANCE GOVERNING ACTIVITIES AT ALL BERRIEN COUNTY PARKS,  
BEACHES AND RECREATION AREAS**

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**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. 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.

#### **SECTION 8 – PUBLICATION**

This Ordinance shall be published in a newspaper of general circulation within the County of Berrien, State of Michigan, twice before the effective date hereof.

**ADOPTED:**                    December 20, 1990            (see Ordinance 15 for amendments)