

BERRIEN COUNTY ORDINANCE #8

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

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 and portable grills.
- 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, or collecting 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, floating sky lanterns, or devices capable of launching a projectile.
- Q. Any sound or noise generated by a group, person or device which is excessive or profane.
- R. Interfering with, obstructing or disobeying park personnel when discharging their lawful duties.
- S. Unauthorized solicitations or vending of merchandise.
- T. Tents or shade structures with non-see thru sidewalls.

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 areas only, if the appropriate Michigan license(s) is possessed.
- E. Dogs or pets are not allowed in the beach sand area at Silver Beach County Park or Rocky Gap County Park, and dogs or pets are not allowed in areas of County Parks where signage designates such prohibition.
- 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. The sale and consumption of beer and wine at up to eight concerts per year at the Shadowland Pavilion is allowed. All requests for beer and wine privileges shall be subject to review and approval by both the County Personnel and Human Services Committee and the County Parks Commission. The sale,

possession, and consumption of alcohol at Silver Beach and all other county park properties shall continue to be prohibited under all other circumstances. 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.

- O. Deviations or exceptions to the mandates of this Ordinance may be granted only by special permission from the Berrien County Parks and Recreation Commission with authorization by the Board of Commissioners.

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 up to \$500.00 for second or subsequent offenses, plus court costs, subject to the provisions of MCLA Sec. 257.907 (P.A. 103 of 1998).

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 the date when notice of the adoption is published in a newspaper of general circulation in the county.

Adopted by the Berrien County Board of Commissioners 12/20/90.

Amended by the Berrien County Board of Commissioners 08/20/98.

Amended by the Berrien County Board of Commissioners 05/29/03.

Amended by the Berrien County Board of Commissioners 06/03/04.

Amended by the Berrien County Board of Commissioners 04/05/07.

Amended by the Berrien County Board of Commissioners 10/15/15.

Amended by the Berrien County Board of Commissioners 5/25/17.