



# Alpena County Parks Ordinance

An ordinance to establish rules and regulations for Alpena County parks and park facilities, to establish violations of those rules and regulations as municipal civil infraction violations, to establish penalties therefore, and to provide for the enforcement thereof.

THE COUNTY OF ALPENa, STATE OF MICHIGAN, ORDAINS:

## **Section 1. PURPOSE**

The purpose of this Ordinance is to establish rules and regulations for parks and park facilities under the jurisdiction of the Alpena County Board of Commissioners and the Alpena Parks and Recreation Commission, as permitted by MCLA 46.11, as amended and MCL 46.351(4) et seq; to further provide that violations of such rules and regulations shall be misdemeanors; to provide penalties for the violation thereof; and to further authorize the enforcement of said ordinance by employees of the Alpena County, Alpena County Parks and Recreation and by deputies of the Alpena County Sheriff's Office or other law enforcement officers.

## **Section 2. RULES AND REGULATIONS**

The Alpena County Board of Commissioners adopts the following rules and regulations for the use, protection, management and preservation of parks and park facilities owned and operated by Alpena County.

## **Section 3. DEFINITIONS**

"Commissioners" shall mean the Alpena County Parks and Recreation Commission.

"County" shall mean the County of Alpena

"Park Property" shall mean all lands, waters, and property administered by the Alpena County Parks and Recreation Commission/department as park areas.

"Director" shall mean the Parks and Recreation Commission Chair, County Administrator, County Maintenance Superintendent, or Parks Director.

"Designee" shall mean Maintenance Supervisor, Parks Manager, or other County staff as designated by the Commissioners or Director.

"Person" shall mean individuals, male or female, singular or plural, or any group or gathering of individuals.

"Camping" shall mean the establishment of overnight lodging or a sleeping site for any person on the ground or in any other manner, or in any sleeping bag, tent, hammock, trailer, vehicle camper, motor vehicle, boat, or in any other conveyance erected, parked, or placed on County Park premises or water.

"Written Permission" shall mean a park permit, a written note, email, or letter signed by the Director or designee. Written permission for an exception to a rule will be issued in special circumstances or for the benefit of the County or the parks in general only.

"Posting" shall mean the display of a sign or other device which is of size, shape, and wording as to convey a clear message to reasonable people.

#### **Section 4. PARK HOURS AND PUBLIC USE**

1. No person shall:
  - a. Enter a County Park Property except during park hours unless prior permission is obtained from the County or its Designee.
  - b. Willfully remain on County Park Property outside of park hours unless prior written permission is obtained from the County or its Designee.
  - c. Re-enter County Park Property once expelled for reason of rule violation for a period of time determined by the County or its Designee.
  - d. Enter or use a County Park or portion thereof which has been closed by the County or its designee and posted as such.
  - e. Any person may only use specific areas or facilities within County Park Property to the exclusion of others by making application per established County procedures and being granted a permit by the County or its designee.
2. Park hours are as follows:
  - a. 8:00 a.m. - 10:00 p.m. from May 15 through October 15;
  - b. Long Lake Park, Beaver Lake Park and Sunken Lake Park are closed October 16-May 14;
  - c. Or as posted.

#### **Section 5. FEES AND CHARGES**

1. No person, while on County Park Property, shall:
  - a. Use any facility, land, area, or service for which a fee or charge has been established by the County without payment of such fee unless prior written permission has been obtained.
  - b. Fail to display or affix a valid permit in the manner established by the County when entering or using a County Park Property requiring such a permit.

#### **Section 6: CAMPING**

1. No person, while on County park property, shall:
  - a. Engage in the activity of camping unless prior written permission is obtained from the County or its Designee.
  - b. Establish a camp or other lodging place, or erect a tent, shelter, shack, or other temporary lodging in any County park, or to remain in any County park overnight or any time outside the posted hours of operation, unless authorized to do so by written permit from the Parks Department.
  - c. Be issued a camping permit in any County park unless 18 or older, or, accompanied by a parent or legal guardian or other adult authorized by a parent or legal guardian.
  - d. Make, cause, or create any noise or disturbance which is a hindrance to the peace and quiet of a campground between the hours of 10:00 p.m. and 8:00 a.m.
  - e. Wash dishes at pumps, sinks, or drinking fountains, or in tubs or other vessels carried into County park service buildings or restrooms.
  - f. Fail to clean camp sites daily, disposing of litter, trash and garbage in the appropriate containers.

- g. Discharge sewage, grey water, wastewater or other wastes except in designated containers, without overflow, and into sanitary dumping stations.
  - h. Remove or transport hot or tempered water from County park service buildings or restrooms for use at another location.
  - i. Occupy a campsite for which she or he does not have a permit from the Director and/or Designee, or to occupy a campsite beyond 1:00 p.m. on the last day of said permit.
  - j. Sub-lease or transfer camping permit to any other person.
  - k. Occupy a campsite with more than one accepted, major camping unit: motorhome, travel trailer, popup camper, truck camper, van, etc.; or more than two tents. One tent will be permitted along with one major camping unit.
  - l. Have more than two motorized vehicles permitted per campsite.
  - m. Have more than eight persons, with four adults permitted per campsite.
  - n. Allow visitors to park in campsites. Visitors must park in the designated visitor's parking lot, and must leave during park curfew hours: 10:00pm-8:00am.
2. A party member of each camping party shall register for the campsite, list the names of all members of the party and will be responsible for the conduct of party members and visitors to the campsite.
  3. Extensions to camp permits must be obtained before 10:00am on the date the camp permit expires.

### **Section 7. SWIMMING**

1. No person, while on County park property, shall:
  - a. Swim or wade in any lake, pond, or water, except to retrieve one's property or at such times and places provided by and designated for such purpose by the County.
  - b. Be allowed to bring any glass bottle or container into a swimming beach or sunbathing area.

### **Section 8. FIRE**

1. No person, while on County park property, shall:
  - a. Build fires except in grills, fireplaces, fire rings, or other areas specifically provided and identified for that purpose.
  - b. Build a fire in a pedestal grill for any purpose other than cooking or use any fuel other than charcoal and lighter fluid in said grill.
  - c. Leave a cooking fire or campfire unattended or fail to extinguish a cooking fire or campfire when not in use.
  - d. Smoke or use a tobacco product, e-cigarette, or similar device or substance in any beach area, including sand areas, grass areas, decks, overlooks and other structures; or adjoining areas, as designated by signing.
  - e. Dispose of smoking waste or tobacco product waste in any beach area, including sand areas, grass areas, decks, overlooks, and other structures; or adjoining areas, as designated by signing.
2. Any person who willfully or negligently sets fire to any woods, prairies, or grounds of another may be convicted of a felony under the law of the State of Michigan, MCL §750.78.

## **Section 9. PUBLIC CONDUCT**

1. No person, while on County park property, shall:
  - a. Commit, make or engage in noisy, boisterous, disorderly, lewd, lascivious, or indecent conduct.
  - b. Disturb the peace and quiet or good order of a park area; disturb another person or park neighbor.
  - c. Make use of any sound amplification device, loudspeakers, audio devices, or car stereos which produce sound at a level which can be heard clearly 20 feet from the source, bothers or annoys other park users, park neighbors, or in any other way disturbs the peace and order of a park area unless prior written permission is obtained from the County or its Designee as a part of or separately from a facility reservation.
  - d. Enter into a restroom intended for the opposite gender or enter into or remain in any restroom or on any County property for the purpose of committing any sexual act.
  - e. Be present on any County park property with completely or partially exposed or visible genitals, pubic region, buttock, or completely exposed female breast.
  - f. Be allowed to conduct or participate in any form of gambling or games of chance.
  - g. Resist, obstruct, be abusive, or address in a profane or obscene manner any County Designee or Designee.
  - h. Allow any Person under eight years of age to use, enter, or be in a playground or swimming beach area without the supervision of an adult.
  - i. Travel on paths, trails, driveways, or other areas on a horse, bicycle, or any other conveyance at a speed that endangers any park visitor or may cause damage to County park property.
  - j. Peddle or solicit business of any nature whatever; distribute handbills or other advertising matter; post unauthorized signs on any lands, waters, structures, or other County park property; or use County park property for the purpose of commercial operations unless prior written permission is obtained from the County or its Designee.
  - k. 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 park property unless authorized by the Director or its Designee 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. Use a park area, structure, play area, or amenity for a use other than its intended or designed use.
  - l. Conduct any activity, including an authorized use, in any manner that unduly threatens the safety of any individual or threatens to damage or harm County park property or the natural resources therein.
  - m. Trespass onto adjacent private property.

## **Section 10. ALCOHOLIC BEVERAGES**

1. The sale and/or free distribution of alcoholic beverages are prohibited on Commission property.
2. This rule does not prohibit individuals from consuming moderate amounts of alcoholic

beverages from their own personal stock. It does, however, prohibit the sale and distribution of alcoholic beverages from “community” sources such as kegs, balls, ponies, etc. All beverages, whether alcoholic or otherwise, must be served in unbreakable containers in beach and waterfront areas.

### **Section 11. ANIMALS**

1. No person, while on County Park Property, shall:
  - a. Bring into, have, or keep any dog in an area which has been designated or signed to prohibit dogs except for disability service dogs or on duty Police K9’s, including County park beaches or buildings. Except for working dog guides, pets are prohibited from the day use areas of all parks except on designated walking trails.
  - b. Bring into, have, or keep any dog not on a physical leash six feet or less in length and under the immediate control of a competent person who shall remove and properly dispose of any waste produced by the animal immediately and completely.
  - c. Cause any animal or fowl to run at large.
  - d. Cause any dog or pet to enter any public building or to be upon any designated beach, youth playground, or picnic area except a trained and working guide/assistance dog.
  - e. Feed any waterfowl found in designated picnic and swimming areas.
  - f. Bring, drive, lead or carry any unlicensed dog or any other animal into a park; fail to display a valid dog license upon checking into a campground.
  - g. Bring onto County Park Property or be in possession of any animal that is vicious or dangerous to park visitors or other animals. Said animals and owners may be removed from the park.

### **Section 12. PRESERVATION OF PARK PROPERTY AND NATURAL FEATURES**

1. No person, while on County Park Property, shall:
  - a. Destroy, injure, deface, disturb, remove, or befoul any part of a park area, building, sign, equipment, or other property therein; nor shall any tree, turf, grass, dune grass, flower, shrub, or any other plant, rock, or any other mineral, be removed, injured, or destroyed.
  - b. Mark, paint, chalk, or in any way leave a permanent or temporary mark on any surface within County park property, including but not limited to trees, buildings, pavement, steps, railings, or signs unless prior written permission is obtained from the County or its Designee.
  - c. Release animals, pets, or dispose of plants in a County park property without prior written consent of the County or its Designee.
  - d. Fail to obey the printed or posted rules of a facility reservation whether the renter or attendee at the facility reservation, including but not limited to the prohibitions of moving furniture, use of staples or tacks, and littering, including the use of confetti.

### **Section 13. SPECIAL PERMITS**

1. No construction or maintenance shall be made above or beneath Commission property by and person without first obtaining written permission from the Commission authorizing such construction or maintenance and a permit specifying in detail the work to be done and the conditions to be fulfilled to the terms of such approval.

2. Notwithstanding, any of the provisions herein contained, the Commission may, upon written application, grant specific use permits for special uses when in the opinion of the Commission special consideration is warranted.

#### **Section 14. HUNTING, FISHING & TRAPPING**

1. No person, while on County park property, shall remove, hunt, trap, wound, kill, molest, or in any other way harm any living thing, unless prior written permission is obtained from the County or its Designee.
2. Fishing on County park property shall be permitted in accordance with County park guidelines and the laws of the Department of Natural Resources of the State of Michigan in such areas designated by the County for such purposes. Fish cleaning will only be done in a designated fish cleaning area/station. The stations will be left clean. Any fish debris will be disposed of as posted.
3. No person, while on County Park property, shall fish from a swimming beach or be in possession of any fishing hooks or tackle while in a designated swimming beach area.

#### **Section 15. FIREARMS AND WEAPONS**

1. No person, while on County Park Property, shall:
2. Discharge or set off a pistol, rifle, shotgun, slingshot, or any other instrument which discharges a projectile by air, explosion, or any other force except for any deputy sheriff, police officer, or other duly appointed law enforcement officer carrying out the duties and responsibilities of their position or by a person carrying a weapon in accordance with Michigan law and in the legal defense of human life unless prior written permission is obtained from the County or its Designee.
3. The possession of firearms shall be permitted on County Park Property in accordance with the laws of the State of Michigan.

#### **Section 16. MOTOR VEHICLES**

1. No person, while on County Park Property, shall:
  - a. Operate a motor vehicle unless the vehicle is duly authorized and licensed for operation on public roads.
  - b. Operate a motor vehicle except on roads, parking lots, and other areas expressly designed and designated by the County for that purpose.
  - c. Operate a motor vehicle in any way which does not give right-of-way to pedestrians, bicyclists and equestrians; or endangers the safety of people or property.
  - d. Park or leave unattended any automobile, truck, bus, motor home, trailer, or any other similar device except in designated parking spaces or spaces assigned by a County Designee and during regular park hours.
  - e. Park or leave unattended any motor vehicle in a manner that blocks in another parked vehicle; blocks, restricts, or impedes the normal flow of traffic; where parking is prohibited; on or in a turf area, wetland, meadow, prairie, marsh, field woodland; for the purpose of washing or making any repairs or alterations except those of an emergency nature; or in such a way as to occupy more than one provided parking space.

- f. Exceed posted speed limits or exceed a reasonable speed for given traffic conditions and special hazards, such as trail crossings, entrances to parking areas, hills, or curves.
- g. Commit an act of property destruction with a motor vehicle or any other motorized device.
- h. Operate a snowmobile, off-road vehicle, any motor-driven vehicle or any motorized device in any park area unless specifically designated for such purpose.
- i. Park any vehicle in a County administered parking lot or space for a period exceeding the designated time limit as determined by the County and identified by posted signs noting the applicable time limitation.

**Section 17. WATERCRAFT**

- 1. No person, while on County Park Property, shall:
  - a. Launch, navigate, or use any boat, canoe, jet ski, sailboard, raft or other similar device upon any lake, pond, or watercourse except at such times and places provided by and designated for such purpose by the County.
  - b. Enter a posted swim area with any boat, canoe, jet ski, sailboard, paddleboard, surfboard, or other similar device.
  - c. Beach, moor, or store any boat, raft, canoe, jet ski, sailboard, or other similar device outside of regular park hours unless prior written permission is obtained from the County or its Designee.
  - d. Operate a watercraft in a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources.
- 2. Boat launch users must park their vehicles and/or trailers in the designated parking areas.

**Section 18. BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER-SKATES, OTHER DEVICES**

No person, while on County Park Property shall use bicycles, skateboards, scooters, roller-skates, and other similar devices on any surface except the park roadways, or between sunset and sunrise.

**Section 19. ORGANIZED ACTIVITIES, SPORTS, GAMES AND HOBBIES**

- 1. No person, while on County Park Property, shall:
  - a. Engage in organized activities such as contests, shows, exhibitions; organized sporting or musical events, children’s day camp, parades, or any other activity to the exclusion of others, without prior written consent of the County or its Designee.
  - b. Use or operate any amusement device while on County Park Property that would threaten the safety of any person or potentially damage park property; or would interfere, annoy, or bother the use and enjoyment of an area by others.
  - c. Use or operate any remote-controlled airplane, helicopter, drone, car, boat, or similar device unless prior written permission is obtained from the County or its Designee.
  - d. Launch, land, operate, or otherwise engage in the use of hot air balloons, parachutes, hang gliders, or other similar conveyances without obtaining prior written permission from the County or its Designee.
  - e. Engage in the activities of sledding, skating, skiing, or other similar activities except in areas designated by the County.

## **Section 20. RENTALS**

1. No person, while on County Park Property, shall:
  - a. Occupy or use a reserved facility when that facility is reserved by another person per established County procedures.
  - b. Hinder, interrupt, or interfere with any authorized use or any use for which a permit has been granted, including a permit that allows the use of County Park Property to the exclusion of others.

## **Section 21. PENALTIES**

1. 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.
2. Violation of the above rules gives the County the right to remove the responsible individual or group without any refund. Violators may also be subject to civil penalties and trespass.

## **Section 22. ENFORCEMENT**

1. Nothing in these rules and regulations shall:
  - a. Prohibit or hinder any County employee, designee, or any peace officer from performing their official duties.
  - b. Prohibit the County, its Designee, or Designee from establishing any emergency rules required to protect the health, welfare, and safety of park visitors; to protect County Park Property; or to maintain order.
  - c. Prevent other officers from carrying out their sworn duties within the County Park Properties or facilities as defined by the applicable laws of the State of Michigan and the United States or by the ordinances, resolutions, and policies of Alpena County, Michigan or in accord with any policing agreement approved by the Board.

## **Section 23. CONFLICT WITH CRIMINAL LAWS**

Nothing in this Section shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law.

## **Section 24. SEVERABILITY**

The phrases, sentences, sections, and provisions of this Section are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

## **Section 25. REPEAL OF CONFLICTING ORDINANCES**

All other Ordinances, part of Ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.



**Section 26. EFFECTIVE DATE**

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.

**Section 27. 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 Alpena 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.

Adopted by the Alpena County Parks & Recreation Commission on March 8, 2023

Adopted by the Alpena County Board of Commissioners on March 28, 2023