

**ORDINANCE # 1 OF 2007
BARNES PARK
ORDINANCE**

The County of Antrim does hereby ordain:

ARTICLE 1

1.01 PURPOSE:

The Board of Commissioners of the County of Antrim has determined that Barnes Park shall be used for camping, hunting and other recreational purposes. This ordinance is to regulate the use, development and management of Barnes Park.

1.02 PROPERTY DESCRIPTION:

Barnes Park is located in Torch Lake Township, Antrim County, comprised of the following lands:

The NW ¼ of the SE ¼ of the SE ¼
The North 132 Feet of the SW ¼ of the SE ¼ of the SE ¼
The SW ¼ of SW ¼ of SE ¼
The East ½ of the SW ¼ of the SE ¼
The NW ¼ of SE ¼
Government Lot 2 except the South 15.63 acres
The SW ¼ of the NE ¼
All being in Section 1, Town 31 North, Range 9 West.

1.02 DEFINITION

1.02.A “Camp unit” means any of the following

- 1.02.A.A** The erection of a tent
- 1.02.A.B** The opening or setting up of a tent-type camper
- 1.02.A.C** The parking and occupancy of a RV, travel or house trailer.
- 1.02.A.D** Sleeping in any type of motor vehicle, sleeping bag or sleeping in any other manner between the hours of 11 p.m. and 6 a.m. This shall not include a person sleeping in a sleeping bag if the person is included in the number of registered guests.

1.02.B “Camp site area” means that area of Barnes Park which a camp unit is permitted and which has a 450 foot buffer zone around the area.

1.02.C “Camp site” means the individual permitted site.

ARTICLE 2

2.01 PROHIBITED USES:

On lands within Barnes Park, it is unlawful for a person or persons to do any of the following:

- 2.01.1** To enter, use, or occupy part of the park for any purpose when they are posted against entry, use, or occupancy.
- 2.01.2** To camp without a camping permit issued by the County or to exceed the number of registered guests for the campsite.
- 2.01.3** To camp other than at a designated campsite.
- 2.01.4** To place more than one (1) camping unit per camp site, without permission of park staff. Each camping unit above one (1) shall be charged an additional campsite fee.

- 2.01.5** To leave a camp site unoccupied, without permission of park staff, for more than a 48-hour period after the camp is established. A campsite is considered to be occupied if at least 1 member of the camping party is in attendance during the nighttime hours.
- 2.01.6** To camp for more than fifteen (15) consecutive nights, nor more than a total of thirty (30) nights per calendar year.
- 2.01.7** To permit any grease, oil or other liquid waste to be discharged upon the ground or to dispose of it into any container within the Park unless specially designated for such purpose.
- 2.01.8** To ride a bicycle of any kind, except on paved and nonpaved roads, parking lots, and designated bicycle trails.
- 2.01.9** To peddle or systematically solicit business of any nature; distribute or post any handbills or other advertising matter; post signs; paint or otherwise mark any tree or rock on any lands, waters, structure, or property.
- 2.01.10** To use a loudspeaker, public address system, or sound-amplifying equipment of any kind, except for an electronic game-calling device that is lawfully used while hunting, or to operate a motor, motorboat, motor vehicle, generator, radio, television, or any other device in a manner that produces excessive noise, or creates noise that disturbs or annoys another person. The hours between 11:00 p.m. to 6:00 a.m. are designated as "Quiet Hours" and no person shall operate any of the before mentioned items or create any noise in a manner that could be heard beyond the campsite being occupied.
- 2.01.11** To engage in any violent, abusive, loud, boisterous, vulgar, lewd, or otherwise disorderly conduct, or to lounge, sit, or lie upon walks, stairs, roads, or paths obstructing the free passage of another person.
- 2.01.12** To destroy, damage, cut, mutilate, burn, move, remove or deface any County property, signs, markers or notices.
- 2.01.13** To obstruct any road or trail in a manner that hinders public access to the lands.
- 2.01.14** To destroy, damage or remove trees, shrubs, wildflowers, planted grasses, or other vegetation without first obtaining proper written permission. This subdivision does not apply to picking and removing mushrooms, berries and edible fruits or nuts for personal use.
- 2.01.15** To remove any picnic table from a campsite or to move any picnic table from one location within the park to another location within the park without permission of the park ranger.
- 2.01.16** To carry or have in his or her possession a firearm, unless unloaded in both barrel and magazine; to shoot an air gun, gas gun, spring-loaded gun, or slingshot; or to shoot with a bow and arrow or crossbow, except during established hunting seasons on lands designated open to hunting.
- 2.01.17** To build fires, except in designated places or except in stoves or grills that are approved by the park ranger and operated in a manner that will damage or burn park property.
- 2.01.18** To build any fire upon the beach.
- 2.01.19** To build any fires within the park, when due to conditions, fires have been prohibited by park manager.
- 2.01.20** To trench around any camping unit or any camp site for any purpose.
- 2.01.21** To place or burn garbage in a fire ring or stove, or bury refuse, rubbish, trash, or garbage, regardless of its origin.
- 2.01.22** To dump, place, throw or leave or cause or permit the dumping, placing, throwing or leaving of litter in any area of the park or waters, except in containers provided, deposit refuse or waste material originated outside the park in a receptacle provided for park use; or place or burn garbage in fire ring or stove.
- 2.01.23** To dispose of any fish cleanings in any park receptacle without first placing them in a plastic bag and securely tying bag closed.
- 2.01.24** To hold events including, but not limited to, races, endurance contests, tournaments, or trail rides, unless the events are conducted pursuant to a permit. The permit may include a charge to the sponsor or permittee for the use of the land. An event may require a performance bond to insure permit compliance and may require public liability insurance. The County may waive the requirement for a permit for events where the number of participants is 20 or more individuals if the County determines that the event will not require additional County oversight and the event will have a minimal impact on the use of the lands by others.

- 2.01.25** To enter or remain in the campground between the hours of 11 p.m. and 6a.m. unless person is a lawfully registered occupant. A person shall not enter or remain in a day-use area between the hours of 11 p.m. to 6 a.m.
- 2.01.26** To operate any motor vehicle, except on designated roads and parking areas, or operate a motor vehicle on a park road or parking area at a speed in excess of 15 miles per hour or as otherwise posted, in an unsafe manner or as to disobey traffic signs.
- 2.01.27** To walk into, or drive a vehicle into or through a campsite. This provision does not apply to registered campers and their vehicles or to persons legitimately visiting a specific registered camper.
- 2.01.28** To allow a dog or other animal within water or area designated as a bathing beach or in any other water area used for swimming or wading; to bring a dog, except leader/assistance dogs, or other animal into an enclosed park building or leave a dog or other animal unattended at any time; to permit a dog or other animal to run loose unless the dog is being used in hunting, or in field trials, or while being trained, when upon lands open to such uses; or to fail to properly control a dog or other animal or create a disturbance. Any dog found not in the possession of, or under the immediate control of its owner or the owner's agent, or any dog creating a nuisance or disturbance, may be removed from the park.
- 2.01.29** To possess a dog or other animal unless upon a leash that is not more than 6 feet in length. This provision does not apply to a dog being used for hunting, or in field trials, or while being trained, when upon lands open to such uses.
- 2.01.30** To ride or lead a horse, pack animal, or other riding animal, or any animal driven vehicle on any area, except on roads that are open to the use of motor vehicles, trails, bridle-paths or areas designated for such use by the County.
- 2.01.31** To operate any minibike, trail bike, ORV or snowmobile within the campground.
- 2.01.32** To store or leave any boat, trailer, tent or camping equipment in the park without first obtaining proper written permission. This subdivision does not apply to registered campers using the campground facilities during such time as they are properly registered.
- 2.01.33** To fail to supervise any children by their parents or guardians or by the person registering for the campsite while in the Park so that such child does not violate this ordinance.
- 2.01.34** To refuse to depart the park after being required to do so by a park ranger or law enforcement officer.
- 2.01.35** To not clean up dog excrements.
- 2.01.36** To violate any park rules established by the County.

ARTICLE 3

3.01 NOTICES:

It is the responsibility of a user of the park to inform themselves of all current laws, ordinances, rules and regulations relevant to their use and activities in the park, however, as a convenience to users a copy or summary of Article 2 of this ordinance or any rules may be posted at the ranger station and/or a summary may be provided the camper at the time of registering. Information presented in such summary notice only represents some details relevant to use, and need not be a complete list of prohibited activity nor need not be as immediately updated as to current ordinance and rules. If a user has any questions or desires to verify the current ordinance or rules relating to possible activities, the user shall contact the park ranger or County before engaging in those activities. Notice or posting under this provision or that such copy is not posted or provided, or has been removed, defaced, vandalized, or destroyed, shall not affect the enforceability of this ordinance, rule or order nor shall be a legal requirement to enforcement of the ordinance nor a defense to a violation.

ARTICLE 4

4.01 LIABILITY FOR VIOLATION, NOTICE OF CIVIL INFRACTION, HEARING, PROHIBITED USE OR ENTRY INTO PARK – PENALTIES EVICTION FROM PARK

- 4.01.1** A person who violates this ordinance is subject to a civil infraction citation.
- 4.01.2** A person to whom a camp site or other facility is rented is responsible for activities arising for operation, occupying of the camp site or other facility rented. A person who registered for a campsite or other facility as rented may be issued a civil infraction citation for activity rising for operation, occupying of the camp site or other facility rented and shall be liable for payment of the fine assessed for the infraction. In the case of a violation arising from the use of a vehicle, unless the owner can furnish evidence that the vehicle was in the custody, care, or control of another person, the owner of the vehicle shall be liable for payment of the fine assessed for the civil infraction. The registered owner of the vehicle shall provide such evidence in a sworn affidavit, under penalty of perjury, setting forth the name, driver's license number, and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle.
- 4.01.3** A person may be issued a civil infraction citation either in person or by first class mail to the name and address of the registered owner of the vehicle, to the name and address of person who registered for use of the camp site or other facility or in all other cases to the name and address of the person violating this ordinance.
- 4.01.4** A person who receives a civil infraction citation may request a hearing as provided in Ordinance 02-2003.
- 4.01.5** Violation of this ordinance may result in revocation of permission to remain in the park and/or removal from the park with a forfeiture of all fees paid. A person who is removed, evicted or leaves the park at the request of the park staff or law enforcement office shall not be permitted to use or enter any part of the park for a period of 30 days. This provision shall not limit the County's right to further prohibit use or entry into the park or upon County property.
- 4.01.6** A person who violates any section of this ordinance, rule or order shall, in accordance with M.C.L.A. 46.10b and M.C.L.A. 600.8701 et. seq., be deemed responsible for a municipal civil infraction, punishable by a fine of not more than \$500.00.
- 4.01.7** In addition to any other penalty prescribed by law, violation of any of rules/ordinance may result in the revocation of a camping permit or use permit or eviction from the park including the day use area or both.

4.02 VIOLATION OF STATE LAW

Nothing in this ordinance shall prohibit or limit prosecution under State Law when an activity may violate both this ordinance as well as State Law.

4.03 PERSONS EXEMPT

County employees acting in the line of duty and persons performing specific acts or conducting activity authorized by written permission are exempt from this ordinance.

4.04 ENFORCEMENT:

The park manager, any peace officer, law enforcement officer or conservation officer may enforce this ordinance and may issue municipal civil infraction citations.

ARTICLE 5

5.01 RULE MAKING

The Board of Commissioners, by a majority of elected members, may promulgate rules for the use and occupancy at Barnes Park.

ARTICLE 6

6.01 SAVING CLAUSE:

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

ARTICLE 7

7.01 EFFECTIVE DATE:

This Ordinance shall take effect upon publication of notice of adoption.

The Antrim County Board of Commissioners approved the Barnes Park Ordinance on October 11, 2007.

For an official copy of the Barnes Park Ordinance, please contact the Antrim County Clerk's Office.