

LAKE LINDEN VILLAGE CODE

SERIES 3000 PARKS

AN ORDINANCE TO AMEND SERIES 3000 PARKS, CHAPTER 3001 - PARK AND MARINA REGULATIONS, TO PROVIDE FOR THE USE, PROTECTION, REGULATION AND CONTROL OF THE PUBLIC PARKS AND PARK FACILITIES AND OTHER MATTERS CONCERNING RECREATION, CONSERVATION, EDUCATION, HISTORIC AND SCENIC AREAS AND PRESERVES AND PARKWAYS, TO PROVIDE FOR THE ADOPTION OF SUPPLEMENTARY RULES AND REGULATIONS AND OTHER MATTERS RELATED TO THE USE OF AND CONDUCT ON PARK PROPERTY, AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF.

THE VILLAGE OF LAKE LINDEN ORDAINS:

Chapter 3001 Park and Marina Regulations:

I. Short Title.

A. This Ordinance shall be known as the **Village of Lake Linden Park and Marina Ordinance**.

II. Public Use and Hours.

A. Park Season.

1. The Village park is available to the public for the open season from the Saturday before Memorial Day of May of each year through September 30 of that year.

a) Open season activities, such as camping, swimming, and other sports activities, are permitted only during the open season.

b) Closed season from October 1 of each year through the Friday before Memorial Day of the year next following.

(1) The park is closed and does not provide restrooms, changing rooms, camping and other utilities and services.

(2) During the closed season, overnight camping is prohibited.

(3) Persons may enter and use the park during the closed season as public property provided they conform to the provisions of this Ordinance.

B. Daily Opening and Closure.

1. During the open season, the Village park will be open daily from sunrise through 11:00 p.m., except for persons camping with an overnight permit or persons registered at the marina. During the closed season, the park shall be open daily from sunrise to sunset but at no other time.

C. Visitors.

1. Persons visiting campers with overnight permits during the open season must leave the park at closing daily.

D. General Public.

1. Any group or gathering of twenty-five (25) or more persons may use certain areas within the park in the Village of Lake Linden to the exclusion of others by making application and being granted a permit by the President or designated Village official.

E. Permits.

1. Applications for permits for reserved park space shall be made upon forms to be furnished by the Clerk.
2. The President may, upon written application, grant specific use permits for special uses when, in the opinion of the President, such consideration is warranted.
3. Application shall be made in advance of the time of the reservation request sufficient to allow at least seventy two (72) hours posted notice of reservation of space.
4. In the event more applications for reserved space are received than spaces available, such applications shall be considered in the chronological order by date and time received.

F. Fees and Charges.

1. Fees and charges shall be assessed by the Council for the use of any facility, land, area, or program on park property in accordance with a schedule of fees established by the Council in section XII of this ordinance.
2. It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the Council without payment of such fee or charge.

G. Hours.

1. No person or vehicle shall remain upon park property between the closing time and sunrise except at camp areas and other special use areas during the open season; provided, however, that upon application to the President, said hours may be extended.

III. Protection of Property.

A. Destruction of buildings, markers, monuments and other properties shall be prohibited, and no person shall, on park property:

1. Willfully destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post, blaze, marking, or other means of identification of any boundary line, survey line, or reference point.
2. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, structure or other real or personal property of the Village.
3. Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.

4. Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the Council.

B. Destruction of trees, plant life and natural surroundings shall be prohibited and no person shall:

1. Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, on any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.

2. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Council.

C. The following rules shall apply to fires on park property:

1. No person shall willfully set or cause to be set on fire any tree, woodland, brush land, grassland or meadow within or upon the property of the Village.

2. No person shall build any fire upon Village property except within the fireplaces, receptacles or open spaces approved and designated by the Council for such purpose.

3. No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or upon park property.

4. Fires shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.

IV. Regulations Governing Protection of Wildlife.

A. It shall be unlawful for any person while on park property to:

1. cause any animal to run at large.

2. bring, drive or lead any animal into park property; excepting that horses and other beasts of burden and draft animals may be ridden by persons in charge thereof or driven before a vehicle attached thereto, on such portions of park property as may be designated.

3. bring, drive, lead or carry any dog or other animal or pet which is unleashed, or upon a leash more than six feet in length..

4. bring his/her dog or pet into any public building or upon any designated beach except a trained and working leader dog.

5. cause or permit any horse or other animal to stand on any park property unless securely hitched or in the charge of a competent person.

6. torture, ill-treat or neglect any animal. .

7. hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or a lair, den or burrow of any animal in or upon park property.

V. Regulations Governing Beach Use.

A. No person shall:

1. swim, bathe, or wade between sunset and sunrise, in any water abutting park property.

2. swim, bathe, or wade except at times and places designated for such purpose.
3. swim, bathe, or wade whereby the male or female genitalia are exposed to public view.
4. carry or consume any food or beverage of any kind, nor have in their possession any glass or metal container on any beach or in the water adjacent to it.

VI. Regulations Governing Boating and Marina Uses.

A. No person shall bring into, use or navigate any boat, yacht, canoe, raft or other watercraft upon park property except at such time and places as may be provided or designated for such purpose. All watercraft shall comply with and be used in compliance with Public Act 303 of 1967, as amended.

B. It shall be unlawful:

1. to dock a boat overnight except in such areas designated for such purposes by the Council. No person shall dock a boat overnight without a written permit issued by an authorized representative of the Village.
2. to dock a boat on a season or long term basis except in designated areas and without written permission or contract from an authorized representative of the Village. This permission may only be granted on a yearly basis and is subject to all applicable waterway laws, rules, and regulations
3. to place a permanent mooring or anchor within the area designated by the Villages marina permit and village park boundaries without council permission. This permission may only be granted on a yearly basis and is subject to all applicable waterway laws, rules, and regulations.
4. to operate a boat within 400 feet of shore at speed greater than needed for minimum steerage which produces a wake greater than current wave conditions or waves with a height greater than 4 inches, whichever is greater.
5. to swim, dive, or bathe within 500 feet of marina docks
6. to park or drive any motor vehicle on any area not specifically designed for such activity,

VII. Regulation Governing Camping and Campground Uses.

A. It shall be unlawful:

1. to camp except in such areas as may be provided and designated for such purposes by the Council. No person shall camp without a written permit issued by an authorized representative of the Village. No camping permit shall be issued to any person or persons for a continuous period exceeding 15 (fifteen) nights; nor shall such permit be renewed to said person or persons until twenty-four (24) hours have elapsed since the termination of the permit holder's previous permit. Periods in excess of the aforementioned time limitation may be extended to groups upon written application to and at the sole discretion of the Village; provided further, however, that no permit shall be issued to any person under the age of 18 years. No person 18 years or older shall register for a camp and fail to occupy it for a minimum of twenty-four (24) hours while in the company of minors under the age of 18 years.

2. for any group, unrelated to each other by affinity or consanguinity, in excess of four (4) persons to occupy a single camp site; provided, however, the Village may further restrict the number of persons occupying a single camp site, whether related to each other or not, to provide for the general peace and quiet or general health and welfare of all others in the general area of said camp site. No family or group shall occupy more than one camp lot.
3. for more than two motor vehicles to occupy an individual camp site. Each motor vehicle must be registered on the camp permit.
4. for any person or persons between the hours of 11 p.m. and 8 a.m. of the following day, to cause, create, or make any noise or disturbance which is a hindrance to the peace, quiet and tranquility of the camping area.
5. for any person or persons to wash dishes at drinking fountains or in toilet buildings; to fail to clean up camp sites daily or to discharge waste waters or any other wastes, except into designated containers, drains, or dumping stations.
6. to dig a trench or make any excavation on any camp site.
7. to occupy a camp site after check out time, 11 am on the last day covered by the permit.
8. to occupy camp sites contrary to assignments as may be made by the Village's authorized representative.
9. to use more than one park table and electrical outlet per camp site.
10. to permit open drains from any camper or camp vehicle without an appropriate container or catch basin placed there under.

B. A camp permit will be revoked for any camp site/lot that is continuously vacant for 24 hours.

C. At an annual meeting the Council will set aside a number of sites for long stay use.

D. Reservations for the 4th of July holiday are for a minimum payment of 5 days regardless if actually stay is less.

VIII. Regulation Governing Traffic and Parking.

A. Parking in Prohibited areas: standing for loading or unloading in certain places.

B. It shall be unlawful:

1. for the operator of a vehicle to stop, stand or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials.
2. for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.
3. to park any vehicle in any area which is designated as a prohibited parking area.
4. to drive or park any vehicle in or upon Village property which is used for recreational purposes, unless otherwise authorized by the Village President or designated Village official.

C. Horses.

1. It shall be unlawful:
 - a) for any person to ride, lead or cause or suffer a horse to be upon any park property except on specifically designated and posted areas or bridle paths or by permit issued by the President or designated Village official.
 - b) for any person to ride a horse in a careless, negligent or reckless manner so as to create a nuisance or to endanger the life, property or persons on park property.

D. Motor-driven vehicles.

1. It shall be unlawful for any person to:
 - a) operate at any time an ATV 3- or 4-wheeled vehicle, 2-wheel dirt bike, motorcycle, moped or snowmobile upon park property; provided, however, a motorcycle fully licensed for operation upon highways, streets and roadways by the State of Michigan may use the entrance road and parking area of the park during park open hours.
 - b) operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas.
 - c) operate a motor-driven vehicle on any park road at a speed exceeding 10 miles per hour or at any speed greater than that posted; provided further, however, that notwithstanding any provision herein, any person driving a vehicle in the park shall drive at a careful and prudent speed not greater than nor less than is reasonable or proper, having due regard to the traffic, surface and width of the road or of any other condition then existing, and no person shall drive any vehicle in the park at a speed greater than will permit the operator to bring said vehicle to a stop within the assured clear distance ahead.
 - d) operate a vehicle upon park property in a speed contest or for the purpose of making a speed record, including that commonly known as a drag race, whether from a standing start or otherwise over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of the elapsed time, superior performance or speed. Provided further, however, this section shall not apply to any event for which a written permit has been applied for and granted by the President.
 - e) operate any vehicle upon park property, including but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.
 - f) drive any vehicle upon park property while under the influence of intoxicating liquor or narcotic, drug, barbitol or any derivative of barbitol.
 - g) drive any vehicle upon park property while the operator's ability to do so has been impaired by the use of intoxicating liquor or by the use of drugs or narcotics.
 - h) drive any vehicle upon park property while the operator's license to so operate has been suspended or revoked by the State of Michigan.

- i) operate a vehicle upon park property without having a valid operator's license, vehicle registration certificate, and proof of insurance in the operator's possession as required by the State of Michigan, MCL 257.1, et seq, MCL 500.3101, et seq, or other statute or regulation.
- j) operate any vehicle upon park property contrary to posted traffic signs, symbols, rules or regulations or marked roadways.
- k) operate any vehicle in any manner upon park property which results in excessive noise or disturbs the peace, quiet or tranquility of the area.
- l) leave, or cause to be left, any vehicle upon park property between sunset and 8 a.m., excepting at designated parking sites permitting overnight parking, camp areas and other posted special use areas.
- m) operate or ride on a motorcycle without wearing a crash helmet approved by the Michigan Department of State Police under Section 658, subsection (d) of 1949, P.A. 300, as amended.
- n) continuously cruise in any motor-driven vehicle in, through and around the park and campgrounds for the purpose of attracting or distracting persons or visitors using the park.

E. Operation of Bicycles.

1. Bicycles shall be operated as closely to the right-hand curb or right-hand side of the path, trail or roadway as conditions will permit and not more than two bicycles shall be operated abreast.
2. It shall be unlawful for the operator of any bicycle to carry any person upon the handlebar or frame thereof, or for any person to so ride upon such bicycle as a passenger.

IX. Regulation Governing Trespass.

A. Livestock. No person shall drive or cause to be driven any horses, cattle, sheep, goats, swine, or other livestock upon or across park property, without the written permission of the President.

B. Peddling and soliciting. It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, or to post unauthorized signs on any lands, water, structures or property upon or in the park, or to so use such lands, water, structures or property unless first authorized in writing by the President.

C. Unlawful obstruction. No person, firm or corporation shall by force, threats, intimidations, unlawful fencing, enclosing, or by any other means prevent or obstruct any person from entering, leaving or making full use of park property.

D. Hindering employees. No person shall interfere with or in any manner hinder any employee or agent of the Village while performing their official duties.

E. Alcoholic beverages, drugs.

1. No person shall have in their possession any intoxicating beverage while in or upon park property in areas determined by the Council and designated by posting at the main entrance or other conspicuous places, to be areas in which no alcoholic beverages are permitted.

F. Personal conduct.

1. It shall be unlawful for any person to be under the influence of intoxicants or drugs, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any park property.

2. It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property except with permission of an authorized Village representative and required state license approval.

G. Use of loudspeaker.

1. It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon park property without a written permit issued by the Village President or designated Village official.

H. Fireworks.

1. No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon park property unless the President or designated Village official shall have authorized the same by the issuance of a permit for such.

I. Firearms.

1. No person shall at any time, bring into or upon the Village park, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun, water gun or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by air, explosive substance or any other force, provided however, that this section shall not apply to any deputy sheriff, police officer, peace officer or other duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

J. Littering and Pollution of waters.

1. It shall be unlawful:

a) to discard or deposit refuse of any kind or nature in or upon park property except by placing said refuse in containers provided for such purpose.

b) to throw, cast, lay, drop or discharge into or leave in waters abutting park property any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

K. Skating, skateboarding, and coasting.

1. No person shall:

- a) use roller skates or skateboards upon park property except at such times and upon such places as may be designated or maintained therefore.
- b) skate, sled, walk or go upon any ice, or snowshoe, or ski except at such times and upon such places as may be designated or maintained therefore.
- c) within park property coast with handsleds, bobs, carts, or other vehicles, on wheels or runners, except at such times and upon such places as may be designated or maintained therefore.
- d) within park property skateboard without a proper helmet.

L. Balloons, airplanes and parachutes.

1. No person shall make any ascent in any balloon or airplane or any descent in or from any balloon or airplane or parachute on any park property or abutting water without first having written permission from the President or designated Village official.

M. Public exhibition.

1. No person shall exhibit any machine or show, or any animal, or indulge in any acrobatic exhibitions in or upon any park property, nor shall any person carry on any performance or do anything whatsoever which shall cause persons to congregate so as to interfere with the proper use of such property by the general public or to obstruct the passage of vehicles or persons without first having obtained written permission from the President or designated Village Official.

N. Special permits.

1. No erection, construction or maintenance shall be made above or below ground, across or beneath park property by any person, firm or corporation without first having obtained written permission from the President authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

O. Emergency Powers.

1. Nothing in this Ordinance shall:
 - a) Prohibit or hinder authorized agents of the Village or any peace officers from performing their official duties.
 - b) Prohibit the Council from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property including, but not limited to, the right of the Council to order all persons off park property, and close all or any portion of the park at any time during the year.

X. Enforcement.

A. Fines and imprisonment.

1. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500 and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days, or both, for each offense.

2. Parking Violation Fee shall be \$50.00 for first offense, and \$100 thereafter.
3. Boat Docking Violation Fee shall be \$50.00 for first offense, and \$100 thereafter. Boats in repeated violation may be pulled at owner's expense.

XI. Definitions.

- A. "Camping" means the overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on the premises or waters within any park or recreation area administered by the Village.
- B. "Clerk" shall mean the Village of Lake Linden Clerk.
- C. "Council" shall mean the Village of Lake Linden Council.
- D. "Person" or "persons" shall mean individuals, male or female, singular or plural; firms, corporations, or any group or gathering of individuals.
- E. "Pets" shall mean domesticated animals.
- F. "President" shall mean the Village of Lake Linden President.
- G. "Village Park Property" shall mean all lands, waters and property administered by or under the jurisdiction of the Village of Lake Linden. The boundary of the park shall be posted by the Village.
- H. "Designated Village Official" shall be designated by the Village of Lake Linden Council.

XII. Fees.

- A. Fees shall be set by council at an annual meeting. Such fees may include differential rates for village residents and non-residents. The fees set shall include but are not limited to:
 1. Modern campground site fees which includes water and electricity hook-up and use of the bathroom facility and dumping station.
 - a) Daily rate from Memorial Day through September 30th.
 - b) Weekly rate from Memorial Day through June 30th
 - c) Weekly rate from July 7th through September 30th.
 2. Primitive campground site fees which includes access to water and use of the bathroom facility.
 3. Pavilion fees which includes electricity, water, and use of the barbecue grill and bathroom facility.
 4. Park concession stand permits for July 2nd through 5th of each year, or any other time permitted.
 5. Transient and overnight boat docking fee which includes water and electricity hook-up and use of the bathroom facility.

6. Seasonal boat docking fee which includes water and electricity hook-up and use of the bathroom facility.
7. Boat mooring and bottom land use fee which includes use of the bathroom facility and dinghy storage.
8. Boat launching ramp use fee.

All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. A further or amended schedule of fees shall be adopted by the Council.

VILLAGE OF LAKE LINDEN:

Robert A. Poirier, Village Clerk

ATTEST:

Edward R. Fisher, Village President

