

ANTRIM COUNTY ORDINANCE NO. 1 OF 1988

WHEREAS, the Grass River Natural Area is owned by Antrim County;

WHEREAS, the Grass River Natural Area is extensively used by the public;

WHEREAS, the Antrim County Board of Commissioners declares it to be necessary for the health, safety and welfare of the public to establish an ordinance regulating activities within the Grass River Natural Area;

THEREFORE, the County of Antrim ordains:

SECTION 1.

DEFINITIONS

The terms as used in this ordinance shall be defined as follows:

- (1) "Alcoholic liquor" means any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half (1/2) of one percent (1%) or more of alcohol by volume which are fit for use for beverage purposes.
- (2) "Archeological object" means any material, remains of past human life or activities which are of archeological interest, including but not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items, provided such items are at least one hundred (100) years of age.
- (3) "BB gun" means any smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, gas or air.
- (4) "Bicycle" means a device propelled by human power upon which a person may ride, having either two (2) or three (3) wheels in a tandem or tricycle arrangement, all of which are over fourteen (14) inches in diameter.

- (5) "Bow" or "Long-bow" means a weapon made of a strip of wood or other elastic material with a cord to connect the two (2) ends when bent, and by means of which an arrow is propelled when drawn and released by hand.
- (6) "Firearm" means any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, gas or air.
- (7) "Domestic animal" means an animal kept by a person as a pet or for recreational purposes, including but not limited to dogs, cats, horses, and ponies.
- (8) "Grass River Natural Area" or "GRNA" means the areas of land and water within Antrim County specifically described in Section 22 hereinbelow.
- (9) "Grass River Natural Area, Inc." means a Michigan nonprofit corporation formed pursuant to MCLA 450.2101, et seq.
- (10) "Handicapped visitor" means a person using the GRNA who has a physical characteristic categorized as a handicap, which limits ambulation or necessitates the use of a wheelchair for mobility, a person who is blind, or a person who has a physical or mental characteristic that necessitates the immediate supervision of a responsible adult.
- (11) "Large domestic animal" means a domestic animal which is capable of being ridden by a person, including but not limited to horses, ponies, and donkeys.
- (12) "Limited use zone" means all the land and water within the Grass River Natural Area, except that land and water which constitutes the restricted use zone.
- (13) "Motor vehicle" means a motor vehicle as defined in the Michigan Motor Vehicle Code, being MCLA 257.33; MSA 9.1833.
- (14) "Restricted use zone" means that land within the Grass River Natural Area specifically described as:

Commencing at a point 15 feet north of the intersection of the centerline of the former Chesapeake & Ohio (C&O) railroad right-of-way and the east 1/8 line, thence North along said 1/8 line to the south shore of Grass River, thence in a general westerly direction along the south shore of Grass River to the West 1/8 line, thence south along said 1/8 line to a point 15 feet north of the intersection of the West 1/8 line and the center of the former C&O railroad right-of-way, thence in a general easterly direction along a line 15 feet parallel to centerline of the former C&O railroad right-of-way to the point of beginning. Section 13, Helena Township, T29N, R8W; 220 acres more or less.

- (15) "Small domestic animals" means a domestic animal that is not a large domestic animal.
- (16) "Watercraft" means any contrivance, now known or hereafter invented, used or designed for navigation on water, whether propelled by muscular power, sail, machinery, steam, or electricity.

SECTION 2.

NOTICE OF REGULATIONS

The Board of Directors of the Grass River Natural Area, Inc., shall place in a conspicuous location within the Grass River Natural Area a copy of this ordinance for the public to view. The Board of Directors of the Grass River Natural Area, Inc., shall post signs indicating the boundaries of the restricted use zone and other locations of specialty use within the Grass River Natural Area.

SECTION 3.

HOURS OF USE

- (1) Both the limited use zone and the restricted use zone shall be closed to the public from dusk to dawn, except under the following circumstances:
 - (a) Persons may hunt in the limited use zone after dark as permitted by state and federal law, and
 - (b) Persons may enter the Grass River Natural Area after dark only after obtaining prior approval from the Board of Directors of Grass River Natural

Area, Inc., a staff person of the Grass River Natural Area, or the Antrim County Board of Commissioners.

- (2) The Board of Directors of Grass River Natural Area, Inc., shall not schedule or allow to be scheduled any education courses, guided tours, demonstrations, or other organized public events in the limited use zone during the firearm deer and bear seasons as set by state law.

SECTION 4.

MOTOR VEHICLE ACCESS AND SPEED LIMIT

- (1) Motor vehicles are prohibited in the limited use zone and the restricted use zone except that motor vehicles may travel on the designated access road to the Grass River Natural Area off of County Road 618 and in the designated parking lot in the Grass River Natural Area.
- (2) Notwithstanding the provisions of subsection (1) above,
 - (a) A handicapped visitor may travel by motor vehicle to the Interpretative Center Complex for access to the boardwalks and other facilities;
 - (b) A person making a delivery to the Grass River Natural Area may travel by motor vehicle to the Interpretative Center complex for access to the boardwalks and other facilities, provided the person has prior approval from a director of the Grass River Natural Area, Inc.; or
 - (c) A person performing authorized maintenance for the Grass River Natural Area or a person responding to an emergency condition in the Grass River Natural Area, may travel by motor vehicle, but only to the extent necessary to perform the maintenance obligation or to respond to the emergency condition.
- (3) All motor vehicles traveling in the Grass River Natural Area shall be driven no faster than fifteen (15) miles per hour.

SECTION 5.

WATERCRAFT ACCESS

The Grass River Natural Area may be accessed by watercraft traveling on the Grass River, Lake Bellaire and Clam Lake by parking the watercraft only at a designated dock.

SECTION 6.

BICYCLES

- (1) Bicycles are prohibited in the limited use zone and the restricted use zone, except that bicycles may be ridden on the designated access road to the Grass River Natural Area off of County Road 618, in the designated parking lot in the Grass River Natural Area, and on the abandoned railroad right of way designated for such use.
- (2) A person propelling a bicycle shall not ride other than upon and astride a permanent regular seat attached to that bicycle, and shall not allow more persons at one time to ride the bicycle than the number for which the bicycle was designed and equipped.
- (3) A person propelling a bicycle shall ride as near to the right side of the roadway as practicable and at a reasonable speed exercising due care and caution.

SECTION 7.

ALCOHOL PROHIBITED

No person shall possess and/or use any alcoholic beverage in the Grass River Natural Area.

SECTION 8.

DRUNK AND DISORDERLY

No person shall be intoxicated in the Grass River Natural Area and endangering directly the safety of another person or of property.

SECTION 9.
DISTURBING THE PEACE

No person shall make or excite a disturbance within the Grass River Natural Area.

SECTION 10.
LITTERING PROHIBITED

It shall be unlawful for a person knowingly, without the consent of the Grass River Natural Area, Inc., or its designated representative, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter or tobacco products on the Grass River Natural Area, except at designated receptacles set aside for such purposes.

SECTION 11.
FIRES AND SMOKING

- (1) No person shall start or cause to be started a fire in the Grass River Natural Area without first obtaining the written consent of a director or a staff person of the Grass River Natural Area, Inc.
- (2) No person shall smoke any form of tobacco product in the Grass River Natural Area, except in the parking lot of the Grass River Natural Area.

SECTION 12.
PICNICKING

No person shall picnic in the Grass River Natural Area, except in those locations specifically designated for that purpose.

SECTION 13.

DOMESTIC ANIMALS: RESPONSIBILITY OF OWNER OR HANDLER

- (1) No person shall take his/her domestic animal into or allow his/her domestic animal to enter the restricted use zone; except a person who is blind and/or hearing impaired may take a dog into the restricted use zone that is specifically trained to assist him/her.
- (2) A person may have a small domestic animal in the limited use zone, provided that the small domestic animal is on a leash or otherwise under the immediate control of the owner or person responsible for it or is actively engaged in the process of hunting.
- (3) No person shall take a large domestic animal into or allow his/her large domestic animal to enter the limited use zone, except on the abandoned railroad right-of-way designated for such use.
- (4) The Owner or person responsible for a domestic animal shall be liable for all damage caused by the domestic animal.

SECTION 14.

HUNTING

- (1) It shall be unlawful for any person to hunt or to possess any type of firearm, BB gun or bow in the restricted use zone; except under the following circumstances:
 - (a) A person may possess a firearm, BB gun or bow within the following hunter access corridor within the restricted use zone:

Commencing at a steel pin located at the intersection of the East 1/8th line and the center of the abandoned railroad bridge over Finch Creek; thence North 1,000 feet along the East 1/8th line; thence West 150 feet, thence South to centerline of the abandoned railroad right of way; thence East Northeasterly 150 feet along the centerline of the railroad right of way to the point of beginning. Section 13, Helena Township, T29N, R8W, such area being posted for such use, or

- (b) A person may possess a firearm, BB gun or a bow for education and demonstration purposes, provided the person obtains prior written approval from a director of the Grass River Natural Area, Inc, and the chairman of the Education Committee of the Grass River Natural Area, Inc. Any firearm, BB gun or bow being possessed under the terms of this section shall be unloaded, except when loading is necessary for demonstration or education purposes.
- (2) Persons may hunt in the limited use zone in accordance with all state and federal laws.

SECTION 15.

FISHING

- (1) It shall be unlawful for any person to fish in the restricted use zone; except under the following conditions:
 - (a) Persons may fish within Finch Creek from the railroad trestle bridge crossing Finch Creek downstream approximately 2000 feet to the wood footbridge located east of the Grass River Natural Area parking lot; and
 - (b) Persons ten (10) years of age and under, persons sixty-five (65) years of age and older, and handicapped persons may fish the remaining portion of Finch Creek within the restricted use zone only from works of improvement such as boardwalks and bridges.
- (2) Persons may fish in the limited use zone in accordance with all state and federal laws.

SECTION 16.

TRAPPING

- (1) It shall be unlawful for any person to trap any wild animal in the restricted use zone, unless that wild animal has caused a nuisance as determined by the Board of Directors of the Grass River Natural Area, Inc.

- (2) Persons may trap wild animals in the limited use zone in accordance with all state and federal laws.

SECTION 17.

REMOVAL OR DESTRUCTION OF WILDLIFE OR PROPERTY

- (1) No person shall willfully remove, cut, mutilate, destroy, or injure any plant life, archeological object, or naturally occurring material in the Grass River Natural Area, except persons may pick wild edibles in the limited use zone.
- (2) No person shall willfully remove, kill, destroy, or injure any animal life in the Grass River Natural Area, except that animal life lawfully hunted, fished, or trapped as provided in this ordinance.
- (3) No person shall willfully remove, cut, mutilate, destroy, or injure any sign, building, fixture or equipment in the Grass River Natural Area.

SECTION 18.

MANAGEMENT OF THE GRASS RIVER NATURAL AREA

Notwithstanding the provisions of Section 17, the County of Antrim may designate a person or persons to construct and install or to remove, alter, relocate, destroy, or kill any plant life, animal life, archeological object, naturally occurring material, sign, building, fixture or equipment in the Grass River Natural Area for the purposes of enhancing the educational and research opportunities of the Grass River Natural Area, promoting the safe and efficient administration of the Grass River Natural Area, protecting the environment of the Grass River Natural Area, and managing the wildlife habitat within the Grass River Natural Area.

SECTION 19.

VIOLATIONS

- (1) A violation of Sections 3, 4, 6, 7, 11(2), or 12 shall constitute a civil infraction and shall subject a person found responsible to a civil fine not to exceed ONE HUNDRED DOLLARS (\$100.00) and cost of prosecution.
- (2) A violation of Sections 5, 8, 9, 10, 11(1), 13, or 17 shall constitute a misdemeanor and shall subject a person convicted to imprisonment in the County Jail for a term not to exceed ninety (90) days and/or a fine not to exceed ONE HUNDRED DOLLARS (\$100.00), and costs of prosecution.
- (3) A violation of Sections 14, 15, or 16 shall constitute a misdemeanor and shall subject a person convicted to imprisonment in the County Jail for a term not to exceed ninety (90) days and a fine not less than ONE HUNDRED DOLLARS (\$100.00), but not more than FIVE HUNDRED DOLLARS (\$500.00), and costs of prosecution.

SECTION 20.

SEVERABILITY

This ordinance and the various parts, sections, phrases and classes thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Antrim County Board of Commissioners hereby declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

SECTION 21.

EFFECTIVE DATE

This ordinance shall take effect sixty (60) days after its adoption by the Antrim County Board of Commissioners.

SECTION 22.

GRASS RIVER NATURAL AREA

The Grass River Natural Area consists of the following described property:

Section 7, Town 29 North, Range 7 West, Custer Township:

Government Lots 2, 3, 4 and 5.

Commencing at the Northwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, this being the point of beginning, thence South along the N-S $\frac{1}{4}$ line 661.15 feet, thence East 145.25 feet to the C&O Railroad right-of-way, parallel to the South $\frac{1}{8}$ line, thence North along said railroad right-of-way 661.05 feet to the South $\frac{1}{8}$ line, thence West 145.25 feet along said South $\frac{1}{8}$ line to the point of beginning.

Section 12, Town 29 North, Range 8 West, Helena Township:

Government Lots 9 and 10.

Section 13, Town 29 North, Range 8 West, Helena Township:

Government Lots 1 and 2.

NE $\frac{1}{4}$ excepting a parcel beginning 66 feet North of the East $\frac{1}{4}$ corner, thence North along the East section line 990 feet, thence West parallel to the E-W $\frac{1}{4}$ line 660 feet, thence south and parallel to the East section line 990 feet, thence East and parallel to the E-W $\frac{1}{4}$ line 660 feet to the point of beginning.

NW $\frac{1}{4}$, SE $\frac{1}{4}$ except the C & O Railroad right-of-way.

The West 14.8 feet of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

The East 33 feet of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.

NW $\frac{1}{4}$, SW $\frac{1}{4}$ except the C & O Railroad right-of-way.

NE $\frac{1}{4}$, SW $\frac{1}{4}$ except the C & O Railroad right-of-way.

SW $\frac{1}{4}$, NW $\frac{1}{4}$ except the C & O Railroad right-of-way.

SE $\frac{1}{4}$, NW $\frac{1}{4}$ except the C & O Railroad right-of-way.

Section 14, Town 29 North, Range 8 West, Helena Township:

The East $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ except the C & O Railroad right-of-way.

The East $\frac{1}{2}$, NE $\frac{1}{4}$ except the C & O Railroad right-of-way.

NE $\frac{1}{4}$, SE $\frac{1}{4}$.

Commencing at the NW corner of the SE $\frac{1}{4}$, SE $\frac{1}{4}$, thence East 1.5 rods, thence Southwest to a point 1.5 rods south of the point of beginning, thence North to the point of beginning.

Section 6, Town 29 North, Range 7 West, Custer Township:

The unsurveyed part.

Section 7, Town 29 North, Range 7 West, Custer Township:

The unsurveyed part.

Section 1, Town 29 North, Range 8 West, Forest Home Township:

The unsurveyed part.

Government Lot 4.

Section 12, Town 29 North, Range 8 West, Forest Home Township:

The unsurveyed part.

Government Lot 1.

Government Lot 2 except plat of Austin Shores.

Government Lot 7 lying East of the county road, except Lots 1 thru 13 of Anmar Subdivision, including however, the First Addition to Anmar Subdivision, being Lots 14 to 31 inclusive.

Government Lot 8.

A portion of the old C & O Railroad right-of-way in Town 29 North, Range 7 West, Custer Township and Town 29 North, Range 8 West, Helena Township:

A strip of land approximately 100 feet in width being the C & O Railways Petoskey Subdivision Railroad right-of-way, described as follows: beginning at Railway Valuation Station 17362+18.9, which point is the center line of Crystal Springs Road and the North and South section line between Sections 10 and 11, Helena Township, Town 29 North, Range 8 West, and running in a generally easterly and northerly direction through Helena and Custer Townships to the Place of Ending at the East-West quarter line of Section 6, Town 29 North, Range 7 West, also being the North right-of-way of Brake Road.

Section 11, Town 29 North, Range 8 West, Helena Township:

Government Lot 5.

Government Lot 6, the East 20 acres, except the Plat of Indian Woods shores; also excepting commencing at the southeast corner of Lot 14, of the Plat of Indian Woods Shores in said Government Lot 6; thence along the Southeast line of said Lot 14, N 38 degrees 25 minutes E, 174.0 feet to the shore of Clam Lake; thence along the said shore S 19 degrees 35 minutes E, 155.0 feet and S 2 degrees 21 minutes E, 145.0 feet; thence S 62 degrees 14 minutes W, 219.02 feet to the Easterly right-of-way line of Lone Pine Drive; thence along said right-of-way line N 12 degrees 00 minutes W, 168.61 feet and N 34 degrees 25 minutes E, 111.16 feet to the point of beginning; including all land lying between the shore of front courses of the above described parcel and the shore of Clam Lake; also excepting commencing at the SE corner of Lot 25 of the Plat of Indian Woods Shores in said Government Lot 6; thence along the SE line of said Lot 25, N 34 degrees 25 minutes E, 256.67 feet to the Westerly right-of-way line of Lone Pine Drive; thence along said right-of-way line S 12 degrees 00 minutes E, 124.44 feet; thence S 62 degrees 14 minutes W, 193.20 feet to the point of beginning.

Section 12, Town 29 North, Range 8 West, Forest Home Township:

Indian Gold Subdivision, Lots 9 and 10.

SECTION 23.

AMENDMENT

This Ordinance may be amended, including the addition of properties to the Grass River Natural Area, by action of the Antrim County Commissioners.