

BETSIE VALLEY TRAILWAY ORDINANCE

Authority: By authority conferred upon the County of Benzie pursuant to MCL 46.10b and MCL 46.364 et seq., the County of Benzie hereby promulgates and publishes the following rules and penalties relating to the use, protection, regulation and control of the Betsie Valley Trailway. Violation of any rule shall constitute a civil infraction, punishable by fine of not more than \$500, pursuant to the above authority. Nothing contained herein shall be deemed in conflict with any federal or state statute, regulation or administrative order.

Section 1 - General Rules and Jurisdiction

The provisions of this Ordinance shall apply in and to all the grounds, buildings, facilities, and territory from time to time under the management, jurisdiction, and control of the Betsie Valley Trailway Management Council and which are used for or occupied by the "Betsie Valley Trailway", hereinafter referred to as the "Trailway System" or the "Trailway". The Trailway includes, but is not limited to, a surfaced linear strip (the "Trail") and the immediate grounds on either side of said strip owned and/or controlled by the DNR and/or BVTMC running from Frankfort-Elberta on the West to Thompsonville on the East and generally located on the old rail bed of the Ann Arbor Railroad, or as relocated in certain areas by arrangement with owners of adjacent property.

Section 2 - Trailway Hours

The Trailway System shall be open for public use during such times as permitted by local ordinance and subject to restrictions on or permission for certain activities as established by the Trailway Manager, and excepting additional restrictions regarding that portion of the Trailway System more specifically set forth in Section 7 of these Ordinances. Nothing contained herein shall be construed to be in conflict with any township ordinance. Intended users are encouraged to inquire as to additional rules and regulations that might be established by township ordinance.

Section 3 - Protection of Trailway Property

3.01. Molesting Trailway Property. No person shall move, remove, damage, deface, or in any way molest or construct or alter any structure, fixture, tree, plant, shrub, rock, soil, turf, or any other natural or artificial thing or object in the Trailway System without first obtaining written approval of the Trailway Management Council.

3.02. All Plantings Prohibited. No person shall bring into or plant in or upon the Trailway System any tree, shrub, plant or any other kind of flora or any part or seed thereof without first obtaining the written approval of the Trailway Manager.

3.03. Monuments and Memorials. No person shall bring into, leave, erect or install any rock, plaque, monument, sign, symbol or object of any kind in or upon the Trailway System without first obtaining the written approval of the Trailway Management Council.

3.04. Snow Removal. No person shall deposit snow on trail surface or disturb surface in such a way that it makes it unsafe for its intended purpose.

3.05. Dumping Prohibited. No person shall deposit, dump, throw, place or leave in or on any part of the Trailway System any rubbish or garbage, or cast-off article of any kind, except that papers and other refuse matter resulting from activities in the Trailway System which are

otherwise permitted by this policy may be deposited, but only in receptacles provided for that purpose by the Trailway System.

3.06. Fires. No person shall prepare, light or make use of any fire in the Trailway System, except as may from time to time be permitted by written order of the Trailway Manager, and except as required for the regular furnaces, fireplaces, and other heating equipment installed in the Trailway System buildings.

3.07. Restricted Areas. No person shall be in or enter upon any portion of the Trailway System where persons are prohibited from going by order of the Trailway Manager as to areas restricted for a total term not to exceed nine months, or by resolution of the Trailway Management council for whatever period. No person operating, directing, or responsible for any airplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus will take off or land in or on any Trail section or waterway, except when human life is endangered or written permission has been obtained from the Trailway Manager. No remote controlled aircraft, vessel, or car may be operated on Trail unless operating in a properly designated area, without the written approval by the Trailway Manager.

Section 4 - Protection of Birds and Animals

4.01 Hunting and Trapping. Any and all hunting and/or trapping shall be pursuant to state law. All State wildlife preservation restrictions will apply.

4.02. Control and Custody of Pets. Persons owning or having the right to immediate custody or control of any animal shall not permit or allow such animal to enter into or remain in the Trailway System unless at all times it is within the Trailway System such animal is, by means or a leash or other physical equipment, entirely and continuously under and subject to the direction and control of a person. Owner shall immediately remove their animal feces from the Trail and/or encase and deposit in appropriate waste containers.

Section 5 - Vehicles and Traffic

5.01 Vehicles, Trailers or Other Objects. No vehicle, trailer or other object may be parked or stored within 4 feet of trail surface.

5.02 Motor Driven Vehicles. No person shall have or operate any motor driven vehicle in the Trailway System, except on roadways, Trail crossings and parking areas from time to time designated by the Trail Management Council excepting the following:

- (a) snowmobiles that are limited to operation East of Beulah from December 1 to April 1 unless posted closed by order of the Trailway Manager. Special rules and/or policies may be from time to time applicable to particular segments of the Trail;
- (b) motorized wheelchairs operated by persons requiring the same.
- (c) vehicles required for construction and maintenance with written permission of the Trailway Manager.
- (d) Law Enforcement and emergency vehicles.

5.03. Self-Propelled Vehicles. No person shall operate or park any bicycle or other self propelled vehicle in the Trailway System except in compliance and in conformity with rules and regulations promulgated by the Trailway Manager.

5.04. Operating Vehicles. The operator of any vehicle must obey all signs in regard to speed limits, danger, direction of traffic, and other traffic rules specifically applicable in park areas.

5.05. Vehicle Speed. No person shall drive a vehicle at a speed greater than is reasonable or prudent, having due regard for the surface, width, and condition of paving and traffic thereon. All vehicles shall give right of way to pedestrians. Where allowable as described above, maximum snowmobile speed is 55 miles per hour.

5.06. Horseback Riding. No person shall engage in horseback riding on any Trail surface other than those where provision for such is made by clearly marked bridle paths, trails, rings, and other necessary features and then only upon thoroughly broken and properly restrained animals that are ridden with care, prevented from grazing, straying unattended, untethered to any rock, tree, or shrub and not ridden or led on any section of Trail other than that so designated.

5.07. Coggins Report. No horse is permitted on Trail without proof of a negative Coggins report.

5.08. Traffic on Trail. All persons on the Trail shall comply with all rules and regulations relating to traffic on the Trail as may from time to time be promulgated and posted by the Trail Manager at all principal points of entry.

Section 6 - Personal Conduct

6.01. Games and Sports. No person shall engage in any sport, game or amusement in the Trailway System except in areas specifically designated for such activity by the Trailway Manager, and then only under such rules and regulations as may be prescribed by him/her.

6.02. Public Assemblies, Meetings, Contests. No person or group of persons shall call or hold any public meeting, exhibition, contest, tournament or public entertainment of any kind in the Trailway System without first obtaining the written permission of the Trailway Management Council.

6.03 Weapons, Missiles, Explosives, Fireworks. Except while hunting or otherwise permitted by state and federal law under Section 4.01, and persons with a valid permit to carry a weapon, no person shall bring into, carry or use in any way in the Trailway System any knife, firearm, air gun, pellet gun, or other weapon of any kind, or any instrument or device designed for or capable of hurling projectiles or missiles, or any fireworks or explosives of any kind. No person shall throw, cast or shoot stones, arrows or other missiles of any kind on, in, above, or into the Trailway System. No explosives or any substance, compound, mixture, or article that, in conjunction with any other substance or compound may explode, discharge or burn, will be permitted.

6.04 Solicitation and Selling. No person shall offer or exchange for sale any article or thing, or do any hawking, peddling, or soliciting, or buy or offer to buy any article or thing, or take up any collection or solicit or receive contributions of money or any thing of value in the Trailway System, except when authorized to do so by permit from or contract with the Trailway Management Council.

6.05. Advertisements. No person shall display any placard or advertisement of any kind in the Trailway System, nor shall any person distribute, cast, throw or place any hand bill, pamphlet, circular, advertisement, or notice of any kind, nor post, stencil, draw, paint, spray or otherwise affix or create any notice, bills, advertisement or other papers or things upon any structure or thing in on or above the Trailway System. No person shall drive, park, or station on

any road, parkway, or parking lot any vehicle displaying a sign or notice that it is for sale or exchange, or otherwise display advertising.

6.06. Begging. No person shall beg or solicit alms in the Trailway System.

6.07. Drunkenness-Intoxicating Liquors. No drunk or intoxicated person or individual under the influence of alcohol, drugs, or narcotics will be permitted entry to Trail areas and if discovered therein will be subject to arrest and/or immediate expulsion. The sale or consumption of alcoholic liquors, beer, wine or illegal drugs or narcotics is prohibited.

6.08. Fortune Telling or Gambling. No person shall tell fortunes, play at games of chance or use any gambling device in the Trailway System. No person shall conduct acts of gambling which violates State statutes.

6.9. Improper Speech and Conduct. No person in the Trailway System shall use or engage in any abusive, threatening, insulting, indecent, profane or obscene language, signs, symbols, postures, or acts, or employ any such language or acts in such a way as to be conducive to a breach of peace in the Trailway System.

6.10. Breach of Peace and Disorderly Conduct. No person shall make, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, in the Trailway System, or be guilty of any disorderly conduct as described by State statute, or collect with any other person, in bodies or crowds, for unlawful purposes, or for any purpose to the annoyance or obstruction or disturbance of others there present. No person shall stand, sit or recline on any fence, rail or on any picnic table or any structure not intended for such use. No person entering or being upon Trail areas shall make excessive, unnecessary noise within the limits of any Trail area. The Trailway Manager has the authority to determine the extent of any excessive noise within the Trail area.

6.11. Public Demonstrations, Gatherings, Performances, and Speeches. No person or persons or representatives of any political party, religious sect, musical group, no Office aspirant, theatrical or circus group or other public exhibition, shall hold or attempt to hold any meeting, any parade or drill in any Trail area without written approval from the Trailway Manger. No public address or electrical amplification will be permitted. No person will perform acrobatic acts, dances, or gyrations or make any display that will cause people to congregate or obstruct traffic.

6.12. Resisting or Interfering with Officer. No person shall resist any Peace Officer or Special Deputy serving in the Trailway System in the discharge of his/her duty, or fail or refuse to obey any lawful command of any such Officer or in any way interfere with or hinder or prevent any such Officer from discharging his/her duty, or in any manner assist or give aid to any person in custody to escape or to attempt to rescue any person held in such custody.

6.13. Camping. No person shall set up tents, shacks, or any other temporary shelters, or any special vehicle to be used for such purpose; such as a house-trailer, camp-trailer, camp-wagon, or the like, for the purpose of overnight camping except within such areas, if any, as may have been provided for such use.

Section 7 - Additional Provisions for Crystal Lake Segment.

That segment of the Trail lying between Mollineaux Road and Benzie Boulevard/Spring Valley Drive (iCrystal Lake Segment) is subject to the following additional provisions and regulations,

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in addition to those pertaining to the entire Trailway. Trail use in this area is limited to pedestrian activities such as walking, hiking, running, cross country skiing, nature watching and bicycling.

7.01. Trail Hours. This portion of the trail will be posted closed from 11:00 p.m. to 6:00 a.m. to all uses and will be posted closed to all bike use from sunset until sunrise. The trail shall not be illuminated in any way.

7.02. Motorized Vehicles. No motorized vehicles will be allowed except motorized wheelchairs or similar vehicles when used by persons with disabilities. Construction, maintenance and emergency vehicles will be allowed. No horses or pets shall be allowed except leader dogs.

7.03. Trail Access. Except for adjacent property owners, Trail users must stay on the Trail surface and shoulders. Entrance to this portion of the trail by non-resident Trail users shall be only at the Trailheads at Benzie Boulevard/Spring Valley Drive in the Village of Beulah on the east, at Mollineaux Road on the west, or other designated public access area. Trailhead parking will be designated, with appropriate signage, at the two Trailheads.

7.04. Bicycle Use. Bicycle use will be regulated such that all bicycles will travel at less than 10 miles per hour and will yield to other Trail users and to pedestrians crossing the trail.

7.05. Bicycle Overcrowding. In the event that there are more than 100 bicycles on this portion of the Trail at any one time, excluding special events described in **7.06** below, the entrance of bicycles will be limited until the number is reduced sufficiently.

7.06. Special Bicycle Events. Organized bicycle groups of 10 or more cyclists will be allowed only with special event permits from the BVTMC in accordance with its rules and regulations. Rules and Regulations regarding special events shall seek to minimize conflicts between Trail users and adjacent property owners. From the beginning of Memorial Day weekend to the end of Labor Day weekend, there will be no more than one special bicycle event per week and there will be no special events for bicycles on three day Memorial Day, Fourth of July or Labor Day weekends.

7.07. Permits for Special Bicycle Events. Permits for special bicycle events from Memorial Day through Labor Day must be obtained by May 15th. A schedule of permitted special bicycle events from Memorial Day weekend through Labor Day weekend, including type of event, estimated number of individuals participating, and time of day, will be published by the BVTMC reasonably in advance, and shall be sent to Crystal Lake Property Rights Association or its designated successor no later than May 30th.

7.08. Amenities. There will be no toilet facilities, drinking fountains, telephones, picnic tables; no hunting, fishing, camping, picnicking or vending and no public access to the Crystal Lake waterfront or docks except as specifically allowed in designated public areas.

7.09. Trail Signs. Signs may be placed by the BVTMC or MDNR along the trail in accordance with proper standards and guidelines for enhancement of Trail use and the protection of adjacent property owners.

Section 8 - Special Permits. Other recreational activities may be allowed by special permit if authorized by the Trailway Management Council.

Section 9 - Penalty. Violation of any rule contained herein shall constitute a civil infraction, punishable by a fine of not more than \$500. Unauthorized use of motor vehicles on Trail may be subject to impoundment of vehicle.

Section 10 - State Land Use Orders. Land Use Orders issued by the Director of the Michigan Department of Natural Resources, or like orders issued by other state agencies, may affect the entirety or portions of the Trailway System. In event of conflict or inconsistencies between these Ordinances and such orders, the more stringent shall apply.

Section 11 - Effective Date. These Ordinances shall be effective and in full force and effect nine days after its due passage, approval and publication. Rules or Regulations of Benzie County relating to the Trailway, or parts thereof, in conflict or inconsistent with any provisions of these are hereby repealed. The several parts of the Ordinances are severable, and invalidity of one or more of its provisions shall not affect the validity of the remaining.

Date: November 19, 2002

Mary Pitcher, Chairperson
Benzie County Board of Commissioners

Section 12 Public Notice and Certification

I Dawn Olney, as Clerk to the Benzie County Commissioners, do hereby certify that this Betsie Valley Trailway Ordinance was duly adopted by the Benzie County Board of Commissioners at a regular meeting of said Board at which a quorum was present, the 19th day of November, 2002. Ordinance to be published in the Record Patriot newspaper for two consecutive weeks, November 27, 2002 and December 4, 2002.

Dawn Olney, Benzie County Clerk