

17:3 COUNTY PARKS AND RECREATION COMMISSION-MCL 46.351 *et seq.***17:3.1 Creation of the Park Board**

The County Board of Commissioners may create a County Parks and Recreation Commission, which shall be under the general control of the County Board.

The Park Board shall consist of ten members:

- Chairperson of the County Board of Road Commissioners
- Drain Commissioner
- Chairperson of County Planning Commission
- Seven other members appointed by the County Board of Commissioners; 1-3 of the seven shall be members of the County Board

Each January a Park Board shall elect from its membership a president, secretary and other officers, as it considers necessary. The County Treasurer shall serve as Treasurer of the Park Board.

The Board of Commissioners may authorize a Park Board to adopt bylaws and enter into contracts.

17:3.2 Park Board Budget

The Board of Commissioners fixes the compensation of the members of the Park Board.

The Board of Commissioners in its annual budget may provide for expenses of a Park Board, which shall be limited in its expenditures to the amounts so appropriated, unless further appropriations are made by the Board of Commissioners.

17:3.3 Rules

The County Board of Commissioners may make rules and regulations with respect to the County Parks and Recreation Commission.

A Park Board may adopt, amend, or repeal rules for the protection, regulation and control of its facilities and areas with the approval of the County Board of Commissioners.

Rules shall not take effect until the following occurs:

- The elapse of nine days after rules are adopted by the Park Board
- The publication of rules once a week for two consecutive weeks in a newspaper of general circulation in the County in which the area or facility to which the rules apply is located

- The posting of a copy of the rules near each gate or principal entrance to the area or facility

A person who violates a rule adopted by a Park Board is guilty of a misdemeanor punishable by a fine of not more than \$100 and costs of persecution and imprisonment for not more than 90 days or both.

The operation of a vehicle on a recreational trail way at any time, in any place, or in a manner prohibited by a rule adopted by the Park Board is a municipal civil infraction, whether or not so designated by the rule. A civil fine ordered for a municipal civil infraction shall not exceed the maximum amount of a fine provided by the rule or \$500, whichever is less.

17:3.4 Development Plans for County Parks and Recreational Facilities

A Park Board may study and ascertain the County park and recreation facilities, the need for such facilities and the extent to which such needs are being currently met, and prepare and adopt a coordinated plan of areas and facilities to meet such needs.

A Park Board shall file with the Department of Natural Resources a record of its ownership, proposals for acquisition of land, and its general development plans and programs for improvement and maintenance of the land.

17:3.5 Board Acquisition of Property

A Park Board may acquire in the name of the County by gift, purchase, lease, agreement, or otherwise, in fee or with conditions, suitable real property within the County, for use as follows:

- public parks
- preserves
- parkways
- playgrounds
- recreation centers
- wildlife areas
- lands reserved for flood conditions for impounding runoff water
- other conservation purposes

A County may take private property for any purpose within the scope of its powers for the use and benefit of the public and institute condemnation proceedings if necessary.

A Park Board may accept in the name of the County gifts, bequests, grants-in-aid, contributions and appropriations of money and other personal property for conservation purposes.

17:3.6 Operation and Maintenance of Parks

A Park Board shall have custody, control and management of all real and personal property acquired by the County for public parks and recreational facilities, and may install and maintain road and parking facilities within areas under its control and may plan, develop, preserve, administer, maintain and operate park and recreational places and facilities and construct, reconstruct, alter and renew buildings and other structures.

A Park Board may appoint park rangers who may be deputized by a sheriff to enforce the laws of this state. Whether deputized or not, park rangers may enforce the rules adopted by the Park Board and have the powers, privileges and immunities conferred upon peace officers by the laws of this state. A park ranger shall not be appointed unless he or she meets the minimum standards established by the Law Enforcement Officers Training Council. Park rangers shall exercise their authority only in areas where the Park Board has jurisdiction. Alternatively, a Park Board may contract with townships, cities, villages, or sheriffs for police services and may appropriate and expend funds for those services.

Further, should it become necessary, a Park Board may employ such personnel as may be authorized by the Board of Commissioners, including an executive officer.

17:3.7 Financing

A County Board of Commissioners may borrow money, pledge its full faith and credit, and issue bonds or notes to pay all or part of the costs of acquiring, planning and developing park and recreational places, and constructing or maintaining other structures related to the parks and recreational facilities.

QUESTIONS AND ANSWERS

1: If no Park and Recreation Commission exists in my County, under what other authority could a Parks Authority be acting?

A: The following statutes also include references to parks:

MCL 45.563; MSA 5.302(63):

An optional unified form of **County** Government shall have all functions, except when otherwise allocated by this act, performed by one or more departments of the **County** or by the remaining Boards, Commissions, or **authorities**. Each department shall be headed by a director. Subject to the **authority of the County Manager** or elected **County** executive the following departments and their respective directors may be established and designated to be responsible for performance of the functions enumerated:

The Department of **Parks and Recreation** shall develop, maintain, and operate all **County Park and Recreation** facilities and supervise all **recreation** programs except where the same is under a Board of **County Road Commissioners**, or a **Parks and Recreation Commission**.

MCL 46.367; MSA 5.570(117) (Borrowing for **parks** and recreational places):

Any **County** operating under this act, by resolution adopted by a majority of the members elect of its governing body, and with a vote of the majority of the electors of the **County** voting on the question, but subject to the prior permission of the Municipal Finance Commission or its successor agency unless an exception from obtaining prior permission is available pursuant to subsection (6), may borrow money, pledge its full faith and credit for the repayment thereof, and issue its bonds or notes to pay all or part of the cost of acquiring, planning, and developing **park** and recreational places, and constructing, reconstructing, altering, or renewing buildings and other structures related to said **park** and recreational places.

MCL 123.51; MSA 5.2421: (Public **recreation** system; powers of municipality):

Any city, village, **county** or township may operate a system of public **recreation** and playgrounds; acquire, equip and maintain land, buildings or other recreational facilities; employ a superintendent of **recreation** and assistants; vote and expend funds for the operation of such system.

MCL 41.421; MSA 5.2441 (Public parks, resorts, etc., township ownership and control):

Any township or townships, being a contiguous or adjacent territory, may acquire by gift or devise a tract of real estate which shall be contiguous or adjacent to the territory acquiring the same for a free public park, resort, bathing beach or other place of recreation, and may hold such real estate in fee simple for such purposes. The supervisor of each of such townships shall comprise a Board of Commissioners for the control of such park or resort and in case any such supervisor shall decline to act as such Commissioner, then the Township Board shall designate a member of the Township Board to act as such Commissioner. In case there is only one township interested in such park, then the Township Board shall be the Board of Commissioners. Such Commissioners shall act in that capacity during the term of office to which they were elected respectively in their townships and until their successors are elected and qualified. Such Commission shall have authority in the name or names of the interested township or townships to condemn land for such purpose in accordance with the condemnation laws of this state.

2: Is County park property liable for a drainage special assessment?

A: No. The only special assessment that a County receives under the Drain Code is at-large for benefit to county roads.

3: Are County park improvements subject to Soil Erosion and Sedimentation Control permitting?

A: Unless the Parks Commission is an Authorized Public Agency, it is not exempt under Part 91 from the permitting requirements.