

**EMERGENCY MANAGER
CITY OF BENTON HARBOR
BERRIEN COUNTY MICHIGAN
ORDER NO.: 11-28**

**ORDER TO AMEND SECTION 28-29 OF THE BENTON HARBOR CODE
OF ORDINANCES REGARDING JEAN KLOCK PARK: PARK
CLOSING**

WHEREAS, pursuant to Act 4 of the Public Acts of Michigan, 2011, being MCL 141.1501 *et seq* (the "Act"), Joseph L. Harris has been appointed as the Emergency Manager (the "EM") of the City of Benton Harbor, County of Berrien, Michigan (the "City") and charged with the power to take actions with respect to the City, including the power to exercise solely for and on behalf of the City the authority and responsibilities of the Mayor, as the chief administrative officer of the City, and of the City Commission, as the governing body of the City, concerning the adoption, amendment and enforcement of ordinances or resolutions of the City as provided in the Home Rule City Act, Act 279 of the Public Acts of Michigan, 1909, as amended, being MCL 117.1 *et seq*; and

WHEREAS, Section 28-29 of the City's Code of Ordinances (the "Code") has previously been adopted, providing hours of operation for Jean Klock Park (the "Park") in the City; and

WHEREAS, the EM has determined that it is in the best interest of the City and necessary to accomplish the purposes of Act 4 to remedy the local financial emergency and ensure the provision of necessary public services, including public safety services, to amend Section 28-29 of the Code to revise the hours of operation for the Park and establish seasonal hours for the Park.

NOW, THEREFORE, BE IT ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF BENTON HARBOR, PURSUANT TO ACT 4:

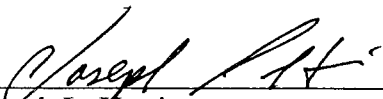
1. Section 28-29 of the Code is hereby amended to read in its entirety as follows:

Jean Klock Park and beach shall be open daily to the general public from May 1 through September 30 between the hours of 7:00 a.m. and 10:00 p.m., and from October 1 through April 30 between the hours of 7:00 a.m. and 8:00 p.m. All persons and vehicles in this area are to leave at closing time unless they have obtained a special use permit from the city clerk upon approval by the city manager. Otherwise, no person shall be in Jean Klock Park after closing hours. Any vehicle found to be in violation of this section may be towed at the owner's expense and/or ticketed in accordance with the appropriate city ordinances.

2. All orders of the EM, ordinances and resolutions of the City Commission of the City, and all parts of orders, ordinances or resolutions in conflict with this Order, including Order No. 11-11, are hereby repealed to the extent of such conflict.

3. This Order shall become effective immediately.

SO ORDERED this twenty-sixth day of July, 2011.



Joseph L. Harris
Emergency Manager