

CHAPTER 97: PARKS AND RECREATION

Section

General Provisions

- 97.01 Definitions
- 97.02 Park operating policy
- 97.03 Enforcement
- 97.04 Fees

Activities by Persons in Parks

- 97.15 Park property
- 97.16 Sanitation
- 97.17 Traffic
- 97.18 Recreational activities
- 97.19 Prohibited behavior
- 97.20 Merchandising, advertising and signs
- 97.21 Unmanned aircraft

Parks and Recreation Commission

- 97.30 Establishment; composition
- 97.31 Organization; officers
- 97.32 Powers and duties
- 97.33 Director of Parks and Recreation
- 97.34 Budget
- 97.35 Annual report

- 97.99 Penalty

GENERAL PROVISIONS

§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECTOR. A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

PARK. A park, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation. The term **PARK** shall also include Riverside Cemetery.

PARK ATTENDANT. Any employee of the city whose job functions include maintaining, repairing or supervising a park or whose job functions include enforcing this chapter, including park rangers.

VEHICLE. Any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of or description. Exception is made for baby carriages and vehicles in the service of the city parks.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21)

Cross-reference:

Cemetery regulations, see Chapter 92

§ 97.02 PARK OPERATING POLICY.

(A) **Park hours.** City parks shall be open daily to the public between the hours of 8:00 a.m. and 11:00 p.m. No person shall occupy or be present in any park during the hours it is not open to the public, provided that city personnel, police officers on official duty, or other city officers, or employees on park duty, or other persons with special permits from the Parks and Recreation Department who are conducting city business are not so restricted.

(B) *Closed areas.* Any section or part of any park may be declared closed to the public by the Director at any time, and for any interval of time, either temporarily, or at regular and stated intervals (daily or otherwise), and either entirely, or merely to certain uses, as the Director shall find reasonably necessary.

(C) *Authority for use of facilities.* Any organized club, school, association, or recognized group desiring the exclusive and/or scheduled use of specific areas of any park, such as picnic areas, athletic fields and court areas, or park shelters, must file an application with the Parks and Recreation Department, and shall not use said area until said permit is granted. The use of the park shall be in the capable limits of the park.

(1) *Special permits, agreements and contracts.* Any organized club, school, organization, association, or recognized group desiring the use of a portion of the park system for money-raising affairs, whether to cover the cost of operation or for profit, shall file an application with the Parks and Recreation Department, and pay to the Department as required by the Parks and Recreation Commission, such fees, charges, rents, or percentages as required by the Department for such activities and events. The application, among other information, must designate the portion of the parks desired, where ticket sales will be set up, or money is to be collected, and how much per person or other unit of measurement, the location of which shall be under control of the Parks and Recreation Department. Any fees for the permit may be waived or refunded at the discretion of the Parks and Recreation Commission.

(2) *Exclusive use of park.* No permit shall be issued for the exclusive use of any park and no permittee shall exclude the public from the park, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering any park except as provided in division (C)(1) hereof.

(3) *Granting of permits.* The authority for granting permits shall be with the Parks and Recreation Department.

(4) *Cleanup by permittee.* All permits shall require the permittee to clean up the park area after the activity has terminated and all applications for permits must give the name, address, and phone number of the permittee responsible for the necessary policing thereof. The permittee shall be required to pay a security deposit for cleaning up the area.

(5) *Honoring special permits.* All persons shall honor any special permits issued by the Parks and Recreation Department for certain areas, days, and times to clubs, organizations, teams, or any other groups, including but not limited to picnic grounds, ball diamonds, skating rinks, and stadiums, provided such permit is presented on official Parks and Recreation forms.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21)

§ 97.03 ENFORCEMENT.

(A) *Officials.* The Director and park attendants shall take such actions as are necessary for the enforcement of this chapter consistent with city ordinances and state law. Park attendants shall have the powers of law enforcement officers and may issue appearance tickets in accordance with M.C.L.A. § 764.9c-764.9g.

(B) *Ejection.* The Director and park attendants shall have the authority to eject for a period of 24 hours from the park any person who violates this chapter. Repeated violations of this chapter may result in permanent ejection from any park.

(C) *Seizure of property.* The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this chapter.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21)

§ 97.04 FEES.

Parks and recreation fees shall be set by resolution of the Commission.

(Am. Ord. 1068, passed 5-10-21)

ACTIVITIES BY PERSONS IN PARKS

§ 97.15 PARK PROPERTY.

No person in a park shall:

(A) *Buildings and other property.*

(1) *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) *Restrooms and washrooms.* Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(3) *Removal of natural resources.* Dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(4) *Erection of structures.* Construct or erect any building or structure of whatever kind, whether permanent or temporary in character or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(B) *Trees, shrubbery, lawns.*

(1) *Injury and removal.* Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) *Climbing.* Climb any building or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.

(C) *Wild animals, birds and the like.*

(1) *Hunting.* Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird; nor shall anyone remove or have in their possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

(2) *Feedings.* Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

(D) *Glass containers.* Bring or use glass containers within the park.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

§ 97.16 SANITATION.

No person in a park shall:

(A) *Pollution of waters.* Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(B) *Refuse and trash.* Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

§ 97.17 TRAFFIC.

(A) No person in a park shall:

(1) *State motor vehicle laws apply.* Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(2) *Enforcement of traffic regulations.* Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, street or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may subsequently be issued by the Director.

(3) *Obey traffic signs.* Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(4) *Speed of vehicles.* Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.

(5) *Operation confined to roads.* Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(6) *Parking.*

(a) *Designated areas.* Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

(b) *Removal of vehicles.* Without permission no person shall park or store any motor vehicle overnight in any park owned by the city. Members of the Police Department are hereby authorized to remove any motor vehicle so parked or stored.

(c) *Immovable vehicles.* Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gear and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(d) *Emergency procedure.* Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow-truck, mechanic or other person.

(e) *Double-parking.* Doublepark any vehicle on any road or parkway unless directed by a park official.

(f) *Muffler required.* Fail to use a muffler adequate to deaden the sound of the exhaust system in a motor vehicle.

(7) *Bicycles.*

(a) *Prohibited areas and adverse operation.* Operate a bicycle in such a way as to cause damage to any park amenity, bench, table, turf, or pavement. Bicycle operation is prohibited within park buildings, pavilions, and on playgrounds, sports fields and courts unless authorized as part of a city-sanctioned event or program. Performed tricks or "grinding" on objects may only be done within a designated area as may be provided for such purpose.

(b) *Operation.* Bicyclists shall at all times operate same with reasonable regard to the safety of others, signal all turns, and follow all applicable road traffic laws and Share the Trail etiquette policy published by the Parks and Recreation Department. Pedestrians will have the right of way on all trails, sidewalks, and roadways unless otherwise designated for specific bicycle use.

(c) *Rider prohibited.* Ride more persons on a bicycle than the bicycle was designed to accommodate.

(d) *Designated racks.* Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(e) *Immobile.* Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

(f) *Night operation.* Ride a bicycle at night without an attached headlight and without a tail light or reflector plainly visible.

(g) *Riverside Cemetery.* Operate a bicycle anywhere within the Riverside Cemetery except on designated roads only.

(8) *Unsafe operation of vehicle.* Operate a vehicle as defined by this chapter in an unsafe manner.

(B) Any unlicensed vehicles or "all-terrain vehicles," or snowmobiles shall be prohibited from use in any park, unless authorized by the Parks and Recreation Department and designated in certain areas.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

§ 97.18 RECREATIONAL ACTIVITIES.

No person in a park shall:

(A) *Bathing and swimming.*

(1) *Designated areas.* Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such places designated for such activity, and in compliance with such regulations as are set forth in this chapter, as may be adopted by the Director, or expressly permitted by law. Nor shall any person frequent any waters or places customarily designated for that purpose of swimming or bathing, or congregate at such places when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(2) *Certain hours.* Frequent any waters or places designated for the purpose of swimming or bathing, or congregate at such places, except between such hours of the day as may be designated by the Director for such purposes for each individual area.

(3) *Structure on waterway.* Erect, maintain, use or occupy on or in any shore or bank area adjacent to a waterway, any tent, shelter or structure unless permitted by or authorized by the Director.

(4) *Costume.* Allow themselves to be so covered with a bathing suit as to indecently expose his or her person. All bathing suits shall conform to commonly accepted standards.

(5) *Bathhouses.* Dress or undress on any beach, riverbank or in any vehicle, restroom or other place, except in such bathing houses or structures as may be provided for that purpose.

(6) *Diving or jumping.* Dive or jump off any bridge, dam, or other structure.

(7) *Mill Pond Park.* Swim, bathe or wade within 200 feet of the dam structure located at Mill Pond Park.

(B) *Boating.*

(1) *Designated areas.* Bring into or operate any boat, canoe, raft, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such designated boating activity shall be in accordance with applicable regulations adopted by the Director.

(2) *Public docks.* Use the public docks for dockage or other purpose without first making arrangements for such accommodation with the Director, who shall assign space and collect reasonable rental charges in conformity with established regulations and rates.

(3) *Operation/use of boats/canoes/kayaks/inflatables.* Navigate, direct, or handle any boat/canoe/kayak/inflatable in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupants of any other boat/canoe/kayak/inflatable or water user such as swimmers, those fishing or utilizing adjacent park trails or amenities.

(4) *Prohibition during closing hours.* Launch, dock, or operate any boat/canoe/kayak/inflatable of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the said closed hours of the park.

(C) *Fishing.* Fish in any waters, using hook-and-line, net, trap, or other device, except in waters designated by the Director for that use and under such regulations and restrictions as have been or may be prescribed by the Director.

(D) *Hunting and dangerous weapons.* Hunt, trap or pursue wildlife at any time. Except as otherwise expressly permitted by law, no person shall use, carry, or any weapon potentially dangerous to wildlife and human safety, or any kind of trapping device. The discharge or brandishing of all weapons is prohibited. In addition, the use of any item in a manner that potentially endangers any human or wildlife is prohibited. Shooting into park areas from beyond park boundaries is forbidden.

(E) *Picnic areas and use.*

(1) *Regulated.* Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(2) *Availability.* Violate the regulation that use of the individual grills, together with tables and benches, follows generally the rule of "First come, first served."

(3) *Duty of picnicker.* Leave a picnic area before the cooking grill is completely extinguished, and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(F) *Camping.* Unless permission is granted by the Director or park attendants, no person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure, or special vehicle to be used or that could be used for such purposes as house trailer, camp-trailer camp-wagon, or the like.

(G) *Games.* Take part in or abet the playing of any games involving thrown, or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough, or comparatively dangerous games such as football, baseball, soccer, and softball is prohibited except on the fields and courts or areas provided for such activities.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

§ 97.19 PROHIBITED BEHAVIOR.

No person in a park shall:

(A) *Intoxicating beverages.* Be under the influence of intoxicating beverages or controlled substances. No person shall possess or consume beer, wine, or other alcoholic beverages within Mill Pond Park or Riverside Cemetery.

(B) *Fireworks and explosives.* Bring in, or have in his or her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, rocket or other fireworks or explosives of inflammable material, or discharge them, or throw them into any such area from land, or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(C) *Domestic animals.* All dogs or other domestic animals shall be restrained at all times by adequate leashes. Owners of such animals shall be responsible to clean up the defecation left by their animals. No animals are permitted on any playing field designated by the Park and Recreation Department.

(D) *Reservation of facilities.* Occupy, enter into, loiter, panhandle or remain in any seat, bench, facility, pavilion or other park structure or section thereof which may be reserved.

(E) *Fires.*

(1) Other than in grills that may be provided for such purpose, build or attempt to build a fire. No person shall drop, throw, or otherwise scatter lighted matches, charcoal briquettes, burning cigarettes or cigars, tobacco paper, or other flammable or inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(2) Controlled fires may be allowed by permit of the City Fire Department as part of a sanctioned city event or program as approved by the Director.

(F) *Closed areas.* Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(G) *Disorderly conduct.* Engage in any disorderly conduct or behavior tending to a breach of the public peace.

(H) *Causing or risking public inconvenience, annoyance or alarm.* Cause, recklessly create a risk of, or knowingly contribute to inconvenience, annoyance or alarm to any person in a park by:

- (1) Engaging in fighting or threatening, or engaging in violent or tumultuous behavior;
- (2) Jostling or roughly crowding persons unnecessarily;
- (3) Making an obscene communication or display; or
- (4) Creating a hazardous condition by any act which serves no legitimate purpose.

(I) *Exhibit permits.* Fail to produce and exhibit any permit from the Director which he or she claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(J) *Interference with permittees.* Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

(K) *Riverside Cemetery.* Bring an animal into Riverside Cemetery except (1) animals which may assist persons with disabilities, (2) animals as part of a scheduled funeral service with prior approval by the Director or (3) animals used as part of law enforcement action.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

§ 97.20 MERCHANDISING, ADVERTISING AND SIGNS.

No person in a park shall:

(A) *Vending and peddling.* Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by, and under the authority and regulation of the Director.

(B) *Advertising.* Announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(C) *Signs.* Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands, highways, or roads adjacent to a park.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

§ 97.21 UNMANNED AIRCRAFT.

No person in a park may operate unmanned aircraft in violation of state or federal law.

(Ord. 748, passed 5-24-93; Am. Ord. 1068, passed 5-10-21) Penalty, see §97.99

PARKS AND RECREATION COMMISSION

§ 97.30 ESTABLISHMENT; COMPOSITION.

There is established a Parks and Recreation Commission. Said Commission shall consist of seven persons all serving without pay. The Commission shall appoint the members. The term of office for the appointive members shall be for three years or until their successors are appointed and qualified except that the members of such commission first appointed shall be appointed for such terms that the term of one member shall expire one year thereafter; the term of two members shall expire two years thereafter; vacancies in such Commission occurring otherwise than by expiration of term shall be filled by the Commission for unexpired term.

(Ord. 483, passed 6-3-74; Am. Ord. 1068, passed 5-10-21)

§ 97.31 ORGANIZATION; OFFICERS.

Immediately after their appointment, the members of the Parks and Recreation Commission shall meet and organize by electing one of their members chairperson and such officers as may be necessary. The Commission shall have the power to adopt by-laws and advise the City Manager and Commission on rules and regulations for the proper conduct of public parks and recreation for the city. The Parks and Recreation Commission shall adopt non-discriminatory rules for the use of parks and other facilities and shall administer the facilities on a non-discriminatory basis.

(Ord. 483, passed 6-3-74; Am. Ord. 1068, passed 5-10-21)

§ 97.32 POWERS AND DUTIES.

The Parks and Recreation Commission shall provide, conduct and supervise public parks, playgrounds, playfields, indoor recreation centers and other recreation areas and facilities owned or controlled by the city. It is authorized and directed to prepare land use plans and maps for each public park or other property under its jurisdiction and to define the specific permitted activities in each. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. It may conduct such activities on properties under its own control, on public properties with the consent of the authorities, and on private properties with the consent of the owners. It will set monthly meetings (open to the public) to plan for the community needs in park facilities and recreation programs. The Commission will advise in establishing recreation and park policies. It shall require a quorum at all Commission meetings for formal official action. It shall keep a complete record of all Commission meetings and submit the

minutes to all Commission members prior to the next regular meeting. The Commission will make periodic inspections of parks and recreation areas and facilities.

(Ord. 483, passed 6-3-74; Am. Ord. 1068, passed 5-10-21)

§ 97.33 DIRECTOR OF PARKS AND RECREATION.

The Parks and Recreation Commission shall advise the City Manager on selection of a Director of Parks and Recreation.

(Ord. 483, passed 6-3-74; Am. Ord. 1068, passed 5-10-21)

§ 97.34 BUDGET.

Annually, the Parks and Recreation Commission shall review a proposed budget and make recommendations to the City Manager for its approval. The Parks and Recreation Commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for parks, playgrounds, or other recreational purposes.

(Ord. 483, passed 6-3-74; Am. Ord. 1068, passed 5-10-21)

§ 97.35 ANNUAL REPORT.

The Parks and Recreation Commission shall make an annual report to the Commission and such other reports as from time to time may be requested.

(Ord. 483, passed 6-3-74; Am. Ord. 1068, passed 5-10-21)

§ 97.99 PENALTY.

(A) *Municipal civil infraction.* Any person violating any provision of this chapter, with the exception of those specifically set forth in division (B) below shall be held responsible for a municipal civil infraction and prosecuted in accordance with the Municipal Civil Infractions Ordinance. The fine for violation of a municipal civil infraction under this chapter shall be \$50; the second violation, \$100; and the third or any subsequent violation within any one calendar year, \$250.

(B) *Criminal misdemeanor.* Any person violating the following designated provisions of this chapter shall be guilty of a misdemeanor and shall be punished as provided in § 10.99:

§ 97.15(A)(1) and (3)	
(C)(1) and (2)	Park property
§ 97.16(A) and (B)	Sanitation
§ 97.17(B)	All-terrain vehicles
§ 97.18(D)	Recreational activities
§ 97.19(A)	
(G)	
(H)	Behavior
(K)(2)	

(Ord. 769, passed 8-14-95; Am. Ord. 1068, passed 5-10-21; Am. Ord. 1073, passed 8-23-21)

Cross-reference:

Municipal civil infractions, see Chapter 36