ORDINANCE NO. 2-900

PARKS

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PARK ORDINANCE - CITY OF ISHPEMING

Section 1. SHORT TITLE.
This ordinance shall be known and may be cited as an "Ordinance Regulating Conduct in Public Parks".

Section 2. PURPOSE.
The purpose of this ordinance is to regulate the use of parks and park property owned and/or maintained by the City in order that all residents and their guests may enjoy and make use of such parks and park property, and to protect the rights of those owning property adjacent to such parks.

PART I

Section 3. DEFINITIONS.
For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) The words "amplified sound" means music or speech projected or transmitted by artificial means, including but not limited to, amplifiers, loudspeakers, or any similar devices;

(2) The word "city" means the City of Ishpeming, Michigan;

(3) The word "department" means the Ishpeming Department of Parks and Recreation;

(4) The word "director" means the Director of the Department of Parks and Recreation;

(5) The words "law enforcement officer" means any member of the Police Department authorized to enforce all criminal and traffic laws and ordinances within the City;

(6) The word "park" means every public recreation or playground area, including every building or facility thereon, within the City of Ishpeming, owned, leased, or maintained by the City as a public recreation or playground area, whether or not such areas have been formally dedicated to such purpose;

(7) The words "park guard" mean every employee of the City under the supervision of the director;

(8) The words "parking area" mean any designated park or any park road, drive, or special area contiguous thereto that is set apart for the standing or stationing of vehicles and is marked accordingly;

(9) The word "permit" means the written permission that must be obtained from the director or his designated agent to carry out a given activity in a park;

(10) The word "person" means any person, firm, partnership, association, corporation, company, or organization of any kind;

(11) The word "vehicle" includes any device of conveyance, whether propelled by

motor, animal, or human power. The term shall include any trailer in tow of any kind, size, or description. Exception is made for baby carriages and vehicles in the service of the City;

(12) The word "vessel" includes any device of conveyance on the water, whether propelled by motor, wind, or human power. The term includes, but is not limited to, any boat, yacht, cruiser, canoe, raft, or other water craft;

(13) The word "pollution" means the contamination or other alteration of the physical, chemical or biological properties of park waters, including changes in the temperature, taste, color, turbidity, or odor of the water, or such discharge of any liquid, gas, solid, radioactive or other substance into any park waters that will or is likely to create a public nuisance or render such waters harmful, detrimental or injurious to the public health, safety, or welfare, or to domestic, recreational or other beneficial uses, or to wild animals, birds, fish or other aquatic life;

(14) The word "resident" means a person or persons who own or rent a residential unit within the corporate limits of the City of Ishpeming.

PART II
CONTROL OF VEHICLES

Section 4. VEHICLE AND TRAFFIC LAWS.
All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in any park, and shall be enforced by any law enforcement officer or park guard.

Section 5. DIRECTION OF TRAFFIC.
All law enforcement officers and park guards shall direct traffic whenever needed in a park or on highways, streets, or roads immediately adjacent to a park in accordance with the provisions of this ordinance or any other applicable laws and ordinances.

Section 6. OPERATION OF VEHICLES WITHIN PARKS.

(1) No person shall operate a vehicle in a park except upon designated paved or improved park roads or driveways, or in and upon designated areas or trails set aside for use by such vehicles, unless directed by a law enforcement officer or park guard to do so, or by official signs or markings.

(2) Where a public road, street, or highway crosses a park, such road, street, or highway shall be open to all through traffic normally permitted on any road, street or highway, but such traffic shall conform to park traffic regulations, and vehicles not otherwise permitted to operate within a park shall not stop along such road, street or highway except in an emergency.

(3) No person shall operate a vehicle in a park in such a way that traffic is obstructed. In the event a vehicle must be stopped or parked along a park road or driveway because of an emergency, unless to obstruct traffic, for more than fifteen minutes, the operator shall notify a law enforcement officer or park guard of the location of the vehicle and of its description.

(4) No person shall operate a vehicle within the park in excess of fifteen miles per hour, except upon those roads or driveways where official signs or markings designate a different speed limit.

Section 7. SPECIAL PROVISIONS APPLICABLE TO BICYCLES, TRICYCLES, MOTORCYCLES, SCOOTERS, AND MINI-BIKES

(1) The director may, in his reasonable discretion, set aside or designate areas, paths, trails, or roads in a park where operating bicycles or tricycles shall be allowed.

(2) Bicycles and tricycles shall be operated on the right-hand side of a roadway, as close to the edge of the paving as conditions permit. When two or more such vehicles are operated in a group, they shall keep in a single file.

Section 8. PARKING.

(1) No person shall park a vehicle on park property other than in areas designated for parking that type of vehicle, unless there is an emergency or unless directed to do otherwise by a law enforcement officer or a park guard. Parking shall conform to officially posted signs or markings unless other instructions are given by a law enforcement officer or a park guard.

(2) No vehicle shall be left parked on park property after park closing hours without obtaining a permit from the director.

(3) No City employee shall accept any gratuity for any service concerning the parking of a vehicle.

PART III
PARK PROPERTY

Section 9. BUILDINGS AND OTHER PROPERTY.
No person shall, in any park, do or cause to be done any of the following without first obtaining a permit from the director:

(1) Willfully mark, deface, or injure in any manner, or displace, remove or tamper with any park building, bridge, table, bench, fireplace, railing, paving or paving materials, water line or other public utility or parts thereof, park sign or marking whether temporary or permanent, monument, stake, post or other structure or equipment, facility, or park property of any kind.

(2) Willfully dig, cut, move or remove from any park or park area any sand, wood, turf, grass, gravel, shrub or other material, or make any excavation by hand, tool, equipment, blasting, or any other means.

(3) Construct or erect any building or structure of any kind, whether permanently or temporarily, or run or string any public utility into, upon or across a park.

Section 10. TREES, SHRUBBERY, LAWNS.
No person shall, in any park, do or cause to be done any of the following without first obtaining a permit from the director:

(1) Willfully destroy any flowers, seeds, blooms, bark, branches, twigs or leaves of any tree, plant, shrub, vine, bush or any other vegetation.

(2) Willfully drive any nail, staple or attach or fasten any wire, rope, or other device to any tree or plant, or tie or hitch any animal to any tree or plant.

(3) Willfully dig in or disturb any grass area, or in any way injure or impair the natural beauty or usefulness of any park area.

(4) Willfully climb any tree, or walk, stand or sit upon any monument, vase, fountain, railing, fence or any other park property not designated or normally used for such purposes.

Section 11. PROTECTION OF WILD ANIMALS, ETC.
No person shall, in any park, do or cause to be done any of the following without first obtaining a permit from the director:

(l) Willfully capture, attempt to capture, hunt, molest, injure, trap, or administer or set out any bait or harmful substance for any wild or domestic animal, reptile, bird or fish, nor remove or have in his possession the young, eggs, or nest of any animal, reptile or bird. Exception is made to the foregoing in that any person may kill on sight a reptile known to be deadly poisonous.

(2) Willfully give or offer, or attempt to give or offer to any wild or domestic animal, reptile, bird, or fish any tobacco, alcohol or other potentially harmful substance.

Section l2. SANITATION.
No person shall, in any park, do or cause to be done any of the following without first obtaining a permit from the director:

(l) Willfully 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, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. Nothing herein contained shall be interpreted to require a permit for the use of proper receptacles for trash as are provided by the City; provided, however, when receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

PART IV
RECREATIONAL ACTIVITIES

Section 13. SWIMMING.

(l) No person in a park shall:

(a) Swim, bathe, or wade in any water or waterway in or adjacent to any park, except in such water or waterway as the director may designate, and in accordance with the terms of this ordinance and any other regulations that the director may promulgate;

(b) Frequent any water or places where swimming, bathing, or wading is permitted, except during those hours that the director has established for such activities;

(c) Change into bathing clothes from street clothes or from bathing clothes into

street clothes, except in a bath house or other structure designated for such use;

(d) No person shall appear in any park in a state of nudity, nor shall any person engage in any act involving or constituting sexual penetration as the term sexual penetration is defined in Act No. 266 of the Public Acts of 1974 of the State of Michigan, as amended, being M.C.L.A. Section 750.520a.

(e) Enter any swimming pool attired in other than bathing apparel in violation of any rule, regulation, statute or ordinance regulating or relating to public health.

(2) The director shall not designate any water or waterway for swimming, bathing, or wading where such use of the water would be dangerous to the public health, safety or welfare.

Section 14. BOATING.

(1) No person shall bring into or operate any vessel upon any park waters, except at places designated for boating activities by the director. Boating shall be carried on in accordance with the terms of this ordinance and other regulations that the director may promulgate.

(2) Vessels shall be operated in a manner that does not endanger the occupants of other vessels or persons in the water or on shore. Motor propelled vessels shall yield to unmotorized vessels, and all vessels shall yield to sailboats.

(3) No person shall operate a vessel on park waters during park closing hours, nor shall any person remain on a vessel in park waters during park closing hours unless a permit is obtained from the director.

(4) The following regulations shall also apply to the operation of vessels on park waters:

(a) Motor powered vessels shall not be operated without a competent person at the vessel's controls;

(b) Operators of any vessel shall be responsible for any damage caused by their vessel's wake;

(c) Overtaking vessels shall pass to the left side of the overtaken vessel.

Section 15. FISHING.
No person shall fish in any park waters where swimming, bathing or wading is permitted.

Section 16. WATER SKIING.

(1) No person shall water ski in park waters except at the locations and landings designated by the director.

(2) No person shall water ski in a way that endangers swimmers, other skiers, or the occupants of any vessel.

(3) No person shall water ski after sunset or before sunrise.

Section 17 A. FIREARMS AND DANGEROUS INSTRUMENTS.

(1) No person except an authorized City employee, park guard, or law enforcement officer shall bring onto park property or have in his possession on park property any firearm or ammunition, any explosive, dynamite cap, fireworks, air gun, pellet gun, spring gun, slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any inflammable liquid except fuel contained in the fuel tank of a motor vehicle, vessel, lantern, camp stove or camp heater, and not more than one gallon of liquid fuel in a closed metal container. However, a person or firm holding a permit issued by the City to conduct a pyrotechnic display of fireworks may possess and ignite fireworks in a park.

(2) No person shall discharge any of the weapons or instruments listed in Section 17(1) into any park from outside a park.

(3) The director may designate areas within a park where bows and arrows can be used. In such cases, the director shall promulgate regulations for the safe use of such devices, and no person shall fail to abide by such regulations.

SECTION 17 B. GOLFING.
No person shall play golf in any park. This prohibition shall include the hitting of golf balls using any kind of golf club or by using any other kind of object or device.

Section 18. PICNIC AREAS AND USE.

(1) The director may prohibit picnicking in designated areas.

(2) Individual fireplaces and tables in picnic areas shall be available on a "first come, first served" basis, and a group of 20 or more persons must obtain a permit in advance for the use of picnic facilities.

(3) Picnickers shall not leave a picnic area before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse generated or left by them is placed in a disposal receptacle, where provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker who generated or created same to be properly disposed of elsewhere.

Section 19. CAMPING.

(1) No person shall camp in a park except in areas that have been designated for camping by the director, if any. Camping shall be limited to tent camping, trailer camping, or camping with other equipment designated specifically for camping.

(2) No person shall camp in a park without first obtaining a camping permit from the director or his designated agent. The director shall set a reasonable per night fee for the use of a camp site, such fee to be paid in cash only prior to the issuance of a camping permit. No refunds shall be made of camping permit fees, and no camping permit shall be issued for more than ten consecutive days of camping.

Section 20. FIRES.

(1) No person shall start or maintain, in any park, any outdoor fire except in compliance with Ishpeming City Ordinance No. 4-1100, Open Burning.

(2) Cooking fires shall be started and maintained only in a stove, fireplace, or barbecue pit maintained by the City, or in a portable camp stove. Fuels used in cooking shall not produce any noxious fumes or smoke.

(3) Any fire, including fires pursuant to an Open Burning Permit, must remain small and be continuously attended while burning. Fires must be completely extinguish and all hot coals must be placed in a receptacle provided by the City and designated for that sole purpose before leaving a fire.

PART V
NUISANCES AND BEHAVIOR

Section 21. ALCOHOLIC BEVERAGES.
No person shall sell alcoholic beverages in a park without the express approval of the Ishpeming City Council. No person shall possess or consume alcoholic beverages in the ski area of the Al Quaal Recreation Area during the period from December l5 of each year through March l5 of the following year. Posting of the above prohibition relative to the ski area of the Al Quaal Recreation Area shall be required at the regular entrances to the Al Quaal Recreation Area and at two (2) conspicuous places in the ski area. It shall be unlawful for any person to possess or consume alcoholic beverages within any City park or City recreation area during regularly scheduled activities or functions of the Ishpeming School System.

Section 22. DRUNKENNESS.
No intoxicated person shall enter, be, or remain in any park.

Section 23. RESTROOMS AND BATHING FACILITIES.
No person over the age of eight years shall enter or use restrooms, bath or dressing room facilities designated for the use of the opposite sex.

Section 24. NOISE.
No person having the control of any device producing amplified sound except automobile radios and portable radios shall operate or permit such device to be operated in any park without written permission from the director.

Section 25. PRODUCTION OF PERMITS.
No person in a park shall refuse or fail to produce and exhibit any permit he claims to have upon the request of any law enforcement officer, park guard, or other authorized City employee who wishes to inspect the permit for the purpose of determining that the provisions of this ordinance have been complied with.

Section 26. MERCHANDISING, ADVERTISING AND SIGNS.
No person in a park shall:

(1) Expose or offer for sale or hire any article, thing or service nor station or place any stand, cart or vehicle for the transportation, sale, or display of any article, thing or service unless a permit has been obtained from the director.

(2) Announce, advertise or call the public's attention in any way to any article, thing or service for sale or hire, unless done pursuant to regulations promulgated by the Director.

(3) Paste, glue, tack or otherwise place any sign, placard, advertisement, or inscription in a park.

PART VI
PERMITS

Section 27. PERMITS REQUIRED.
In addition to any other provision of this ordinance that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage or take part in any activity involving the use of any park facility by a certain person or group of persons to the exclusion of others unless a permit is obtained prior to the start of the activity.

If said activity is covered under ORDINANCE 3-800 SPECIAL EVENTS,. Ordinance 3-800 shall take precedence.

Section 28. APPLICATION PROCEDURE:

(l) A person seeking the issuance of a permit to carry on an activity in a park shall file an application with the director. The application shall state:

(a) The name, address, and telephone number of the person applying for the permit;

(b) If the use or activity is to be conducted for, on behalf of, or by any person other than the applicant, the name, address and telephone number of that person;

(c) The exact nature of the use or activity for which the permit is being sought;

(d) The day and hours for which the permit is desired;

(e) The park and the portion of the park desired to be used to carry out the proposed use or activity;

(f) An estimate of the anticipated attendance;

(g) Any other information that the director finds to be reasonably necessary in order to determine whether to issue a permit.

(2) Applications shall be filed not less than seven days nor more than one year before the date of the proposed use or activity.

Section 29. STANDARDS FOR ISSUANCE OF PERMIT.

(l) The director shall issue a permit unless he finds:

(a) That the proposed activity or use of the park will unreasonably interfere with or detract from the general public use and enjoyment of the park; or

(b) That the proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety or welfare; or

(c) That the conduct of the proposed activity or use is reasonably likely to result in violence to persons or property resulting in serious harm to the public; or

(d) That the proposed activity or use will entail an extraordinary expense or operation by the City; or

(e) That the facilities desired have been reserved for another activity or use at the day and hour requested in the application; or

(f) That the proposed activity is prohibited by this ordinance or any other applicable law.

(2) The director may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:

(a) Restrictions on fires, amplified sound, use of alcoholic beverages, dancing, sports, use of animals, equipment, or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park by others, or of damage to park property;

(b) A requirement that the applicant post a reasonable deposit of security for the repair of any damage to park property, or the cost of cleanup, or both;

(c) A requirement that the applicant pay a reasonable fee to defray the cost of furnishing adequate security forces by the City at the proposed use or activity;

(d) A requirement that the applicant furnish additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought.

(e) A requirement that adequate liability and property damage insurance be provided in such terms and amounts as the director may reasonably determine, insuring the City, its officers and offices, and its public.

(3) Permits shall not be transferable without the written consent of the director.

(4) Within four days after receipt of an application, the director shall issue the permit or apprise an applicant in writing of his reasons for refusing a permit, or of any conditions attached to the issuance of the permit, and any aggrieved person shall have the right to appeal in writing within six days to the City Manager. Within six days the City Manager shall advise the applicant in writing of his decision. The City Manager shall have the right to affirm, revise, modify, or change the decision of the director and to grant a permit under such conditions as he may impose under this section. If the applicant is dissatisfied with the decision of the City Manager, he shall appeal same by filing a written appeal with the City Clerk, to be decided by the Ishpeming City Council at the next regular Council meeting. The decision of the City Council shall be final.

(5) A permittee, and all persons for whose benefit the permit has been issued, shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.

(6) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatever by reason of the negligence of the person or persons to whom such permit was issued.

(7) The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon the violation of any condition or restriction under which the permit was issued.

(8) The director shall have the authority to impose a reasonable fee to be paid by any applicant for a permit.

PART VII
PARK OPERATING POLICIES

Section 30. HOURS.
As a general rule parks shall be open to the public every day of the year between the hours of sunrise and sunset unless posted differently. However, the director may in his reasonable discretion extend or shorten these hours for any park or a portion of any park. No person shall enter, be, or remain in any park after park closing hours unless a permit has been obtained. Park opening and closing times shall be posted at park entrances and within adjoining park lots if the director modifies the hours set forth herein.

Section 31. 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.

Section 32. POWERS OF THE DIRECTOR.
The director shall have the power to make, from time to time, such reasonable rules and regulations as are necessary to manage, use, preserve, and govern park property and activities.

PART VIII

Section 33. EJECTION FROM PARK.
Any person found violating any provision of this chapter may be ejected from the park and/or have his permit revoked and park privileges suspended for a period to be determined by the director, in addition to any then penalties imposed by law.

Section 34. PENALTIES.
Any person charged with violating any provision of this ordinance shall be responsible for a municipal civil infraction and shall be fined in any sum not exceeding one hundred dollars.

Section 35. TITLE AND CATCH-LINE HEADINGS.
The title of this ordinance and the headings following the designation of each section herein shall be for purposes of convenience and indexing only, and shall not be a limitation upon nor a part of the body of any section of this ordinance.

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Amended: October 4, 1978
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