

---

**TITLE III - PARKS AND PUBLIC GROUNDS****CHAPTER 31. PARKS**

3.1. Definitions. In the interpretation of this Chapter the following definitions shall apply:

- (1) "Director" is a staff person in charge of City park areas and activities in City parks, and to whom all park staff are responsible.
- (2) "Park" is a park, reservation, playground, open area, natural area, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation.
- (3) "Motorized Vehicle" is any piece of equipment with a motor which is able to transport an individual. This includes but is not limited to: automobiles, cars, trucks, vans, motor homes, all-terrain vehicles (ATVs), go-karts, golf carts, tractors, mopeds, scooters, motorcycles and snowmobiles. Motorized wheelchairs, scooters or other devices designed for disabled individuals are excluded from this definition provided that the vehicle is used by someone that has a documented physical disability.
- (4) "Park staff" includes city employees, contractors, and any other authorized representatives responsible for operations of the parks.
- (5) "Camping" means the overnight lodging or sleeping of a person or persons on the ground or in any other manner, or in any sleeping bag, tent, trailer tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed in a park.

3.2. Park Property. No person in a park shall:

- (1) Willfully mark, deface, disfigure, damage, destroy, injure, tamper with, or displace or remove, any building, bridges, tables, benches, grills, fountains, railings, paving or paving material, water lines or other public utilities or parts of appurtenance 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) Fail to cooperate in keeping park facilities in a neat, orderly, and/or sanitary condition.
- (3) Dig, or remove 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) 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.
- (5) 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.
- (6) Attach any rope, wire, or other contrivance to any tree or plant.

(7) Dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

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

3.3. Sanitation. No person in a park shall:

(1) Throw, discharge, or otherwise place or cause to be placed in the water of any fountain, pond, pool, 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.

(2) Have brought in, 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 pool or waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so 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.

3.4. Traffic. No person in a park shall:

(1) Fail to comply with all applicable provisions of the Michigan Vehicle Code (1949 PA 300, as amended) in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this Code.

(2) Ride or drive a vehicle at a rate of speed exceeding ten (10) miles an hour.

(3) Drive any motorized vehicle on any area except the park roads or parking areas, or such other areas designated for motorized vehicles by the Director.

3.5. General Prohibitions. No person in a park shall:

(1) Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or may be hereafter adopted.

(2) Frequent any waters designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Director for such purposes.

(3) Conduct himself or herself in a disorderly manner (see Chapter 123 of City Code).

(4) Hunt, trap or pursue wild life at any time. No person shall use, carry, or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, cross bows, paintball guns, airsoft guns, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device with the exception that such weapon or instrument is lawfully possessed. Such devices may be used in parks for target practice or special events only when authorized by the Director. Shooting into park areas from beyond park boundaries is forbidden.

- 
- (5) Picnic or lunch in a place other than those designated for that purpose. Staff 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.
  - (6) Organize, advertise, or publicize any event or activity to be held in a park for which more than 50 people are expected to attend or such event that may interfere with the use of the park(s) or damage the park(s) without first receiving a permit from the Director.
  - (7) Prevent or obstruct any person from entering, leaving, or making use of any park property, or interfere with any sporting activity, meeting, gathering or other scheduled and authorized event. Certain groups may be authorized by the Director to restrict access to certain areas of the parks under lease agreements or special use permits.
  - (8) Leave a picnic area before all trash, litter, 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.
  - (9) Camp in any park at any time except by specific permission from the Director.
  - (10) Bring, drive, lead, or ride a horse on to park property without the approval of the Director.
  - (11) Ignite, maintain, or allow any material to burn openly in the parks. This includes camp fires, bonfires, or any open flames. Charcoal may be used in the parks for cooking food but must be used in a container designed for such use. The Director may permit open fires in the parks for authorized special events in coordination with the Fire Chief.
  - (12) Use any device transmitting amplified sound including radios, automobile sound systems, public address systems, any other sound or music amplifiers in violation of Chapter 131, Article 3 of this Code unless a permit for the use of such device(s) is issued by the Director.

3.6. Merchandising, Advertising and Signs. No person in a park shall:

- (1) Vending and Peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is hereby made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.
- (2) Advertising. Announce, advertise, or call the public attention in any way to any article or service for sale or hire, except those permitted by the Director.
- (3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

3.7. Park Operating Policy.

- (1) Hours. Except for unusual circumstances, parks shall be open to the public every day of the year during designated hours. Unless otherwise posted and except for authorized special events, all City parks are closed between 12:00 A.M. (midnight) and 6:00 A.M.

(2) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at anytime 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.

(3) Facility Rules. The Director is authorized to make rules governing the use of specific park facilities and areas. Such rules shall be posted where applicable and violations of those rules shall be punishable as a violation of this chapter.

(4) Hindering Officials. No person shall interfere with, or in any manner hinder any employee or agent of the City while performing their official duties. Furthermore, nothing contained in this chapter shall make it a violation for City employees, agents, or contractors to perform work on the parks at the times and in a manner authorized by the Director.

### 3.8. Enforcement.

(1) Officials. The Director and any park staff shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter.

(2) Ejectment. The Director and any park staff shall have the authority to eject from the park any person acting in violation of this Chapter.

### 3.9. Violation; Municipal Civil Infraction; Misdemeanor.

(1) A person who violates any provision of this Chapter, other than Section 3.4(1), is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The Director and any park staff are hereby designated as the authorized City officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(2) A person who violates Section 3.4(1) of this Chapter shall, upon conviction, be guilty of a misdemeanor or responsible for a civil infraction depending on the penalty proscribed by the Motor Vehicle Code for a violation of the relevant Motor Vehicle Code section.

(Ordinance No. 2002-05, 08-07-2002; Ordinance No. 2012-01, 02-07-2012)