

Chapter 22

PARKS AND RECREATION*

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* **Charter reference** – Streets and public grounds, art. VII.

Cross references – Environment, ch. 12; streets, sidewalks and other public places, ch. 32.

State law references – Authority to operate recreation facilities and playgrounds, MCL 123.51 et seq.; playground equipment safety act, MCL 408.681 et seq.

POTTERVILLE CODE

PARKS AND RECREATION

ARTICLE I. IN GENERAL

Secs. 22-1 – 22-30. Reserved.

**ARTICLE II. RULES AND REGULATIONS
FOR CITY PARKS AND LAKES**

Sec. 22-31. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means areas of land, with or without water, developed and used for public recreational purposes.

(Ord. No. 113, § 2)

Cross reference – Definitions generally, § 1-2.

Sec. 22-32. Penalties; eviction from park.

(a) Any person violating any provision of the rules set forth in this article, except provisions of the state vehicle code incorporated in this article, shall be deemed guilty of a municipal civil infraction. Any person violating the provisions of the state vehicle code shall be subject to fines and penalties set forth in that code.

(b) Persons violating any of the provisions of this article may also be evicted from the park or park land on the day of the offense.

(Ord. No. 154, § 85-20, 8-14-1995)

Sec. 22-33. Authority to establish rules, regulations and fees.

The city council shall, by resolution, establish such reasonable rules, regulations and fees for the care and preservation of parks, for the maintenance of good order, for the protection of property and for the welfare of the parks as shall from time to time be deemed necessary or expedient by the city council.

(Ord. No. 113, § 3)

Sec. 22-34. Violations.

No person shall violate the rules and regulations promulgated by the city council pursuant to this article.

(Ord. No. 113, § 4)

Sec. 22-35. Park hours.

(a) No person or vehicle shall remain upon public park property between the posted closing times and sunrise excepting at designated fishing sites, camp areas and other special use areas; provided, however, that such hours may be extended by permit. It shall be unlawful for any person to enter any portion of parklands or waters which have been designated as closed for public use or entry.

(b) Any park or park lands, or portions thereof, may be closed entirely or closed to certain uses, including but not limited to the use or possession of alcoholic beverages, for such period of time as may be determined by the city council or its designated representative.

(Ord. No. 154, § 85-8, 8-14-1995; Ord. No. 03-209, § 83.4, 10-13-2003)

Sec. 22-36. Preservation of property.

No person shall willfully disturb, destroy, altar, change, or remove any part of any park or any facility, building, sign, structure, equipment, utility, or other property found therein.

(Ord. No. 154, § 85-9.1, 8-14-1995)

Sec. 22-37. Preservation of natural resources and plant life.

No person shall:

- (1) Remove, or cause to be removed, any sod, earth, humus, peat, boulder, gravel, or sand found within any park without the written permission of the city council or its designated representative.
- (2) Cut, remove, dig, injure, pick, damage, deface or destroy and tree, flower, shrub or plant, whether alive or dead,

found within the park without written permission of the city council or its designated representative.

(Ord. No. 154, § 85-9.2, 8-14-1995)

Sec. 22-38. Preservation of wildlife.

No person shall hunt, trap, bait, pursue, injure, kill or in any manner disturb any bird or animal on any land or waters under the jurisdiction of the city council. Fishing will be permitted in accordance with the state department of natural resources laws and regulations.

(Ord. No. 154, § 85-9.3, 8-14-1995)

Sec. 22-39. Fires.

No person shall build a fire within any park except in grills or fire rings provided for such purpose. Fires on docks and/or beach areas are expressly forbidden. Firewood may be collected to be used within the parks only if dead and down (not standing).

(Ord. No. 154, § 85-9.4, 8-14-1995)

Cross reference – Fire prevention and protection, ch. 14.

Sec. 22-40. Use of waste containers.

No person shall:

- (1) Place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground except in containers provided for that purpose.
- (2) Deposit any garbage, glass, tin cans, paper or miscellaneous waste in any trash containers within the park unless the garbage, glass, tin cans, paper and other waste arose and were generated as a result of activities by the person using the park.

(Ord. No. 154, § 85-9.5, 8-14-1995; Ord. No. 03-209, § 83.5, 10-13-2003)

Sec. 22-41. Fireworks; firearms and other weapons.

No person shall:

- (1) Have in his possession or control any firearm, shotgun, pistol or other firearm, slingshot, pellet gun, air rifle, fireworks or explosives within any park; provided that this rule shall not apply to any law enforcement officer.
- (2) Have in his possession or control any bow or arrow within any park except by prior written permission by the city council.

(Ord. No. 154, § 85-9.6, 8-14-1995)

Cross reference – Fireworks, § 14-61 et seq.

Sec. 22-42. Alcoholic beverages.

(a) No person shall have in his possession within park boundaries any alcoholic beverages except beer and/or wine.

(b) All allowed alcoholic beverages as defined must be brought into the park in the original containers, and such containers shall not exceed 67.6 fluid ounces (two liters) in capacity.

(Ord. No. 154, § 85-9.7, 8-14-1995)

Sec. 22-43. Disorderly conduct.

(a) No person shall be intoxicated or shall engage in any violent, abusive, loud, boisterous, vulgar, obscene or otherwise disorderly conduct tending to create a breach of the peace, or to disturb or annoy others.

(b) No person shall interfere with any park employee in the discharge of his duties, or fail or refuse to obey any lawful command issued by a park employee.

(Ord. No. 154, § 85-9.7, 8-14-1995)

Sec. 22-44. Audio devices.

No person shall use or operate any radio receiving set, musical instrument, phonograph, television or other machine or device that produces or reproduces sound in such a manner that produces excessive noise. The use of such a machine or device such that the sound produced therefrom is audible in any direction at a distance in excess of 100 feet shall be deemed a

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prima facie violation of this section unless written permission has been obtained from the city council or its designated representative.

(Ord. No. 154, § 85-9.8, 8-14-1995)

Sec. 22-45. Swimming, bathing and wading.

(a) No person shall swim, bathe, or wade except within those areas so designated, and swimming is prohibited within those designated areas when so posted.

(b) Alcoholic beverages, glass containers, and pets are not allowed within the posted limits of the beach area.

(c) Scuba diving by certified divers may be permitted with prior written approval of the city council or its designated representative.

(Ord. No. 154, § 85-10, 8-14-1995)

Sec. 22-46. Dogs and other pets.

(a) Dogs or other pets are permitted in all city parks, unless otherwise posted, except that dogs or other pets are not permitted within the designated bathing beaches, park buildings and shelters.

(b) Any dog or other pet shall be kept on a leash no greater than 12 feet in length under the immediate control of a responsible person, and shall not be allowed to disturb or annoy park visitors.

(c) Guide, leader, hearing, and service dogs are permitted in all areas.

(d) The person who owns or is in charge of any dog shall immediately remove all droppings deposited by such dog by any sanitary method. The person who owns or is in charge of a guide, leader, hearing, or service dog is exempted from disposing of dropping deposited by such dog.

(Ord. No. 154, § 85-11, 8-14-1995)

Sec. 22-47. Horses.

It shall be unlawful for a person to ride, lead, or allow a horse to be upon any property not designated as a horse trail which is admin-

istered by or under the jurisdiction of the city council unless prior written permission has been obtained from the city council or its designated representative. This section does not apply to horses ridden by law enforcement personnel.

(Ord. No. 154, § 85-12, 8-14-1995)

Sec. 22-48. Bicycles.

No person shall operate a bicycle upon any foot trail or nature trail. No person shall ride a bicycle on any sidewalk which is posted against such use. This section does not apply to bicycles driven by law enforcement personnel.

(Ord. No. 154, § 85-13, 8-14-1995)

Sec. 22-49. Use of natural areas and nature trails.

Nature trails shall be for pedestrian traffic only. Picnicking and fires are prohibited within any nature trail area, unless written permission has been granted by the city council or its designated representative. Bicycles and horses are also prohibited from such areas.

(Ord. No. 154, § 85-14, 8-14-1995)

Sec. 22-50. Operation of motor vehicles.

(a) It shall be unlawful for any person to:

- (1) Operate a motor-driven vehicle in excess of 15 miles per hour within the park.
- (2) Operate any motor-driven vehicle of any kind or nature except on designated public roads.
- (3) Operate a motor-driven vehicle in violation of posted traffic control signs or devices.
- (4) Operate an unlicensed motor vehicle upon any park road or parking lot.
- (5) Operate an off-road vehicle (OVR) on any park property.
- (6) Operate any motor vehicle where the operation is off the normal traveled portion of the roadways or designated

parking areas, including but not limited to fields, nature trails, ballfields, or the frozen surface of any body of water. This section does not apply to vehicles driven by law enforcement personnel or public works employees.

(b) All motor-driven vehicles operated on park roadways or parking lots shall be subject to the laws of the state as set forth in the state vehicle code (MCL 257.1 et seq.).

(Ord. No. 154, §§ 85-15.1, 85-15.2, 8-14-1995)

Cross reference – Traffic and vehicles, ch. 36.

Sec. 22-51. gasoline-powered boats.

It shall be unlawful for anyone to operate a gasoline-powered boat motor on the waters of Lake Alliance.

(Ord. No. 154, § 85-15.3, 8-14-1995)

Sec. 22-52. Parking; prohibited activities in parking areas.

(a) Parking in certain areas prohibited. It shall be unlawful for any person to:

- (1) Park any motor vehicle within any area not designated as a parking area or space.
- (2) Stop, stand or park any motor vehicle at any place where prohibited by official signs.

(b) Obstructing traffic.

- (1) It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle upon any roadway or in any parking area in such a manner as to form an obstruction of traffic.
- (2) Whenever any police officer finds a vehicle unattended upon a roadway or in a parking area and where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

- (3) The necessary costs for such removal shall become a lien upon such vehicle and the person in whose custody the vehicle is given may retain it until all expenses involved have been paid.

(c) Prohibited activities in parking areas. The designated parking lots on park properties are only for the express use of the parking of vehicles, and entry and exit from the parked vehicles. All park activities, except traversing to and from parking lots and/or parking of vehicles in case of emergencies, are prohibited. No park land usage, including but not limited to picnicking, Frisbee throwing, games or other activities, shall be permitted in the parking lots of the city parks.

(Ord. No. 154, § 85-16, 8-14-1995)

Sec. 22-53. Commercial activities and advertising.

No person shall advertise, vend, sell, post, or distribute any service, food, beverage, merchandise, leaflet, or poster within any park except by prior written permit from the city council or its designated representative.

(Ord. No. 154, § 85-17, 8-14-1995)

Sec. 22-54. Camping.

No person shall camp within any park except in those areas or buildings designated for that purpose, provided always that written permission of the city council or its designated representative shall be acquired before any person may camp.

(Ord. No. 154, § 85-18, 8-14-1995)

Sec. 22-55. Using facilities without paying fee; using facilities when permit has been granted to another.

(a) It shall be unlawful for any person to use any facility, building, land area or equipment for which a fee or charge has been established by the city council, without payment of such fee or charge.

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(b) It shall be unlawful for any person, group, or organization to occupy, use, or fail to vacate any facility, building, land area or equipment for which a permit has been granted to another person, group or organization.

(Ord. No. 154, § 85-19, 8-14-1995)