

## **ORDINANCE NUMBER SIXTY SIX**

**AN ORDINANCE TO PROVIDE FOR AND REGULATE THE USE, RULES OF USE, FOR THE MAINTENANCE AND FOR THE PROTECTION OF CITY PARKS WITHIN THE CITY OF CARSON CITY, MICHIGAN AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF A FEES FOR THE USE OF CITY PARKS AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL OTHER ORDINANCES THAT ARE IN CONFLICT THEREWITH.**

**THE CITY OF CARSON CITY ORDAINS:**

### **CHAPTER 66.1 ESTABLISHMENT OF ORDINANCE**

66.101 Short Title. This Ordinance shall be known and cited by its short title as the "CITY PARKS ORDINANCE".

66.102 Authority and Purpose. Pursuant to Section 12.3 of the City Charter, it is the purpose of this Ordinance to provide minimum standards for the use, maintenance and protection of certain City property to wit: city parks owned and operated by the City of Carson City.

66.103 Purpose. The purpose of this Ordinance is to regulate the maintenance and use of City Parks in the City of Carson City and to provide for the issuance of permits and the payment of a fee and to prescribe penalties for the violation thereof City Park Rules and to repeal all other ordinances in conflict therewith.

### **CHAPTER 66.2 DEFINITIONS**

66.201 Applicant. May be any individual, club, organization, sports league, or like that is requesting the use of a City Park or portion thereof that would otherwise prohibit another individual club, organization, sports league, or the like from using a City Park or portion thereof at the particular date.

66.202 City Parks. Shall be Haradine Park; Grove Park; and West Park or any other park hereinafter established by the City of Carson City, and include any portion traversing in and around the parking areas adjacent to any City Park.

66.203 Club or Organization. Shall be any nationally or recognized civic organization or club that hosts events, shows, or festivals.

66.204 League. Shall be any group of teams that play each other as well as travel or host games to play other league teams. League shall include, but not limited to, baseball leagues, softball leagues, rocket football leagues, and bowling leagues.

66.205 Splash Park. Is a splash pad or spray pool located in West Park, with a non-slip surface for recreational water play that has little or no standing water that features various features for streams of water. Thus, as such there is no need for lifeguards or public supervision. However, supervision may be necessary depending on the age of a child see Sections 66. 403 and 66.404 of this Ordinance.

### **CHAPTER 66.3** **PROCEDURE FOR CITY PARK RESERVATIONS**

66.301 No less than sixty (60) days prior to the date of the event, festival, or first game of a league, the Applicant shall have received approval for the use of a City Park from the City. To receive approval for the use of a City Park, the following conditions shall be met:

- 66.3010 Proposed schedules for meetings, events, shows, and/or other games shall be submitted to the City Administrator for review. In the case of a league, the schedule shall include specific parks;
- 66.3011 Names and phone numbers for committee/board/league member or a specific contact person shall be submitted to the City Administrator;
- 66.3012 Records/minutes of the committee/board/league meetings applicable to the event, or league shall be submitted;
- 66.3013 A financial report of the committee/board/league shall be submitted for review by the City Administrator;
- 66.3014 A fee shall also be paid. Such fee shall be set and reviewed from time to time by resolutions of the City Council of Carson City; and
- 66.3015 No more than sixty (60) days after completion of the event or the league season, a revised financial report of the committee, board and/or league shall be submitted for review by the City Administrator.

66.302 Recommendation for Usage. With the recommendation of the City Recreation Committee the City Council shall approve, regulations, deny, or approve with conditions or alterations the requested use of a City Park.

66.303 Violations. A violation of this Ordinance by any club, organization, league, or individual may lead to the following:

- 66.3030 Failure to follow City Park procedure and policy may lead to that club, organization, league, or individual being banned from future use of City Parks.
- 66.3031 Any club, organization, league, or individual that does not demonstrate care and consideration of the City Park facilities may be banned from future use of City Parks.
- 66.3032 Further, if any property is damaged or destroyed, the City of Carson City may cause damage to be repaired and bill the club, organization, league or individual responsible.

66.304 Deviations. This policy does not restrict City sponsored events from taking place in City Parks. Further, the policy does not restrict the use of the parks for family reunions, picnics any other organizations where only one pavilion will be used by a group. For these cases the following procedures will be followed:

- 66.3040 The City Park pavilion must be reserved at least two (2) weeks prior to the date of use. The City of Carson City will begin accepting reservations for each season on the first business day after each year. Reservations are on a first come, first served basis and will be posted at each park on a monthly basis.
- 66.3041 Payment for a use fee shall be required at least one (1) week prior to the reservation date. Such fees shall be set from time to time by resolution of the City Council of Carson City.

#### **CHAPTER 66.4** **CITY PARK RULES AND PROHIBITIONS**

66.401 City Park Rules.

- 66.4010 All City Parks are open daily from 5:00 a.m. to 11:00 p.m.
- 66.4011 Clean up when you leave.
- 66.4012 Put trash in barrels provided.
- 66.4013 Self-contained cooking grills permitted but **not in** pavilions.
- 66.4014 Audio must be limited to pavilions and not offensive to others in the park.
- 66.4015 Signs, banners, and decorations are permitted on the day of the use as long as they are attached with nondestructive tape or string, and are removed at the end of the event.

66.402 Prohibitions Regarding City Parks. It shall be unlawful for any person to:

- 66.4020 Consume or possess alcoholic beverages or drugs including marihuana within the City Parks at any time.
- 66.4021 Be present within the City Parks before 5:00 a.m. or after 11:00 p.m.

- 66.4022 Place in the parks' trash containers garbage or other trash generated from activities outside the park.
- 66.4023 Deposit, permit or suffer to be deposited, in any part of any park, any garbage, ashes, sewage refuse, waste or other noxious material, otherwise than in receptacles or pits provided for such purposes; nor dump any earth within the Park without specific written permit from the City.
- 66.4024 Injure, deface, disturb or befoul and part of the Park nor any building sign, equipment or other property found therein; nor shall any tree, shrub, rock or other mineral be removed, injured or destroyed.
- 66.4025 Litter in the park.
- 66.4026 Have motor vehicles within the parks except in those areas specifically designated as parking areas.
- 66.4027 Have any unleashed pet, dog or cat with the parks.
- 66.4028 To climb in and/or on any buildings, fences or trees within the parks.
- 66.4029 To have or create open ground fires.
- 66.40210 Engage in any loud, boisterous, abusive, or indecent language or other language that would be in violation of any City Ordinance.
- 66.40211 Engage in any disorderly conduct or behavior within a City Park. ✓
- 66.40212 Shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of any Parks, or therein rob or molest any bird nest or take the eggs of any bird.
- 66.40213 Discharge a firearm in the park (other than a police officer or other persons specifically authorized by law to do so).
- 66.40214 Shall possess or discharge any firearms, fireworks, explosive substances or air rifles within the park without a specific permit from the City.

**66.403 City West Park Splash Pad and Restrooms Rules. The following rules for use of the West Park Splash Pad and Restrooms will be posted at the Splash Pad:**

- 66.4030 Splash Pad is open from 10:00 a.m. to 8:00 p.m., daily commencing on Memorial Day weekend through Labor Day.
- 66.4031 Children must have adult supervision at all times.
- 66.4032 Children who are not toilet trained must wear swim diapers at all times.
- 66.4033 Children should be taken on frequent restroom breaks (every 30-60 minutes is recommended).
- 66.4034 Proper attire is required.
- 66.4035 Shelter and their picnic tables are available for general use unless reserved.
- 66.4036 Groups with reservation permits have priority use of shelters and their picnic tables.
- 66.4037 Use diaper changing tables in restrooms.

66.4038 At the first sign of thunder or lightning, vacate the splash pad and seek a fully enclosed shelter, and remain indoors at least 30 minutes after the last sign of thunder and lightning.

66.404 Prohibitions Regarding Use City West Park Splash Pad and Restrooms. The following activities and items are not permitted in the splash pad area and will be posted at the Splash Pad:

- 66.4040 Climbing, sitting and playing on the splash pad apparatus.
- 66.4041 Drinking splash pad water, spitting and spouting water from the mouth.
- 66.4042 Running, rough play and profanity.
- 66.4043 Inflatable pool toys, athletic and other recreational equipment.
- 66.4044 Food, candy, gum, beverages and any kind of glass containers.
- 66.4045 Soaps, detergents, and shampoos.
- 66.4046 Animals, except service animals.
- 66.4047 Radios, cell phone and other acoustical devices
- 66.4048 Skateboards, skates, razors, rollerblades, scooters, bicycles, motorcycles, and any other recreational equipment.
- 66.4049 Smoking of any kind is not permitted anywhere in West Park.
- 66.40410 Littering.

#### **CHAPTER 66.5** **ADMINISTRATION**

66.501 Compliance. The City Administrator shall issue permits under this Ordinance, and the City Police Department will administer the park rules and prohibitions.

66.502 Administration.

- 66.5020 The City Police Department in connection with their duties imposed by law shall diligently enforce the provisions of this Ordinance and may issue citations, and arrest with warrant, and eject persons in violation of the Ordinance.
- 66.5021 The City Police Department shall have the authority to seize, confiscate, and impound any substance, plant, animal, vehicle or other article which, upon probable cause, as they may find to be used or possess in violence of this Ordinance.
- 66.5022 The City Department of Public Works shall, in connection with their duties, maintain all parks within the City of Carson City.
- 66.5023 It shall be the duty of the Office of the City Administrator to provide administrative overview of this Ordinance.

66.503 Cost of Permit. The City council shall by Resolution, from time to time, determine the cost of permits.

**CHAPTER 66.6**  
**FAILURE TO COMPLY WITH ORDINANCE**

66.601 Municipal Civil Infraction. A person who violates any provisions of Chapter 66.3 or Chapter 66.4; Section 66.401, City Park Rules, including, without limitation, failure or refusal to abate a violation after having been given notice of the same in a notice or order to cease, is responsible for a municipal city infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction. The City Police Department is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court).

66.602 Misdemeanor. Any person or persons who violates any provisions of Section 66.402 of this Ordinance upon conviction thereof shall be punished by a fine of not more than \$500.00 and with costs of prosecution, and/or imprisonment in the County Jail for a period not to exceed 90 days, or both such fine, costs, imprisonment, in the discretion of the court.

66.603 Injunctive relief. For any violation of this Ordinance which may be deemed a nuisance per se. In addition to any remedy available at law, upon the request of the City Administrator and or the City Police, the City Attorney may bring an action for an injunction or other process against a person, to restrain, prevent or abate any violation of this Ordinance.

**CHAPTER 66.7**  
**SEVERABILITY**

Should any part or provision of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such invalid or unenforceable part or provision shall not affect the validity or enforceability of the remainder of the Ordinance, if the remainder thereof can be given effect without such part or provision thus declared to be invalid or unenforceable.

**CHAPTER 66.8**  
**CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED**

Any City Ordinance and/or amendments thereto or resolutions that are in conflict or parts thereof which conflict with any terms of this ordinance are hereby rescinded. In case of conflict between this ordinance any such ordinances or resolutions, this section or subsection of the ordinance are for convenience and reference only and shall not be taken into consideration of any construction or interpretation of any of the provisions of this ordinance.

**CHAPTER 66.9**  
**EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication of the Ordinance or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

**CHAPTER 66.10**  
**PUBLICATION**

A summary of this Ordinance was published in the Carson City Gazette on July 27, 2019, pursuant to Section 7.4 (b) of the Charter of the City of Carson City.

**CERTIFICATION OF ORDINANCE SIXTY SIX**

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Ordinance Number Sixty Six, of the City of Carson City, was introduced at a regular meeting of the City Council held on June 18, 2019 and was thereafter adopted at a regular meeting on July 16, 2019, by a vote of Five (5) for; Zero (0) against; One (1) absent; and Zero (0) abstaining.

  
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Thomas J. McCrackin, Mayor

  
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Cindy L. Schafer, Comptroller

