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**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 person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.
- (2) "Park" is 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.
- (3) "Vehicle" is any conveyance whether motor powered, animal drawn or self-propelled, whether on wheels, tracks, pontoons or runners and designed to transport a person or persons. Exception is made for baby carriages and vehicles in the service of the City.

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

- (1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, 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 maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
- (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 any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or guncarriages or upon any other property not designated or customarily used for such purposes.
- (9) Tie or hitch a horse or other animal to any tree or plant.

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, bay 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 in regard to equipment and operation of 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 vehicle on any area except the park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

3.5. Recreational Activities. 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 therefor, 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) Dress or undress in any vehicle, toilet or other place, except in such bath houses or structures as may be provided for that purpose.

(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, 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. Shooting into park areas from beyond park boundaries is forbidden.

(5) 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.

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

(7) Use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable

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time if the facilities are crowded, but this subsection shall not apply in those cases where a permit has been obtained for use of facilities in Heritage Park while in use pursuant to such permit.

(8) Leave a picnic area before the fire 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.

(9) Set up tents, shacks, or any other temporary shelter for the purpose of overnight camping or other use, 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 purpose, such as house-trailer, camp-trailer, camp-wagon, or the like, except by specific permission from the Director.

(10) 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 and quoits is prohibited except on the fields and courts or areas provided therefor. Roller-skating shall be confined to those areas specifically designated for such pastime.

(11) Ride a horse except on designated bridle trails or park roads. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

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 here 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.

(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 and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(2) 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.

3.8. Enforcement.

- (1) Officials. The Director and any park attendant shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter.
- (2) Ejectment. The Director and any park attendant shall have the authority to eject from the park any person acting in violation of this Chapter.
- (3) 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, or used, in violation of this Chapter.

3.9. Violation; Municipal Civil Infraction; Misdemeanor.

- (1) A person who violates any provision of this Chapter, other than Sections 3.2(1) or 3.4, 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 attendants 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 Sections 3.2(1) or 3.4 of this Chapter shall, upon conviction, be guilty of a misdemeanor punishable as provided by Sections 1.12(1) and (2) of this Code.

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