

# City of Bangor

## Policy Governing City Parks

Presented July 2, 2007, Revised July 12, 2007, Revised and Adopted July 16, 2007, Revised August 14, 2008

This policy is intended to cover City property as described herein and set reasonable standards of use by all visitors to the City parklands and natural areas.

### Parks - Identified

1. Lion's Park
2. Kiwanis Park
3. Kids Place
4. N. Center Street Park
5. Veterans Park
6. Monroe Park
7. Charles Park
8. Mora Park

### Natural Areas - Identified

1. Mill Pond, City owned land along the Black River east of Second Street to the City limits
2. Maple Creek, City owned land from south corporate border to the Black River, except Kiwanis Park
3. Black River, City owned land along the Black River west of Hamilton Street
4. Lincoln Street Memorial Park

### Reservation of use by General Public

Any group may use certain areas, facilities or services within park property to the exclusion of others by making application and being granted a permit by the City Council or its authorized agent. The City of Bangor shall adopt fees for reservations and use of parklands and natural areas, as it may deem necessary from time to time. The City reserves the right to require group or event insurance accepting liability for their group/event and naming the City as an 'also insured' party. The amount of insurance limits may vary depending upon the type of activity which may be taking place under the direction of the group/event.

### Hours

- A. Lions Park and Kiwanis Park shall be open to public use from 8:00 a.m. until 10:00 p.m. between Memorial Day and Labor Day. During other times of the year, they shall be open between 8:00 a.m. and 9:00 p.m. Special hours may be allowed for specific events or reservations, which are granted permission to use the park by the City Council or the City Clerk.
- B. Other parks shall be open to the public between 8:00 a.m. and 10:00 p.m. year round.
- C. No person or vehicle shall remain on park property except during the hours open to public use unless allowed by the terms of a permit issued by the City Council.

- D. It shall be unlawful for any person to enter upon park property, which has been designated closed to public use or entry.
- E. The Council or its authorized Agent (Police Department personnel, the City Manager, or the Mayor may close any park property or any portion thereof for such period of time as may be deemed to be required in the interest of public health and safety.
- F. It shall not be lawful for any person, except employees working in such park or natural area to enter therein before the hour above named for the opening or remain therein after the hour above named for the closing thereof; provided, however, that the city manager may grant permission to any person to enter into and remain within a public park or playground until not later than 12:00 midnight where it appears that such closing hour will be beneficial to the city and its inhabitants, and where the public peace, safety and welfare may be promoted. Any person entering into or remaining within the parks or playgrounds in accordance with such permission shall not be deemed unlawfully therein.

#### Alcoholic Beverages

No person shall bring into or sell, purchase, consume or dispense any alcoholic liquors or controlled substances within the park system; parklands and natural areas.

#### Animals, brought in and Living in Park or Natural Area

Please refer to the section titled "Protection of Wildlife: Animals and birds"

#### Balloons, Airplanes and Parachutes

No person shall make any ascent, descent or landing in any balloon, airplane, parachute, or other airborne vehicle on park property without first obtaining written permission from the Council or its agent.

#### Boating

No person shall bring into, use or navigate any boat, yacht, raft or other powered floating devices upon any watercourse lagoon, lake, pond or slough located on park property, except at such time or place as may be provided or designated for such purpose by the Council. Canoes and Kayaks may be navigated on the Black River and may use the launch sites provided at City Parks as long as such is in compliance with the laws of the State of Michigan and this policy.

#### Camping

Camping, tents, trailers, overnight outings and similar activities are not permitted on city parklands or natural areas. Camping may, however, be allowed by permission of the Council or its agent. Camping, tents, pop-ups, canopies, or other similar devices may be used during the day by a reserved group/event but must be removed each day by park closing. Families that use the park for picnicking or family day events may be allowed to erect canopies or tents during their visit as long as such is removed by park closing hours. The City may grant some groups/events permission to set up their tents, canopies or other such devices the night before their event. The City reserves the right to designate location for tents, canopies or other such devices.

### Destruction of Plant Life and Natural Surroundings

It shall be unlawful for any person while on park or natural area property to:

- A. Cut, remove or destroy any tree, sapling, seedling, bush or shrub, whether dead or alive, or chip, blaze, box girdle, trim or otherwise deface or injure any tree or shrubs, or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass, whether dead or alive.
- B. Destroy, remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, fossil or any geologic object without written permission of the Council or its agent.
- C. Roll, throw, push or in any manner propel or cause any object to go over the edge of any ledge or cliff, except such items normally used in climbing, when being used in the course of climbing.

### Discharge of Water or Waste Unlawful

It shall be unlawful to discharge any personal, commercial, or industrial water or any polluted or contaminated waste upon parklands, natural areas, sidewalks, streets, alleys or gutters within the City of Bangor at any time.

### Enforcement

- A. Any person violating the provisions of this policy which concern the unlawful use, operation and parking of motor-driven vehicles, will be deemed responsible for a municipal civil infraction or guilty of a misdemeanor as provided by the Uniform Traffic Code promulgated pursuant to 257.951 et seq.; provided, further, that the State of Michigan may hereafter change or amend these penalties and civil sanctions.
- B. Any person who violates these policies not concerning the use of a motor-driven vehicle is deemed responsible for a municipal civil infraction.

### Fees and Charges

- A. It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the Council without payment in advance.
- B. It shall be unlawful for any person, group, firm or corporation to charge an admission fee or charge for entry or use of any park property or facility without first obtaining written permission from the Council in accordance with Article III of this chapter.

### Firearms

No person shall at any time bring on park property, have in his possession, discharge, or set off anywhere upon park property a revolver, pistol, shotgun, rifle, firearm, bow or other weapon that discharges projectiles either by air, explosive substance or any other force; provided, however, that this section shall not apply to any deputy sheriff, police officer, park ranger or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position. Other City ordinances governing the use of firearms also apply to city park land and natural areas.

### Fires

- A. It shall be unlawful for any person while on park or natural area property to:
- B. Willfully set or causes to be set on fire any tree, woodland, brushland, grassland or meadow within or upon park or natural area property.

- C. Build any fire upon park property except within the fireplaces, receptacles or open spaces approved and designated for such purpose, without prior written permission of the Council or its agent. No person shall build or maintain a fire within fireplaces, receptacles or open spaces approved or designated for such purposes in a careless or negligent manner likely to endanger any person or property.
- D. Drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other inflammable material within or upon park property in a careless or negligent manner likely to endanger any person or property.

#### Fireworks

No person shall fire, discharge or have in his possession any rocket, flare, firecracker, torpedo, squib, or other fireworks or any substance of an explosive or incendiary nature on park property unless the Council or its agent shall have authorized same by the issuance of a permit therefor.

#### Gambling on Cards or Other Games of Chance Prohibited

It shall be unlawful for any person or persons within or on any parklands or natural areas to play any game of cards, dice, or other game of chance for money, or to bet money on the result of any such game or games.

#### Littering Unlawful

No person shall deposit any rubbish, refuse or litter in or upon the park system, except as the same shall be deposited in receptacles provided for that purpose by the department of public works.

#### Noise - Disturbing to the Public Peace and Good Order

- A. No person or persons shall act in such a manner or make such noise or disturbance, which disturbs the good order, peace, health or safety of the City of Bangor or its inhabitants. For purposes of this article, the word "person" shall be interpreted to include partnership associations, and corporations. Each of the following acts is hereby declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:
  - B. No person shall intentionally use obscene, lewd, or libelous speech or language in a public place so that such language is heard by others; to be punishable under this section, such speech must be found not to be protected free expression under the United States Constitution and the Constitution for the State of Michigan.
  - C. No person shall create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, unusual, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within any park or natural area of the City of Bangor. Each of the following acts is hereby declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:
    - 1. The playing of any radio, phonograph, or musical instrument of any character in such a manner or with such volume, at any time or place as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence or any person in the vicinity

2. Yelling, shouting, whistling, loud talking or singing on the public streets, particularly between the hours of 10:00 p.m. to 6:00 a.m., or at any other time or place so as to annoy, or disturb the quiet comfort or repose of persons in any office, dwelling, hotel or any other type of residence or of any persons in the vicinity.
  3. The use of any drums, loud speakers, musical devices, or other instruments or devices for the purpose of attracting attention by the creation of noise to any performance, show or display unless such use is known and granted by permission of the Council or its agent.
  4. The firing of firearms, firecrackers, air guns, or other combustible substances for the purpose of making a noise or disturbance.
  5. The practicing and training of any drum corps, band, orchestra, or other musical organization, or the practice by individuals on the various musical instruments, which produce a noise or disturbance, and which annoy the peace, repose, and comfort of the residents in the vicinity thereof.
- D. Please refer to the section titled "Personal Conduct."
- E. Exceptions: None of the prohibitions herein shall apply to or be enforced against any police, fire or ambulance vehicle while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets, or highways by or on behalf of the City, County or State during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day; the reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

#### Motor-driven Vehicles

It shall be unlawful for any person to:

- A. Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas.
- B. Operate a motor-driven vehicle on any park road at a speed exceeding 15 miles per hour or at any speed greater than that posted. A person who violates this section is responsible for a civil infraction.
- C. Operate any motor-driven sled, ski, toboggan or snowmobile on park property except where provided or designated for such purpose by the Council. A person who violates this section is responsible for a civil infraction.
- D. Continuously cruise in or on any motor-driven vehicle in or through any areas of park property. To "continuously cruise" is herein defined as the repeated driving of a motor-driven vehicle in or through park property without stopping for the purpose of using park property. A person who violates this section is responsible for a civil infraction.

#### Peddling and Soliciting

- A. It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, to distribute hand-bills or other advertising matter, or to post signs on park property, unless first authorized in writing by the Council or its agent.
- B. No person shall publicly beg, solicit any subscriptions, or take up collections for any purpose whatsoever in the park system without first receiving written permission from the city manager to do so. Those groups/events reserving the park may collect donations and

handout literature related to their activity. However, such groups/events are responsible for cleaning up any discarded materials left on the grounds.

- C. This section does not apply to religious or political activities associated with constitutionally legal activities. Such groups/events must be licensed as a charity in the state of Michigan, be incorporated as a non-profit organization, church or school, or have official designation as a federal IRS 501-c-3 or 501-c-6 organization.

#### Personal Conduct

It shall be unlawful to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others while in or on park property.

- A. No person shall willfully act in an obscene, disorderly or riotous manner in a public place so that his conduct is observed by another person and disturbs the peace, good order, health or safety of the other person.
- B. Please refer to the section above titled "Noise - Disturbing to the public peace and good order."

#### Protection of Property

It shall be unlawful for any person while on park or natural area property to:

- A. Willfully destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post or blaze, marking or designating boundary line, survey line, or reference point.
- B. Cut, break, mark upon or otherwise injure any building, equipment, bridge, table, wall, fountain, lamppost, fence, gate hedge, or other structure.
- C. Deface, destroy, cover or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
- D. Take or carry away, or attempt to take or carry away, any property without written permission from the owner thereof.

#### Protection of Wildlife: Animals and Birds

- A. It shall be unlawful for any person while on park property to:
- B. Cause or allow any animal or fowl to run at large or to permit them to annoy or disturb other persons.
- C. Bring, drive, lead or carry any dog or other animal or pet which is unleashed or upon a leash more than eight feet in length and not under immediate control of an adult person; except for animals used in designated shows or programs authorized by the Council or its authorized agent. Except that at Kids Place Park, no dogs are allowed.
- D. Owners of dogs shall be held responsible for the presence of their dogs in the park system.
- E. Owners of dogs shall be held responsible for removing (bagging) all dog waste and placing such bagged waste in appropriate waste receptacles provided on the park lands or shall take such bags home for disposal.
- F. Any person owning or harboring a dog that is permitted to be in the park system and which shall disturb any birds or animals therein shall be deemed guilty of a violation of this policy.

- G. Cause or allow any animal or fowl to enter any public building or to be upon any designated beach area except a trained and working leader dog; or to allow his animal or fowl to enter any water body contained therein.
- H. Abuse, mistreat, or neglect any animal or fowl which may be found in the park or natural area. No person shall kill, disturb or molest any birds or birds' nests or any fish or animal within, belonging to or being in the parks or playgrounds.
- I. Hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow or any animal on park property; provided, however, that fishing may be permitted on park property in accordance with Council rules, the laws of the State of Michigan and the rules of the Department of Natural Resources of the State of Michigan in areas designated for such purposes by the Council.

#### Swimming, Bathing and Wading

It shall be unlawful for any person while on park property to bathe in any watercourse, lagoon, pond, or slough located on park property. Wading in any waterway within the City corporate limits is only at your risk. It is not encouraged and should not occur without direct adult supervision.

#### Trails

No person shall ride any powered vehicles or devices on any trail or pathway in within or on city parklands or natural areas. Such are intended for pedestrian, bicycle or in-line skating traffic.

#### Unlawful Obstruction

No person, group, firm or corporation shall by force, threats, intimidation, fencing, enclosing, or by any other means prevent or obstruct any person from entering, leaving or making full use of any park property; provided, however, that any group may use certain areas, facilities or services within park property to the exclusion of others

#### Use of Loudspeaker

It shall be unlawful to use a loud speaker, public address system or amplifier on park property unless written permission has been obtained from the Council or its agent.

#### Vendors

Food or other vendors that may be allowed to use the park lands during a reserved group's events shall be licensed by the County Health Department. The City reserves the right to set and collect a fee, payable to the city, for any vendor that is a part of any group/event which has reserved the park land.

#### Expulsion or Exclusion of Violators from Park System

The city manager, police officers, and authorized personnel shall have the authority and power to exclude and expel any person from any public park, playground or recreation area or facility, when such person violates any of the provisions or requirements of applicable ordinances, or rules and regulations. Such expulsion or exclusion shall be for a period not to exceed ten (10) days. The refusal or failure of any person to leave the park system when

ordered so to do by the city manager, police officers, authorized personnel or the return to the park system by the person so expelled or excluded before the expiration of the period of expulsion or exclusion shall be deemed to be a violation of these rules and regulations and the person may be responsible for a municipal civil infraction. Such refusal may also be considered failure to obey an order to leave if given by a police officer and may subject the person to other consequences. The provisions as set forth in this rule shall be construed to be cumulative to all penalties provided.