

ARTICLE I. IN GENERAL**Sec. 38-1. Community parks and neighborhood parks.**

Community parks, for the purpose of this chapter, include Elmer Johnson, located at the east side of Ozga between McBride and Tyler; St. John's Lodge No. 44, located at the northwest corner of the intersection of Beverly and Henry Ruff; Fernandez, located at the east side of Columbus between Avalon and Joan; and Historical, located at the east and west sides of Hunt between Bibbins and Goddard. Neighborhood parks, for the purpose of this chapter, shall include Jimmie Raspberry, located at the southwest corner of Cypress and Hunt; Beverly McAnally, located at the east side of the north end of Cordell; Mary Ann Banks located at the northeast corner of the intersection of Goddard and Ozga; and Oakbrook located at the north side of the west end of Spain.

(Code 1999, § 22-1; Ord. of 4-8-1985, § 1003.101; Ord. No. 2017-001, 1-3-2017)

Sec. 38-2. Hours.

All parks within the city shall be open 6:00 a.m. to 10:00 p.m., except that the mayor or his/her designee may seasonally close the parks, including dog parks, from November 1 to April 1 at his/her discretion and may also extend the hours the parks are open for special events sponsored by the city with at least 24 hours notice to the police department.

(Code 1999, § 22-2; Ord. of 8-12-1980, § 1003.100; Ord. of 4-8-1985, § 1003.100; Ord. No. 2017-001, 1-3-2017)

Sec. 38-3. Preservation of the parks.

(a) No person shall injure, deface, damage or destroy any part of the parks, or any building, sign, equipment or other property found therein, or any tree, shrub, or flower in the parks.

(b) It shall be unlawful to remove any turf, tree, flower, shrub, rock or other mineral from any public park.

(c) In addition to the penalties provided in this Code for violating its provisions, any person convicted of an act of vandalism within any public park or recreational area shall be liable to the city or any public agency for an amount equal to three times the total amount of the damage as shall be determined by a court of competent jurisdiction.

(d) In every case of conviction for the offenses prohibited in this chapter, the court before which such conviction shall be obtained shall enter a judgment in favor of the city or other public agency and against the defendant for liquidated damages in a sum as provided in subsection (c) of this section. The city or other public agency shall, with the assistance of the corporation counsel, collect the judgment in the manner provided by law. If two or more

defendants shall be convicted of the vandalism, the judgment for damages shall be entered against them jointly and severally. If the defendant is a minor, the judgment shall be entered against both the defendant and his parents or legal guardian.

(Code 1999, § 22-3; Ord. of 8-12-1980, § 1003.201; Ord. of 4-8-1985, § 1003.201)

State law reference—Malicious mischief, MCL 750.377a et seq.

Sec. 38-4. No depositing of waste materials.

No person shall deposit or dump earth, garbage, sewage, refuse, or other noxious material in the parks; provided, however, that garbage generated within the park by users of the park may be deposited in receptacles provided for disposal of such garbage.

(Code 1999, § 22-4; Ord. of 8-12-1980, § 1003.202; Ord. of 4-8-1985, § 1003.202)

State law reference—Littering, MCL 324.8901 et seq.

Sec. 38-5. Disorderly conduct.

(a) No person or group shall indulge in any drunken, loud, boisterous, disorderly or indecent conduct, nor shall any person or group engage in any activity endangering, annoying or embarrassing other persons, or disturb the peace and tranquility or good order of the community within and surrounding any city park.

(b) No person or group shall create or be the cause of any public disturbance or annoyance in any park by causing unreasonable and offensively loud noise to be emitted by the use of electronic or other noise-producing or noise-amplifying equipment.

(c) A person commits the offense of disorderly conduct if he is intoxicated in a public place and is either endangering directly the safety of another person or of property, or is acting in a manner that causes a public disturbance.

(Code 1999, § 22-5; Ord. of 8-12-1980, § 1003.208; Ord. of 4-8-1985, § 1003.208)

Sec. 38-6. Commercial enterprises.

No person shall sell, offer for sale, distribute or solicit any article, property or privilege within the parks without a special license. No person to whom park property or equipment has been entrusted for personal use shall hire, lease, or let out the same to any other person.

(Code 1999, § 22-6; Ord. of 8-12-1980, § 1003.205; Ord. of 4-8-1985, § 1003.205)

Sec. 38-7. Camping.

No person shall be allowed to camp in any park without a permit.

(Code 1999, § 22-7; Ord. of 8-12-1980, § 1003.203; Ord. of 4-8-1985, § 1003.203)

Sec. 38-8. Fires.

No person shall start a fire in any park except in approved receptacles designed for the purpose of cooking. All fires shall be put out by the person starting them before leaving the immediate vicinity of the fire.

(Code 1999, § 22-8; Ord. of 8-12-1980, § 1003.204; Ord. of 4-8-1985, § 1003.204)

Sec. 38-9. Animals.

Except as otherwise provided by law:

- (1) No person shall bring into the parks a cat or other animal destructive of birds or other wildlife.
- (2) Dogs shall not be brought into the park unless restrained by a leash not more than six feet in length. Dogs other than dogs accompanying and serving disabled persons are prohibited at any festival, fair, or other special event open to the public irrespective of whether they are leashed or otherwise restrained.
- (3) Horses are prohibited unless bridle paths are present or being ridden by mounted police officers. The running at large, herding, grazing, or driving of livestock of any kind is prohibited.
- (4) Pets and other animals of any kind are prohibited at any festival, fair, or other special event open to the public irrespective of whether they are leashed or otherwise restrained.
- (5) Pets and animals which are licensed or otherwise properly approved by the city to serve as a part of any fair, festival, or other special event shall not be prohibited.

(Code 1999, § 22-9; Ord. of 8-12-1980, § 1003.211; Ord. of 4-8-1985, § 1003.211; Ord. of 12-8-2008(02), § 2)

Sec. 38-10. Firearms and explosives.

No person, except officers of the law, employees so authorized by the fire marshal or the approved law enforcement agency, shall carry firearms or any missile-propelling device of any description, fireworks or explosive substances within the parks without a written permit from the city council.

(Code 1999, § 22-10; Ord. of 8-12-1980, § 1003.209; Ord. of 4-8-1985, § 1003.209)

Sec. 38-11. Hunting.

No person shall hunt, pursue with dogs, trap or in any way molest wild birds or animals within the limits of the parks.

(Code 1999, § 22-11; Ord. of 8-12-1980, § 1003.206; Ord. of 4-8-1985, § 1003.206)

Sec. 38-12. Snowmobiles and minibikes.

Operation of snowmobiles and minibikes are prohibited in all public parks in the city unless a specific area is so designated by appropriate signs.

(Code 1999, § 22-12; Ord. of 8-12-1980, § 1003.210; Ord. of 4-8-1985, § 1003.210)

Sec. 38-13. Signs.

No person shall expose, distribute or place any sign, advertisement, circular, notice or statement, or display any banner, emblem or design without a special written permit from the city council, except temporary directional posters or banners to assist in the assembling of picnics or other recreational groups.

(Code 1999, § 22-13; Ord. of 8-12-1980, § 1003.212; Ord. of 4-8-1985, § 1003.212)

Sec. 38-14. Obstructing city employees.

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No person shall interfere with or in any manner hinder any employee of the city while such employee is engaged in constructing, repairing or caring for any park property, or fail or refuse to obey any lawful order of personnel of the department of parks and recreation.

(Code 1999, § 22-14; Ord. of 4-8-1985, § 1003.300)

Sec. 38-15. Use of intoxicants.

(a) It shall be unlawful to consume alcoholic beverages in or about vehicles parked in the parking lots and/or parking areas of all parks.

(b) It shall be unlawful for any person to bring within, sell, possess, give away or drink any alcoholic beverages in the neighborhood parks, in part due to unsanitary conditions caused by lack of lavatory facilities.

(Code 1999, § 22-15; Ord. of 4-8-1985, § 1003.400)

Sec. 38-16. Loitering.

It shall be unlawful for any person to loiter, as defined in section 36-170, in or about a park or its parking areas and parking lots.

(Code 1999, § 22-16; Ord. of 4-8-1985, § 1003.500)

Sec. 38-17. Parking.

No parking is allowed in or about any of the parks except where posted for designated areas.

(Code 1999, § 22-17; Ord. of 4-8-1985, § 1003.600)

Sec. 38-18. Enforcement.

The police department and those acting under their authority shall have the power to order any person acting in violation of this chapter to leave the park or playground area.

(Code 1999, § 22-18; Ord. of 4-8-1985, § 1003.700)

Secs. 38-19—38-39. Reserved.