

**CITY OF CLAWSON
COUNTY OF OAKLAND
ORDINANCE NO. 710**

AN ORDINANCE TO AMEND CHAPTER 50 PARKS AND RECREATION OF THE CLAWSON CODE OF ORDINANCES ENTITLED ARTICLE III RULES AND REGULATIONS TO REPEAL AND REPLACE SECTION 50-73 AND AMEND THE FOLLOWING SECTIONS GOVERNING USE OF ALL PARKS OR RECREATIONAL AREAS WITHIN THE CITY OF CLAWSON, PROVIDING PENALTIES FOR VIOLATIONS, LIMITING THE USE OF PETS WITHIN SAID PARKS, REGULATING PARKING SURROUNDING SUCH PARKS AND ADOPTING GENERAL STANDARDS FOR THE CARE AND MAINTENANCE OF SAID PARKS

The City of Clawson ordains the following:

Section 50-73 Hours of Operation shall be repealed and replaced as follows:

- (a) Parks shall be open daily to the public during the hours of 7:00 a.m. to 11:00 p.m. of any one day; and it shall be unlawful for any person, other than city personnel or scheduled events ongoing beyond those hours, to occupy or be present in parks during any hours in which the parks are generally not open to the public.
- (b) The hours set forth in Section 50-73 subsection (a) may be changed from time to time by authorization of the Clawson Police Department or by directive of the Director of Parks and Recreation.
- (c) Any part of a park or all of a park within the City of Clawson may be closed to the general public by order or directive of the Director of Parks and Recreation, the Chief of Police or the City Manager or their designee.
- (d) Wherever any organized group, association or organization desires to use a park's facilities for a particular purpose other than the hours stated in subsection (a) of this section, except the athletic fields, such as picnics, parties or theatrical or entertainment performances, a representative of the group, association or organization shall first obtain a permit from the park superintendent for such purposes. The city council may adopt an application form to be used by the park superintendent for such situations. The park superintendent shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public, and if the group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind or character and to protect city property from damage.

Section 50-75 Parents' responsibility for minors is repealed and replaced by the following language:

Any parent, guardian, custodian of any minor(s) when in any park shall be responsible for the safety, welfare and responsibility of that minor(s).

Section 50-80 Use of Motor Vehicles subsection (1) is repealed and replaced with the following:

- (1) Vehicles of any kind are prohibited within any Park of the City except those necessary emergency vehicles, or vehicles used to pick up and drop off goods, supplies accouterments, etc. for any scheduled event. All vehicles are to be parked in designated parking areas either within, adjoining, abutting or adjacent to the park. All such vehicles shall be removed from any parking area after 11:00 p.m. until 6:00 a.m. unless authorization is to park during those hours issued from the Clawson Police Department or by directive of the Director of Parks and Recreation.

Section 50-81 Pets is hereby repealed and replaced with the following:

- (a) Any pets shall when in a park be under restraint, and leashed and controlled by and under the control of the owner or person having custody of that pet.
- (b) No pets shall be allowed on the playing field of any park, but may be in the spectator area abutting any playing field so long as they are under restraint, and leashed and controlled, and do not become an annoyance to other persons in the area.
- (c) The custodian of any pet is responsible for cleaning up any debris caused by that pet and shall deposit the refuse in the appropriate waste container.
- (d) Persons exempted from the location of pets under this Section are those who can demonstrate the necessity of having such a pet in their presence under the American with Disabilities Act.

Section 50-83 Tampering with property and facilities is repealed and replaced with the following;

- (a) It is unlawful in any park to deface, destroy, damage, graffiti, remove, disfigure or damage any park building, facility, field, playground equipment, accoutrement, signs or other physical structure.
- (b) A violation of this Section 50-83 will result in the following sanctions:
 - 1. The issuance of a misdemeanor citation having a penalty of up to \$500 and incarceration of not more than 90 days.
 - 2. The issuance of a felony warrant by the Oakland County prosecutor having a potential sanction of imprisonment, probation or fine in excess of \$500.
 - 3. Assessment in any criminal prosecution of reimbursement to the City of Clawson of actual amounts spent to replace such property or to reimbursement of costs incurred to repair such property.
 - 4. The right of the City of Clawson to pursue damage claims against the responsible parties seeking reimbursement of its costs and expenses or seeking equitable relief enjoining such responsible parties from ever using the Clawson Parks.

- (c) Any monies received under this Section shall as determined by the Director of Parks and Recreation, the Chief of police and the City Manager be deposited in a special account administered by Parks and Recreation entitled "Reimbursed Funds" or in the "Maintenance Fund for the Clawson City Park" maintained by the office of the City Manager.

This ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the 3rd day of November, 2015, and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)

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COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active City clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on Tuesday, the 3rd day of November, 2015 at 7:30 p.m., further a synopsis of this Ordinance was duly published in the Wednesday, December 9, 2015 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

Penny Luebs

Penny Luebs, Mayor

G. Machele Kukuk

G. Machele Kukuk, City Clerk

Dated: November 3, 2015

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