

ORDINANCE NO. 453-19

**CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF
LATHRUP VILLAGE CODE OF ORDINANCES AT
CHAPTER 46. MISCELLENEOUS OFFENSES, PROVISIONS, FORFEITURES AND
PENALTIES, BY ADDING ARTICLE XII. PARKS AND RECREATION PROTECTION
AND TO REPEAL EXISTING SECTION 46-31**

THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

PART I. TITLE.

This Ordinance shall be known as the "Parks and Recreation Protection Ordinance".

PART II. ORDINANCE AMENDMENT.

That Chapter 46. Miscellaneous Offense Provisions, Forfeitures and Penalties, Article XII. Parks and Recreation Protection of the City of Lathrup Village Code of Ordinances is hereby added to read as follows in its entirety:

ARTICLE XII. - PARKS AND RECREATION PROTECTION

Sec. 46-172. - Definition.

The words "park" and "park area", when used in this article, shall mean any public park, recreation area or recreation facility operated by the department of parks and recreation.

Sec. 46-173. General Rental Policies.

- (a) Park rental is by permit only;
- (b) The rental applicant must remain on site for the duration of the rental period;
- (c) Event organizers must have a printed copy of their rental agreement to display upon request;
- (d) Reservation holders may not transfer a park permit;
- (e) The use of any park is at your own risk, the City does not assume responsibility for injury or any loss, theft or damage to personal items.

Sec. 46-174. - Hours.

- (a) All parks of the city shall be open from 8:00 a.m. to 10:00 p.m., unless otherwise posted.
- (b) It shall be unlawful for any person to utilize a park other than during park hours.
- (c) When renting a park setup may not begin before 8:00am, All activities, including cleanup, must be completed by 9:00 pm.

Sec. 46-175. - Protection of structures, plants, earth, waters and wildlife generally.

It shall be unlawful within a park for any person to:

- (a) Mark, deface, disfigure, injure, tamper with or displace or remove any park property or appurtenances whatsoever, either real or personal;
- (b) Misuse or abuse any park restroom, washroom or similar facility to the detriment of its maintenance in a neat and sanitary condition;
- (c) Dig or remove any soil, rock, sand, stones, trees, grass, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency;
- (d) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, or in any other way injure the natural beauty or usefulness of any area;
- (e) Climb, stand or sit upon monuments, planters, trees, fountains, railings, fences or upon any other property not designated or customarily used for such purpose;
- (f) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure;
- (g) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, ponds, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters;
- (h) Tie or hitch an animal to any tree or plant; or
- (i) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw any object at any animal, wildlife, or bird.

Sec. 46-176. - Conduct within parks.

It shall be unlawful within a park for any person to:

- (a) Prevent or interfere with another's lawful use of a park or any park facility;
- (b) Conduct or participate in any form of gambling, lottery or game of chance, except as permitted by state law and approved by the council and department of parks and recreation;
- (c) Consume alcoholic liquor unless authorized by resolution of city council and posted with a notice that such consumption has been authorize;
- (d) Smoke, vape, use an electronic cigarette, use marijuana or any marijuana infused product;
- (e) Play any musical instrument, radio, record, tape player or other device in a manner which interferes with the enjoyment of the park by others or which is disturbing to adjacent residents, music levels must stay under 65 decibels.
- (f) Attach decorations to a pavilion/ picnic shelter or gazebo in any way, loose decorations such as confetti and glitter are also prohibited.
- (g) Erect or maintain any bounce house, inflatable, petting zoo and/or animal ride, except for City sponsored events
- (h) Engage in commercial activity, promote any business or commercial venture, fundraise, or require anyone to pay or make a donation to attend the event.

Sec. 46-177. - Rubbish.

- (a) It shall be unlawful for any person to take into, carry through, or put into any park, any rubbish, refuse, garbage or other waste material;
- (b) It shall be unlawful for any person responsible for the presence of rubbish, refuse, garbage or waste material in any park to fail to deposit such in receptacles so provided within a park or fail to remove such from a park for proper disposal elsewhere. Where receptacles are not provided in a park or are filled to capacity, all such rubbish, refuse, garbage or waste material shall be removed from a park by the person responsible for its presence for proper disposal elsewhere;
- (c) Used charcoal must be disposed of in designated charcoal bins.

Sec. 46-178. - Animals.

(a) It shall be unlawful for any person to:

1. Take any dog or other pet into any park except when kept on a leash not more than six (6) feet in length and kept under the immediate control of the owner or person having custody of the animal; or
2. Fail to remove any animal excrement deposited in a park by any dog or pet taken into a park by such person.

(b) This section shall not apply to service animals.

Sec. 46-179. - Operation and parking of vehicles.

It shall be unlawful for any person to do any of the following with a city park:

- (a) Drive any vehicle in excess of fifteen (15) miles per hour;
- (b) Park a vehicle anywhere except in a designated parking area, including setup and cleanup;
- (c) Park a vehicle when the operator or a passenger is not making active use of the park, or allow a vehicle to remain within a park when the operator or passenger has left the park;
- (d) Leave a vehicle standing or parked during hours when the park is closed;
- (e) Park any type of trailer at any time, except for the purpose of conducting official city business;
- (f) Ride a bicycle without reasonable regard to the safety of others;
- (g) Drive any vehicle on any area except the park roads or parking areas designated as open to public travel or such areas as may on occasion be specifically designated by signs as temporary driving areas;
- (h) If any vehicle or trailer is parked or left standing in violation of the rules set forth in this subsection, the city may immediately remove such vehicle or trailer and impound the same, and thereafter process such vehicle or trailer in accordance with applicable provisions of law or ordinance; or
- (i) Subsections (b) through (7g) shall not apply to city personnel engaged in official business.

Sec. 46-180. - Firearms and fireworks.

It shall be unlawful for any person to bring into any park or have in his possession in any park:

- (a) Any firearm as defined in Act No. 189 of the Public Acts of Michigan of 1959 (MCL 8.3t, MSA 2.212(20)), as amended, BB gun, pellet gun, air gun, spring gun, slingshot, bow, or other weapon from which a dangerous projectile may be propelled by explosives, spring, gas or air, except as otherwise expressly authorized by law;
- (b) Any starter pistol or other device from which blank cartridges may be discharged; or
- (c) Any fireworks as defined in the Michigan Fireworks Safety Act, Act 256 of 2011, Section 28.452, as amended.

Sec. 46-181. - Fires.

It shall be unlawful within a park for any person to:

- (a) Kindle, build, maintain or use a fire except in portable picnic stoves or in such places provided for such purposes;
- (b) Operate a deep-fryer;
- (c) Dump any burning or hot ash into any trash receptacle or elsewhere in a park unless the receptacle shall be marked as being a receptacle for such material.

Section 46-182. Penalty and Enforcement

- (a) Any person who shall violate any section within this Article shall be guilty of a municipal civil infraction and responsible for a fine in the amount of \$100 for a first offense, \$200 for a second offense and \$300 for third and subsequent offenses.
- (b) In addition to the police department, the provisions of this section shall be enforced by the director, deputy director and foreman in the department of public works of the city and by the director, deputy director, supervisors and assistant supervisors in the department of parks and recreation of the city.

Sections 46-182 – 46-192 Reserved.

PART III.

REPEALER.

That within Chapter 46 Miscellaneous Offense Provisions, Forfeitures and Penalties, Article II. Offenses Affecting Government Functions Section 46-31 is hereby repealed.

PART IV. SEVERABILITY.

If any section, subsection, clause, phrase, or portion of this article is for any reason held invalid by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision, and such holding shall not affect the validity of the remaining portions.

PART V. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force where they commenced.

PART VI. EFFECTIVE DATE.

This Ordinance shall be published in the manner required by law and shall become effective ten (10) days after the date of its publication. A copy of the ordinance shall also be made available for public use and inspection in the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS 22nd DAY OF July, 2019.

Yvette Talley, City Clerk

Date of Introduction: June 17, 2019
Date of Adoption: July 22, 2019
Date of Publication of August 22, 2019
Notice of Adoption: September 1, 2019

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the 22nd day of July, 2019.

Yvette Talley, City Clerk