

ORDINANCE NO. 35

AN ORDINANCE TO PROVIDE FOR THE USE, CONTROL, AND PROTECTION OF MUNICIPAL PARKS, PLAYGROUNDS, AND TO PROVIDE FOR PENALTIES THEREOF.

This Ordinance shall extend to and include all public parks and playgrounds owned by or under the jurisdiction of the Village of Lakeview, Michigan.

THE VILLAGE OF LAKEVIEW ORDAINS:

SECTION 1. DEFINITIONS

1. For the purpose of this Ordinance, certain terms, phrases, words, and their derivatives shall be construed specified in this section. Words used in the singular include the plural and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

2. Village is Village of Lakeview.

3. PARK shall mean any park, playground, recreation center, or any other area in the Village, leased, owned, or used by the Village which area is primarily set aside for or devoted to active or passive recreation.

4. PERSON shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

5. VEHICLE shall mean any conveyance, whether motor powered, animal drawn, or self-propelled. The term shall include any trailer in tow, or any size, kind, or description. Exception is made for bay carriages and vehicles in the service of the Village parks.

6. ASSEMBLY shall mean any event designated to attract the attendance of persons, including but not limited to, a concert, show, exhibition, performance, speech, display, or other form of entertainment.

Assembly does not include Recreation Department games and events and/or events sponsored by the Village.

7. GROUP shall mean any club, organization, association, or any number of persons gathered together and forming a recognizable unit having common characteristics and a community of interest.

SECTION 2. HOURS

2.1 ENTER AND/OR PARK: No person shall use or enter upon a beach or park during hours when said beach or park is posted as being closed.

SECTION 3. ASSEMBLIES

Clubs, organizations, associations, or any specific groups.

3.1 APPLICATION: Any person, assembly, or group expecting to attract more than 75 persons, desiring use of a park, shall make application with the Village Manager.

3.2 APPROVAL – APPLICATION & CLEANUP: All approvals shall require the user to clean up the area occupied after the affair is over, and all applications for use must give the name, address, and phone number of person responsible for the cleanup.

3.3 APPROVAL – CONDITIONS: Approval for use of the parks shall be granted by the Village Manager if all the following conditions are satisfied:

- I. The Village Manager finds that the park is large enough for the anticipated crowd;
- II. The purpose and proposed activity of the applicant will not disturb the peace of the persons in the area surrounding the park; and
- III. Reasonable provisions have been made for cleanup after the gathering (see 3.2).

3.4 EXCLUSIVE USE PROHIBITED: Under no circumstances shall any group be granted exclusive use of a park and no permittee shall exclude the public from using the park. The granting of a permit hereunder does not guarantee or give any priority to the group in the use of any building or structures in the parks or playgrounds.

SECTION 4. CONDUCT

4.1 WILLFULLY ABUSING EQUIPMENT: No person shall mark, deface, disfigure, injure, displace or remove any table, bench, fireplace, railing, pavement, waterline, or any other public utility, appurtenance, structure, or Village property in the park.

4.2 JOSTLING OR CROWDING : No person shall jostle or crowd another in any public park, nor shall any person throw any ball or other object in such manner as to unreasonably annoy or endanger other persons in or on such park or beach, nor shall any person engage in any rough or violent play therein.

SECTION 5. RUBBISH AND WASTER

5.1 GARBAGE AND RUBBISH RECEPTACLES: No person shall throw, place, deposit, or leave any garbage, rubbish, glass, cans, containers, papers, or other waste in any public park or playground, except in containers provided by the Village for that purpose. Waste material, other than those resulting from use of the park, may not be deposited in park receptacles.

5.2 WATER POLLUTION: No person shall throw discharge, or otherwise place in the water or any fountain, stream, or other body of water in or adjacent to any park or beach, any substance, liquid or solid, which may result in water pollution or a creation of hazard to the health and safety of other persons.

SECTION 6. FIRES

6.1 FIRES RESTRICTED TO FIREPLACES, GRILLS, OR STOVES: No person shall start or maintain a fire in any park, except in existing fireplaces and stoves or stoves and grills provided by the park users. All fires shall be extinguished after use.

SECTION 7. RULES AND REGULATIONS

7.1 VILLAGE COUNCIL HAS RIGHT TO PROMULGATE RULES: The Village Council, by resolution, is hereby authorized to further promulgate necessary and reasonable rules and regulations respecting the use of public parks and playgrounds, including the hours the parks or playgrounds are open for use by the public and may regulate and limit the use of the equipment and other

facilities therein. The Village Council shall have authority to forbid the use of equipment and facilities of any such park, playground, or beach to any person who refuses or neglects to obey the rules and regulations governing the use thereof.

SECTION 8. VEHICLES

8.1 No person may drive, operate, or park a vehicle within a park except upon a street, path, drive, or parking area which is marked and designated for the use of vehicles. An exception is permitted for a single vehicle traveling at a slow rate of speed into the park for the purpose of unloading only items for use by a group that is using the park in accordance with the terms of this Ordinance.

SECTION 9. PENALTY

9.1 Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance, shall be punished for each offense upon conviction by a fine of not more than Five Hundred (\$500.00) Dollars and costs of prosecution, or by imprisonment in the County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the Court.

SECTION 10. EFFECTIVE DATE

10.1 This Ordinance shall take effect on the 2nd day of December, 1990, such date being twenty (20) days after the passage of such Ordinance.

Passed and enacted by the Village Council of the Village of Lakeview on this 12th day of November, 1990.

Keith Bucholtz

Village President

