

Village of Bellevue, MI

Friday, May 4, 2018

## Chapter 100. PEACE AND GOOD ORDER

### Article IV. Public Conduct in Parks

[Adopted 11-11-2008 by Ord. No. 2008-001]

#### § 100-9. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

##### **CAMPING**

The overnight lodging or sleeping of a person or persons on the ground or in any other manner or in a sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any other conveyance erected, parked, or placed within any park.

##### **COMMISSION**

The Village of Bellevue Park Commission.

##### **FACSIMILE FIREARM**

Any device that in size, shape, color, construction or design might reasonably be perceived to be a firearm and can only be differentiated from a firearm through close inspection.

##### **MOTOR VEHICLE**

Any vehicle which is self-propelled by any means whatever, including all devices in, upon, or by which any person or property may be transported or drawn, excluding wheelchairs or other ambulatory assistance devices or devices moved exclusively by human power.

##### **PARK, PARK PROPERTY and VILLAGE PARK PROPERTY**

Any property owned by the Village and designated as a park or natural area in the Village's community park and recreation plan.

##### **PARKING**

Permitting a vehicle to remain standing, whether occupied or not, when not loading or unloading.

##### **PARKING AREA**

Any off-street area, whether paved or not, which is designated for public parking.

##### **RULES AND REGULATIONS**

Written rules and regulations and any amendments thereto concerning the use and maintenance of Village park property, adopted by the Commission and approved by the Village Council, copies of which are available to the public at the Clerk's office.

## § 100-10. Interpretation.

The Commission shall be the body responsible for the interpretation of this article. A decision of the Commission concerning an interpretation of this article may be appealed to the Village Council within 10 days of the date of the decision.

## § 100-11. Emergency power.

The Village may establish emergency rules necessary to protect the health, welfare, and safety of park visitors and to protect park property including, but not limited to, ordering all persons off park property, and closing all or any portion of a park.

## § 100-12. Village park personnel.

- A. Nothing contained in this article shall be construed as prohibiting Village employees or agents from performing work or activities at any Village park at a time and in a manner directed by the Village.
- B. No person shall interfere with any employee or agent of the Village in the performance of an official duty, and further, all persons will follow all lawful directives issued by such employee or agent.

## § 100-13. Special park use permits.

- A. The Commission or its designee may grant a permit for a special park use which otherwise is prohibited by this article when, in its discretion, the Commission or its designee determines that adequate sanitary and safety precautions will be taken, that the activity will not unreasonably interfere with the use of the park and neighboring property by others, and that there is adequate security against damages to the Village.
- B. An activity which involves an exhibition or performance which may reasonably be expected to cause large numbers of persons to congregate shall be considered a special park use requiring a permit under this section.
- C. Application for a special park use permit shall be made no more than six months before and no later than seven days in advance of the time of any special park use being requested.
- D. Community-wide events will be given preference for issuance of a special park use permit. Otherwise, applications shall be processed in the order they are received by the Village.
- E. It shall be unlawful for any person to use any facility, land or area in a manner for which a special park use permit is required under this article without first obtaining such permit.
- F. 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 Village without first having paid such fee or charge.

## § 100-14. Fees and charges.

*Editor's Note: See also Ch. 53, Fees.*

Fees and charges may be assessed for the use of any park facility, land, area, or program. These fees and charges will be set by Village Council resolution from time to time.

## § 100-15. Hours.

No person shall enter or remain upon park property between the hours listed below except as authorized by a special park use permit:

- A. April to October: 1/2 hour after sunset to 6:00 a.m.
- B. November to March 8:00 p.m. to 6:00 a.m.

## § 100-16. Reservation of facilities.

A group or gathering of 10 or more persons may use an area within a park, to the limited exclusion of others, only by a special park use permit in accordance with the rules and regulations on reservations. This use of the park may not unreasonably interfere with or detract from the general public's enjoyment of the park. The use of any athletic field within park property for organized competition or practice shall be by special park use permit.

## § 100-17. Destruction of park property.

No person on Village park property shall damage, deface, destroy, or remove any building, structure, equipment, sign, notice, posting, shrub, tree, flower, or natural resource or other public property or throw or deposit trash or litter on park property except in designated containers.

## § 100-18. Park wildlife.

No person on Village park property shall hunt, trap, catch, wound, or kill or attempt to hunt, trap, catch, wound, or kill any bird or animal or molest or rob any nest of any bird or any lair, den, or burrow of any animal. Fishing shall be allowed in a Village park, subject to all state and local laws.

## § 100-19. Firearms and other weapons.

- A. Except as otherwise authorized by law, no person shall, at any time, bring upon the Village park property, nor possess or discharge anywhere upon such property, any firearm of any description, or air rifle, spring gun, bow and arrow, sling, soft air gun, facsimile firearm, *Editor's Note: See Art. III, Facsimile Weapons and Firearms, in this chapter.* or any other form of weapon potentially dangerous to wildlife and human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind or trapping device. Shooting into park property from beyond park boundaries is prohibited.
- B. This section shall not prohibit any individual with a concealed weapons permit (CCW) from carrying a concealed weapon as permitted under State of Michigan law.
- C. This section shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

## § 100-20. Dogs and other pets.

- A. Permitted. Dogs and other pets may be brought upon park property, unless posted otherwise.
- B. Control. Any dog on park property shall be upon a leash of six feet or less, unless posted otherwise, and shall be under the immediate control of a competent person at all times.
- C. Removal of feces. Any person having custody of a dog on park property shall immediately remove all feces deposited by such dog and shall dispose of same in a sanitary manner.
- D. Application to guide, service, or leader dogs. This section does not prohibit the use of guide dogs, service dogs, or leader dogs as provided and defined in § 502c of the Michigan Penal Code (MCLA § 750.502c).

## § 100-21. Bicycles, roller blades, roller skates, scooters, skateboards, etc.

Bicycles, roller blades, roller skates, scooters, skateboards, etc., may be ridden in any Village park, unless posted otherwise. No person shall ride a bicycle, roller blades, roller skates, a scooter, a skateboard, etc., on park property in a careless, negligent, or reckless manner so as to endanger persons or property.

## § 100-22. Motor vehicle traffic and parking.

- A. No person shall operate or park any motor vehicle of any kind, including snowmobiles and motorcycles, except maintenance and security vehicles, upon any parkland, including public footpaths, except on public roads and designated parking areas or with a special park use permit.
- B. No person shall leave, or cause to be left, any motor vehicle upon park property when the park is closed without a special park use permit. Members of the Village Department of Public Safety are authorized to remove any such motor vehicle at the owner's expense.

## § 100-23. Horses and other draft animals.

- A. Control. A horse or other draft animal may be brought upon park property, unless posted otherwise, as long as the horse or draft animal is under the immediate control of a competent person at all times. No person shall ride a horse on park property in a careless, negligent, or reckless manner so as to endanger persons or property.
- B. Removal of feces. Any person having custody of a horse or other draft animal on park property shall immediately remove all feces deposited by such horse or draft animal and shall dispose of same in a sanitary manner.

## § 100-24. Camping.

No person shall camp in a Village park, except in an area designated for such purpose, and in accordance with the rules and regulations on camping in parks and public grounds.

## § 100-25. Fires.

The following provisions shall govern fires in the Village's parks:

- A. No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow within park property.
- B. No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper, or other flammable materials within park property.
- C. No person shall build any fire within park property except in grills, firepits, receptacles, or open spaces designated for such purpose. All cooking within park property shall be restricted to grills in good working order.
- D. Fires within park property shall not be left unattended. All fire shall be extinguished upon leaving the immediate vicinity.
- E. Fires within park property are subject to the conditions and restrictions of the Village's Burning Ordinance.

*Editor's Note: See Ch. 26, Burning, Open.*

## § 100-26. Fireworks.

No person shall fire, discharge, or have in his or her possession any rocket, firecracker, torpedo, squib, or other firework or any substance of an explosive nature within park property.

## § 100-27. Swimming.

No person shall swim or bathe in any body of water located within park property unless posted otherwise.

## § 100-28. Boating.

No person shall bring, use, operate, or navigate any boat, canoe, raft, or other watercraft upon any drain or pond located within park property, except at such times and in such places as may be designated for such purpose.

## § 100-29. Alcoholic beverages prohibited.

No person on or within a park or playground shall sell, serve, deliver, consume, possess, expose for sale or give away any alcoholic beverage.

## § 100-30. Loudspeakers.

No person shall use a loudspeaker, public address system, or amplifier within park property without a special park use permit.

### § 100-31. Skating and coasting.

No person shall skate, walk, or go upon any ice upon any drain or pond within park property, except at such times and in such places as may be designated therefor. No person shall coast with a hand-sled, bob, cart, or other vehicle on wheels or runners on park property, except at such times and in such places as may be designated therefor.

### § 100-32. Peddling and soliciting.

No person on park property shall peddle or solicit business of any nature whatsoever, distribute handbills or other advertising matter, post any unauthorized sign on any parkland, water, structure, or property, or use such land, water, structure, or property for peddling or soliciting without a special park use permit.

### § 100-33. Unlawful obstruction.

No person shall by force, threat, intimidation, unlawful fencing, or enclosing, or by any other means, prevent any person from entering, leaving, or making full use of any park property. This section, however, shall not apply to any duly appointed law enforcement officer when carrying out the duties and responsibilities of his position.

### § 100-34. Installations, construction, or maintenance.

No installation, construction, or maintenance shall be made above or below the ground, across or beneath Village park property by any person, except duly authorized Village and/or park personnel, without the prior written permission of the Village for such installation, construction, or maintenance specifying in detail the work to be done and any conditions to be met.

### § 100-35. Penalty.

A violation of this chapter is a municipal civil infraction. The penalty for a violation that is a municipal civil infraction shall be a civil fine in an amount set by resolution of the Village Council from time to time.