

TITLE 12

Parks and Navigable Waters

Chapter 1 Parks and Public Grounds

CHAPTER 1

- 12-1-1 Park Regulations
- 12-1-2 Operation of Remote or Radio-Controlled Toys or Devices Prohibited
- 12-1-3 Turf Protection on Public Property
- 12-1-4 Park Hours
- 12-1-5 Reservation of Park Space or Park Shelters
- 12-1-6 Swimming in Mullet River or Pond
- 12-1-7 Use of City Hall
- 12-1-8 Municipal Swimming Pool Regulations
- 12-1-9 Plymouth Youth Center Rental

SEC. 12-1-1 PARK REGULATIONS.

(a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Plymouth from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, play ground, aquatic center, recreation trail or conservancy area in the City. A recreation trail is considered to be included within the definition of "park" for purposes of this section.

(b) **Specific Regulations.**

(1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.

(2) Repealed.

(3) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Park Commission, or designated committee thereof.

(4) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park; excepted from this Subsection are play balls and frisbees.

(5) Removal of Park Equipment Prohibited. No unauthorized person, other than the City, shall remove benches, seats, tables or other park equipment from any park.

(6) Trapping. "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in City parks.

(7) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(8) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park, except as permitted in this Chapter.

(9) Motorized Vehicles. Except for authorized maintenance or emergency vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Common Council or Park Commission authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. Motorized golf carts shall be permitted at Evergreen Golf Course, but may be restricted due to ground conditions.

(10) Snowmobiles/Recreational Vehicles. No person shall operate a snowmobile or other motorized recreational vehicle in a City park except on recreation trails or as approved by the Chief of Police.

(11) Speed Limit. No person shall operate any vehicle in a City park in excess of ten (10) miles per hour unless otherwise posted.

- (12) Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (13) Parking in Parks. No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (14) Horse and Carriages. No person shall ride a horse or drive a horse-drawn vehicle in any park, except on roads or designated bridle paths, and then only during daylight hours following approval by the Park Commission. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others, or ride a horse which cannot be held under such control that it may be easily turned or stopped.
- (15) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs.
- (16) Golfing and Sporting Activities. No golfing or practicing golf in City parks shall be allowed, excepting at Evergreen Golf Course. All sporting activities must be held in areas so designated for that purpose.
- (17) Arrows. No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (18) Fees and Charges. The Common Council, upon the recommendation of the Park Commission, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (19) Pets. Pets shall not be permitted in any City park, except in connection with events specifically approved by the Park Board or Common Council.
- (20) Firearms: Hunting. Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all City parks.
- (21) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (22) Vendors Restricted. No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Park Commission.

(23) Exception. This Section shall not prevent emergency personnel and vehicles from performing their duties.

(24) Mill Pond. Non-electric boat motors are prohibited on Mill Pond.

(25) Sledding/Tobogganing. Sledding, tobogganing, and the use of inner-tubes or similar inflated devices is prohibited in all City parks, except in areas specifically designated therefore.

(26) Bicycles and Play Vehicles. The use and riding of bicycles and other play vehicles is prohibited in all City parks, except on recreation trails and designated paths in City Park, Meyer Park, Rotary Park, Lions Park, Loan Oak Park, and Huson Parks only.

(27) Skateboard Park. Entry into the area designated as a skateboard park shall be limited to persons over the age of five (5) years, except when accompanied by a parent.

(28) No Trespassing During Closed Hours. No person shall enter upon any City recreational facility during times when such facility is closed and not open to the public for use.

(29) Signs and Plaques. No permanent sign or plaque shall be placed in any City of Plymouth park without the consent of the Park Board.

Cross Reference: Section 11-4-1.

SEC. 12-1-2 OPERATION OF REMOTE OR RADIO-CONTROLLED TOYS OR DEVICES PROHIBITED.

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.

Except as authorized by the Park Commission, no person shall dig into the turf of any City-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Park Commission, the use of metal detectors and digging for buried objects on City parks or recreational property is prohibited.

SEC. 12-1-4 PARK HOURS.

(a) **Hours.** All parks within the City of Plymouth shall be closed between the hours of 10:00 p.m. to 6:00 a.m., unless otherwise authorized by the Park Commission or Common Council. No person shall be present within any park during the hours when such park shall be closed.

(b) **Park Closing and Opening Dates.** The Chief of Police, Director of Public Works, Park Commission, or Common Council will have full authority to open and close any park, facility, or area because of weather conditions, physical condition, construction, or when, in the interest of public safety, it is deemed necessary.

SEC. 12-1-5 RESERVATION OF PARK SPACE.

(a) **Policy on Reservation.** The City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters, or parts thereof, excluding camping areas, in the City of Plymouth to the end that the general welfare of the City is protected.

(b) **Reservation of Park Space.**

(1) A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the City Clerk-Treasurer for a permit for exclusive use of the same. The City Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter.

(2) All reservations shall be made on application forms in the office of the City Clerk-Treasurer and shall be on a first-come, first-served basis, provided however, that any City-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time.

(3) Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.

(4) All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in the City Park shall agree to assume full responsibility for all damage to City property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the City of Plymouth. Failure to do so shall deny future use of

park facilities until such payment be made, in addition to any other remedy which the City may have. In the event the premises is not vacated in a clean state as set forth in the rental agreement, an additional cleaning fee shall be paid by the lessee as determined by the park rental fee schedule.

(5) Notwithstanding the above, the Common Council may grant reservations of any area to an established civic or service organization of the City for use on any previously unreserved date for any function held for general community participation, interest, and benefit.

(6) The following nonrefundable user fees shall be charged for reservation of indicated areas at the Plymouth City Park, and shall be paid at the time reservations are made:

a. Areas to which fees shall apply shall include the yellow shelter building north of the band shell, the band gazebo, and the cake stand, Rotary Park, Nutt Hill shelter.

b. Fees shall be set by the Common Council for each facility to be used by resolution and as amended from time to time.

(c) **Application.** Reservations for use of specified areas at a City park may be made commencing the first Monday of February for the park use season of such year. Applications shall be filed with the Council at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

(1) The name, address and telephone number of the applicant.

(2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address, and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.

(3) The name, address, and telephone number of the person who will be responsible for the use of the said park, area or facility.

(4) The date when the exclusive use is requested and the hours of the proposed exclusive date.

(5) The anticipated number of persons to use the said park, area, or facility.

- (6) Any additional information which the Council or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Council shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants under this Section may be denied for any of the following reasons:
- (1) if it is for a use which would involve a violation of Federal or State law or any provision of this Code;
 - (2) if the granting of the permit would conflict with another permit already granted or for which application is already pending;
 - (3) if the application does not contain the information required by Subsection (c) above;
 - (4) the application is made less than the required days in advance of the scheduled exclusive use;
 - (5) if it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected;
 - (6) if the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City;
 - (7) the exclusive use will reasonably create a substantial risk of injury to persons or damage to property; or
 - (8) the exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the City and such

third parties as may be injured or damaged thereby, caused by the permittee, its agents, or participants.

(g) **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City of Plymouth.

(h) **Permit Revocation.** The Common Council, Clerk-Treasurer or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe, or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.

(i) **Form of Permit.** Each permit shall be in a form prescribed by the Park Commission and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership, or corporation to which the permit is issued.

(j) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

(k) **Care of Facilities.** Persons reserving City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a City park shall agree to assume full responsibility for all damage to City property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the City Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the City may have.

Cross Reference: Sections 7-2-11 and 11-4-1.

SEC. 12-1-6 SWIMMING IN MULLET RIVER OR POND.

No person shall swim, bathe, or wade in the Mullet River or Mill Pond in the City of Plymouth.

SEC. 12-1-7 USE OF CITY HALL.¹

(a) **Persons Who May Use.**

¹ Amended by Ordinance No. 3 of 2014. Enacted on March 11, 2014.

(1) The facilities of the City Hall shall be available for use, subject to the following regulations, for all municipal, civic and social purposes, entertainments, and other uses pertaining to the welfare of the community. The City Hall shall not be used for any private purposes or for the benefit or profit of any individual or firm.

(2) City use of rooms is a first priority and the City reserves the right to cancel a reservation if the room is needed for that purpose. A 24-hour notice will be given when possible. This right will not be exercised except in emergency situations.

(b) **Closed Weekends and Evenings.**

(1) The City Hall shall be closed to all organizations and groups for any purpose from Friday at 4:00 p.m. until Monday morning at 7:30 a.m. and shall be closed daily, Monday through Friday, from 4:00 p.m. to 7:30 a.m. This clause shall not be construed to prohibit its use for official municipal business.

(2) Consideration will be given to special requests for use of the City Hall on Saturdays and evenings. Such use would be contingent upon the availability of a custodian and entail the usual rental fees plus the applicable per hour fee for custodial service.

(c) **Reservations.** Organizations or persons desiring to use rooms in the City Hall shall complete a Reservation Form for such use with the City Clerk's Office. Reservations will be on a first come, first serve basis. Special requests for weekend, evening, or reservations that require a special set up shall be made at least one (1) week in advance. The City Clerk's Office, in conjunction with the building custodian, shall keep a calendar of reservations and shall preserve a record of the building's use.

(d) **Rental Fees.**

(1) The following rental fees shall apply per day and shall be paid at the time of reservation:

Assembly Room 303 including kitchen	\$30.00
Meeting Room 305 including kitchen	\$20.00
Meeting Room 210	\$15.00
Council Chambers Room 302	\$25.00
Special set up fee*	\$20.00
Special take down fee*	\$20.00

*where more than 4 tables and 20 chairs need to be arranged by custodian

(2) Non-profit civic and charitable groups may use the rooms one time per month without charge during normal business hours. Donations are always welcomed.

(e) **Conduct and Damages.**

(1) It shall be the responsibility of the renter to ensure that the size of the group assembling does not exceed the maximum capacity of:

Room 210	With Chairs – 25	Without Chairs – 35
Room 302	Fixed Seating – 80	
Room 303	With Chairs – 200	Without Chairs – 250
Room 305	With Chairs – 45	Without Chairs – 60

(2) Alcoholic beverages may not be served unless special permission is granted by the Common Council. Smoking and use of tobacco products, e-cigarettes, and vaping devices are prohibited throughout the City Hall. No gambling is allowed in City Hall. Prior permission must be obtained for bringing any animals, other than Seeing Eye Dogs, into City Hall.

(3) All parties shall be held strictly liable for damage caused and shall promptly pay for same. Persons and organizations using the City Hall shall at all times conduct themselves in a quiet and orderly manner and shall keep the premises clean and orderly. A City of Plymouth Police Officer or any other employee of the City shall have the right to enter the rented premises at any time.

(4) The City of Plymouth is not responsible for any articles left, lost, or stolen in the rented premises and shall not be liable for any injuries, death, or property damage arising out of the use by the renter of the City Hall rooms and the renter agrees to hold the City harmless.

(5) The City Clerk's Office and the custodian are hereby given the right to deny the use of the City Hall to parties who have previously not abided by these regulations.

SEC. 12-1-8 MUNICIPAL SWIMMING POOL REGULATIONS.

The Common Council and the Swimming Pool Director shall promulgate rules and regulations for the use of the municipal swimming pool including use, charges therefor, and all necessary health and safety regulations. Such rules

and regulations shall be prepared in printed form and shall be posted on the premises and copies thereof furnished interested parties.

SEC. 12-1-9 PLYMOUTH YOUTH CENTER RENTAL.

The Youth Center may be rented according to the fee resolution established by the Common Council and as amended from time to time.

History: Ord. 18 of 2018;

R:\CLIENT\10745\00007\00031426.DOC