

## **CHAPTER 55: PARKS AND RECREATION**

Article

**I. PARKS AND RECREATION**

**II. SPECIAL EVENTS**

## **Clio - Parks and Recreation**

## ARTICLE I: PARKS AND RECREATION

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### § 55.100 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALCOHOLIC BEVERAGE.** Any beverage having an alcoholic content of more than .5% by volume.

**BIKE PATH.** A non-motorized transportation trail that is a collection of city trails generally running along the Pine Run Creek floodplain with paths leading to Jennings Road (in Vienna Township), Willard Road (in Vienna Township), to Pine Run (in Vienna Township) and Wilson Road (in Vienna Township).

**CITY.** The City of Clio.

**CITY PARK SYSTEM.** Encompasses all city parks to include the bike path, Clio City Park (inclusive of the Clio Amphitheater, Rogers Lodge and skatepark), Clock Park and the Veterans Park.

**CLIO AMPHITHEATER.** An outdoor concert venue located in the Clio City Park at 301 Rogers Lodge.

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**CLIO CITY PARK.** Hereinafter referred to as the **CITY PARK**, is a city park that runs along the Pine Run Creek floodplain from Vienna Street to the railroad to the west and includes the Clio Amphitheater, Rogers Lodge and the skatepark.

**CLOCK PARK.** A city park located at the northeast corner of Vienna Street and North Mill Street.

**COMMERCIAL.** Related to or connect with trade and traffic and commerce in general.

**INLINE SKATE.** A shoe, metal frame that can be fitted to the sole of a shoe, or similar device with wheels attached.

**PARK.** A playground, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

**PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**ROGERS LODGE.** A city community building located in the City Park at 219 Rogers Lodge Drive.

**SKATEBOARD.** A rectangular board or other surface mounted on wheels for the purpose of personal locomotion, sporting activity or similar purpose.

**SKATEPARK.** The City Skatepark, the concrete portion of the facility to include the ramps and apparatus located thereon for the use of skateboards located in the City Park between Center Street and North Mill Street in what was known as McCormick Park.

**VEHICLE.** Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for authorized vehicles.

**VETERANS PARK.** Located at the southeast corner of Vienna Street and Railroad Street.  
(Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12)

### § 55.105 PARK HOURS.

It shall be unlawful for any person to be or remain on any part of the City Park between 10:00 p.m. and 6:00 a.m., unless a special event or activity is taking place pursuant to Chapter 55, Article II.  
(Ord. 202, passed 6-18-84; amended by Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12) Penalty, see § 55.199(A)

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### **§ 55.110 MINORS ON PARK PROPERTY.**

It shall be unlawful for any person under the age of 18 years who is enrolled as a student at a primary or secondary school, whether suspended or not, to enter into or remain upon City Park property during regular school hours of a normal school day except as follows:

(A) Unless accompanied by a parent or guardian;

(B) Unless on a class assignment and accompanied by a teacher or school administrator;

(C) Except as stated above in the body of this section.

(Ord. 206, passed 8-25-85; amended by Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12) Penalty, see § 55.199(B)

### **§ 55.115 BEVERAGES IN PARK, INCLUDING ALCOHOL.**

It shall be unlawful for any person to consume or possess any open alcoholic beverage in any part of the City Park System, unless approved pursuant to Chapter 55, Article II.

(Ord. 202, passed 6-18-84; amended by Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12) Penalty, see § 55.199(B)

### **§ 55.120 MOTOR-DRIVEN VEHICLES.**

It shall be unlawful for any person to park or operate any motor-driven vehicle in any area of a City Park System other than designated parking areas or roadways. Further, it shall be unlawful to operate a motor-driven vehicle or leave a motor-driven vehicle in the City Park between 10:00 p.m. and 6:00 a.m., unless approved pursuant to Chapter 55, Article II.

(Ord. 202, passed 6-18-84; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12) Penalty, see § 55.199(B)

### **§ 55.125 FIRES.**

It shall be unlawful for any person to leave a fire unattended in the City Park System. All fires shall be extinguished upon leaving the vicinity. No person shall wilfully set or cause to be set a fire upon City Park System property except within cooking grills or other receptacles provided for cooking as designated by the city for cooking purposes.

(Ord. 202, passed 6-18-84; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12) Penalty, see § 55.199(B)

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### **§ 55.130 ANIMALS IN PARK.**

It shall be unlawful for any person to cause or allow any animal or fowl to run at large within the City Park System without a leash, unless approved pursuant to Chapter 55, Article II. All persons shall be responsible for the removal of all solid waste generated by any animal under their control. (Ord. 202, passed 6-18-84; amended by Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12) Penalty, see § 55.199(A)

### **§ 55.135 REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION.**

The city may offer a reward to any person who supplies information leading to the arrest and conviction of any person for the theft of park property, the malicious destruction or damage to park property or the skatepark, or operation of unauthorized vehicles on park property, including, but not limited to, motor vehicles, motorcycles, recreational vehicles, or mopeds, on the City Park Bike Path, skatepark, or within the City Park System. The reward to the individual may be in an amount not to exceed \$500, as determined by the City Commission by resolution for any incident that is of public concern or safety. (Ord. 229, passed 4-16-90; amended by Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12)

### **§ 55.140 PROHIBITIONS FOR PUBLICLY OWNED OR PUBLICLY OPERATED SKATEBOARD FACILITIES.**

(A) All skaters shall follow all posted rules and regulations while using the skatepark.

(B) No person may use any tobacco product within the fenced in area of the skatepark.

(C) No person may possess, propel or ride a scooter, bicycle, or other pedal- or chain-driven device within the boundaries of any publicly owned or publicly operated skateboard facility. Skateboards and inline skates are the only acceptable device to be used in the skatepark.

(D) No ramp(s) located in a publicly owned or publicly operated skatepark shall exceed six feet in height. No equipment or ramps are allowed to be brought into a skatepark area by participants.

(E) *Ejection period.* Any person may be ejected from the skatepark for a violation of the City Code of Ordinances or state law. The person ejected may be prohibited from return to the skatepark for any period of time up to 24 hours. If the ejected person enters upon or remains upon the skatepark in violation of such directive, the individual shall be guilty of criminal trespass and subject to prosecution therefor.

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(F) *Seizure of property.* Any law enforcement officer shall have the authority to seize and confiscate any property, thing, or device in the skatepark which is used in violation of this article or has not been purchased by or installed by the city.

(Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 440, passed 4-16-12)  
Penalty, see § 55.199

### § 55.199 PENALTY.

(A) Any person violating any provision of this article, wherein the penalty is designated as a penalty under § 55.199(A), shall be responsible for a municipal civil infraction and shall be subject to the penalties and sanctions provided by this Code under Chapter 1, Article II §§ 1.201 through 1.205.

(B) Any person violating any provision of this article, wherein the penalty is designated as a penalty under § 55.199(B), shall be guilty of a misdemeanor and upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days or by both such fine and imprisonment in the discretion of the court. (Ord. 202, passed 6-18-84; amended by Ord. 229, passed 4-16-90; amended by Ord. 339, passed 6-17-02; amended by Ord. 349, passed 4-7-03; amended by Ord. 424, passed 12-6-10; amended by Ord. 428, passed 5-16-11; amended by Ord. 440, passed 4-16-12)

## **Clio - Parks and Recreation**

## ARTICLE II: SPECIAL EVENTS

### Section

- 55.201 Purpose
- 55.202 Special event permit required
- 55.203 Permit application
- 55.204 Insurance coverage required
- 55.205 Rules and regulations
- 55.206 Fees
- 55.207 Alcoholic beverages in the City Park
- 55.208 Consideration for issuance or denial
- 55.209 Conditions and restrictions
- 55.210 Parades
- 55.211 Prohibited conduct
  
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### § 55.201 PURPOSE.

An ordinance to establish procedures and requirements for conducting special events in the city in order to properly provide for traffic and crowd control, for street, park and property maintenance, for the protection of the public health, safety and welfare.  
(Ord. 439, passed 4-16-12)

### § 55.202 SPECIAL EVENT PERMIT REQUIRED.

No special event, including assemblages, concerts, demonstrations, fairs, marches, parades, and/or other gatherings, shall be held upon any city park, street, or other public area of the city unless a permit is first obtained for the event. Funeral processions and peaceful demonstrations (including lawful picketing) conducted on public sidewalks so as not to impede pedestrian or vehicular traffic are not considered special events.  
(Ord. 439, passed 4-16-12)

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### **§ 55.203 PERMIT APPLICATION.**

(A) Application to conduct a special event shall be made to the City Administrator or his or her designee, in writing, by the person or persons in charge or responsible therefor. All applications for special event permits shall be made at least 45 days prior to the date on which the special event is sought to be held. Such application shall set forth the following information:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name and address of the sponsoring group or organization involved;
- (3) The name, address, and telephone number of the person who will act as director or person in charge of the special event and be responsible for the conduct thereof;
- (4) The purpose of the special event and the number of persons expected to attend;
- (5) The date the event is to be conducted and the hours it will commence and terminate;
- (6) The specific assembly and dispersal locations, and specific route plans, if any; and
- (7) Such other information as the city reasonably deems necessary to properly prepare for and/or evaluate the potential impact on the public health, safety, and welfare.

(B) Denials of requests for a special event permit shall be made in writing, setting forth the reasons of such denial.

(Ord. 439, passed 4-16-12)

### **§ 55.204 INSURANCE COVERAGE REQUIRED.**

All sponsors of a special event shall carry general liability insurance with coverage for bodily injury, death and property damage as required by the city.

(Ord. 439, passed 4-16-12)

### **§ 55.205 RULES AND REGULATIONS.**

The City Administrator is hereby authorized to promulgate rules and/or regulations, not in conflict with this article, to supplement and specify in more detail requirements relating to special events, provided that such rules or regulations are approved by the City Commission. Failure to observe any rule or regulation adopted pursuant to this section shall be a violation of this code. Any rule and/or regulations adopted under this section shall be available at City Hall.

(Ord. 439, passed 4-16-12)

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### **§ 55.206 FEES.**

Fees shall be charged for city services provided for a special event.  
(Ord. 439, passed 4-16-12)

### **§ 55.207 ALCOHOLIC BEVERAGES IN THE CITY PARK.**

To preserve the nature of the Clio City Park as a family oriented environment; to prevent the casual consumption of alcohol in the Clio City Park that may be encouraged by the general permitting of alcohol in the Clio City Park; and to preserve a unique experience the City Commission may permit alcohol in the Clio City Park for one city sponsored event or one Downtown Development Authority event per calendar year.  
(Ord. 439, passed 4-16-12)

### **§ 55.208 CONSIDERATION FOR ISSUANCE OR DENIAL.**

In determining whether to approve a special event permit the City Commission may consider any factors reasonably deemed relevant for the proposed event including, but not limited to, the following:

(A) Whether the special event appears to be held for any unlawful purpose;

(B) Whether it appears the special event may be conducted in a manner so as to cause a breach of peace;

(C) Whether the special event will unnecessarily interfere with the public use of the parks, sidewalks, streets, and/or other public areas;

(D) Whether the special event may have some special right or priority under the law; and

(E) Whether the special event, in any way, be detrimental to the public health, safety and welfare.  
(Ord. 439, passed 4-16-12)

### **§ 55.209 CONDITIONS AND RESTRICTIONS.**

The permit evidencing approval under this section may include reasonable time, place, and manner restrictions as a condition to granting any permit if such restrictions are reasonable and necessary for the protection of the public health, safety and welfare.  
(Ord. 439, passed 4-16-12)

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### **§ 55.210 PARADES.**

All drivers of floats and vehicles must hold a valid driver's license.  
(Ord. 439, passed 4-16-12)

### **§ 55.211 PROHIBITED CONDUCT.**

(A) No person shall knowingly participate in a special event for which no permit has been obtained.

(B) No person shall continue to organize, or participate in the further planning or organizing, of a special event that is conducted without a permit after a permit has been denied.

(C) No person shall violate any condition of a special event permit.  
(Ord. 439, passed 4-16-12)

### **§ 55.299 PENALTY.**

Any person violating any provisions of this article shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.  
(Ord. 439, passed 4-16-12)