

MONROE RECREATION DEPARTMENT
City Hall Building, 120 East First Street
Monroe, MI 48161
243-0700, ext. 2156

PARKS RULES AND REGULATIONS. (ENFORCEMENT: UNDER CITY ORDINANCE NO. 95-017).

I. Purpose

A policy for regulating and governing the use of public parks in the City of Monroe, Michigan. It is intended for those that are desirous of a reservation, but does not preclude park usage. The permit has priority over non-permit usage.

All persons availing themselves of the facilities of any park, recreational area or public place in the City of Monroe shall be subject to the following rules and regulations.

- 1) No person shall drink or possess alcoholic beverages in any park without the prior written consent of the Mayor and City Council.
- 2) Park walks and drives shall not be obstructed.
- 3) No person shall injure or damage any shrub, tree, picnic table, playground equipment or other park property.
- 4) There shall be no littering of ground. All paper, garbage and other debris shall be placed in a waste container or other appropriate containers.
- 5) All fires shall be contained in fireplaces, picnic or barbecue stoves. No open fires are allowed in any park.
- 6) Animals and vehicles, including bicycles, may not be ridden or driven in any public park or playground except upon the proper roadways, avenues, and drives, and shall not be driven therein at a speed exceeding 10 miles per hour, or such other speed as may be designated by the Superintendent of Recreation.
- 7) No person shall use any abusive, threatening, insulting, indecent, profane or other language calculated to occasion a breach of the peace in any City park, nor shall any person behave in any indecent or obscene manner.
- 8) The parks shall be open from 6:00 a.m. to 10:00 p.m. and shall not be used during other hours except for Monroe Recreation Department sponsored and/or supervised activities or events.
- 9) Domestic animals shall not run at large within such public places. No domestic animal shall be permitted in any City park or playground unless on a leash not over 6 feet long and in areas permitted and designated by the Superintendent of Recreation. Owners of domestic animals shall be held responsible for the presence of their animal in any of the City parks and playgrounds. Pets shall not be left unattended and owners must clean up their animal's droppings and deposit them in waste containers or other appropriate containers.

- 10) Camps, tents, trailers, overnight outings, and similar activities are permitted in City parks, only with the written permission of the Superintendent of Recreation.
- 11) Hunting and trapping of any animal is not permitted in any City parks or area under jurisdiction of the Recreation Department.
- 12) Persons may gather or assemble any group of more than fifty (50) persons for any common concerted purpose in any public park, only if a permit for such assembly has been issued by the Superintendent of Recreation in accordance with rules adopted for the issuance of such permit.
- 13) The violation of any of the foregoing rules and regulations shall be a misdemeanor punishable as provided in Ordinance No. 95-017. Copies of the foregoing rules shall be posted in a conspicuous place in each City park.

II. PARK OPERATION POLICY

- 1) Closed areas. Any section or part of any park may be declared closed to the public by the superintendent of recreation at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Superintendent of Recreation shall find reasonably necessary.

Examples:

- a) City sponsored activities.
 - b) Issuance of permit for specific park area use.
 - c) Acts of God.
 - d) Maintenance not ordinarily scheduled that may be hazardous to the safety or welfare of park users.
- 2) Group Activity. Whenever an individual or individuals collectively, association or organization desires to use park facilities for a particular purpose, such as picnic, parties or theatrical or entertainment performances, musical concerts, public assemblies or meetings or for civic activities, such person or a representative of said group association or organization shall first obtain a permit from the superintendent of recreation for such purposes in Accordance with the following procedure.

- a) Definitions.

As used in these rules:

- 1) "Permit" means a written statement, issued by the Superintendent of Recreation authorizing the holding of a public assembly under stated conditions as to time, place and manner.

- 2) "Permit officer" means the Superintendent of Recreation who shall receive and act upon applications for permits to hold public assemblies under these rules and regulations.
 - 3) "Recreation Advisory Commission" means the board designated by the City Council to hear appeals from decisions of the permit officer under these rules and regulations.
 - 4) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust estate, trust, partnership or association, or any other legal entity.
 - 5) "Political subdivision" means the City of Monroe.
 - 6) "Public assembly" means a gathering in a public park of 50 or more individuals which the general public is permitted to attend, with or without an admission charge.
- b) To Whom Application is Made
- 1) An application for a permit to hold a public assembly shall be filed with the Superintendent of Recreation of the City of Monroe.
- c) Contents of Application
- 1) An application for a permit to hold a public assembly shall be in writing and signed by an individual authorized to act for the person sponsoring the public assembly.
 - 2) The application shall state:
 - a) The date and hours the public assembly is to be held;
 - b) The name, residence address, and telephone number of the applicant, the principle officers of the applicant, the individual making the application, and any other individual authorized to represent the applicant in applying for the permit;
 - c) The designation and location of the public park where the public assembly is to be held;
 - d) The estimated number of persons expected to participate in or attend the public assembly;
 - e) The general nature of the public assembly and the arrangements made to protect the public health and safety during the conduct of the public assembly, including arrangements with respect to traffic directions, crowd control and sanitation facilities;

- f) The name of any other political subdivision to which application has been or will be made to hold the public assembly.

d) Time for Filing Application

- 1) An application for a permit to hold a public assembly shall be filed at least ten (10) days before the day on which the public assembly is to be held.
- 2) The permit officer may receive and act upon an application to hold a public assembly even though the application was not filed in time, if these rules can be substantially complied within the time available.

e) Action on Application

- 1) The permit officer shall either (1) issue the permit as requested, (2) issue the permit subject to conditions or (3) apply to the Circuit Court for an order enjoining the holding of the public assembly. (If the permit officer fails to take timely action on the application, he is deemed to have granted the permit as requested).
- 2) The permit officer shall give the applicant notice in writing of his action on the application.
- 3) A permit officer is deemed to have granted a permit on the terms requested if:
 - a) An application is filed and the officer does not issue a permit or proceed with an action for injunctive relief within 10 days after the application is filed or not less than 4 days before the public assembly is to be held whichever is earlier, or
 - b) An application is filed and the officer does not issue a permit or proceed with an action for injunctive relief within 24 hours after the application is filed or not less than 18 hours before the public assembly is to be held, whichever is earlier.
- 4) By agreement in writing the applicant and the permit officer may modify the time requirements of subsection 3.

f) Criteria for Imposing Conditions on Permit

- 1) If there is a reasonable likelihood that a public assembly will substantially harm the public health or safety or substantially impair normal use of a public park, the permit office shall grant the permit upon conditions reasonably necessary to avoid substantial harm to the public health or safety and to minimize the effect of or avoid substantial impairment of normal use of a public place.
- 2) In determining whether to grant a permit only upon compliance with conditions the permit officer shall consider whether:
 - a) A permit has been granted to others to hold a public assembly at the same time in the same or a nearby public place;
 - b) Public sanitation facilities are adequate;
 - c) Noise, litter or pollution of water or air will be generated by the public assembly, in excess of noise, litter or pollution that would occur by regular use of such park;
 - d) Traffic generated by the public assembly will affect normal traffic movement;
 - e) The time and place are suitable in view of the number of persons expected to attend;
 - f) Food, water and emergency medical services are accessible to the person attending;
 - g) There is substantial potential that the public assembly will precipitate criminal activity that will increase the task of controlling the crowd and managing the public assembly;
 - h) There is sufficient time to permit law enforcement and health officers and other public authorities to make the necessary arrangements to avoid substantial harm to the public health and safety;
 - i) The public assembly will substantially impair the provision of fire and police protection and medical and other essential public services;
 - j) The public assembly will unreasonably interfere with the quiet enjoyment of a residential community;
 - k) There is an alternate public place that will reasonably serve the objectives of the public assembly if there will likely be substantial impairment of normal use of the proposed public place;

- l) There is substantial potential for material injury to property at or near the public park;
- m) The imposition of conditions on the permit will materially interfere with the reasonable and lawful objectives of the public assembly.

g) Permissible Conditions

- 1) In granting a permit the permit officer may impose reasonable conditions as to the time, place and manner of holding the public assembly so as to avoid substantial harm to the public health or safety and to minimize the effect of or avoid substantial impairment of the normal use of a public park. The conditions may include designating a different time or place; restricting duration of the public assembly; requiring installation of temporary sanitation facilities; requiring provision of emergency medical services; requiring the applicant to establish crowd control procedure; requiring trained parade marshals; and requiring the applicant to designate representatives to maintain liaison with law enforcement officers during the public assembly to facilitate dealing with emergencies that may arise.

h) Injunction Against Public Assembly

- 1) If there is a reasonable likelihood that a public assembly will substantially harm the public health or safety and this cannot be avoided by imposition of conditions, the permit officer shall inform the applicant that he will not grant the permit and shall inform the applicant that he will not grant the permit and shall forthwith apply to the Circuit Court for an order enjoining the applicant and other interested persons from holding the public assembly.

i) Modification of Terms of Permit

- 1) If there is material change in the contemplated circumstances of the public assembly after a permit is granted, the applicant shall promptly inform the permit officer of the change. Upon the basis of material change in the contemplated circumstances reported by the applicant or determined by the permit officer presenting a reasonable likelihood that the public assembly will substantially harm the public health or safety or substantially impair normal use of a public place not authorized by the permit, the permit officer may impose additional or different conditions.

j) Revocation

- 1) The Superintendent of Recreation may revoke a permit upon a finding of a violation of any rule, regulation, or condition under which the permit is issued. The provisions of these rules and regulations applicable to denial shall also be applicable to any such revocation.

k) Judicial Order Relating to Public Assembly

- 1) When the Superintendent of Recreation applies to the Court for a restraining order, injunctive relief or other order, the court shall expedite the proceedings to afford timely relief and cause appropriate notice to be given. Upon a hearing the court may grant the permit as requested, grant a permit upon specified conditions, or enjoin the holding of the public assembly if there is a reasonable likelihood that the public assembly will substantially harm public health or safety and this cannot be avoided by the imposition of conditions on the permit.

l) Petition for Administrative Review

- 1) Within thirty (30) days after the permit officer mails or delivers to the applicant a copy of the permit with conditions, including amended conditions imposed by the permit officer, the applicant may petition the Recreation Advisory Commission for review of the decision of the permit officer. The application shall be in writing, set forth the grounds for review, and have attached a copy of the petitioner's application for a permit. The applicant shall deliver or mail to the permit officer a copy of his petition for review.
- 2) Unless the applicant requests a postponement, the Recreation Advisory Commission shall forthwith set a time for hearing the petition for review to be within ten (10) days after the petition for review is filed but not less than three (3) days before the proposed public assembly is to be held.

m) Administrative Review

- 1) The Recreation Advisory Committee shall conduct the hearing of a petition for review in an informal manner and afford the parties an opportunity for a full, fair and impartial hearing. The parties shall be afforded an opportunity to present evidence and argument on all of the issues involved. A party may conduct the cross-examination required for a full and true disclosure of the facts. Irrelevant, immaterial and unduly repetitious evidence may be excluded. Evidence commonly relied upon by reasonably prudent men in the conduct of their affairs may be admitted. If the applicant and the permit reviewing authority agree, the permit reviewing authority shall make a record of the proceedings.

n) Judicial Review

- 1) Within thirty (30) days after the applicant's petition for review is denied he may petition the court for review of the denial. The petition shall contain a copy of the application; any decision of the Recreation Advisory Committee and state the grounds for reversal of the decision.

- 2) If the decision by the permit officer from which an appeal is made five (5) or less days before the day on which the public assembly is proposed to be held, the applicant may petition the court directly for a review by the Recreation Advisory Committee. In that case the petition shall set forth a copy of the application, the decision of the permit officer, and the grounds for reversal of the permit officer's decision.
- o) Liability of Permittee
 - 1) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any such person or persons for whom such permit is issued or attends any such public assembly.

III. Charges for Use

- 1) Non-profit Community Groups. (A non-profit group receiving no direct or indirect monetary profit from the event). No costs shall be incurred by a community group for the use of City parks when the time of use falls within the normal maintenance schedules. When additional maintenance time there may be a charge to cover department expenses.
- 2) Non-profit Organizations. Non-profit organizations, which charge to cover direct and indirect costs, will be charged direct department cost.
- 3) Profit Organizations. The use of parks by profit-making organizations will be permitted only when in the judgement of the Recreation Director; the activity is of general benefit to the residents of the community. If judged to be of general community benefit, the use of facilities shall be negotiated for a percentage of the profits.
- 4) Co-Sponsored Activities. Organizations which involve the Monroe Recreation Department as a co-sponsor will be charged in the following way:
 - a) If a community group, Monroe Recreation may absorb some or all costs as part of co-sponsorship.
 - b) If a non-profit organization, a shared percentage to cover costs and/or excess of income over costs.

IV. EFFECTIVE DATE

- 1) This policy shall become effective immediately upon acceptance by the Recreation Advisory Committee and the Mayor and Council of the City of Monroe and upon publication thereof.

ORDINANCE NO. 95-017

An Ordinance to define, regulate and proscribe conduct deemed to be disorderly, constituting such conduct an offense by persons in the City of Monroe, to repeal Ordinances in conflict herewith, and to prescribe penalties for violations thereof.

THE CITY OF MONROE ORDAINS:

Section 1. Term Defined.

As used in this ordinance, the term "disturbance" shall mean something less than threats of violence; an interruption of peace and quiet; a violation of public order and decorum; or an interference with or hinderance of one in pursuit of his lawful right or occupation.

Section 2. Conduct Prohibited.

The following acts are deemed to be disorderly conduct and are prohibited:

- (a) Engaging in an illegal occupation or business.
- (b) Begging in a public place or on private property accessible to the public.
- (c) Loitering in a house of prostitution, or place where prostitution or lewdness is practiced, encouraged, permitted or allowed.
- (d) Knowingly loitering in, around or about a place where an illegal occupation or business is being conducted.
- (e) Jostling or roughly crowding another person unnecessarily in a public place.
- (f) Obstructing, molesting or interfering with any person lawfully in any place, public or private, or engaged in a lawful pursuit.
- (g) Violating any of the Rules and Regulations promulgated by the Monroe Recreation Department, the City Manager or the Director of the Department Public Services, approved by the Monroe City Council, posted in any public place, public park or recreational area.
- (h) Causing, provoking, or wilfully engaging in, a fight, brawl, or riotous conduct which endangers the life, health, safety or property of another.
- (i) Making a loud, boisterous or unseemly noise or disturbance to the annoyance of the peaceable residents nearby.
- (j) Interfering with the lawful pursuits of another by acts or threats of violence.
- (k) Sitting or standing on a guardrail or barrier which is part of any bridge over the River Raisin in the City of Monroe, or on any monuments, dams or historical structures.
- (l) Knowingly allowing as owner, manager, or occupant of property a loud, boisterous or unseemly noise or disturbance to be made to the annoyance of the peaceable

- residents nearby.
- (m) Wilfully entering or remaining upon the lands or premises of another without lawful authority, where such acts are expressly prohibited by the owner or occupant of the premises, or their agent.
 - (n) Being intoxicated in a public place or on private property accessible to the public and either endangering directly the life, health, safety or property of another person, or acting in a manner that causes a public disturbance.
 - (o) Engaging in indecent, lewd or obscene conduct in any public place.
 - (p) Making any indecent, immoral or obscene exhibition or exposure of his or her person.
 - (q) Congregating, gathering, collecting or assembling with others on any sidewalk, roadway, parking area, street corner or public place so as to hinder, interfere, obstruct or impede the free and uninterrupted passage of pedestrian or vehicular traffic and refusing to disperse when so ordered by a police officer.

Section 3. Repealer.

This Ordinance expressly repeals Ordinance Numbers 84-010, 72-028, and all former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance.

Section 4. Savings Clause.

- A. All proceedings pending and all rights and liabilities existing, acquired or incurred under Ordinance No. 84-010 at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are/were commenced.
- B. This Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this Ordinance or initiated after the effective date of this Ordinance for an offense committed before that effective date in accordance with the rights and liabilities existing, acquired or incurred under Ordinance No 84-010 as set forth above.

Section 5. Severability Clause.

If any section, sub-section, sentence, clause, phrase or word of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such decision or holding shall not affect the validity of the remaining portions of the Ordinance. The City council hereby declares that it would have passed the Ordinance and each section, sub-section, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.