

**PARK RULES AND REGULATIONS
CITY OF MIDLAND
MICHIGAN**

Adopted June 2, 1975, Pursuant to Sec. 17-9 of
Code of Ordinances

Revised September 18, 1978
Revised October 27, 1980
Revised June 29, 1981
Revised July 13, 1987
Revised August 7, 1989
Revised October 16, 1989
Revised November 20, 1989
Revised May 7, 2001
Revised December 13, 2004
Revised March 9, 2009
Revised February 22, 2010
Revised June 8, 2015
Revised March 18, 2019
Revised July 11, 2022
Revised August 28, 2023

- Sec. 1. **INTENT.** These rules and regulations are established in accord with Section 17-9 of the City of Midland Code of Ordinances for the use, protection, regulation and control of all of its services, facilities and parks, recreation conservation, education, historic, and scenic areas and preserves and parkways.
- Sec. 2. **HOURS.** Parks and Playgrounds shall be closed between the hours of 11:00 p.m. and 6:00 a.m. No person shall enter or remain in any park while same is closed. The Director of Parks and Recreation shall be authorized to grant exceptions to the above hours on a temporary or permanent basis by filing with the City Clerk a “Parks and Recreation Order”. Any personal property remaining in any park after park hours, without written permission of the Director of Parks and Recreation, will be removed by authorized personnel. (Amended May 7, 2001; August 28, 2023)
- Sec. 3. **NOISE.** It is unlawful to use any loudspeakers, amplifiers or other noise making device for advertising or other purposes. However, amplifiers and loudspeakers may be used in connection with municipal functions, civic and community functions, holiday gatherings or any other event approved by the Director of Parks and Recreation upon securing the prior written permission of the Director of Parks and Recreation. (Reference – Midland Code of Ordinances – Sec. 16-28 and Sec. 16-29) (Amended May 7, 2001)

Sec. 4.

A. INTOXICATION. No intoxicated person shall enter, be or remain in any park, and any such person so found in a park shall be either arrested or ejected from the park. (Reference – Midland Code of Ordinances – Sec. 16-12)

B. ALCOHOL. (Amended March 9, 2009) No person shall bring into or consume alcoholic beverages in Trilogy Skate Park, Thrune Park, Pine River Park, and Riverbend Park. Alcoholic beverages, except spirits, may be consumed in any other park within the city limits except under the following conditions:

1. In the following parks between the closing time of the park and 6:00 a.m.:

- a. Emerson Park
- b. Plymouth Park
- c. City Forest
- d. Stratford Woods Park
- e. Chippewassee Park
- f. Central Park

2. Between the hours of 9:00 p.m. and 6:00 a.m. in all other parks.

Alcoholic beverages may be sold by persons operating under a concession from the City, subject to the regulation and control of the City Council. Sale of alcoholic beverages shall be by the individual drink only, and drinks shall only be consumed on the premises of the concession. Sale of beer and wine in the unopened containers shall not be permitted.

Notwithstanding the foregoing, the possession and consumption of alcoholic beverages within the licensed area of Currie Municipal Golf Course shall be in accord with the resort Class C liquor license held by the City of Midland, the Michigan Liquor Control Act, and any other related laws of the State of Michigan and ordinances of the City of Midland.

C. MARIHUANA. No person shall consume, smoke or vape marihuana on or within any City park property, including pavilions, restrooms or buildings, or in and around any City-owned recreational facilities including the Midland Civic Arena and Currie Municipal Golf Course per State statute MCL §333.27954(e), or as may be amended, which prohibits recreational marihuana use in a public place. (Amended March 18, 2019)

D. FIREWORKS. Unless given a written permit by the Director of Parks and Recreation and the Fire Chief of the City of Midland, it shall be unlawful for any person to possess or use in any park or parkway of the City of Midland any blank cartridge, toy pistol, toy cannon, toy cane or toy gun in which explosives are used; the type of unmanned balloon which requires fire underneath to propel the same; firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs or other fireworks of like construction, or any fireworks containing any explosive or

inflammable compound or any tablets or other device commonly used and sold as fireworks, containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, arsenic, mercury, nitroglycerin, phosphorous or any compound containing any of the same or other modern explosives. Included within the foregoing prohibition are model rockets and model rocket engines designed and used for the purpose of propelling recoverable aero models. Not included in the foregoing prohibition are sparklers containing not more than .0125 pounds of burning portion per sparkler, flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, toy snakes not containing mercury, toy pistols, toy canes, toy guns or other device manufactured to utilize paper and/or plastic caps containing not more than .25 of a grain of explosive content per cap, or said paper and/or plastic caps themselves. (Added June 12, 1978 and amended May 7, 2001).

Sec. 5. TRASH. There shall be no littering of ground. All paper, garbage and other debris shall be placed in waste containers. Where waste container is not provided, waste shall be carried away.

Sec. 6. PROTECTION OF PROPERTY. No person shall:

- A. Willfully destroy, deface, alter, change or remove any monument, stone marker, bench marker, stake, post or blaze, marking or designating any boundary line, survey line, or reference point.
- B. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamppost, fence, gate, hedge or other structure.
- C. Deface, destroy, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
- D. Appropriately, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the City Council.
- E. Cut, mar, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
- F. Remove or cause to be removed, any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Director of Parks and Recreation. This includes using metal detectors in a manner that would violate this section. (Reference – Midland Code of Ordinances – Sec. 16-14) (Amended May 7, 2001; August 28, 2023)

Sec. 7. FIRES. No person shall build, light or cause to be lighted any fire in any area except in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire. (See also Midland Fire Code)

- Sec. 8. A. **PARKING AND TRAFFIC.** There shall be no driving or parking of any motor vehicle in parks except in designated drives, parking spaces, and other specified areas. There shall be no obstructing of any park walk or drive. (Reference – Midland Code of Ordinances – Chapter 24, Sec. 8.26)
- B. **BICYCLES, TRICYCLES, MOTORCYCLES, SNOWMOBILES, ALL-TERRAIN VEHICLES, SCOOTERS, ELECTRIC BICYCLES (E-BIKES).** No person shall ride, drive or propel any bicycle, tricycle, motorcycle, snowmobile, all-terrain vehicle, scooter or similar vehicle on any but the regular vehicular roads or designated trail designed for said use, except that such vehicles, may be pushed by hand not faster than a walk over grassy areas, wood tracts or specially designated paved areas normally reserved for the use of pedestrians and no person shall deviate from compliance with all traffic ordinance provisions governing the operation of bicycles while on park property. Per the Michigan Vehicle Code (Act No. 300 of the Public Acts of Michigan of 1949 as amended), use of Class 1 e-bikes are allowed on paved lineal trails including the Pere Marquette Rail Trail. The City has authorized the use of Class 1 e-bikes on the trails in City Forest. Class 2 and 3 e-bikes are prohibited from all trails within the City limits. (Reference – Midland Code of Ordinances – Chapter 24, Sec. 8.26) (Amended May 7, 2001 and July 11, 2022)
- C. **ORV’S IN CITY FOREST.** Off-road vehicles are prohibited anywhere within the City Forest. This prohibition shall not apply to a vehicle which is permitted to be operated on a highway pursuant to the Michigan Vehicle Code (Act No. 300 of the Public Acts of Michigan of 1949 as amended) if the vehicle is not also registered as an ORV. Any vehicle meeting the proceeding requirement is restricted to established roadways only unless authorized in writing by the Director of Parks and Recreation. Off-road vehicles or ORV’s include any motor driven off-road recreation vehicle, including snowmobiles, capable of cross-country travel without benefit of a road or trail, on or over land, snow, ice, marsh, swampland, or other terrain. ORV’s also include a multi-track or multi-wheel drive or low pressure tire vehicle, a motorcycle or related 2-wheel or 3-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation with motive power from a source other than muscle or wind. ORV’s do not include aircraft or vehicles operated by or for the City. (Definition from Section 1(j) of Act 319 of 1975.) Exceptions can be made. See Section 11(b)10 in these rules. (Three 1989 additions or amendments; Amended May 7, 2001)
- Sec. 9. **CONDUCT.** No person shall conduct himself in a disorderly manner or use profane or obscene language. (Reference – Midland Code of Ordinances – Chapter 16)
- Sec. 10. **DOGS AND OTHER ANIMALS.** It shall be unlawful for any person to permit or allow any dog or other animal, whether licensed or unlicensed, to run at large or stray beyond the premises of such owner unless under reasonable control of

some person. All littering from the animal shall be removed from any City park and properly disposed of. This also includes Currie Golf Course and its adjacent properties. (Reference – Midland Code of Ordinances – Sec. 3-17, Sec. 3-19 and 10-16) (Amended May 7, 2001)

Sec. 11. A. PERMITS – General.

- (1) An applicant for a permit for park usage shall provide the Parks and Recreation Department with a reasonable description of the activity to be held in the parks.
- (2) No permit for a function will be granted if the holding of the event at the time and place desired by the applicant would overtax the facilities or the resources of the City.
- (3) Permits required for these specific events will not be unreasonably denied. No permit will be denied because of the sex, race, color, creed, religion, age, handicap or disability or national origin of the applicant(s). (Amended May 7, 2001.)
- (4) In the event that the Director of Parks and Recreation or the City of Midland Police Department conclude that there has been a violation of any agreement referred to in the rules, the permit issued to the individual or group entering the agreement may be revoked immediately, and the applicant may be denied future permits. (Amended May 7, 2001)
- (5) The holder of a permit shall be bound by all the Park Rules and Regulations in force as though the same were inserted in the permit. The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permits are issued.
- (6) Any person or organization to whom a written permit is issued by the Director of Parks and Recreation shall exhibit the permit upon request. (Amended May 7, 2001)
- (7) Where deemed appropriate, the Director of Parks and Recreation may require the permittee to obtain insurance to fully protect the City in such amounts as the Director of Parks and Recreation deems appropriate. (Amended May 7, 2001)

B. PERMITS – Activities Requiring a Permit.

- (1) No person shall use the Central Park band shell for any type of public show or performance without first obtaining a written permit issued by the Director of Parks and Recreation. (Amended May 7, 2001)

- (2) Any person who wishes to reserve a ball diamond for a sports event must obtain a written permit for such usage from the Director of Parks and Recreation. (Amended May 7, 2001)
- (3) Any person desiring to reserve a picnic space or shelter in a park for an event, must contact the Parks and Recreation Department beginning the second Monday in January of the current year to obtain a permit in accord with the fee schedule in Section 21-73 of the City of Midland Code of Ordinances. (Amended December 13, 2004, and February 22, 2010)
- (4) No band, procession, military company, or any company or group with flags and/or banners shall be allowed in any park or parkway or within any park without a written permit from the Director of Parks and Recreation. (Amended May 7, 2001)
- (5) No permit shall be issued for a mass audience event at which an admission would be charged, without first obtaining a written permit from City Council. (Amended May 7, 2001)
- (6) No person, group or organization shall sell or offer for sale any article, thing, or service within the park without first obtaining a written permit issued by the Director of Parks and Recreation. (Amended May 7, 2001)
- (7) No person, group or organization shall do any soliciting, peddling, or hawking within the park without first obtaining a written permit issued by the Director of Parks and Recreation. (Amended May 7, 2001)
- (8) No person, group or organization shall be permitted to possess or use any of the fireworks described in Section 4(C) of these Park Rules and Regulations within any park or parkway of the City without first obtaining a written permit from both the Director of Parks and Recreation and the Fire Chief of the City of Midland. (Added June 12, 1978 and amended May 7, 2001)
- (9) No person, group or organization shall be permitted to park completely self-contained trailer coaches requiring no utility connections or the use of any public facilities other than for parking without first obtaining a written permit from the Director of Parks and Recreation. (Reference – Midland Code of Ordinances – Sec. 25-13; Park Rules and Regulations – Sec. 2 and Sec. 13.)
- (10) A permit for on-road use only of ORV's in the City Forest may be obtained from the Director of Parks and Recreation. The purpose of the permit is to allow ORV use in the City Forest when, in the opinion of the Director of Parks and Recreation, such use would be appropriate to the purposes of the City Forest. Each permit has a maximum duration of six months. No more than five permits may

be in effect at any one time. (Added August, 1989 and amended May 7, 2001)

Sec. 12. WEDDINGS.

- A. No person shall use the park facilities for a wedding ceremony without first obtaining a written permit from the Director of Parks and Recreation. (Amended May 7, 2001)
- B. Application in writing must be received by the Director of Parks and Recreation before the proposed time of use to be considered for a permit. (Amended May 7, 2001)
- C. Park facilities may not be altered in any way to accommodate the wedding party without written permission from the Director of Parks and Recreation. (Amended May 7, 2001)
- D. Park facilities shall remain open to the public.
- E. No rice or confetti may be used at any time in the park.
- F. Large crowds shall not interfere with public use of the facility. (Amended May 7, 2001)

Sec. 13. Pere Marquette Rail-Trail of Mid-Michigan. Access guidelines for powered transport equipment for persons with limited mobility. (Added May 7, 2001)

A. Definitions:

- (1) Restricted mobility means: "Any person who has a state-issued handicapper parking permit or has a visible or severe disability."
- (2) As used in this guideline, mobility assistance vehicle (MAV) means: "A single passenger electrically powered wheelchair or other mobility aid (such as an "Amigo") specifically designed by its manufacturer for the transportation of persons with disabilities."
- (3) A multiple use MAV (MUMAV) is an electrically powered mobility assistance vehicle designed for use by persons who do not necessarily have restricted mobility, but which may be useful to them.

B. Operation. Persons with restricted mobility may use MAV'S on the Pere Marquette Rail-Trail of Mid-Michigan. MAV'S may not operate at speeds in excess of 5 miles per hour, and shall yield the right-of-way to all pedestrians and non-motorized forms of transportation.

C. Exception. A person who does not have a restricted mobility as defined above, but is nevertheless physically restricted in his/her mobility, may, upon written request to the Midland County Parks and Recreation Department, seek a permit to use a MUMAV upon the Pere Marquette Rail-Trail. No "exception" permit will be granted unless the request for same is accompanied by a document signed by applicant's physician attesting to and defining applicant's restricted mobility.

(All MUMAV'S used under this exception must display the international symbol for accessibility – a blue and white wheelchair symbol). MUMAV'S may not operate at speeds in excess of 5 miles per hour, and shall yield the right-of-way to all pedestrians and non-motorized forms of transportation.

- D. Interpretation. This guideline shall be used by the Midland County Parks and Recreation Department staff who shall have the final determination as to its meaning and applicability.

Sec. 14. TRILOGY SKATE PARK RULES. (Added May 7, 2001; Revised June 8, 2015)

- A. HOURS. The Trilogy Skate Park shall be closed between the hours of 10:30 p.m. and 8:00 a.m. or when closed due to inclement weather. No person shall enter or remain in the Trilogy Skate Park after it is closed. The Director of the Parks and Recreation shall be authorized to grant exceptions to the above hours on a temporary or permanent basis by filing with the City Clerk a "Parks and Recreation Order".

Sec. 15. The Director of Parks and Recreation shall be authorized to grant permission to park, or caused to be parked, completely self-contained trailer coaches requiring no utility connections or the use of any public facilities other than for parking in areas of city parks designated for this purpose by the Director of Parks and Recreation. A written permit shall be required for this purpose. (Reference – Midland Code of Ordinances – Sec. 25-13; Park Rules and Regulations – Sec. 11(B)(9). (Amended May 7, 2001)

Sec. 16. ENFORCEMENT OF RULES

- A. It shall be the duty and responsibility of the Director of Parks and Recreation, and the City of Midland Police Department and the Midland City Attorney to enforce all State laws and City ordinances and Park Rules and Regulations within the limits of all parks and other areas maintained and operated by the Midland Parks and Recreation Department. (Amended May 7, 2001)
- B. It shall be unlawful for any person to do any act forbidden by the rules or fail to perform any act required by these park rules. (Reference – Midland Code of Ordinances – Sec. 17-9)

Sec. 17. Additional Rules and Regulations

- A. The City Council hereby delegates the duty and responsibility of establishing rules that are necessary for the health, safety and welfare and benefit of the residential areas in close proximity to the City parks to the Director of Parks and Recreation. Any rules established under this section shall be properly noticed, published and signed and fully enforceable as other rules found under section 17-9 of the City of Midland Code of Ordinances.