

**CITY COUNCIL
CITY OF NEWAYGO
NEWAYGO COUNTY, MICHIGAN**

RESOLUTION 2023-09

At a regular meeting of the City Council for the City of Newaygo, Newaygo County, Michigan, held at City Hall, 28 State Road, Newaygo, Michigan 49337 on March 13, 2023, beginning at 7:00 p.m., local time, City Council Member Burns moved to adopt this resolution, which motion was seconded by City Council Member Johnson:

A RESOLUTION ADOPTING CERTAIN RULES AND REGULATIONS TO GOVERN PARKS OF THE CITY OF NEWAYGO PURSUANT TO SECTION 46-4 OF THE CITY CODE.

1. **Intent and Authority.** The following rules and regulations are issued pursuant to Section 46-4 the Code of the City of Newaygo (often referred to hereinafter as the “City”) and apply to public parks.

2. **Definitions.** For purposes of these rules and regulations, the terms “public park” or “park” shall mean any park owned or controlled by the City of Newaygo, which public parks include, but are not necessarily limited to, the following:

- (a) Riverfront Park (Phases I and II)
- (b) Brooks Park
- (c) Shaw Park
- (d) Marshall Memorial Park
- (e) Park areas designated in City of Newaygo’s Master Plan

3. **Park hours.** Unless extended hours are approved by the City Council for a particular event, public parks shall be open to the public from dawn to dusk daily, except for the use of Loomis Lodge in Shaw Park (with an approved permit for that facility) which shall be from 7:00 a.m. to 12:00 midnight (all clean up must be completed at the Lodge by 1:00 a.m.). It shall be unlawful for any person, except those persons authorized by the City, to enter upon, cross through or remain within any public park outside of the established hours.

4. **Expulsion.** Employees of the City shall have, and are hereby given, the authority and power to exclude and expel any person or persons from any public park when such person or persons violate any provisions or requirements of this resolution or any other city ordinance, any state law or any provision of these rules and regulations. It shall be unlawful for any person to refuse or fail to leave a public park when ordered to do so by a city employee.

5. **Motor vehicles; other motorized items.** All motor vehicles (except authorized city vehicles) shall be removed from each public park before the closing hour. Any motor vehicle left in any park after closing will be ticketed and can be towed away by the City at the owner's expense. No go-carts, minibikes, snowmobiles, ATVs, or similar items shall be used in the public parks unless the City authorizes such use beforehand.

6. **Use of parks.** The scheduling of public parks and the issuance of permits for use of the public parks shall be the responsibility of the City Manager or designee (except for special events permits, which shall be issued by the City Council). In addition, a permit is required to reserve any facility.

7. **Fires; fireworks.** No fire or grilling shall occur in any public park except in places provided for that purpose by the City and pursuant to approval by the City Manager by the issuance of a permit. No person shall possess or ignite fireworks, rockets or sparklers in a public park unless a fireworks permit has been obtained beforehand from the City Manager. No pyrotechnics in any structure.

(a) Where a permit has been issued by the City for an open fire or bonfire, the following shall be applicable:

(i) An approved fire shall occur only within fire rings or similar structures installed by the City.

(ii) Only wood may be burned.

(iii) All excess firewood (and the equivalent) brought into the public park shall be removed from the public park upon departure of the user.

(iv) All fires shall be completely extinguished prior to departure.

(v) All fires shall be attended in person at all times.

(b) The following shall apply to all charcoal grills:

(i) All burning charcoal grills shall be attended in person at all times.

(ii) All charcoal grill embers shall be extinguished in full prior to departure.

(iii) No trash shall be burned in a grill.

(iv) Where allowed by permit, portable propane grills and other charcoal grills may be brought into a park by visitors (but not into the interior of Loomis

Lodge). When in use, all such grills must be set back at least 50 feet from any building and care shall be taken at all time to avoid sparks or flame from coming into contact with any building.

8. **Domestic animals.** No domestic animals or pets (including, but not limited to, dogs and cats), shall be permitted in any public park unless on a leash, not exceeding six (6) feet in length, controlled by the owner at all times. Owners shall remove all animal fecal discharges from park property immediately. No dangerous or vicious animals shall be permitted in any public park. No such pet or animal will be permitted to become a nuisance to or unreasonably disturb any person or persons lawfully in any public park.

9. **Sound amplification.** Use of any sound amplification system or device in a public park shall not disturb the quiet enjoyment of the park by other park users unless an amplification permit has been obtained from the City.

10. **Park roads and grounds.** No person shall operate any vehicle in any public park except upon established roadways, drives, and parking lots designated by the City. The City Manager may authorize exceptions to this regulation for service vehicles and during special events.

11. **No hunting.** No hunting or trapping shall occur within a public park.

12. **Alcoholic beverage.** No alcoholic beverages shall be possessed, sold or consumed within any public park except at Loomis Lodge as provided in Section 23 hereof or as provided in Section 24 hereof.

13. **No camping.** No person shall camp in any public park unless a permit has been obtained from the City Manager.

14. **Defacing the parks.** No person shall damage or deface any item within a public park. No person shall destroy or damage the surface or sod on any playing field, track, tennis court, practice area or other area.

15. **Golf prohibition.** No person shall play or practice golf in a public park except in areas expressly so designated by the City.

16. **Rollerblading; roller skates; inline skating; bicycles.** Unless approved by the City, no person shall use a skateboard, rollerblades, roller skates, in-line skates, bicycle, tricycle, or similar item on any tennis court, a community track, the soccer/lacrosse field, or any other athletic field. Marshall Memorial Park and Linda's Chapel of the Wayfarer Park's are restricted to walking and running recreation only.

17. **Weapons prohibited.** Except to the extent superseded by state law, no person shall possess, transport, shoot, fire, or discharge any firearm, air rifle, air pistol, paint

gun, bow and arrow, or any other weapon or instrument which might cause damage to persons or property in any public park.

18. **No injury to a public park or public park property.** The following shall be applicable to all public parks:

- (a) There shall be no cutting of any tree, bush or shrub.
- (b) There shall be no damage to any public park property or item.
- (c) No nails, placards, signs, tacks, tape or similar item shall be driven into, attached to or placed on the walls, ceilings or other portion of Loomis Lodge or any other building or structure within a public park.
- (d) All portions of a public park (including Loomis Lodge where applicable) shall be properly cleaned or maintained by the user(s) back to its original condition.

19. **Noise.** No loud music or unreasonable noise shall occur in a public park at any time. Music created by an instrument, radio, DVD player or similar device is allowed without a permit only so long as it cannot be heard more than 50 feet away from the source, but in no event shall music occur or be played so as to disturb the peace. Loudspeakers or other sound amplification (apart from an individual radio or DVD player as regulated herein) shall not occur except in compliance with Section 9 hereof.

20. **No littering.** No littering shall occur in any public park. All garbage, refuse, and food items must be removed from park property or placed in City trash receptacles prior to departure. In no event shall trash or garbage be placed in City trash receptacles in a public park other than trash generated pursuant to the use of that public park. (For instance, residential, commercial trash or garbage generated from locations other than a specific public park shall not be placed in trash receptacles within that public park.) Apart from garbage or trash properly put in trash receptacles within a public park, all items that were brought into a public park must be removed from the public park prior to departure.

21. **Ejection from a public park.** The City reserves the right to eject or remove any and all persons from a public park due to a violation of the City Code, any City ordinance, any state law or any rule or regulation contained in this resolution. Where a permit holder is ejected from a public park that does not entitle that person to any refund (in full or in part) of any monies paid or expended pursuant to such permit or the permit application.

22. **Cost of security.** Where an event or proceeding occurs at a public park (whether or not a permit is required), the Chief of Police for the City of Newaygo (or his or her designee) shall have the authority to determine whether or not police officers need to be assigned to the public park during such an event, proceeding or function. The cost of

providing such police officers shall be paid by the permit holder (or where no permit is required, by the organizer of the event, proceeding or function).

23. **Loomis Lodge and Shaw Park.** There is a building located in Shaw Park called the “Loomis Lodge.” Due to the unique attributes of Loomis Lodge, certain rules and regulations (in addition to the normal rules and regulations governing public parks within the City) shall apply to Loomis Lodge and its use as follows:

(a) Loomis Lodge and Shaw Park shall be used only pursuant to a permit issued by the City Manager or designee.

(b) Alcohol in Shaw Park must be approved by Council according to Section 24 of this resolution. Alcoholic beverages may be possessed and consumed inside Loomis Lodge only if a permit for such use and consumption is issued by the City Manager or designee and the following rules and regulations are complied with:

(i) Permits shall be issued only for a specific date, park and function.

(ii) The City reserves the right to refuse a permit for alcoholic beverages to any person. An appeal may be made in writing so long as such written appeal is filed with the City Manager within 7 days of the date that the permit has been denied. The City Council will decide the appeal at its next regularly scheduled meeting. The person who had the permit denied and who filed the appeal shall appear in person at such City Council meeting.

(iii) No intoxicated person shall possess or consume any alcoholic beverage.

(iv) There shall be no disorderly or obscene conduct.

(v) Alcoholic beverages shall be consumed only inside of the Loomis Lodge—no alcoholic beverages shall be permitted to be consumed or possessed in open containers outside of that building.

(vi) No alcoholic beverage shall be provided to or possessed by any person under the age of 21 years old.

(vii) No open alcohol shall be transported to or from Loomis Lodge.

(viii) No alcoholic beverage shall be sold at Loomis Lodge.

(ix) No donations for alcoholic beverages shall be collected or solicited at Loomis Lodge.

(x) The City requires an insurance rider naming the City as an additional insured as a condition of permitting the presence of alcohol. The City Manager is authorized to establish rules and policies regarding insurance requirements.

24. **Special events.** Special events (which term includes, but is not limited to, family reunions, weddings, sporting events, gatherings involving 100 or more persons, rallies, and similar events) shall not occur in any park unless a permit has been issued by the City Council. Special events involving 25 – 100 shall fill out a permit which can be approved by the City Manager or designee but may defer a final decision at anytime to the City Council. Special events of 25 persons or less do not require a permit and will be on a first come, first serve basis as long as no alcohol or no commercial, fundraising or similar activity is taking place. The City Council must approve a permit if there will be the sale, possession and/or consumption of alcoholic beverages at a park for a special event sponsored by a responsible party or entity. Should the City Council issue such a permit with regards to alcoholic beverages, the following shall be applicable:

- (a) The permit shall be issued only for a specific day, park and function.
- (b) The City reserves the right to refuse a permit for alcoholic beverages to any person or entity.
- (c) No intoxicated person shall possess or consume any alcoholic beverage.
- (d) There shall be no disorderly or obscene conduct.
- (e) Alcoholic beverages may be consumed or sold (as provided in the permit) only in the area or areas specified in the permit and only in accordance with other applicable state laws.
- (f) No alcoholic beverage shall be provided to or possessed by any person under the age of 21 years old.
- (g) No open alcohol shall be transported to or from the area for which the permit is issued.
- (h) The City requires an insurance rider naming the City as an additional insured as a condition of permitting the presence of alcohol. The City Manager is authorized to establish rules and policies regarding insurance requirements.

25. **Permits.** Wherever a permit process is specified in these rules and regulations, the following shall be applicable.

- (a) Permit fees shall be set by the City Council from time to time by resolution.

(b) Reasonable conditions may be attached to the granting of a permit, including, but not limited to, a requirement that the applicant for a permit reimburse the City for any and all costs associated with security (including police and fire fighters) and related City costs.

(c) The applicant may be required to enter into a formal written agreement with the City regarding the conditions of a permit approval and similar matters.

26. **Inapplicability to the City and its employees.** The rules and regulations contained in this resolution shall not apply to the City or its employees or agents when engaged in a governmental function, maintenance to a public park or similar situations nor to firefighters or law enforcement officers while engaged in their official duties.

27. Resolution 04-34, Resolution 09-31 and Resolution 2020-20 are hereby rescinded and any other resolution that is in conflict with this one.

YEAS: Black, Burns, DeVries, Engemann, Fedell, Johnson

NAYS: None

ABSENT: Walerczyk

ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

Ed Fedell

Ed Fedell-Mayor

Kim Goodin

Kim Goodin-City Clerk

CERTIFICATION

I hereby certify that the above is a true copy of a resolution adopted by the City Council for the City of Newaygo at a regular meeting held on March 13, 2023, beginning at 7:00 p.m., pursuant to the required statutory procedures.

Respectfully submitted,

Dated: March 13, 2023

By *Kim Goodin*

Kim Goodin, City Clerk