



Parks and Recreation: *Enhancing community and quality of life through people, parks, and programs.*

Senior Center Network: *Making longer lives, better lives.*

Rules Committee of the Grand Traverse County Parks and Recreation Commission

Thursday, May 6, 2021, 4:30 p.m.

Remote (Virtual) Meeting

AGENDA

Remote meetings are permitted pursuant to MCL 15.263a.

Public Access to Meeting and Public Comment: Anyone wishing to listen to the meeting and/or to give public comment may call the telephone number and enter the pin number provided below.

Instructions for Public to Listen to Meeting and to Make Public Comment

1. Dial: 1-413-728-2422

2. Enter Pin: 864 644 436# (Enter this number followed by the pound [#] sign.)

Mute/Unmute: Once on the call, please mute the line using the "Mute" button on the telephone keypad until called upon by the President or the meeting facilitator. When calling from a land line or a cell phone with no "Mute" button, dial *6 (Star 6) on the keypad to mute AND again to unmute, as directed by the President or the meeting facilitator.

Persons with disabilities, which the foregoing opportunities for participation will not address, may contact Ryan Walsh at 231-922-4818 or send an e-mail to rwalsh@grandtraverse.org with questions or concerns.

MEMBERS: Jalen Provo (Chair), Rod Kivell (Vice Chair), and William Mouser

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. First Public Comment

Rules: Any person shall be permitted to address the Parks and Recreation Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended (MCLA 15.261, et. seq.).

Public comment shall be carried out in accordance with the following Board Rules and Procedures.

1. Any person wishing to address the Commission may state his or her name and address.

2. No person shall be allowed to speak more than once on the same matter, excluding Commissioners' questions. The President shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes. The President may, at his or her discretion, extend the amount of time any person is allowed to speak. No member of the Commission or staff shall respond to public comment. All commenters must refrain from any personal or political attacks on any member of the public, staff, or board. No profanity, harassment, or bullying will be tolerated, and will provide just cause to be removed from the meeting.

E. Approvals

1. Agenda

2. Draft Rules Committee Meeting Minutes of March 16, 2021

F. Park Rules and Policies Related to Use of Alcohol at Civic Center Park (Action Item; Park Rules with Draft Amendment Sent for Legal Review from Director and April 25, 2021 E-mail Response from Civil Counsel Kit Tholen, Attached)

H. Language for New Park Signs (Discussion; Draft Language Attached)

I. Second Public Comment

Please refer to rules and procedures under C. First Public Comment, above.

J. Adjournment



Parks and Recreation: *Enhancing community and quality of life through people, parks, and programs.*
Senior Center Network: *Making longer lives, better lives.*

Rules Committee of the Grand Traverse County Parks and Recreation Commission
Tuesday, March 16, 2021, 4 p.m.

Remote (Virtual) Meeting

MINUTES

A. Call to Order

Meeting called to order at 4:02 p.m.

B. Pledge of Allegiance

Pledge of Allegiance was not recited.

C. Roll Call

Commissioners Present: William Mouser, Rodney Kivell, and Jalen Provo.

Others Present: Kristine Erickson, Director, Katelynn Brown, Office Coordinator, Ian Kramer, Caretaker, Grand Traverse County Parks and Recreation

D. First Public Comment

There was no public comment.

E. Approvals

1. Agenda

MOTION by Mouser, second by Provo, to approve the agenda, as presented. Motion carried.

2. Draft Rules Committee Meeting Minutes of June 22, 2020

MOTION by Kivell, second by Mouser, to approve the minutes, as written and presented. Motion carried.

F. Park Rules and Policies Related to Use of Alcohol at Civic Center Park (Review and Discussion;

Attachments: *Grand Traverse County Parks and Recreation Commission Rules* [Park Rules] with Pertinent Rule 18 Highlighted, Parks and Recreation Alcohol Policy, Guide for Reserving Grand Traverse County Parks-Civic Center, and Rules/Policies from Other Municipalities for Alcohol Use in Parks)

MOTION by Mouser, second by Kivell, to ask Civil Counsel to draft rules language to stipulate civil law regarding behavior due to regulated substances; to ban glass containers at Civic Center Park; to state that all local, state, and municipal laws will be enforced; and to update Section 3 of rules.

Roll Call Vote

Yea: Mouser, Kivell, Provo (3)

Nay: (0)

Absent: (0)

Motion passed, 3 to 0.

G. Enforcement of Park Rule Prohibiting Unauthorized Business in Parks (Discussion; Attachments: *Grand Traverse County Parks and Recreation Commission Rules* [Park Rules] with Pertinent Rule 9 Highlighted, March 5, 2020 E-mail with Legal Opinion about Conducting Business in Medalie Park without Permission)
Commissioners discussed the current rule regarding unauthorized business in Medalie Park and having signs in all parks stating so.

MOTION by Mouser, second by Kivell, to give staff approval to work with Civil Counsel to draft signage language for commercial business conducted at parks to bring back to the rules committee. Motion carried.

F. Second Public Comment

There was no public comment.

H. Adjournment

Meeting adjourned at 5:04 p.m.



Grand Traverse County Parks and Recreation Commission Rules

Amended September 14, 2017

Amended June 13, 2019

Amended July 9, 2020

The following rules are promulgated by the Grand Traverse County Parks and Recreation Commission by authority conferred on the Commission by Act 261 of the Public Acts of the State of Michigan of 1965, MCL § 46.364, as amended, for the protection, regulation and control of its facilities and areas, and with the approval of the Grand Traverse County Board of Commissioners.

Section 1. Definitions.

- a. "Commission" shall mean the Grand Traverse County Parks and Recreation Commission.
- b. "County Park Property" shall mean all lands, waters and property administered by or under the jurisdiction of the Grand Traverse County Parks and Recreation Commission.
- c. "Director" shall mean the Grand Traverse County Parks and Recreation Director.
- d. "Person" or "persons" shall mean individuals, firms, corporations, or any group or gathering of individuals.
- e. "Camping" means the overnight lodging or sleeping of a person or persons in a tent, trailer-coach, vehicle camper, motor vehicle, or in any other conveyance erected, parked or placed on the premises.

Section 2. Unlawful acts generally. On lands owned or under the control of the department, it is unlawful for a person or persons to do any of the following:

1. To enter, use, or occupy County Park Property for any purpose when they are posted against entry, use, or occupancy, as ordered by the commission.
2. To dispose of refuse, rubbish, trash, or garbage not resulting from the use of county-owned lands in receptacles provided on Commission property.
3. To ignite any fire except within fireplaces, receptacles or open spaces designated and approved for such purposes by the Director.
4. To place or burn garbage within a designated fireplace, receptacle or open space designated and approved for the building of fires by the Director, or bury refuse, rubbish, trash, or garbage, regardless of its origin.

5. To use tobacco or smoke at the Grand Traverse County Civic Center, Maple Bay Park and Natural Area, Medalie Park, Meyer Property, Keystone Soccer Complex, Natural Education Reserve, Power Island, and the VASA Trailhead. This rule applies to prohibit the use and smoking of tobacco both within structures as well as outside of structures on the listed properties. As used in this rule, the word "smoke" means any of the following:

- a. using a cigarette, e-cigarette, cigar, pipe or vapors-tanks-mods or related product that contains tobacco, nicotine or any other related product that is lighted, burning or heated;
- b. lighting a cigarette, e-cigarette, cigar, pipe or vapors-tanks-mods or related product that contains tobacco, nicotine or any other related product;
- c. exhaling smoke or vapor from burning or heating tobacco, nicotine, or any other related product that is contained in a cigarette, e-cigarette, cigar, pipe or vapors-tanks-mods or related product.

6. To intentionally smoke, ingest, consume, or otherwise use marihuana, or cannabis, or liquids or solids containing any type of tetrahydrocannabinol on County Park Property. "Smoke" means to inhale the vapor of a solid or liquid substance that has been heated. "Ingest" means to swallow a solid or liquid substance. "Consume" means to take a substance into the body which was previously outside the body.

7. To cause a noise disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities. The following acts and activities are declared to be noise disturbances and are prohibited. This enumeration shall not be deemed exclusive.

- a. The playing of any radio, television, phonograph, other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
- b. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- c. The use of any motor vehicle, in such a manner as to create a disturbing noise, including, but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
- d. Shouting or other raucous or boisterous behavior for an unreasonable length of time.
- e. The use of a loudspeaker, public address system without a permit issued by the Director.
- f. On the Meadows Trail at the VASA Trailhead Property, on lands owned and under the control of the department it is unlawful for a person or persons to do any of the following:

1. To operate an off-the-road motor-driven vehicle such as a minibike, motorcycle, dunemobile, snowmobile, converted snowmobile, amphibious vehicle, or any other motorized device, except on designated roads, trails, or areas posted for such use without proper written permission.
8. To place or erect a fence or barrier, to construct or occupy improvements, or to enclose the lands or obstruct the passage of another person or persons in any way from entering, exiting or using County Park Property without permission of the Director.
9. To peddle or systematically solicit business of any nature; distribute or post any handbills or other advertising matter or post signs without permission from the Director.
10. To paint, mark, or otherwise apply any chemical or **harmful** substance on any tree, rock, or any other land, water, structure or property without the permission from the Director.
11. To park vehicles of any type in areas posted as no parking; or, where designated parking areas exist, to park vehicles of any type in an area other than the designated parking area. If a motor vehicle is found parked on County Park Property, then the license plate displayed on the motor vehicle shall constitute *prima facie* evidence that the person who parked it there is the owner of the vehicle.
12. To camp on County Park Property unless approved and designated for such purposes by the Director and with an approved permit issued by the Director.
13. To store or leave property on county lands for more than 24 hours without written permission of the Director. This subdivision does not apply to lawfully occupied, designated camping sites when camping with a permit authorized by the Director.
14. To ride or lead a horse, pack animal, or other riding animal, or any animal driven vehicle on any area, except on roads that are open to the use of motor vehicles, trails, bridle paths, and campgrounds designated for such use by the Director.
15. To possess a dog without a leash or on a leash greater than six-foot in length except upon County Park Property open to hunting.
16. To enter or remain on County Park Property between the hours of 11 p.m. and 6 a.m. unless the property is open for events between these hours.
17. To possess a bow and arrow, crossbow, trap or other instrument used for hunting or trapping of animals; or to hunt or trap on any County Park Property unless that property is open to hunting and/or trapping by Rule of the Commission.
18. To ~~possess, consume, or~~ offer for sale alcoholic ~~beverages~~, except for events as authorized by the Director, and in locations approved for such by the Parks and Recreation Commission.
19. To refuse to comply with the above rules upon the demand of an authorized local enforcement officer; or to interfere with the officer's enforcement of the ordinance; or to retaliate against another who has made complaint of a violation of a park rule; or to interfere

Commented [KE1]: Rules Committee's proposed change to Rule 2., 18. Committee also wishes to add language to section stating that glass containers are banned and that all laws regarding behavior by anyone under the influence of regulated substances will be enforced.

with an employee or agent of the Grand Traverse County Parks and Recreation Department while performing his or her official duties.

Section 3. Enforcement Officers. The Grand Traverse County Sheriff and deputies are authorized as local enforcement officers of this ordinance.

Section 4. Fines and Imprisonment. Any person violating any provision of the foregoing rules shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100 and costs of prosecution, or imprisoned in the Grand Traverse County Jail for a period not exceeding 90 days or both, for each offense.

Section 5. Compliance with Other Laws. Nothing in this ordinance impairs or precludes a separate cause of action provided by statute or common law for conduct prohibited herein.

Section 6. Severability. The provisions of this ordinance are severable and if any part is declared void or unenforceable by a court of competent jurisdiction, the remaining parts shall remain in force.



Kristine Erickson <kerickson@gtcountymi.gov>

Re: Request to Review Proposed Park Rule Amendment and Request to Recommend Additional Park Rule Language`

1 message

Kit Tholen <ktholen@gtcountymi.gov>

Sun, Apr 25, 2021 at 9:04 AM

To: Kristine Erickson <kerickson@gtcountymi.gov>, Christopher Forsyth <cforsyth@gtcountymi.gov>

Hi Kris-

Below are responses to the three portions of your request:

1. Review the proposed amendment to Section 2, Item 18

The change that I see is that it would no longer be prohibited for a person to possess or consume alcohol on "lands owned or under the control of the department." I have no concerns about such a change.

2. Recommend new language for the same section prohibiting glass containers

Add a Section 2, Item 3. All subsequent numbers would be changed.

"To possess any beverage container made in whole or in part of glass or to bring, carry, or transport any beverage container made in whole or in part of glass onto County Park Property."

3. Recommend new language stating that all laws regarding behavior by anyone under the influence (of regulated substances) will be enforced

I am confused by this request because it appears to be an advisory or notice for users of parks rather than a rule. As such, it would not need to be included in the Parks and Recreation Commission Rules. Even if it is not in the PRC Rules, you could still post notices or advisories at parks that GTSO is authorized to enforce the ordinance and will enforce all laws related to controlled substances. This would include the crimes of Disorderly Person – Drunk and Operating While Intoxicated.

GTSO is authorized to enforce those laws under the current wording of the PRC Rules. A notice to parks users is also not required in order for GTSO to enforce those rules but you certainly could post such a notice in the hopes of deterring bad behavior. Such a notice could be worded as follows, and printed and posted at visible locations:
"Criminal laws exist in the State of Michigan regarding the consumption of alcohol, controlled substances, and intoxicating substances. Those laws will be enforced by the Grand Traverse Sheriff's Office."

Please let me know if you were looking for something else in relation to this request.

Kit

Christopher D. Tholen
Assistant Prosecuting Attorney
Deputy Civil Counsel
Grand Traverse County
(231) 922-4600

On Fri, Apr 23, 2021 at 1:56 PM Kit Tholen <ktholen@gtcountymi.gov> wrote:

Hi Kris-

I apologize that I have not gotten to this yet. I will have time next week.

Respectfully,

Kit

Christopher D. Tholen
Assistant Prosecuting Attorney
Deputy Civil Counsel
Grand Traverse County
(231) 922-4600

On Tue, Apr 13, 2021 at 1:23 PM Kristine Erickson <kerickson@gtcountymi.gov> wrote:
Hello, Kit.

Please find attached a request form and the current Park Rules with proposed amendment indicated in red (Rule 2.18) with a note from me.

Thank you for your assistance.

Sincerely,
Kris
Kristine Erickson, Director
Grand Traverse County Parks and Recreation and Senior Center Network
231-922-4511
www.grandtraverse.org/parks
Please note my new e-mail address: kerickson@gtcountymi.gov



Get out today and play in one of YOUR county parks!

Commercial activity sign recommendation:

Per Grand Traverse County Park Rules, Section 2., Item 9, it is “unlawful” to solicit or conduct commercial business of any nature in this or any other Grand Traverse County Park, unless written permission from the Grand Traverse County Parks and Recreation Director has been granted. To request permission, send a proposal to kerickson@gtcountymi.gov.

Other signage needs:

All dogs must be leashed at all times.

No pets permitted on athletic fields at any time.

No alcohol permitted in this area (skatepark, on the fields [will be asked to leave their games, if applicable], and playground).

If you see any one person or persons engaging in or partaking in any unlawful acts and/or not abiding by park rules, please contact the city police department non-emergency dispatch number by calling 231-922-4550. To report an emergency call 911.

Cameras are monitoring this area of the park.

Possibly discuss with Image 360 for our signage.