



**TO:** Mayor and Members of Troy City Council  
**FROM:** John Szerlag, City Manager  
Brian Murphy, Assistant City Manager/ Services  
Carol Anderson, Director of Parks and Recreation  
Lori Grigg Bluhm, City Attorney  
**DATE:** July 1, 2005  
**SUBJECT:** Proposed Amendments to Chapter 26- Parks- General Regulations

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The City of Troy received a request for a waiver of some of the provisions of Chapter 26 for the Troy Soccer City Classic. However, the current version of the ordinance did not provide express authority for a waiver of the conditions for special events hosted by civic, social, church, and club groups. In reviewing the current ordinance, the City Manager is vested with the authority to grant use of the parks to non-profit organizations, but is not currently authorized to allow for the sale of merchandise, which is requested for events such as the Troy Soccer City Classic or Troy Daze. City Administration has therefore proposed an amendment to Chapter 26, which expressly allows a non-profit organization to be granted a permit for these special events in the Troy parks.

Since the ordinance would be an agenda item, City Administration also incorporated other items into the proposed revision, including a sequential numbering and the inclusion of a new section on Radio Controlled Models in the City Parks. Additional changes were made to the text in an effort to increase the clarity of the ordinance. Attached please find a red lined copy of the ordinance, which depicts the proposed amendments. Also included is a clean copy of the ordinance that incorporates all proposed revisions.

City Administration recommends approval of the proposed revisions to Chapter 26. As always, if you have any questions, please let us know.

## Chapter 26 - Parks - General Regulations

### TITLE III - PARKS AND PUBLIC GROUNDS

#### CHAPTER 26 - PARKS - GENERAL REGULATIONS

~~26.013.1 (1)~~ 26.013.1 (1) Restricted Use of Park. The use and enjoyment of the Parks that are established and maintained by the City of Troy shall be, and is hereby, restricted to the following:

- (a) Persons permanently residing within the corporate ~~limits~~ of the City of Troy and their families.
- (b) Persons owning and paying taxes on real estate within the corporate limits of the City of Troy, and their families.
- (c) Persons temporarily residing within the corporate ~~limits~~ of the City of Troy.
- (d) ~~Bonifide~~ guests of any person referred to in paragraphs ~~a, b, and c,~~ above, attending the parks in the company of such person.
- (e) Special permission to use the Park may be authorized by the City Manager to Civic, Social, Cultural, Church and ~~\_\_\_\_\_~~ Club groups and the like, and to visiting dignitaries, officers of other governmental agencies, City employees, and in such other special instances where, in the judgment of the Manager, the issuance of special permission will serve the public benefit and welfare.

~~3.1(2) 26.02~~ 3.1(2) 26.02 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplaces, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the City Manager.

~~3.2(1) 26.03~~ 3.2(1) 26.03 Traffic Regulations. ~~No Each~~ person shall ~~fail to~~ comply with all provisions of the City Code relative to equipment and operation of motor vehicles. No person shall drive or park a motor vehicle on any park area except roads or parking area, or such other areas as may on occasion be specifically designated as temporary parking areas by the City Manager or his/her designee.

(Rev. 3-26-79)

~~3.2(2) 26.04~~ 3.2(2) 26.04 Service and Repair of Autos. No person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer in any public park or playground or cause the same to be done. For the purpose of this Chapter, the term "repair" ~~shall be deemed to mean~~ s the replacement of old, worn-out parts of the vehicle with new parts, and the term "service" ~~shall be deemed to mean~~ s the draining of oil, sludge, gasoline and water and other engine cooling fluids for the purpose of replacing same with a new supply. This prohibition shall not apply to the changing of deflated tires or the performing of necessary emergency work on a disabled car for the purpose of immediate movement.

(Rev. 3-26-79)

## Chapter 26 - Parks - General Regulations

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3-2(3)26.05 Motor Cycles. Unless authorized, motor vehicles, including, motorcycles, motor scooters or motor bicycles or motor cars commonly known as "go carts" that are lawfully permitted to be driven, ridden or operated on public streets shall be permitted only on the improved or paved portion of the right of way designated for vehicles in any public park, playground or any other public property.

(Rev. 6-27-94)

3-2(4)26.06 Refuse and Trash Disposal. No person shall dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in a public park, except in proper receptacles where they are provided. ~~where proper~~ receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

3-2(5)26.07 Fires. No person shall kindle or build a fire in any public park or playground except in receptacles provided therein for public use, or in private receptacles or grills, provided ~~that the allowable receptacles or grills same~~ are placed in areas designated for ~~that said~~ purpose.

3-2(6)26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off ~~any firecrackers, torpedoes, rockets, or other fireworks or explosives,~~ or otherwise cause ~~the same~~ to explode in a park. ~~any firecrackers, torpedoes, rockets or other fireworks or explosives, or No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, them~~ or throw them into any park area from land or highway adjacent thereto. ~~The exception to this prohibition is when a provided only that a~~ special permit ~~is may be~~ granted by the City Manager and Fire Chief, which should include restrictions as to time and location.

3-3-26.09 Disorderly Conduct. No person shall sleep or protractedly lounge on the seats or benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

3-4-26-10 Merchandising and Advertising. ~~Except for any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager, or any organization that is granted a Non-Profit Organizational Permit, No no~~ person shall expose or offer for sale in a park any saleable merchandise. ~~Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager. The City Manager can grant a Non-Profit Organizational Permit to any civic, social, cultural, church, club groups and the like, or visiting dignitaries or officers of other governmental agencies or employees, as long as the special permission will serve the public benefit and welfare. Limitations as to time, location, duration, or other restrictions may be authorized by the City Manager in the granting of a Non-Profit Organizational Permit, and a violation of these conditions may result in a revocation of the Non-Profit Organizational Permit. Persons requesting a Non-Profit Organizational Permit shall fully complete the application for the Permit, which shall be available through the Parks and Recreation Department, and submit it to the Parks and Recreation Department at least ten days prior to the requested event. -~~ No person shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in any park, nor shall any person erect or cause to be erected any sign whatsoever in any park ~~(with the exception of directional signs that are authorized by the City Manager or his/her delegate).~~ ~~The exception to this prohibition is for~~ Exception is hereby made for ~~advertising banners used during special events for non-profit community~~

## Chapter 26 - Parks - General Regulations

~~based organizations, as long as approval for the placement of the banners is granted by the City Manager and/or his delegate. The banners which~~ shall be limited to 48 square feet in size, ~~and. These banners~~ shall not advertise tobacco, alcohol or political candidates. ~~In addition, the organization seeking request for banners must be a non-profit community based organization.~~

(Rev. 3-2-92)

~~3-5-26.11~~ Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink ~~alcoholic beverages~~ at any time in the Park unless he/~~she~~ shall have first obtained a written permit for beer for that specific date from the Police Chief, ~~stating that he may do so on a specific date.~~ No permit shall be issued for consumption of alcoholic beverages ~~that haveing~~ a higher alcoholic content than beer, ~~or wine.~~

~~3-6-26.12~~ Bicycles, Games and Activities. No person shall take part in or abet bicycle riding, or the playing of any games involving thrown or otherwise propelled objects such as ball, arrows, ~~or javelins or model airplanes~~, except in areas specifically set apart for such forms of recreation.

~~26.13~~ Radio Controlled Models. ~~No person shall operate any radio controlled model planes, rockets, boats or wheeled model vehicles in any park, except in areas specifically designated and set apart for such forms of recreation.~~

~~3-7-26.14~~ Enclosures. No person shall take down, climb over or upon, interfere with, disturb or displace or walk upon any rails, posts, boards, fence, or other structures enclosing any park or playground or portion thereof.

~~3-8-26.15~~ Animals. No person shall permit any dog ~~that is~~ owned by him/~~her~~ or under his/~~her~~ control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal ~~(either wild or domestic) that is,~~ owned by him/~~her~~ or under his/~~her~~ control or custody, ~~with the exception of dogs as outlined above,~~ to enter any park, ~~except when special permission is granted by the City Manager.~~

~~3-9~~ ~~26.16~~ Loitering. No person shall loiter or remain upon any public park or playground between the hours of 10:00 P.M. and 7:00 A.M.; provided, however, that this section shall not apply to employees of the City of Troy in the course of their duties or to activities being held under the auspices of the Parks and Recreation Department. The City Manager is hereby empowered to waive this section when such action will serve the public benefit and welfare.

(Rev. 4-27-79)

~~16-26.17~~ Additional Rules. The City Manager is hereby empowered to make such rules and regulations, subject to the approval of the City Council, pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public. ~~Each person shall, and no person shall fail to~~ comply with such rules and regulations.

(Rev. 3-26-79)

TITLE III - PARKS AND PUBLIC GROUNDS

CHAPTER 26 - PARKS - GENERAL REGULATIONS

- 26.01 Restricted Use of Park. The use and enjoyment of the Parks that are established and maintained by the City of Troy shall be, and is hereby, restricted to the following:
- (a) Persons permanently residing within the corporate limits of the City of Troy and their families.
  - (b) Persons owning and paying taxes on real estate within the corporate limits of the City of Troy, and their families.
  - (c) Persons temporarily residing within the corporate limits of the City of Troy.
  - (d) Bona fide guests of any person referred to in paragraphs a, b, and c above, attending the parks in the company of such person.
  - (e) Special permission to use the Park may be authorized by the City Manager to Civic, Social, Cultural, Church and Club groups and the like, and to visiting dignitaries, officers of other governmental agencies, City employees, and in such other special instances where, in the judgment of the Manager, the issuance of special permission will serve the public benefit and welfare.
- 26.02 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplaces, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the City Manager.
- 26.03 Traffic Regulations. Each person shall comply with all provisions of the City Code relative to equipment and operation of motor vehicles. No person shall drive or park a motor vehicle on any park area except roads or parking area, or such other areas as may on occasion be specifically designated as temporary parking areas by the City Manager or his/her designee.
- 26.04 Service and Repair of Autos. No person shall clean, wash, polish, repair, or in any manner service any motor vehicle or trailer in any public park or playground or cause the same to be done. For the purpose of this Chapter, the term "repair" means the replacement of old, worn-out parts of the vehicle with new parts, and the term "service" means the draining of oil, sludge, gasoline and water and other engine cooling fluids for the purpose of replacing same with a new supply. This prohibition shall not apply to the changing of deflated tires or the performing of necessary emergency work on a disabled car for the purpose of immediate movement.
- 26.05 Motor Cycles. Unless authorized, motor vehicles, including, motorcycles, motor scooters or motor bicycles or motor cars commonly known as "go carts" that are lawfully permitted to be driven, ridden or operated on public streets shall be permitted only on the improved or paved portion of the right of way designated for vehicles in any public park, playground or any other public property.
- 26.06 Refuse and Trash Disposal. No person shall dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in a

## Chapter 26 - Parks - General Regulations

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public park, except in proper receptacles where they are provided. Where proper receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

26.07 Fires. No person shall kindle or build a fire in any public park or playground except in receptacles provided therein for public use, or in private receptacles or grills, provided that the allowable receptacles or grills are placed in areas designated for that purpose.

26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off any firecrackers, torpedoes, rockets, or other fireworks or explosives, or otherwise cause the same to explode in a park. No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, or throw them into any park area from land or highway. The exception to this prohibition is when a special permit is granted by the City Manager and Fire Chief, which should include restrictions as to time and location.

26.09 Disorderly Conduct. No person shall sleep or protractedly lounge on the seats or benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

26.10 Merchandising and Advertising. Except for any regularly licensed concessionaire acting by and under the authority and regulation of the City Manager, or any organization that is granted a Non-Profit Organizational Permit, no person shall expose or offer for sale in a park any saleable merchandise. The City Manager can grant a Non-Profit Organizational Permit to any civic, social, cultural, church, club groups and the like, or visiting dignitaries or officers of other governmental agencies or employees, as long as the special permission will serve the public benefit and welfare. Limitations as to time, location, duration, or other restrictions may be authorized by the City Manager in the granting of a Non-Profit Organizational Permit, and a violation of these conditions may result in a revocation of the Non-Profit Organizational Permit. Persons requesting a Non-Profit Organizational Permit shall fully complete the application for the Permit, which shall be available through the Parks and Recreation Department, and submit it to the Parks and Recreation Department at least ten days prior to the requested event. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in any park, and no person shall erect or cause to be erected any sign whatsoever in any park (with the exception of directional signs that are authorized by the City Manager or his/her designee). The exception to this prohibition is for advertising banners used during special events for non-profit community based organizations, as long as approval for the placement of said banners is granted by the City Manager and/or his designee. The banners shall be limited to 48 square feet in size, and shall not advertise tobacco, alcohol or political candidates.

26.11 Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink alcoholic beverages at any time in the Park unless he/she shall have first obtained a written permit for beer for that specific date from the Police Chief. No permit shall be issued for consumption of alcoholic beverages that have a higher alcoholic content than beer.

26.12 Bicycles, Games and Activities. No person shall take part in or abet bicycle riding, or the

## **Chapter 26 - Parks - General Regulations**

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playing of any games involving thrown or otherwise propelled objects such as ball, arrows, or javelins, except in areas specifically set apart for such forms of recreation.

- 26.13 Radio Controlled Models. No person shall operate any radio controlled model planes, rockets, boats or wheeled model vehicles in any park, except in areas specifically designated and set apart for such forms of recreation.
- 26.14 Enclosures. No person shall take down, climb over or upon, interfere with, disturb or displace or walk upon any rails, posts, boards, fence, or other structures enclosing any park or playground or portion thereof.
- 26.15 Animals. No person shall permit any dog that is owned by him/her or under his/her control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal (either wild or domestic) that is owned by him/her or under his/her control or custody to enter any park, except when special permission is granted by the City Manager.
- 26.16 Loitering. No person shall loiter or remain upon any public park or playground between the hours of 10:00 P.M. and 7:00 A.M.; provided, however, that this section shall not apply to employees of the City of Troy in the course of their duties or to activities being held under the auspices of the Parks and Recreation Department. The City Manager is hereby empowered to waive this section when such action will serve the public benefit and welfare.
- 26.17 Additional Rules. The City Manager is hereby empowered to make such rules and regulations, subject to the approval of the City Council, pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public. Each person shall comply with such rules and regulations.