



Communication to the City Commission

TO: City Commission
COPY: Matt Richmond, Police Chief
FROM: Benjamin Marentette, City Manager
MEMO DATE: September 29, 2026
SUBJECT: Ordinance Amendment | Safety

EXECUTIVE SUMMARY:

Attached is a memo from Police Chief Matt Richmond recommending amendments to the City of Traverse City Code of Ordinances which would address trespass and prowling. These ordinances would provide our Police Department with more tools to address specific circumstances such as intrusions onto private property, without the multi-step process required to enforce a trespass violation (i.e. the requirement of a warning). This is technically referred to as "prowling."

We also recommend another ordinance, which would authorize police officers to require that any individual who violates our [Parks Ordinance](#) requirements to require such individual to leave the park for three days; an individual who refused to leave may then be charged and/or arrested for trespassing. I want to underscore that the City of Traverse City embraces its officers using their professional discretion, and so they will take circumstances into account when making a decision to pursue this option, if the recommended ordinance is approved by the City Commission.

These ordinances would assist in disbursing gatherings that become concerning and reduce unwanted activity. Of course, these ordinances, if enacted by the City Commission, are not aimed solely at activities problematic for unhoused individuals but will, in some cases, address certain activities seen in Hull Park. These ordinances can be of value for concerning behavior for individuals of any housing status. And for unhoused individuals, as previously communicated by the City, I want to reinforce that our goal is to connect those unhoused individuals that may need supportive services with such services.

I support Chief Richmond's request and recommend the City Commission do the same.

RECOMMENDATION:

That amendments to the Traverse City Code of Ordinances, Chapter 1064 – Parks, Section 1064.99 Penalty and establish Chapter 670 - Personal Conduct Offences - Section 670.04 Prowling, which would address trespassing in parks and prowling in any location, be introduced and scheduled for possible enactment on October 19, 2026.



Memorandum

TO: Benjamin Marentette, City Manager
COPY:
FROM: Matt Richmond, Police Chief
MEMO DATE: September 27, 2026
SUBJECT: Safety Ordinance Amendments

EXECUTIVE SUMMARY:

Attached is a memo that outlines the language of a new ordinance, "**Prowling**," and the proposed ordinance amendment **(c) Trespass**, to Section 1064.99, Penalty of Chapter 1064, Parks. The Prowling ordinance was first presented to the Commission on December 16, 2024. The current language was amended upon feedback from the Commission and the ACLU.

The proposed amendment to Chapter 1064, Parks, was first presented to the Commission on April 21, 2025. The proposed amendment failed 3 (yes) - 4 (no). These ordinances are being brought back for consideration based on a commissioner's suggestion and ongoing safety concerns.

The proposed language for both ordinances has been reviewed by The Kelly Firm, City Attorney.

RECOMMENDATION:

That the Prowling ordinance and amendments to the Traverse City Code of Ordinances Chapter 1064 Parks, be introduced and scheduled for possible enactment on October 19, 2026.



DEPARTMENTAL MEMORANDUM

TO: Benjamin Marentette, City Manager
FROM: Matthew Richmond, Chief of Police
DATE: September 27, 2026
RE: Safety Code of Ordinances

Attached is a memo that outlines the language of a new ordinance, "**Prowling**," and the proposed ordinance amendment **(c) Trespass**, to Section 1064.99, Penalty of Chapter 1064, Parks.

1064.99 Penalty.

- (a) *Misdemeanor penalty.* Whoever violates or fails to comply with any of the misdemeanor provisions of this chapter shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) *Civil infraction penalty.* Whoever violates or fails to comply with any of the civil infraction provisions of this Chapter shall incur the penalties provided in Traverse City Code Section 202.99(b).
- (c) *Trespass.* A Police Officer may require any person violating this chapter to leave any park for the balance of three (3) days. A person who refuses to leave after being requested to do so may be charged with and/or arrested for trespassing.

XXXX. Prowling.

- 1. *Purpose.* It is the intent of this section to establish reasonable time, place, and manner restrictions to further the City's objective in preserving the public peace and health and for the safety of persons and property as required by Charter Section 148. This ordinance shall be construed and applied in a manner consistent with applicable jurisprudence regarding activity protected by the First Amendment.
- 2. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection.

PROWL shall mean willfully lurking about, lying in wait or moving stealthily about private property as if in search of prey or plunder. Approaching a front door or main entrance of a home or building shall not be deemed prowling.

3. *Prowling prohibited*

- a. No person shall knowingly prowl after dark about premises owned or leased by another without the express or implied consent of that person.
 - b. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct.
 - c. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with division (b) above, or if it appears at trial that the explanation given by the person was true and would have dispelled any alarm or immediate concern.
4. A violation of this provision is a misdemeanor, punishable by up to 93 days in jail and/or a fine not to exceed \$500.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO.: _____

Effective Date: _____, 2026

TITLE: Parks

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1064 Parks of the Traverse City Code of Ordinances be amended to read in its entirety:

1064.01 Definitions.

Event means a planned activity to use a park which has an attraction to the public, such as games or amplified sound.

Park means and includes all park and recreation lands, facilities and water areas owned or under the control of the City, whether presently being used for recreation or being held for future recreational use, including, but not limited to, areas for picnicking, swimming or potential swimming, beach activities, boat launching sites, parking and sports, and excluding the Duncan L. Clinch Yacht Harbor and Zoo.

(Ord. 292, Passed 2-19-91; Ord. 791, Passed 3-17-08; Ord. No. 1168, Passed 10-4-21)

1064.02 Hours of operation.

The City Manager shall establish and post at each individual park its hours of opening and closing. Parks open continuously shall be so posted. No person shall be in any park except when such park is open. A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 643, Passed 6-21-04; Ord. No. 1168, Passed 10-4-21)

1064.03 Property destruction; injuring wildlife and vegetation.

No person shall injure, damage, deface, disturb or destroy any part of any park or any facility, building, sign, structure, equipment, utility or other property found therein. No person shall dig for, remove, injure, damage or destroy any tree, flower, shrub, plant or growing thing within any park. No person shall injure, kill, trap, hunt, pursue or in any manner disturb any wild bird or animal within any park, unless authorized by the City Manager for preservation of the peace.

(Ord. 32, Passed 8-15-77; Ord. No. 1168, Passed 10-4-21)

1064.04 Garbage and rubbish.

No person shall deposit or abandon in any park, or in any waters in or adjacent to any park, any garbage, refuse, litter or obnoxious material, except in receptacles provided for such

purpose. No person shall bring refuse or litter, originating outside any park into a park for the purpose of depositing such refuse or litter in park receptacles designated for park users.

(Ord. 32, Passed 8-15-77; Ord. No. 1168, Passed 10-4-21)

1064.05 Camping.

No person shall camp within any park. No person shall park overnight any house trailer or camping vehicle in any park. A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 644, Passed 6-21-04; Ord. No. 1168, Passed 10-4-21)

1064.06 Swimming, bathing and wading.

No person shall swim, bathe or wade in any park in those areas prohibited for that purpose and so posted by the City Manager. No person shall have a glass container within any water area or land area used as a swimming or bathing beach area. A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 579, Passed 10-07-02; Ord. No. 1168, Passed 10-4-21)

1064.07 Fires.

No person shall build a fire in any park except in places designated for such purpose by the City Manager.

(Ord. 32, Passed 8-15-77; Ord. No. 1168, Passed 10-4-21)

1064.08 Weapons and explosives.

No person shall possess or control any fireworks or explosive in any park. No person shall possess or control any bow or arrow in any park except in an area designated for use as an archery range.

(Ord. 32, Passed 8-15-77; Ord. 828, Passed 3-16-09; Ord. No. 1168, Passed 10-4-21)

1064.09 Alcoholic beverages.

No person shall possess any alcoholic beverage, other than beer and wine, in any park; provided, however, that the possession of alcoholic beverages of any kind may be allowed within the lodge at the Hickory Hills Recreation Area as specifically authorized by a permit issued by the City Commission or City Clerk pursuant to the City Commission's Parks and Public Land Use Policy. The consumption and possession of beer and wine, is not allowed in the Open Space during the events of the Traverse City Film Festival, the week of Cherry Festival except in the Festival Beverage Pavilion and for the National Cherry Festival Wine Tasting Event. The City Commission, by resolution, may ban the consumption and possession of beer and wine, in any park or designated portion of a park. A ban of all alcoholic beverages shall be posted on signs at such points within or at the perimeter of the area where the ban is in effect.

(Ord. 32, Passed 8-15-77; Ord. 199, Passed 8-5-86; Ord. 473, Passed 4-19-99; Ord. 805, Passed 7-21-08; Ord. 815, Passed 11-17-08; Ord. No. 1168, Passed 10-4-21)

1064.10 Disorderly conduct.

No person shall be intoxicated or engage in any violent, abusive, loud, boisterous, vulgar, obscene or otherwise disorderly conduct tending to create a breach of the peace or disturb or annoy a reasonable person using the park in a proper manner.

(Ord. 32, Passed 8-15-77; Ord. 805, Passed 7-21-08; Ord. No. 1168, Passed 10-4-21)

1064.11 Pets in parks.

No person shall bring or allow any dog or other pet in any park unless the dog or pet is kept on a leash not over eight feet in length, and under the immediate control of a responsible person. Dogs are permitted to be off-leash as provided in Chapter 610 of these Code of Ordinances, subject to compliance with the rules and regulations adopted for the designated off-leash area. Dogs and other pets are not allowed in (1) park buildings or shelters, (2) designated swimming areas and (3) the city beaches, or portions thereof that are mechanically groomed. Dogs and other pets are not permitted in the Open Space area during the National Cherry Festival or in the Farmers' Market area during its hours of operation unless the dog or other pet is confined in a motor vehicle. The "Farmers" Market area is defined as that part of Parking Lot "B" extending from the water's edge of the Boardman River north to 12 feet north of the center of Parking Lot "B", which center is defined as the concrete island that is shared by and separates the north and south parking bays, and running east from the westerly edge of the Grandview Parkway entrance to the westerly edge of the sidewalk parallel to Cass Street. No dog or pet shall be permitted to touch, worry, disrupt or disturb any person using park facilities. A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 435, Passed 3-18-96; Ord. 531, Passed 5-21-01; Ord. 846, Passed 9-18-09; Ord. 946, Passed 6-4-12; Ord. No. 1069, Passed 3-19-18; Ord. No. 1155, Passed 4-5-21; Ord. No. 1168, Passed 10-4-21)

1064.12 Motor vehicles.

No person shall operate a motor vehicle in excess of 15 miles per hour in any park, except when otherwise posted. No person shall operate a vehicle except on designated roads. No person shall park a motor vehicle except in designated parking spaces; provided, however, that a Mobile Food Vending Unit as defined in Traverse City Code of Ordinances Chapter 865, that has a valid Mobile Food Vending License may operate within and adjacent to parks in areas authorized by resolution of the City Commission. Drivers of motor vehicles shall obey all posted traffic control signs and devices. A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 645, Passed 6-21-04; Ord. 965, Passed 5-6-13; Ord. No. 1168, Passed 10-4-21)

1064.13 Off-the-road vehicles.

No person shall operate an off-the-road motor driven vehicle, such as a snowmobile, dune buggy, trail bike, mini-bike or motorcycle, or any motorized device, in any park, except on designated roads, trails or areas posted for such use provided, however, that a Mobile Food Vending Unit as defined in Traverse City Code of Ordinances Chapter 865, that has a valid Mobile Food Vending License may operate within and adjacent to parks in areas authorized by resolution of the City Commission. A person who violates this section is responsible for a municipal civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 663, Passed 02-22-05; Ord. 965, Passed 5-6-13; Ord. No. 1168, Passed 10-4-21)

1064.14 Parking.

- (a) Vehicles and trailers shall be parked only in areas designated for parking. In such designated areas parking will be allowed only for persons utilizing park or recreation facilities related to the parking area. In no event shall parking be permitted for patrons or employees of commercial, residential or industrial facilities in proximity thereto. Parking shall be regulated in accordance with City ordinances and regulations.
- (b) No person shall stop, stand or park a vehicle upon any portion of a public park for the principal purpose of displaying such vehicle for sale or for advertising purposes.
- (c) A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 646, Passed 6-21-04; Ord. No. 1168, Passed 10-4-21)

1064.15 Boat launching.

Boats may be launched from designated Municipal boat launching sites after a launch permit has been obtained from the City. The City Manager shall designate, in writing, the Municipal boat launching sites for which a launch permit is necessary and shall establish permit fees. Launch permits shall be displayed prominently and permanently on the tongue of the boat trailer when launching from the sites, or if a boat trailer is not used, the permit shall be displayed prominently and permanently on the motor vehicle used for transporting the boat to the launching site. A person who violates this section is responsible for a civil infraction.

(Ord. 32, Passed 8-15-77; Ord. 134, Passed 5-17-82; Ord. 647, Passed 6-21-04; Ord. No. 1168, Passed 10-4-21)

1064.16 Rules and regulations.

The City Manager is hereby authorized, subject to approval and adoption by the City Commission, to make such other rules and regulations pertaining to the conduct and use of parks as are necessary to administer the same or to protect public property or the safety, health, morals or welfare of the public. No person shall fail to comply with such rules and regulations.

(Ord. 32, Passed 8-15-77; Ord. No. 1168, Passed 10-4-21)

1064.17 Park concessions.

No person shall sell or rent, or attempt to sell or rent, any service, merchandise or object in any park, subject to the following exceptions:

- (1) Park concessions may be authorized by contract approved by the City Commission.
- (2) A group or organization, authorized to use a park by permit from the City Manager for a special occasion, may sell to its own members.
- (3) A Mobile Food Vending Unit as defined in Traverse City Code of Ordinances Chapter 865, that has a valid Mobile Food Vending License may operate within and adjacent to parks in areas authorized by resolution of the City Commission.
- (4) A person who violates this section is responsible for a municipal civil infraction.

(Ord. 291, Passed 2-19-91; Ord. 661, Passed 02-22-05; Ord. 965, Passed 5-6-13; Ord. No. 1168, Passed 10-4-21)

1064.18 Enforcement.

- (a) *Administration.* The uniformed employees of the Parking Violations Bureau and other officials designated in writing by the City Manager are hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3)(2)).
- (b) *Appearance ticket.* Appearance tickets shall be in such form as determined by the City Attorney in conformity with all statutory requirements.

(Ord. 135, Passed 5-17-82; Ord. No. 1168, Passed 10-4-21)

1064.19 Events.

No Person shall conduct, host or sponsor an event in a park except in compliance with the City of Traverse City Park and Public Land Use Policy. Any person who conducts, hosts, or sponsors an event in violation of the policy:

- (1) May be removed from the City Park or adjacent public land, and if a person fails to leave after being requested to do so, that person shall be deemed to be trespassing and may, at the discretion of the City Manager, be prosecuted;
- (2) Is guilty of a municipal civil infraction;
- (3) Shall be responsible for paying all costs that would have been owed had the event been conducted, hosted, or sponsored in compliance with the Policy. The City Manager shall be responsible for determining what costs were incurred by the City as a result of the event.

(Ord. 791, Passed 3-17-08; Ord. No. 1168, Passed 10-4-21)

1064.20 Prohibited conduct at events.

In addition to any other applicable provision of law, the following conduct shall be prohibited at any event in any park:

- (1) Conduct that materially and substantially prevents any other reasonable person from viewing, hearing or meaningfully participating in an event.
- (2) Conduct that substantially interferes with the free passage of event participants or attendees by creating an insurmountable obstacle at any entrance, aisle, walkway, stairwell, ramp, esplanade, vendor booth, riser or other area commonly used for public access, egress or ingress.
- (3) Entry into or remaining in any area of an event that is posted as not open to the public without the consent of the permit holder for the event or entry into or remaining in any area of an event that is posted as open to the public only upon the payment of an entry fee or charge, without first paying the applicable entry fee or charge.
- (4) A person found responsible for violating this subsection after receiving an initial warning, may be removed from the City Park, and if a person fails to leave after being requested to do so, that person may be guilty of criminal trespassing.

(Ord. 804, Passed 6-16-08; Ord. No. 1168, Passed 10-4-21)

1064.99 Penalty.

- (a) *Misdemeanor penalty.* Whoever violates or fails to comply with any of the misdemeanor provisions of this chapter shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned not more than 30 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) *Civil infraction penalty.* Whoever violates or fails to comply with any of the civil infraction provisions of this Chapter shall incur the penalties provided in Traverse City Code Section 202.99(b).
- (c) *Trespass.* A Police Officer may require any person violating this chapter to leave any park for the balance of three (3) days. A person who refuses to leave after being requested to do so may be charged with and/or arrested for trespassing.

(Ord. 32, Passed 8-15-77; Ord. 648, Passed 6-21-04; Ord. No. 1168, Passed 10-4-21)

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____, 2026

TITLE: Prowling

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter Personal Conduct Offense of the Traverse City Code of Ordinances be amended to read in its entirety:

670.01 Indecency; swimming; exhibitionism; profanity.

- (a) No person shall engage in any indecent, insulting, immoral or obscene conduct in any street, alley or public place.
- (b) No person shall swim or bathe in any public place without wearing proper apparel.
- (c) No person shall make any immoral exhibition or exposure of his or her person.
- (d) No person shall utter any profanity or indecent or improper language in a public place.

(1976 Code Sec. 26.11)

670.02 Public urination and defecation.

No person shall urinate or defecate on any street, alley or other open public place.

(Ord. 522. Passed 2-20-01.)

670.03 Consumption in Public.

No person shall consume alcoholic liquor on the public right of way, on public sidewalks, in a public parking lot, or in a public parking structure. A business or organization having permission from the Liquor Control Commission for outdoor sales may, with the approval of the City Commission, sell or deliver alcoholic liquor for consumption on a designated area of public right of way, on public sidewalks, parking structures or parking lots, subject to such restrictions as to time, dates and location as may be imposed by the City Commission. It shall not be a violation of this section for a person to consume alcoholic liquor obtained from such a business or organization if such consumption is made in the designated area. A violation of this provision is a civil infraction.

670.04 Prowling

1. Purpose. It is the intent of this section to establish reasonable time, place, and manner restrictions to further the City's objective in preserving the public peace and health and for the safety of persons and property as required by Charter Section 148. This ordinance shall be construed and applied in a manner consistent with applicable jurisprudence regarding activity protected by the First Amendment.

2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection. PROWL shall mean willfully lurking about, lying in wait or moving stealthily about private property as if in search of prey or plunder. Approaching a front door or main entrance of a home or building shall not be deemed prowling.

3. Prowling prohibited

- a. No person shall knowingly prowl after dark about premises owned or leased by another without the express or implied consent of that person.
- b. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct.
- c. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with division (b) above, or if it appears at trial that the explanation given by the person was true and would have dispelled any alarm or immediate concern.

4. A violation of this provision is a misdemeanor, punishable by up to 93 days in jail and/or a fine not to exceed \$500.

670.98 Appearance tickets.

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3)(2). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(Ord. 352. Passed 5-17-93.)

670.99 Penalty.

Editor's note(s)—See § 202.99 for general Code penalty if no specific penalty is provided.