

## Chapter 26

### PARKS AND RECREATION\*

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\* **State Law References:** Authority to operate recreation and playgrounds, MCL 123.51 et seq.; playground equipment safety act, MCL 408.681 et seq.

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### ARTICLE I.

#### IN GENERAL

Secs. 26-1--26-18. Reserved.

### ARTICLE II.

#### PARKS AND RECREATION COMMITTEE

Sec. 26-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to

them in this section, except where the context clearly indicates a different meaning:

*Park* means an area of public land in the city, used for public recreation.

*Recreation* means any form of play, amusement or recreation intended to refresh or restore body or mind.

**Sec. 26-20. Establishment.**

The city council has the authority, pursuant to Public Act No. 156 of 1917 (MCL 123.51 et seq.), to operate a system of public recreation including establishing and maintaining parks and acquiring, equipping and maintaining land, buildings or other recreational facilities. A committee is hereby established to be known as the parks and recreation committee (P and RC).

**Sec. 26-21. Composition.**

The committee shall consist of one member of the city council, the city department of public works (DPW) director, and five general public members. Of the seven-member board, at least four shall be city residents. At large members are appointed by the city council from applicants for membership. One member may be of the minimum age of not less than 16 years old.

**Sec. 26-22. Appointment of members; terms of office.**

The city council shall, by resolution, appoint a councilmember whose term shall be for two years or the same as the remaining years of his term as a member of the city council, which ever is less. The terms of office for the six other members shall be from their appointment date until the end of the calendar year of their term of office. The terms shall be for three years, except initially two members shall serve for a term of one year, two for a term of two years and three for a term of three years.

**Sec. 26-23. Vacancies.**

All committee members shall hold office until their successors are appointed. Members may be removed by the city council for inefficiency, neglect of office or malfeasance in office. Vacancies occurring on the committee shall be filled for the unexpired term in the same manner as initial appointments. All members shall serve without compensation.

**Sec. 26-24. Officers.**

The committee shall, at its first meeting in each calendar year, appoint a chairperson and vice-chairperson.

**Sec. 26-25. Rules and procedures.**

The committee may adopt rules of operation deemed necessary which are not in conflict with this chapter.

**Sec. 26-26. Meetings.**

(a) The committee shall meet at least eight times each year. All minutes shall be submitted to council for review and filing.

(b) All regular and special meetings shall be noticed and conducted in accordance with the Michigan open meetings act, Public Act 267 of 1976 (MCL 15.261 to 15.275).

**Sec. 26-27. Powers and duties.**

(a) The committee shall make recommendations to the city council in all matters related to city parks and public recreation as they believe will help improve public recreation.

(b) The committee shall not enter into contracts or adopt policy. The committee shall be empowered to:

- (1) Investigate and recommend options for the best use of the city park property and other facilities operated or sponsored by the city.
- (2) Recommend improvements in city parks and other public recreational facilities operated or sponsored by the city.
- (3) Suggest changes in policies, regulations and rules regarding city parks and other recreational facilities operated or sponsored by the city.
- (4) Recommend a long-range plan for city parks and other recreational facilities operated or sponsored by the city. Update the community recreation plan as needed for council approval.
- (5) Obtain citizen input for proposed uses and city parks and other recreational facilities operated or sponsored by the city.
- (6) Advise the city council when beneficial additions to the city parks or other recreational facilities operated or sponsored by the city become available for purchase or lease.
- (7) Recommend if and when the city council should convert recreational facilities operated or sponsored by the city to a city park.
- (8) Direct expenditures of council-appropriated funds for park and recreational activities.

**Secs. 26-28--26-57. Reserved.**

**ARTICLE III.**

**PARK RULES AND REGULATIONS**

**Sec. 26-58. Defacing public property.**

No unauthorized person shall cut, injure, deface, remove or disturb any tree, shrub, building, fence, bench, table or other structure, apparatus or property; pick, cut or remove any shrub, bush or flower; or mark or write upon any building, fence, bench or other structure of any municipal park land in the city.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 1)

**State Law References:** Malicious mischief generally, MCL 750.377a et seq.

#### **Sec. 26-59. Open fires.**

No unauthorized person shall make or kindle an open fire in any municipal park land in the city, except in areas provided for that purpose.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 2)

**State Law References:** State fire prevention code, MCL 29.1 et seq.

#### **Sec. 26-60. Sell or solicit.**

No unauthorized person shall sell, offer or solicit for sale any goods or merchandise without a permit in any municipal park land in the city.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 3)

#### **Sec. 26-61. Loiter.**

No unauthorized person shall remain, stay or loiter in any municipal park land in the city between the hours of 10:00 p.m. and 6:00 a.m. the following day except as allowed by a permit or for events of charitable, civic or governmental organizations.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 4)

#### **Sec. 26-62. Post or affix any sign.**

No unauthorized person shall post, paste or affix any placard, notice or sign within any municipal park land in the city without a permit.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 5)

#### **Sec. 26-63. Operate any motor vehicle off road.**

No unauthorized person shall operate any motor vehicle or offroad motor vehicle on any paved walkway within any municipal park land in the city, except electric vehicles to assist the physically disabled.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 6)

**State Law References:** Michigan vehicle code, MCL 257.1 et seq.

#### **Sec. 26-64. Consume alcoholic liquor.**

No unauthorized person shall bring into, possess or consume any alcoholic liquor while in any municipal park land in the city.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 7)

**State Law References:** Possessing alcoholic liquors in parks, MCL 436.1915.

**Sec. 26-65. Use or possess fireworks.**

No unauthorized person, while in any municipal park land in the city, shall use or possess fireworks, explosives or devices capable of launching a projectile.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 8)

**State Law References:** Fireworks (municipal permits), MCL 750.243a et seq.

**Sec. 26-66. Loud noises.**

No unauthorized person, while in any municipal park land of the city, shall make any sound or noise generated by a group, person or device which is excessive or obscene, including such devices as radios, loud speakers, public address systems or similar devices unless the same are permitted in writing.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 9)

**Sec. 26-67. Animals controlled by a leash.**

No owner or ward shall allow a domesticated or pet animal in any municipal park land in the city unless the domesticated or pet animal is accompanied by its owner or ward and controlled on a leash, not more than six feet long. All animal excrement shall immediately be placed in a litter receptacle by the pet owner or ward. The requirement to clean up the animal's excrement shall not apply to persons with leader, guide, hearing and service dogs.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 10)

**Sec. 26-68. Discharge firearms.**

No unauthorized person shall display, discharge, set off or use any firearms or weapon within any municipal park land in the city.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 11)

**State Law References:** Firearms and weapons, MCL 750.222 et seq.

**Sec. 26-69. Littering.**

No unauthorized person, within any municipal park land in the city, shall deposit or discard, either in open or in designated trash receptacles, any trash, garbage or waste not generated by lawful activities in the park.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 12)

**State Law References:** Littering, MCL 324.8901 et seq.

**Sec. 26-70. Children under adult supervision.**

Adults within any municipal park land in the city are responsible for accompanying their children ten years of age or younger.

(Ord. of 7-11-2005; Ord. of 7-19-2007, § 13)