

## Chapter 22

### 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. 22-1--22-18. Reserved.

#### Article II. Rules and Regulations

Sec. 22-19. Purpose.

Sec. 22-20. Applicability.

Sec. 22-21. Construction.

Sec. 22-22. Definitions.

Sec. 22-23. Supervision.

Sec. 22-24. Enforcement of ordinances and regulations.

Sec. 22-25. Park hours.

Sec. 22-26. Preservation of property, natural resources and wildlife; disposing of rubbish.

Sec. 22-27. Vehicles.

Sec. 22-28. Firearms and other weapons; fireworks.

Sec. 22-29. Fires; ignitable and combustible materials.

Sec. 22-30. Alcoholic liquors; controlled dangerous substances; alms; gambling.

Sec. 22-31. Advertising; assemblages; entertainment.

Sec. 22-32. Commercial activities.

Sec. 22-33. Miscellaneous conduct.

Sec. 22-34. Special use; group activity.

Sec. 22-35. Permits.

Sec. 22-36. Penalty.

#### ARTICLE I.

#### IN GENERAL

Secs. 22-1--22-18. Reserved.

#### ARTICLE II.

#### RULES AND REGULATIONS

Sec. 22-19. Purpose.

The purpose of this article is to provide for the superintendence of the park and recreation areas and facilities of the city; to provide rules and regulations for the use of and conduct in the parks and recreation areas and facilities of the city, and the use of park property owned and/or maintained by the city.  
(Code 1972, § 20.501; Ord. No. 135, § 1.01, eff. 5-4-1981)

Sec. 22-20. Applicability.

This article shall apply in all parks and recreation areas and facilities under the jurisdiction of the city, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions, the approving governing agency shall be the park and recreation board. (Code 1972, § 20.502; Ord. No. 135, § 2.01, eff. 5-4-1981)

**Sec. 22-21. Construction.**

In the interpretation of this article and all succeeding park and recreation area ordinances, the provisions shall be construed as follows:

- (1) Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring directly or indirectly, of such act;
- (2) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the park and recreation board or city in line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the city or park and recreation board;
- (3) Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of, and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

(Code 1972, § 20.503; Ord. No. 135, § 3.01, eff. 5-4-1981)

**Sec. 22-22. 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:

*Animals* means and includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park and recreation area.

*Approving governing agency* means the park and recreation board, or its designee.

*Director* means the director of the park and recreation board as established under section 2-137 and appointed by the city manager. In the absence of said employee or a vacancy in the position, the city manager shall serve as director.

*Park attendant* means and includes any person employed by the city as a parks attendant to perform duties or tasks within the park and recreation areas.

*Path* means any footpath, walk, or any path maintained for pedestrians.

*Pedestrian* means a person afoot.

*Permit* means any written license issued by or under the authority of the approving governing agency permitting a special event or activity on park facilities.

*Soliciting* means persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for goods and persons seeking any form of contributions.

*Stopping or standing* means, when prohibited, any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrian or other traffic including horses and bicycles.

*Traffic* means pedestrians, ridden or herded animals and vehicles, either singly or together.

*Vehicle* means any conveyance propelled by other than muscular power except those vehicles commonly used to assist or convey handicapped persons including, but not limited to, motor vehicles, trailers of all types, mopeds, motorcycles, go-carts, snowmobiles, all-terrain vehicles (ATVs), garden tractors, tractors, lawn mowers and horse drawn conveyances.

*Vending* means selling or trading any item or service.  
(Code 1972, § 20.504; Ord. No. 135, § 4.01, eff. 5-4-1981; Ord. No. 135A, eff. 1-25-2006)

### **Sec. 22-23. Supervision.**

(a) All parks and recreation areas owned and/or maintained by the city, whether inside or outside its corporate limits, shall be operated and maintained under the supervision of the director of the park and recreation board.

(b) The director shall see to the operation and maintenance of all city parks and recreation areas and facilities and he shall perform his duties subject to the supervision of the park and recreation board of the city.

(c) The director shall have supervision over all employees concerned in the maintenance of such park and recreation areas and facilities and they shall perform their duties under his supervision.  
(Code 1972, § 20.505; Ord. No. 135, § 5.01, eff. 5-4-1981)

### **Sec. 22-24. Enforcement of ordinances and regulations.**

(a) The director and the city police department shall see to the enforcement of all ordinances and regulations relating to the park and recreation areas and facilities. The director shall enforce all rules relating to the use of the parks and recreation areas and facilities.

(b) The director, city police department, and any park attendant shall have the authority to order any person or persons acting in violation of this article, or any other ordinance of the city, to leave the park or recreation area or facility.  
(Code 1972, § 20.506; Ord. No. 135, § 6.01, eff. 5-4-1981)

### **Sec. 22-25. Park hours.**

Unless posted differently, park and recreation areas shall be open daily between the hours of sunrise and sunset. The director and/or board may extend or constrict park hours as they shall reasonably deem fit. Unless a permit is first obtained, and except for designated camping areas, no person shall be in any park or recreation

area or facility during the hours the park or recreation area or facility is closed.  
(Code 1972, § 20.507; Ord. No. 135, § 7.01, eff. 5-4-1981)

**State Law References:** Trespassing generally, MCL 750.546 et seq.

**Sec. 22-26. Preservation of property, natural resources and wildlife; disposing of rubbish.**

It shall be unlawful for any person in a public park or recreation area to:

- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, cooking grills, fireplaces, railings, playground equipment, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
- (2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition;
- (3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency without first obtaining special permission of the director or the board;
- (4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder;
- (5) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;
- (6) Climb, stand or sit upon any tree, monument, vase, planter, fountain, railing, fence, bridge, or upon any other property not designated or customarily used for such purpose;
- (7) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure;
- (8) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters;
- (9) Take into, carry through, or put into any park, any rubbish, refuse, garbage or other material. All refuse and rubbish generated within a park or recreation area shall be deposited in receptacles as provided within the park or recreation area. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park or recreation area by the person responsible for its presence, and properly disposed of elsewhere;
- (10) Cause or permit to run loose any animal;

- (11) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight;
- (12) Ride a horse except on designated bridle trails, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended;
- (13) Walk a domestic animal including a dog, without a leash, the leash being no longer than six feet. Further, the owner or person having custody of said domestic animal shall be responsible for removal of any animal solid waste. The removal of solid waste shall not apply to leader, guide, hearing and service dogs;
- (14) Permit their domestic animal to annoy or disturb any other person using the park or recreation area or facility; or
- (15) Permit their domestic animal to enter into any body of water or designated swimming beach area within a park or recreation area.

(Code 1972, § 20.508; Ord. No. 135, § 8.01, eff. 5-4-1981; Ord. No. 135A, eff. 1-25-2006)

**State Law References:** Littering, MCL 324.8901 et seq.; malicious mischief generally, MCL 750.377a et seq.

## **Sec. 22-27. Vehicles.**

It shall be unlawful for any person in a public park or recreation area to:

- (1) Drive any vehicle on any area except the park roads or parking areas, or such areas as may on occasion be specifically posted and designated as temporary areas, including snowmobile trails;
- (2) Park a vehicle anywhere except in a designated parking area;
- (3) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed. During a snowstorm and for three days thereafter established parking areas in parks and recreation areas may be utilized for parking, but not by trailers of any kind;
- (4) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available;
- (5) Ride a bicycle without reasonable regard to the safety of others;
- (6) Leave a bicycle lying on the ground or roadway or set against trees, or in any place or position where other persons may trip over or be injured by them;
- (7) Wash any vehicle;
- (8) Operate a motorized vehicle in excess of 15 mile per hour except where another speed limit is

otherwise posted; or

- (9) Violate any of the provisions of the Uniform Traffic Code or Michigan Vehicle Code, as adopted by the city, within any park or recreation area.

(Code 1972, § 20.509; Ord. No. 135, § 9.01, eff. 5-4-1981)

**State Law References:** Michigan Vehicle Code, MCL 257.1 et seq.

### **Sec. 22-28. Firearms and other weapons; fireworks.**

It shall be unlawful for any person, except a police officer or other peace officer, to bring into or have in his possession in any park or recreation area:

- (1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used. Official starters, at authorized track and field events, are excepted from this restriction;
- (2) Any rifle, shotgun, BB gun, airgun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring, or air, without first having obtained a written permit from the director for possessing same; or
- (3) Have in his possession or set off any fireworks. Permits may be given for conducting properly supervised fireworks in designated park areas.

(Code 1972, § 20.510; Ord. No. 135, § 10.01, eff. 5-4-1981)

**State Law References:** Firearms and weapons, MCL 750.222 et seq.; fireworks, MCL 750.243a et seq.

### **Sec. 22-29. Fires; ignitable and combustible materials.**

No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush.

(Code 1972, § 20.511; Ord. No. 135, § 11.01, eff. 5-4-1981)

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

### **Sec. 22-30. Alcoholic liquors; controlled dangerous substances; alms; gambling.**

While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

- (1) Possess, sell, drink or use alcoholic liquors or controlled dangerous substances as defined under state statutes, or being under the influence of alcoholic liquor or a controlled dangerous substance in a park or recreation area, or any area open to the public adjacent to or near said park or recreation area, including, but not limited to, streets and parking lots. Provided, however, that the city council may issue a special permit for the possession, sale and/or consumption of alcoholic liquors within a park for a specified period of time;
- (2) Solicit alms;

- (3) Play any game of chance or have possession of any instrument or device for gambling; or
- (4) Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit.

(Code 1972, § 20.512; Ord. No. 135, § 12.01, eff. 5-4-1981; Ord. No. 146, eff. 5-19-1983)

**State Law References:** Alcoholic liquors, MCL 436.1101 et seq.; controlled substances, MCL 333.7101 et seq.; gambling, MCL 750.301 et seq.

**Sec. 22-31. Advertising; assemblages; entertainment.**

(a) No person shall post, paint, affix, distribute, deliver, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular, or advertisement.

(b) No person shall do any of the following without a permit; provided, that no permit shall be required for any action or event sponsored by the city or the board:

- (1) Display any advertising signs or other advertising matter; provided, that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, or a sign or advertisement for food, beverage, or merchandise being sold under permit and from the vehicle or structure to which the sign may be attached, is not prohibited;
- (2) Operate, for advertising purposes, any musical instrument, soundtrack or drum;
- (3) Hold public assemblages; or
- (4) Conduct exhibitions.

(Code 1972, § 20.513; Ord. No. 135, § 13.01, eff. 5-4-1981)

**Sec. 22-32. Commercial activities.**

No person shall expose or offer for sale any article, service, food or beverage in any park or recreation area without first obtaining a written permit from the director, and without a license as a concessionaire as issued by the city. County health permits shall be required for all food concessions.

(Code 1972, § 20.514; Ord. No. 135, § 14.01, eff. 5-4-1981)

**Sec. 22-33. Miscellaneous conduct.**

It shall be unlawful for any person in a park or recreation area to:

- (1) Camp or stay overnight anywhere except in areas designated for camping or staying overnight in vehicles or trailers;
- (2) Enter an area posted as "Closed to the Public";
- (3) Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;

- (4) Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule;
  - (5) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit;
  - (6) Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other thing, without a permit;
  - (7) Swim, bathe or wade within any park or recreation area except within posted hours and areas designated for such use;
  - (8) Interfere with any park attendant, the director, or a police officer in the discharge of his duties or fail or refuse to obey a lawful command of a park attendant, director, or a police officer;
  - (9) Endanger the safety of any person by any conduct or act;
  - (10) Commit any assault, battery, or engage in fighting;
  - (11) Violate any rule for the use of the park or recreation area or facility, made or approved by the board or city council; or
  - (12) Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this article and the rules applicable to such use.
- (Code 1972, § 20.515; Ord. No. 135, § 15.01, eff. 5-4-1981)

**Sec. 22-34. Special use; group activity.**

(a) Whenever any person, group, association or organization desires to use a park or recreation area or facility, or a part or portion thereof, for a particular purpose and to the exclusion of other persons, such as family or group picnic, or party, the person or a representative of said group, association or organization, may obtain a special use permit from the director or from the board for such purpose.

- (1) An application for such a special use permit shall be accompanied by a nonrefundable application fee as currently established or as hereafter adopted by resolution of the city council from time to time.
- (2) If the permit is granted, the issuance thereof shall be contingent upon the payment of a refundable clean-up deposit fee as currently established or as hereafter adopted by resolution of the city council from time to time which deposit shall be refunded, in whole or in part, by the director after the event and after the person has restored the reserved area to the condition in which it was found at the time of use. The cost of cleaning and restoring areas and facilities not properly cleaned and/or restored after the event shall be charged to the person, group, association, or organization by the director who shall first apply the deposit fee to such costs. The cost basis to be charged to the user shall be labor, material and equipment costs plus ten

percent.

(b) Whenever any person, group, association or organization desires to use a park or recreation area or facility, or a part or portion thereof, for a particular purpose which will cause more than 40 persons to gather thereat, such as a softball or baseball tournament, art show, or a holiday celebration, the person or a representative of said group, association, or organization shall first obtain a special use permit from the board for such purpose.

- (1) An application for such special use permit shall be accompanied by a nonrefundable application fee as currently established or as hereafter adopted by resolution of the city council from time to time.
- (2) If the permit is granted, the issuance thereof shall be contingent upon the payment of a refundable clean-up deposit fee as currently established or as hereafter adopted by resolution of the city council from time to time. Such deposit fee shall be refunded in whole or in part, by the director after the event and after the person has restored the reserved area to the condition in which such was found at the time of use. The cost of cleaning and restoring areas and facilities not properly cleaned and/or restored after the event shall be charged to the person, group, association, or organization by the director who shall first apply the deposit fee to such costs. The cost basis to be charged to the user shall be labor, material and equipment costs plus ten percent.
- (3) The applicant shall provide an indemnity bond to protect the city from any liability of any kind or character and to protect city property from damage whenever the issuance of the permit is conditioned upon such bond at the discretion of the board.

(c) An application fee shall not be required of the public school, or any group or association thereof, any other school in the city or any group or association thereof, any church sponsored group, or any public service, nonprofit organization of Ionia County, Michigan.

(d) The board shall promulgate rules and regulations and an application form for implementing the provisions of this section.

(e) Any exceptions from the terms of this article and the rules and regulations of the parks and recreation areas and facilities shall be first approved by city council and shall be set forth in the special use permit.

(Code 1972, § 20.516; Ord. No. 135, § 16.01, eff. 5-4-1981)

### **Sec. 22-35. Permits.**

(a) *Application.* Permits for special events or uses in parks and recreation areas shall be obtained by application to the director or the board in accordance with the following procedure:

- (1) A person seeking issuance of a permit under this article shall file an application provided by the board stating:

- a. The name and address of the applicant;
- b. The name and address of the person, persons, organization, corporation or association sponsoring the activity;
- c. The day and hours for which the permit is desired;
- d. The park or recreation area or portion thereof for which the permit is desired;
- e. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder; and
- f. Variances required from park rules and regulations.

(2) Standards for issuance of a permit shall include the following findings:

- a. That the proposed activity or use of the park or recreation area will not unreasonably interfere with or detract from the general public's enjoyment of the park;
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct;
- d. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the city; and
- e. That the facilities desired have not been reserved for other use on the date and hour requested in the application.

(b) *Appeal; notice.*

(1) Within ten days after the receipt of an application the director or board shall tell an applicant in writing of the decision to grant or deny a permit; in the event of a denial the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the city council by serving written notice thereof on the city clerk within five working days of said refusal.

(2) A copy of said notice shall also be served on the board within the same time and said board shall immediately forward the application and the reasons for its refusal to the city council. The city council shall decide within 14 days from the receipt of the appeal by the city clerk, or at its first meeting after the appeal, whichever is later. The decision of the city council shall be final.

(c) *Rules and regulations.* A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(d) *Liability insurance.* An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit.

(e) *Indemnity bond.* An applicant for a permit may be required to obtain an indemnity bond to protect the city from any liability of any kind or character and to protect the city property from damage, the amounts of such indemnity to be not less than the amounts of coverage the city carries under its insurance on the date of issuance of the permit. In granting a permit, the board shall specify the amounts of required coverage and the extent and types of required coverage. No permit shall be issued until satisfactory proof of insurance is filed with the city clerk.

(f) *Revocation.* The city council shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

(g) *Exceptions.* Any exceptions from the terms of this article and the rules and regulations of the parks and recreation areas and facilities shall be first approved by city council and shall be set forth in the permit.

(Code 1972, § 20.517; Ord. No. 135, § 17.01, eff. 5-4-1981)

#### **Sec. 22-36. Penalty.**

(a) Any person, firm, organization, corporation or association who is convicted of violating any provision of this article shall be punished as provided in section 1-13, or through community service.

(b) Any vehicle, weapon or tool including, but not limited to, snowmobiles, all-terrain vehicles (ATVs) and motorcycles used in violation of any section of this article may be seized and kept at the discretion of the enforcing person from the offender until any pending court case relating to the vehicle, weapon or tool is concluded; and, storage fees may be assessed at the rate as currently established or as hereafter adopted by resolution of the city council from time to time.

(c) Any parent or guardian whose child or ward violates any section of this article shall be liable for any damages caused by said child or ward including, but not limited to, repairing, replanting, repainting, and/or replacing the damage caused; costs including labor, administrative costs, legal costs and any other reasonably associated expense to return what was damaged to as good or better condition.

(Code 1972, § 20.518; Ord. eff. 1-15-1996, § 18.01)