

# Chapter 78 - PARKS AND PUBLIC PROPERTY

## ARTICLE I. - IN GENERAL

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Secs. 78-1—78-30. - Reserved.

## ARTICLE II. - ADMINISTRATION

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### DIVISION 1. - GENERALLY

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Secs. 78-31—78-45. - Reserved.

### DIVISION 2. - PARKS AND RECREATION COMMISSION

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#### Sec. 78-46. - Composition; appointment.

The parks and recreation commission shall consist of at least nine but not more than 11 members appointed by the mayor, subject to confirmation by a majority of city council.

#### Sec. 78-46.01. - Youth members.

Three members may be youth members, under the age of 18 years of age. Youth members shall have all powers of a member, including the power to vote and hold office in the parks and recreation commission.

#### Sec. 78-47. - Term.

The term of the members of the parks and recreation commission shall be three years, except that of the members first appointed. Terms shall be staggered so that as far as practicable at least three member's terms expire each year.

#### Sec. 78-48. - Residency.

Members of the parks and recreation commission shall be residents of the city. At least three members shall be appointed from each of the three wards of the city.

#### Sec. 78-49. - Powers and duties.

The parks and recreation commission shall be an advisory board and shall have the following powers:

- (1) Make recommendations to the city manager, recreation director, and city council concerning the recreation and city parks needs of the city, including how park improvement funds are used.

- (2) Update the City of Ypsilanti parks and recreation master plan.
- (3) Review and approve "Adopt-A-Park" applications.
- (4) Expand park and recreational opportunities through commission sponsored events when appropriate.
- (5) Set its own rules and regulations.
- (6) Report, at least annually, to city council.

#### Sec. 78-50. - Secretary and administrative help.

The city manager shall, within budgetary appropriations, provide for secretarial and administrative help for the commission.

#### Sec. 78-51. - Vacancy in office.

Vacancies shall be filled in the same manner that members are appointed. The office of any member shall be requested vacated by resolution to City Council, if that member has three or more unexcused absences from meetings of the commission. Absences may be excused by simple majority of a quorum.

Secs. 78-52—78-65. - Reserved.

### DIVISION 3. - RECREATION DEPARTMENT

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#### Sec. 78-66. - Intent.

The purpose of this division is to provide for a city recreation department.

#### Sec. 78-67. - Department created.

A city recreation department is hereby created, pursuant to section 4.05 of the city Charter.

**Sec. 78-68. - Duties.**

The recreation department shall:

- (1) Recommend and implement recreation programs within the city;
- (2) Study, search and apply for grants: state, federal, local or otherwise;
- (3) Perform such other duties as may be prescribed by resolution of the city council or by direction of the city manager.

**Sec. 78-69. - Director.**

- (a) Subject to funding, the city manager shall appoint a parks and recreation director.
- (b) The parks and recreation director shall be an administrative officer of the city.
- (c) The salary of the parks and recreation director shall be set by the city manager, in accordance with budgetary appropriations.
- (d) The parks and recreation director shall perform such duties as may be prescribed by ordinance or by direction of the city manager.

**Secs. 78-70—78-90. - Reserved.**

**ARTICLE III. - USE REGULATIONS**

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**Sec. 78-91. - Function of park system and open areas.**

The function of the park system, city owned property and open areas is to:

- (1) Provide the citizens of the city with the opportunity to peacefully enjoy natural and scenic areas;
- (2) Provide recreational opportunities; and
- (3) Preserve natural habitats for wildlife and to permit athletic competition in designated areas.

**Sec. 78-92. - 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:

*City park, city owned property and open areas* mean all parks, playgrounds, golf courses, cemeteries, swimming pools, ice rinks, nature areas and open areas, whether developed or undeveloped which are owned or otherwise controlled by the city, together with public bodies of water within or adjacent to such lands and buildings, and lands, parking areas, bicycle paths and other facilities serving such property.

*Fountain* means any stream of water made to rise or spout upward artificially, so as to provide water for drinking or to serve as an ornament.

*Manager* means the city manager of the city.

**Sec. 78-93. - Appeals.**

A decision of the city manager or their designee to refuse to issue a permit or to bar a person from a park, city owned property or open area in excess of seven days may be appealed to the city council within 20 days of the manager's decision. The city council shall hear the appeal within 20 days and make a decision within ten days after hearing. Hearings may be adjourned by consent from time to time. Failure to make a decision within the time specified shall be deemed a denial.

**Sec. 78-94. - Persons excluded from parks.**

Any person who, while in the park, city owned property or open area, violates these regulations or other ordinances or laws may be barred from a park or parks by the city manager or their designee or any police officer. A person so barred shall be informed of the time period during which that person is excluded from the park. An order excluding a person for more than 24 hours must be approved by the city manager or their designee. No person shall enter or remain in a park during the time when that person is barred from the park.

**Sec. 78-95. - Park closings.**

- (a) All parks are closed between 10:00 p.m., and 6:00 a.m., unless written permission has been received in advance from the city manager or their designee to conduct an activity beyond 10:00 p.m. on a certain date. Property with an unlighted activity area will be closed from dark to 6:00 a.m. Specific portions may be closed at dates and times as ordered by the city manager or their designee, who has the authority to close

a park up to seven days without city council approval.

- (b) No person shall enter or remain on the premises of a pool, skating rink, or park building when it is closed, except with specific authorization of the city manager or their designee.

**Sec. 78-96. - Damaging park and city property.**

While in a city park, city owned property or open area, no person shall:

- (1) Damage, deface, disfigure, injure, tamper with, displace, remove or attach to, any building, bridges, deck, dock, tables, benches, fencing, fountains, paving or paving material, water lines, or other public utilities, or parts of appurtenances thereof, any signs, notices, placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, either real or personal.
- (2) Attach any rope, wire or any other object to any light post, tree or planter or to use any tree, light post or planter as an anchor.
- (3) Climb any tree, or walk, stand or sit upon monuments, fountains, railings, fences or upon other property not designated or customarily used for such purposes.
- (4) Build, light, kindle or maintain any open or outdoor fire, except in areas or facilities specifically built and designated for that purpose, or by special permission and permit granted by the city manager or their designee.
- (5) Meddle either directly or indirectly with any fountain, fixtures or appurtenance belonging to the city or with pipes or appurtenances to turn water off or on in fountains unless duly authorized by the city.

**Sec. 78-97. - Vehicles—Operation in parks.**

- (a) While in a city park, city owned property or open area, no person shall:
  - (1) Operate, drive, or park any automobile, bicycle, motorcycle, truck, trailer, motor scooter, or RTVs except on paths and parking areas designated for the public, and only at such times as the use of vehicles has been authorized by the city manager. A bicyclist shall be permitted to wheel or push a bicycle by hand over any

grassy area and walkway reserved for pedestrian use.

- a. All motor vehicles, bicycles and trailers shall at all times be operated with reasonable regard for the safety of others. In no event shall the maximum speed of any such conveyance exceed 15 miles per hour except those emergency vehicles, both city and private, which are en route to the scene of an accident or fire, or when leaving the scene of an accident or fire or the situation is one that necessitates speed.
  - b. All such vehicles, except maintenance or utility vehicles, when left unattended shall be parked in an area and manner designated.
  - c. No such vehicle shall be left unattended in any place or position where other persons may trip over or be injured by them.
  - d. At no time shall washing, polishing, greasing or maintenance of a motor vehicle take place, except for those repairs necessitated by an emergency.
- (2) Drive, park, camp, or fail to remove a vehicle or trailer between 10:00 p.m.; and 6:00 a.m. Any such vehicle will be deemed to be unlawfully parked or left standing and such vehicle may be ordered towed away. However, this subsection shall not apply to spectators and participants at events specifically authorized by the city manager or their designee if their vehicles are removed promptly after the termination of the event.

- (b) Violation of this section will be deemed a civil infraction.

**Sec. 78-98. - Deposit of waste and garbage; distribution of handbills.**

While in a city park, city owned property or open area, no person shall:

- (1) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or any other trash except in public receptacles and in such manner that the litter will be prevented from being carried or

deposited by the elements upon any part of the park, city owned property, open area, waterway, or fountain. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this Code.

- (2) Distribute, circulate, give away, fasten to, throw or deposit in or on any city property any handbills, circulars, pamphlets, papers or advertisements or post such material to any tree, fence or structure, except by permit issued by the city manager or their designee. Provided, that it shall not be unlawful in any park, city owned property or open area within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.
- (3) Pollute, deposit, or cause to be deposited any foreign materials such as glass, metal, paper, garbage or rubbish in any water owned, managed, controlled or operated by the city.

#### **Sec. 78-99. - Animals.**

While in a city park, city owned property or open area, no person shall:

- (1) Permit in or upon land or water, dogs, cats, horses, or other animals except at a place, time and in a manner as designated. At such time, the animal must be under the full and proper control of the person responsible by either a leash or halter and in a manner specified in chapter 14 of this Code, except by permission granted by special permit of the city manager or their designee.
- (2) Ride a horse, pony or other animal of any description other than upon roads, trails and areas and at times designated for horseback riding, except by permission granted by special permit of the city manager or their designee.
- (3) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw objects at any animal, reptile, or bird except for normal protective action against dangerous animals and poisonous reptiles, or pick, harm or destroy the natural plants, flowers, shrubs or wildlife.

#### **Sec. 78-100. - Other prohibited activities.**

While in a city park, city owned property or open area, no person shall:

- (1) Use any device transmitting electronically amplified sound, including, but not limited to radios, tape recorders, automobile radios or music amplifiers at a volume so that the sound may be heard by persons of normal sensitivity at a distance of more than 50 feet, except by special permission and permit granted by the chief of police.
- (2) Enter the premises of any swimming pool facility or use any other park facility for which payment is required without making the required payments and being duly admitted to the use of the facility.
- (3) Loiter in or about any restroom/washroom, or use such facilities for purposes other than those intended.
- (4) Carry, possess, sell, use or discharge any weapon, explosives or fireworks without legal authority. The following persons have such legal authority:
  - a. Duly authorized law enforcement officers or officials.
  - b. Members of the United States armed services, army reserve, and national guard while on active duty or reserve or special duty.
  - c. Holders of a valid license to carry concealed weapons while within the restrictions imposed by the license.
  - d. Holders of a special fireworks or explosive permit issued by the city council.
- (5) Make or excite any disturbance so that the peace and good order of other persons using the park, city owned property or open area or persons in the neighborhood of such property are disturbed.
- (6) Interfere with any baseball, football, or hockey game or other authorized event.
- (7) Gamble or maintain a gaming table or pool tickets, used for gaming or knowingly suffer a gaming table or pool tickets to be kept, maintained, played, or sold on any park, city owned property or open area except under special event permit.
- (8) Operate powered, line attached model crafts or remote controlled crafts of any kind or description, including but not limited to airplanes, boats and automobiles except in areas set aside for those specific activities.

- (9) Operate any portable electric generator, alternator or other machinery, except by permission and permit granted by the city manager. All departments of the city and all franchise utility companies operating within the city are exempt from this provision.
- (10) Wear footgear that will damage, injure or create need for excessive maintenance on any field, court, deck, floor, turf or specialized surface prepared for particular games or activities. In areas posted with a sign specifying footgear authorized or approved it shall be unlawful for any person to participate in any sports activities in any such area other than with the footgear so designated.
- (11) Enter any body of water for the purpose of swimming, diving, wading, bathing, when such activities are prohibited by signs conspicuously posted.
- (12) Sell, offer to sell, show, hawk, display, or distribute any goods, wares, merchandise or refreshments, or conduct business of any kind, without a peddler's license or special events permit.
- (13) Smoke, light, or carry a lighted pipe, cigar, cigarette, or other smoking devise of any kind in any of the City's tot-lot playgrounds. This prohibition includes the use of any e-cigarette, e-cigar, e-pipe, and any personal vaporizer or electronic nicotine delivery system of any kind.

## ARTICLE IV. - RENTAL OF PUBLIC BUILDINGS AND STRUCTURES

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### Sec. 78-121. - General policy

When recreation buildings are not in use for activities sponsored by the recreation department, the buildings may be used by other groups and individuals for social, cultural or recreational activities in accordance with the following rules:

- (1) *Use of buildings.* Use of buildings shall not be granted when for any reason, as determined by the supervisor of recreation, such use may not be in the best interest of the city and/or department. This decision may be appealed in writing to the city manager's office within seven days of the denied application.
- (2) *Indemnification.* The applicant agrees on behalf of the organization to indemnify the city, its agents, employees and officials from any suit, claim, demand, or cause of action that might arise on account of the use of the premises by the applicant or their agent. The city recreational supervisor or their designee reserves the right to require proof of insurance approved by the city attorney's office and upon approval it shall be submitted to the city clerk's office. This request may be appealed in writing to the city manager's office within seven days.
- (3) The individual or organization granted use of the facilities shall be held responsible for reimbursing the department for any loss, damage, or special required cleanup caused to city property at the actual cleanup, replacement, or repair cost.
- (4) Permission for use of the facilities will be granted upon the conditions that all rules governing the use of such facilities will be in accordance with all applicable state and federal statutes, city ordinances, and facility use policies. Permission may be revoked at any time for failure to do so. Rules and rates are subject to change by the recreation department with approval of the city council.
- (5) Reservations may be cancelled by the recreation department upon ten days' notice to the group. Other accommodation will be provided if possible.
- (6) The applicant shall not discriminate against any person per the definition of "discrimination" in Chapter 58 of this Code of Ordinances.
- (7) No agency or person owing money to the city will be allowed use of the facility.
- (8) There shall be fee waiver for:
  - a. Celebrants of golden wedding anniversaries or 90+ birthdays (if those individuals have been residents of the city for at least ten years);
  - b. Facility use during regularly scheduled programs.
- (9) The security deposit will be forfeited in the event of permit (i.e., application) variance. The deposit will be returned to the applicant within 30 days. The premises shall be returned in good "broom clean" condition. The city may deduct from the damage deposit an amount necessary to repair any damage to the premises or cleanup necessitated by the use of the premises by the applicant.

**Sec. 78-122. - Application procedure.**

- (a) An application for an event or park reservation shall be made to the events coordinator along with a fee as required by the city council. The events coordinator shall determine if the date and place are available and if the applicant is eligible to make such a reservation under the terms of §78-121.
- (b) The applicant shall complete and submit an application at least 30 days prior to the date being requested.
- (c) A written application is required. The completeness and validity of the application will not be recognized until such application is signed by the applicant or their representative and the application fee is paid to the city treasurer. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.
- (d) Reservations will not be held for more than seven days in fairness to others desiring to use the facility. Reservations will be confirmed by a deposit of 25 percent of the rental rate. The balance is due ten days before the reserved date.
- (e) Any group finding it necessary to cancel its reservation must do so at least ten days prior to the date reserved. No refund of fees will be made if the cancellation is requested within less than ten days of the reserved date.
- (f) Previous use records of the group and/or applicant may be used to determine the application approval.

**Sec. 78-123. - Facility rules; user policy.**

- (a) The facility is open for use only on a scheduled basis. The building will be available for reservations at times scheduled. No activities can start before or end after the agreed times.
- (b) The person who obtains the building permit shall be responsible for the general conduct of the activity covered by such permit and the enforcement of the rules and regulations governing the use of the building. Permits are nontransferable. All laws and ordinances of the city, state and federal governments must be strictly adhered to and reservation holders assume the responsibility to see that such is done.

- (c) Department assigned staff has authority for building supervision and the authority to disperse any group for failure to comply with all rules. If such occurs, the group forfeits fees or deposits paid. If there has been a fee waiver, the fee waiver will be revoked and the amount waived shall become due and payable within five working days. The applicant further understands and agrees that if any nuisance or disturbance is caused by the use of the premises by the applicant, the use may be terminated with notice at the discretion of the chief of police or their designee. Any applicant and all other persons on the premises at that time may thereupon be put off the premises and the use permit will be void.
- (d) The holder of the permit should arrive prior to the arrival of the other users. Users must plan to enter and leave the facility at the time specified on the permit. The organization or individual obtaining the permit shall accomplish the following within the time specified on the permit:
  - (1) Putting up and taking down all decorations.
  - (2) Any other preparations and cleanup associated with the activity being conducted.
  - (3) The facility must be left in a condition equal to that condition when the facility was first occupied.
- (e) When the facilities are used by minors (under 18 years of age) the group must at all times be under the direction of its own adult leadership while on the premises.
- (f) Smoking will be permitted only in areas where proper receptacles are provided. No smoking will be allowed at any time in any area so posted.
- (g) The use of alcoholic beverages and/or drugs on premises is strictly forbidden.
- (h) Should the use of department equipment, such as tables and chairs, be desired, such request shall be submitted with the application for use of facilities.
- (i) Plans for decorations must be approved by the supervisor or the designated representative in advance of the reservation.
  - (1) Cellophane adhesives, nails, screws, staples, etc., in walls or on woodwork are prohibited.

- (2) All decoration materials must be fireproof or of fire retardant materials.
- (3) At no time shall exit signs or exit door be covered or obstructed.
- (j) No advertising shall be exhibited and no solicitations or sales made in the building or on the grounds without prior written permission from the supervisor which may require additional fees and permits subject to city ordinances.
- (k) Fundraising shall only be allowed by city area resident nonprofit groups. A charter and a list of officers may be required.

**Sec. 78-124. - Fees for rental of senior citizen's center, Parkridge Community Center and Jesse Rutherford Pool.**

The hourly rental charge for the city senior citizen's center, the Parkridge Community Center and the Jesse Rutherford Pool shall be set by resolution of the city council.

**Sec. 78-125. - Fees for use of city parks and Freighthouse.**

The reservation fees for use of city parks and the Freighthouse shall be set by resolution of the city council.

**ARTICLE V. - CITY MARKET**

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**Sec. 78-151. - Designation of place for market.**

- (a) The council shall, by resolution, from time to time designate such places for the city market as it may deem proper. All vehicles and stands upon the market shall be parked or placed in such a manner as the market manager shall designate. The market manager may make such other regulations not inconsistent herewith as may be necessary for the proper conduct of the market.