

Chapter 58 PARKS AND RECREATION*

***Cross reference(s)**--Environment, ch. 26; streets, sidewalks and other public property, ch. 74; vegetation, ch. 98.

ARTICLE I. IN GENERAL

Sec. 58-1. Consumption or possession of alcoholic beverages in parks or playgrounds.

- (a) Except within premises licensed pursuant to state law and except within the Greater Muskegon Jaycee's Launch Ramp, Grand Trunk Launch, Hartshorn Marina and Fisherman's Landing, no person shall consume any alcoholic beverage or have in his possession an open receptacle containing an alcoholic beverage in any park or playground owned, operated or supervised by the city.
- (b) Any person who violates any provision of this section shall be responsible for a civil infraction.

(Code 1975, § 16-6)

Sec. 58-2. Obedience to signs or instructions.

- (a) No person shall disobey or act in a manner contrary to the notice authorized by the city on any sign or the instructions of an attendant or other person having authority or public duties concerning the operation or use of any place designated by the city as a park to be administered by the department of leisure services or its successor.
- (b) Any person who violates any provision of this section shall be responsible for a civil infraction.

(Code 1975, § 12-1(d), (f))

Sec. 58-3. Parking vehicles within City Parks or within 50 feet of a public boat launch in violation of parking rules; violation as a civil infraction.

- (a) No person shall park a vehicle inside a City Park in violation of the parking ordinances of the City of Muskegon, or within 50 feet of a public boat launch. Violation of this section shall be subject to a level 3 parking fine under Subsection 8.29 of Section 92-33 of the Code of Ordinances of the City of Muskegon.

(Ord. No. 2120, 1-13-04)

Secs. 58-4--58-30. Reserved.

ARTICLE II. DEPARTMENT OF LEISURE SERVICES*

***Cross reference(s)**--Departments, § 2-91 et seq.

State law reference(s)--Authority to operate systems of public recreation and playgrounds, MCL 123.51 et seq.; authority to delegate operation of recreation system to board, MCL 123.53, 123.54; authority of political subdivisions to cooperate in conduct of recreation systems, MCL 123.53.

Sec. 58-31. Department created.

There is hereby created a department of leisure services in the city.

(Code 1975, § 16-1)

Sec. 58-32. Appointment, compensation and duties of director.

- (a) The city manager shall appoint a director of leisure services who shall be responsible to the city manager, but who shall have supervision, management and control of the department of leisure services, and who shall receive such compensation as may be from time to time fixed by the city manager. It shall be the duty of the director of leisure services, operating within the approved budget for the department, to provide, conduct, supervise, equip and maintain public playgrounds, athletic fields, parks, swimming pools and beaches, camps, indoor recreation centers, boat launch ramp sites, marinas and other recreation facilities and activities on any of the properties owned or controlled by the city, including the L. C. Walker Arena, or on other public property under the control of other municipal corporations or boards, and on private properties, with the consent of the owners.
- (b) In addition, the director of leisure services shall serve as staff to the board of leisure services, as hereafter constituted, and shall determine, after consultation with the city manager, the agenda of board of leisure services meetings.
- (c) The director of leisure services may appoint, with the consent and approval of the city manager, such trained and qualified assistants, play leaders, caretakers, supervisors and other employees as may be necessary for the efficient administration and development of a public leisure services system.

(Code 1975, § 16-2)

Charter reference(s)--Appointment authority of city manager, ch. III, § 2(2); authority of city commission to create departments, ch. V, § 5.

Sec. 58-33. Licenses and permits.

The director of leisure services is expressly authorized and empowered to rent or license the use of any of the facilities as described in section 58-32; provided however, that the amount and terms of any such rentals or licenses shall be subject to the prior approval of the city commission. In addition, the director of leisure services may issue permits for the use of those facilities described in section 58-32, when required by the city commission and upon conditions promulgated by the city commission.

(Code 1975, § 16-3)

Sec. 58-34. Violations; penalties.

Use by any person of any of the facilities described in 58-32 without first obtaining a permit, where such permit is required by the city commission, or use of such facilities in violation of permit conditions, or the failure to pay any fees required for use of facilities, are violations of this section, and such persons committing any such violation shall be responsible for a civil infraction.

(Code 1975, § 16-4)

Sec. 58-35. Budget; receipt of gifts or bequests; deposit of funds.

- (a) Annually, the director of leisure services shall submit to the city manager a budget of funds required for the operation of the leisure services department.
- (b) The director of leisure services and/or the board of leisure services may also solicit any gifts, bequests of money or other real or personal property for and on behalf of the department of leisure services, the acceptance of which and the expenditure of which shall be approved by the city commission. Any conditional gift or gift in trust shall not, after acceptance by the city commission, be utilized by the city for any purpose other than as set forth in such conditional gift or gift in trust.

(Code 1975, § 16-5)

Secs. 58-36--58-60. Reserved.

ARTICLE III. BOARD OF LEISURE SERVICES*

*Cross reference(s)--Boards and commissions, § 2-281 et seq.

Sec. 58-61. Definition.

As used in this article, the term "board" means the board of cemeteries and leisure services created by this article.

(Code 1975, § 16-15; Ord. No. 2180, 1-24-2006)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 58-62. Created; composition; appointment of members.

There is hereby created a board of cemeteries and leisure services consisting of seven members as follows:

- (1) Two shall always be members of the city commission to be selected by and from the city commission.
- (2) One shall always be a member of the board of education of the public schools of the city to be appointed by the mayor with the approval of the city commission.

- (3) Four shall be from the city at large, who shall be appointed by the mayor with the approval of the city commission.

(Code 1975, § 16-16; Ord. No. 2180, 1-24-2006)

Sec. 58-63. Terms of members; filling of vacancies.

- (a) The term of any member of the board shall not exceed two years.
- (b) Notwithstanding subsection (a) of this section, any member of the board shall serve at the pleasure of the city commission.
- (c) Vacancies on the board shall be filled by mayoral appointment with the approval of the city commission.

(Code 1975, § 16-17)

Sec. 58-64. Selection of officers; general powers and duties of board.

- (a) The members of the board shall meet and organize by selecting such officers as may be necessary and adopt any rules or bylaws deemed necessary by the board to discharge in an orderly manner those duties hereafter assigned.
- (b) It shall be the duty of the board to advise the city commission upon those matters relating to the proper conduct of public recreation, programs and/or facilities within the city which shall be referred to such board from time to time, by the director of leisure services; provided, however, nothing contained in this article shall prohibit any member of the board from placing any item of business on the agenda of any board meeting. In addition thereto, the board shall advise the city commission upon matters referred to the board from time to time by the city commission.
- (c) The board of cemeteries and leisure services shall promulgate such rules and regulations for the control of the municipal cemeteries and for the conduct of persons therein and governing the charges for lots, burial spaces and services as it may deem necessary. Such rules and regulations shall include but not be limited to the following subjects:
 - (1) Subdividing the cemetery lots;
 - (2) Capacity of each lot;
 - (3) Location of graves;
 - (4) Type of plantings, monuments and markers that will be permitted for the proper and most attractive development of the cemeteries;
 - (5) Any rule or regulation necessary to provide for the best possible cemetery conditions, upkeep and aesthetics without infringing upon the public use; to provide for the sanctity of the grounds devoted to the burial of the dead, and to provide for the maximum use of all land dedicated for cemetery purposes.

(Code 1975, § 16-18; Ord. No. 2180, 1-24-06)