

TO: Mayor and City Council

FROM: Rich Morrison, Community Development Director

RE: Chapter 24 of the City Code - Parks and Park Facilities

DATE: November 7, 2024

### **BACKGROUND**

In August 2018 the City of Grand Ledge voters approved the City Charter recommended by the Charter Commission (“City Charter”), and the Charter became effective January 1, 2019. City Charter Section 7.15 defines the Park and Recreation Commission (“Commission”), provides for its responsibilities, and requires City Council’s approval of most Commission actions.

The Grand Ledge City Code Chapter 24 – Parks and Park Facilities (“Ordinance”) predates the City Charter and is in conflict with the City Charter as it requires the Commission to take actions the City Charter assigns to the City Council.

Although several ordinances were amended after the voter’s approved the City Charter to reconcile conflicts with the City Charter, this Ordinance was overlooked. Work began in early 2024 to amend the Ordinance to address the conflicts with the City Charter and the matter is now ready for City Council consideration.

The City Attorney has reviewed the Ordinance and has recommended numerous changes, most of which are directly related to eliminating conflicts with the City Charter. Attached are the City Attorney’s recommended amendments along with a cover letter. The amendments make it clear that decisions related to Parks are made by the City Council with the Commission serving in an advisory capacity.

City Charter Section 7.15(G) gives the Commission the authority to “... regulate the trees, plants, and shrubs in city parks.” To date, the Commission has not voted to exercise this authority. Under the proposed amendment, the Commission is authorized to exercise this authority, delegate this authority to an authorized agent, or delegate this authority to City Council.

### **STAFF RECOMMENDATION**

Staff recommends that the Ordinance be amended to eliminate conflicts with the City Charter. The attached draft ordinance amendments, prepared by the City Attorney, are in alignment with the City Charter.

### **CITY COUNCIL ACTION**

Review the attached ordinance amendments and consider a motion setting a public hearing for the Monday, November 25, 2024, City Council meeting to consider an ordinance amending City Code Chapter 24 – Parks and Park Facilities.

Attachments:

City Attorney Communication and draft ordinance to City Code Chapter 24  
City Charter Section 7.15



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To: The City of Grand Ledge City Council  
From: Mackenzie Flynn, Thrun Law Firm, P.C.  
Date: November 7, 2024  
Re: Proposed Revisions to City Code Section 24

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Council Members:

Enclosed with this memorandum, please find proposed modifications to the City of Grand Ledge's (the "City") City Code Section 24 – Parks and Park Facilities. The City Charter was approved on August 7, 2018 and became effective on January 1, 2019, but City Code Section 24 has not been updated since 2002. Accordingly, modifications to City Code Section 24 are warranted because its provisions are now inconsistent with the City Charter, specifically related to the parks and recreation commission (the "Commission"), and state law governing the City's authority to regulate firearms and hunting.

### ***Commission's Authority***

City Charter Section 7.15, included as an enclosure to this memorandum, describes the authority held by the Commission. Its powers include: developing a parks and recreation master plan, subject to approval by the City Council; presenting a proposed recreation budget to the City Council; establishing job descriptions for recreation directors, subject to approval by the City Council; and developing and recommending proposed regulations concerning parks, subject to approval by the City Council. Notably, all the Commission's powers are subject to approval by the City Council, except the authority to "regulate the trees, plants, and shrubs in city parks" pursuant to City Charter Section 7.15(G), which is inconsistent with Section 7.15(E).

City Charter Section 7.15 makes clear that the Commission is an advisory board whose purpose is to offer recommendations to the City Council. Despite the City Charter's intent, City Code Section 24 grants broad authority to the Commission to supervise the operation and maintenance of all parks and recreational facilities, as it was last updated in 2002. See City Code Section 24-1. The other provisions within Section 24 allow the Commission to exercise significant authority over the use of the City parks, which is in conflict with the current City Charter.

For example, City Code Section 24-167 gives the Commission the ability to establish emergency rules related to the parks, as well as the ability to order people out of the parks and close them. This provision is inconsistent with City Charter 7.15(E)'s declaration that the Commission may "develop and recommend to the City Council regulations concerning parks"



which only “become effective upon approval by the City Council.” Allowing the Commission to promulgate emergency rules without City Council approval is directly contrary to the plain language of the City Charter.

To reconcile the inconsistencies between City Code Section 24 and the City Charter, we recommend modifying Section 24 to better establish the authority of the City Council and the Commission. Proposed Section 24-3 specifically outlines each entity’s authority, including with reference to City Charter Section 7.15. Section 24-3 also addresses the Commission’s ability to regulate the trees, plants, and shrubs in City parks and permits the Commission to delegate that authority to the City Council or its agent. Throughout the remaining subsections within Section 24, references to the “Commission” were replaced with “the City Council or its agent” to reflect the City Council’s authority to operate and maintain the parks.

### ***Firearm Regulation***

We also recommend modifying City Code Section 24-162 to make it consistent with state law. That section currently provides:

No person shall at any time bring on park property, have in his possession, discharge, or set off anywhere upon park property a revolver, pistol, shotgun, rifle, firearm, bow, or other weapon that discharges projectiles either by air, explosive substance, or any other force; provided, however, that this section shall not apply to any deputy sheriff, police officer, park ranger, or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position.

The City’s authority to regulate the use of firearms is limited by the Firearms and Ammunitions Act, MCL 123.1101, et seq. (the “Act”). The Act provides, in part:

A local unit of government shall not . . . enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this State.

MCL 123.1102.

The Act defines a “local unit of government” to expressly include cities. MCL 123.1101(b). A “firearm” is broadly defined as “any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.” MCL 123.1101(a).

As a result of the above statute, the State of Michigan’s authority to regulate in the area of firearm possession is to be exclusive and preemptive of municipal regulation. *Capital Area Dist Library v Michigan Open Carry, Inc*, 298 Mich App 220 (2012). In other words, State law occupies the field of firearm regulation to the exclusion of municipal regulation, and any municipal ordinance in conflict with the State’s statutory scheme is subject to invalidation. Courts have struck



down municipal ordinances prohibiting firearm possession or the concealment of weapons in buildings located in or owned by a municipality. See, e.g., *Mich Coalition for Responsible Gun Owners v City of Ferndale*, 256 Mich App 401 (2003).

A municipal ordinance may parallel State law but cannot impose more stringent firearm regulation. Effectively, an individual may “open carry” (i.e., not conceal) a firearm anywhere except those areas expressly designated as gun-free zones by Michigan law. These gun-free zones refer to a bank or credit union, church, court, theater, sports arena, childcare center, hospital, or liquor-licensed establishment. MCL 750.234d(1). This law exempts a security officer, a peace officer, an individual who possesses one with the permission of the owner, and an individual with a valid concealed pistol license.

An individual licensed to carry a concealed pistol is still prohibited from carrying a concealed pistol in other gun-free zones enumerated by statute. See MCL 28.425o. Among these concealed pistol-free zones is an “entertainment facility.” The Attorney General, however, has specifically opined that a municipal outdoor recreation park does not constitute an “entertainment facility.” 1 OAG, 2002, No. 7120 (December 4, 2002) (“While the Legislature could certainly have included municipal and other outdoor recreation parks within the Act’s list of gun-free zones, it chose not to do so.”).

While the City Code cannot impose more stringent firearm regulations than provided by State law, Section 4 of the Firearms and Ammunitions Act allows the City to prohibit the “discharge of a pistol or other firearm” within the City’s jurisdiction. MCL 123.1104(1). While the City cannot prohibit the possession of firearms on park property, it *can* prohibit the discharge of those firearms.

To ensure consistency with the Act, we recommend modifying City Code Section 24-162 to only prohibit the *discharge* of firearms within the parks. The proposed modification contains a reference to City Code Section 22-72, which generally prohibits discharging firearms within the City and is consistent with the Act. The other proposed modifications to Section 22-72 continue to regulate the use of other weapons, such as a bow and arrow or crossbow, which are not subject to the same legal protections, and forbid any weapon-related activity prohibited by law.

### ***Hunting, Trapping, & Fishing***

Finally, we recommend removing City Code Section 24-90(5), which makes it unlawful for an individual on park property to:

Hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow, or any animal on park property; provided, however, that fishing may be permitted on park property in accordance with commission rules, the laws of the state and the rules of the state department of natural resources in areas designated for such purposes by the commission.



We recommend this subsection’s removal because the City, again, has limited authority to regulate hunting. Part 401 of the Natural Resources and Environmental Protection Act, MCL 324.40101, et seq. (“NREPA”), provides, “All animals found in this state, whether resident or migratory and whether native or introduced, are the property of the people of the state, and the taking of all animals shall be regulated by” the Department of Natural Resources (“DNR”). MCL 324.40105. Additionally, NREPA provides that the DNR “has the exclusive authority to regulate the taking of game . . . and to regulate sport fishing . . . .” MCL 324.40113a(2).

NREPA defines “game” as “any species of wildlife designated by the legislature or the commission as game” and specifically includes list of 39 animals considered game. MCL 324.40103(1). To “take” means “to hunt with any weapon, dog, raptor, or other wild or domestic animal trained for that purpose; kill; chase; follow; harass; harm; pursue; shoot; rob; trap; capture; or collect animals, or to attempt to engage in such an activity.” MCL 324.40104(1).

The Michigan Attorney General was asked whether a City could adopt an ordinance which made it a misdemeanor for an individual to “molest, injure, kill or capture any wild bird.” See 1 OAG, 2015, No. 7286 (September 28, 2015). The Attorney General opined that Part 401 of the NREPA preempts a local ordinance that prohibits the taking of wild birds because “the ordinance directly conflicts with state law by prohibiting what state law and regulations permit, and because the field of wild animal regulation is fully occupied by state law.” *Id.*

Consistent with that opinion, we recommend removing City Code Section 24-90(5), as all regulation related to the “taking” of animals must be promulgated by the DNR.

This memorandum is intended only to provide context and to summarize some of the proposed changes to City Code Section 24. Please see the attached for the entirety of the proposed modifications. Should you have any questions or concerns as to this matter, please contact me.

Very truly yours,

THRUN LAW FIRM, P.C.

A handwritten signature in black ink that reads 'Mackenzie Flynn'.

Mackenzie D. Flynn

MDF/keh

Enclosure(s): Proposed Modifications to City Code Section 24  
City of Grand Ledge City Charter Section 7.15

c: Adam Smith, City Manager  
Rich Morrison, Community Development Director

City of Grand Ledge Ordinance # \_\_\_\_\_

An Ordinance Amending the City Code, Chapter 24 – Parks and Park Facilities.

The City of Grand Ledge Ordains:

**Section 1. Change.** The City Code, Chapter 24 – Parks and Park Facilities, is amended, as follows:

**ARTICLE I. IN GENERAL**

**Sec. 24-1. Scope.**

This chapter shall generally relate to and control ~~all~~ city-owned and city-maintained parks and recreation facilities within the boundaries of the city except ~~that Fitzgerald Park is exempt from this chapter so long as Fitzgerald Park is leased to Eaton County~~ for those parks and recreational facilities that are subject to an active lease or other intergovernmental agreement between the city and another entity. ~~All parks and recreational facilities within the scope of this chapter shall be operated and maintained under the supervision of the city parks and recreation commission, hereinafter referred to as the “commission.”~~

**Sec. 24-2. Definitions.**

The following words, terms, and phrases, when used in this chapter all have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authorized agent* or *agent* means any person or entity so designated by the ~~city parks and recreation commission~~ City Council.

*Camp* or *camping* means the overnight lodging or sleeping of a person on the ground or in any other manner, or in any sleeping bag, tent, tent-trailer, trailer coach, vehicle camper, motor vehicle, boat, or in any other conveyance erected, parked, or placed on park property.

*Commission* means the city parks and recreation commission, which serves in an advisory capacity to the City Council.

*Park property* means any park, parkland, or recreational facility/parkland owned or maintained, in whole or in part, by the city and identified as such.

*Person, persons, or his* means individuals, male or female, singular or plural, firms, corporations, unincorporated associations, or any group or gathering of individuals. For purposes of this Chapter 24, person excludes any city employee, agent, volunteer, or volunteer group acting on behalf of the city and engaging in properly authorized activities.

*Rules* means the rules and regulations adopted by the City Council, and all amendments thereto, and all city of ordinances applicable to park property.

**Sec. 24-3. Authority.**

The City Council or its agent is authorized to operate, maintain, and regulate the use of park property. Pursuant to such authorization, the City Council or its agent is permitted to protect park property, including but not limited to, addressing and acting upon public health, welfare, and safety concerns.

The commission serves in an advisory capacity to the City Council. The commission's authority is further described in City Charter Section 7.15. The commission may exercise its authority under City Charter Section 7.15(G) to regulate the trees, plants, and shrubs in park property or it may delegate its authority to an authorized agent as defined herein or to the City Council and provide recommendations to the delegate regarding the same.

**ARTICLE II. PUBLIC USE AND HOURS****Sec. 24-25. Reservation of use by general public.**

Any individual or group may use ~~a park or~~ certain areas of a park or; facilities; or services within park property to the exclusion of others by making application for such exclusive use, having said application approved by the ~~commission's~~ City Council's authorized agent and paying any application fee ~~which may be required,~~ if required and, as set from time to time by resolution adopted by the City Council.

**Sec. 24-26. Hours.**

- A. All park property shall be open to public use from dawn until dusk unless other hours are posted.
- B. No person or vehicle shall remain on park property except during the hours open to public use unless allowed by the terms of a permit issued ~~pursuant to this article~~ by an authorized agent.
- C. It shall be unlawful for any person to enter upon any park property or any portion thereof which has been designated closed to public use or entry.
- D. The ~~commission~~ City Council or its authorized agent may close any park property or any portion thereof for such period of time as may be deemed to be ~~required in the interest of~~ necessary by the City Council or its authorized agent, including but not limited to for reasons of public health and safety or for permitted private events.

**ARTICLE III. PROTECTION OF PROPERTY****Sec. 24-56. Destruction or damage to park property.**

It shall be unlawful for any person, while on park property, to:

- A. Willfully destroy, deface, alter, change, or remove any monument, stone marker, benchmark, stake, post or blaze, marking or designating boundary line, survey line, or reference point.
- B. Willfully, negligently, or maliciously ~~Cutcut~~, break, mark upon, or otherwise injure any building, equipment, bridge, table, wall, fountain, lamp post, fence, gate hedge, or other structure.

- C. Deface, destroy, cover, or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property.
- D. Willfully, negligently, or maliciously destroy, injure, or otherwise damage any property.
- E. Take or carry away, or attempt to take or carry away, any property without written permission from the owner thereof.

#### **Sec. 24-57. Destruction of plant life and natural surroundings.**

It shall be unlawful for any person, while on park property and without prior authorization by the City Council or an authorized agent, to:

- A. Willfully Cutcut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether dead or alive, or chip, blaze, box girdle, trim or otherwise deface or injure any tree or shrubs, or break or remove ~~any branch, foliage, flower, or~~ any tree or shrub, or pick, gather, uproot, remove, or destroy any flower, plant, or grass, whether dead or alive.
- B. Destroy, remove, or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, fossil or any geologic object without written permission of the ~~commission~~ City Council or its agent.
- C. Roll, throw, push, or in any manner propel or cause any object to go over the edge of any ledge or cliff, except such items normally used in climbing or rappelling, when being used in the course of ~~climbing~~ such activity.
- D. Use of cliff hangers or driven protection or pinions.
- E. Engage in unauthorized ~~repelling~~ rappelling.

#### **Sec. 24-58. Fires.**

It shall be unlawful for any person while on park property to:

- A. Willfully set or cause to be set on fire any tree, woodland, brushland, grassland, or meadow within or upon park property.
- B. Build any fire upon park property except within the fireplaces, pits, receptacles, or open spaces approved and designated for such purpose, without prior written permission of the ~~commission~~ City Council or its authorized agent. No person shall build or maintain a fire within fireplaces, pits, receptacles, or open spaces approved or designated for such purposes in a careless or negligent manner ~~likely~~ which is reasonably anticipated to endanger any person or property.
- C. Drop, throw or otherwise scatter lighted matches, ~~burning cigars, cigarettes,~~ tobacco ~~paper~~ products, or other inflammable material within or upon park property ~~in a careless or negligent manner likely to endanger any person or property~~.

## ARTICLE IV. PROTECTION OF WILDLIFE

### Sec. 24-90. ~~Domestic Animals~~ animals and birds.

It shall be unlawful for any person while on park property to:

- A. Cause or allow any domestic animal or fowl to ~~run at large~~ remain off-leash or without other restraints, or to permit them to unreasonably annoy or disturb other persons.
- B. Bring, drive, lead, or carry any dog or other animal or pet which is either unleashed or upon a leash more than six feet in length and not under immediate control of an adult person; ~~except for~~ onto park property. The previous sentence shall not apply to animals used in designated shows or programs authorized by the ~~commission~~ City Council or its authorized agent.
- C. Cause or allow any animal or fowl to enter any public building or to be upon any designated beach area except a trained and working leader dog; or to allow his animal or fowl to enter any water body contained therein.
- D. Abuse, mistreat, or neglect any animal or fowl.
- E. ~~Hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow, or any animal on park property; provided, however, that fishing may be permitted on park property in accordance with commission rules, the laws of the state and the rules of the state department of natural resources in areas designated for such purposes by the commission~~ Cause or allow any domestic animal or fowl to enter areas of park property not designated or reasonably intended for such animal or fowl's use, including but not limited to, planter boxes, flower beds, or other park property improvements.
- F. Fail to promptly remove and dispose of a domestic animal's or fowl's fecal discharges on park property.

Notwithstanding any provision of this section, the City Council may, pursuant to its authority in this Chapter, authorize its agent to take actions to address and control animals and birds on park property, to the extent permitted by law and applicable regulations, when determined to be a nuisance or danger to park visitors and/or park property.

## ARTICLE V. REGULATIONS GOVERNING SPORTS, GAMES, ACTIVITIES, AND OTHER USES

### Sec. 24-109. Swimming, bathing and wading.

It shall be unlawful for any person while on park property to:

- A. Swim, bathe, or wade between sunset and sunrise, in any watercourse, lagoon, pond, or slough located on park property.
- B. ~~Swim, bathe, or wade on park property except such times and places as may be provided and designated for such purposes.~~

**Sec. 24-110. Boating.**

No person shall bring into, use, or navigate any boat, yacht, canoe, raft, or other floating device upon any watercourse lagoon, lake, pond, or slough located on park property, except at such time or place as may be provided or designated for such purpose by the ~~commission~~ City Council. All watercraft shall comply with and be used in compliance with the laws of the state and this article.

**Sec. 24-111. Camping.**

It shall be unlawful to camp except in such areas as may be provided and designated for such purpose by the ~~commission~~ City Council. No person shall camp without a written permit issued ~~under the terms of article II of this chapter~~ by the City Council or its authorized agent.

**ARTICLE VI. TRAFFIC CONTROL****Sec. 24-136. Motor-driven vehicles.**

It shall be unlawful for any person to:

- A. Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas. A person who violates this section is responsible for a civil infraction.
- B. Operate a motor-driven vehicle on any park road at a speed exceeding 15 miles per hour or at any speed greater than that posted. A person who violates this section is responsible for a civil infraction.
- C. Operate any ~~motor-driven sled, ski, toboggan, or snowmobile~~ or similar motorized vehicle or equipment on park property except where provided or designated for such purpose by the ~~commission~~ City Council. A person who violates this section is responsible for a civil infraction.
- D. Continuously cruise in or on any motor-driven vehicle in or through any areas of park property. The term “continuously cruise” means the repeated driving of a motor-driven vehicle in or through park property without stopping for the purpose of using park property. A person who violates this section is responsible for a civil infraction.

**ARTICLE VII. PROHIBITED USES****Sec. 24-156. Peddling and soliciting.**

It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, to distribute handbills or other advertising matter, or to post signs on park property, unless first authorized in writing by the ~~commission~~ City Council or its agent.

**Sec. 24-157. Unlawful obstruction.**

No person, group, firm, or corporation shall by force, threats, intimidations, fencing, enclosing, or by any other means prevent or obstruct:

A. ~~any~~ Any person from entering, leaving, or making full use of any park property; provided, however, that any group may use certain areas, facilities, or services within park property to the exclusion of others as ~~described~~ permitted in section 24-25.

B. Any employee, agent, volunteer, or volunteer group acting on behalf of the city from engaging in properly authorized activities.

**Sec. 24-158. Alcoholic liquors.**

Alcoholic liquors within ~~city parks~~ park property are subject to the provisions of City Code ~~chapter~~ Chapter 6 – Alcoholic Liquors ~~of this Code.~~

**Sec. 24-159. Personal conduct.**

It shall be unlawful to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to unreasonably disturb or annoy others while in or on park property.

**Sec. 24-160. Use of loudspeaker.**

It shall be unlawful to use a loud speaker, public address system, or amplifier on park property unless written permission has been obtained from the ~~commission~~ City Council or its agent.

**Sec. 24-161. Fireworks.**

No person shall fire, discharge, or have in his possession any rocket, flare, firecracker, torpedo, squib, or other fireworks or any substance of an explosive or incendiary nature on park property unless the ~~commission~~ City Council or its agent shall have authorized the same by the issuance of a permit therefor.

**Sec. 24-162. Firearms, bows, and weapons.**

No person shall at any time:

A. ~~bring on park property, have in his possession, discharge, or set off anywhere upon park property a revolver, pistol, shotgun, rifle, firearm, bow, or other weapon that~~ Engage in conduct prohibited by City Code Section 22-72 – Discharge of Firearms Prohibited; Exceptions.

B. Discharge a bow and arrow, crossbow, or similar device.

C. Bring onto park property or have in his possession or control any bow or arrow, crossbow, or similar device.

D. Engage in weapon-related conduct that is prohibited by state law.

~~discharges projectiles either by air, explosive substance, or any other force; provided, however, that this section shall not apply to any deputy sheriff, police officer, park ranger, or other duly appointed law enforcement officer while carrying out the duties and responsibilities of their position~~ This section shall not apply to any law enforcement officer while carrying out the duties and responsibilities of their position.

**Sec. 24-163. Skating, coasting, and skiing.**

No person shall while on park property skate, walk, or go upon any ice, ~~or coast with handsleds, toboggans, other such coasting devices, or ski~~ except at such times and places as may be provided or designated for purposes by the ~~commission~~ City Council or its agent.

**Sec. 24-164. Balloons, airplanes, and parachutes.**

No person shall make any ascent, descent, or landing in any balloon, airplane, parachute, or other airborne vehicle on park property without first obtaining written permission from the ~~commission~~ City Council or its agent.

**Sec. 24-165. Special permits.**

- A. No erection, construction, or maintenance shall be made on, above, or below park property by any person, firm, or corporation without first having obtained written permission from the ~~commission~~ City Council authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.
- B. The ~~commission~~ City Council or its agent may, upon written application, grant specific use permits for special uses when in the opinion of the ~~commission~~ City Council or its agents such permit is consistent with use of the park by the public.

**Sec. 24-166. Fees and charges.**

- A. It shall be unlawful for any person to use any facility, land, or area for which a fee or charge has been established by the ~~commission~~ City Council without payment in advance.
- B. It shall be unlawful for any person, group, firm, or corporation to charge an admission fee or charge for entry or use of any park property or facility without first obtaining written permission from the ~~commission in accordance with article II of this chapter~~ City Council.

**Sec. 24-167. Emergency powers.**

Nothing in this article shall:

- ~~A. Prohibit or hinder a duly authorized agent of the commission or any law enforcement officer from performing his official duties.~~
- B.A. Prohibit the ~~commission~~ City Council or its agents from ~~establishing~~ taking emergency ~~rules~~ actions required to protect the health, welfare, and safety of park visitors and to protect park property, including, but not limited to, the right of the ~~commission~~ City Council or its agents to order all persons off park property, or to close all or any portion of said property.

**ARTICLE VIII. ENFORCEMENT**

**Sec. 24-188. Validity.**

Wherever the requirements of this chapter are at variance with the requirements of any other applicable rules, regulation, or laws, the most restrictive or that imposing the highest standard shall govern.

**Sec. 24-189. Violations and penalties; civil sanctions.**

- A. Any person violating provisions of this chapter, with the exception of section 24-136, shall be deemed guilty of a misdemeanor as provided in chapter 1 of this Code.
- B. Any person violating the provisions of section 24-136, which concern the unlawful use, operation, and parking of motor-driven vehicles, will be deemed responsible for a civil infraction or guilty of a misdemeanor as provided by the uniform traffic code promulgated pursuant to MCL 257.951 et seq., provided, further, that the state may hereafter change or amend these penalties and civil sanctions.

**Section 2. Severability.** The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

**Section 3. Section Headings.** The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

**Section 4. Effective Date.** This ordinance shall take effect seven days after it has been adopted by the City Council.

Introduced by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Motion by**

**Second by**

**Ayes:**

**Nays:**

**Absent:**

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Motion by**

**Second by**

**Ayes:**

**Nays:**

**Absent:**

Approved:

\_\_\_\_\_  
Keith O. Mulder, Mayor

I, Gregory Newman, City Clerk, certify this is Ordinance #\_\_\_\_\_ adopted by the City Council at a meeting held the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #\_\_\_\_\_ was published in the Grand Ledge Independent, a newspaper of general circulation in the City, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, subsequent to its adoption.

\_\_\_\_\_  
Gregory L. Newman, City Clerk

Introduced:

Public Hearing:

Adopted:

Published:

Effective:

6. The City Clerk shall execute and record any sale or transfer of burial rights at the expense of the purchasers.
7. The Board shall be responsible for the care, management, and preservation policies of cemeteries, and to direct the improvements and embellishments of cemeteries; subject to approval of the City Council.

#### Section 7.15 PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission, hereinafter referred to as the “Commission,” is hereby to be maintained as existing, which Commission shall seek to provide various park and recreational experiences for children and adults of the Grand Ledge area thereby furthering the general welfare of the residents in the Grand Ledge area.

- A. The Commission shall consist of ten members, all of whom shall be residents of the City. Of these ten members, one shall be a Council member acting as a liaison without voting privileges, one shall be a school representative who shall be a resident of the City with voting privileges, and eight shall be residents of the City with voting privileges. All of said members shall be appointed by the Mayor, subject to confirmation by a majority of the City Council elected to and serving on said City Council.
- B. The Commission shall have the authority to develop a Parks and Recreation Master Plan subject to approval by the City Council.
- C. The Commission shall have the power to establish job descriptions for the recreation directors as deemed necessary by the Commission, subject to approval by the City Council.
- D. The Commission shall present a proposed recreation budget to the City Council for approval, as prepared by staff and approved by the Commission, the said budget to be submitted on an annual basis.
- E. The Commission has the authority to develop and recommend to the City Council regulations concerning parks and recreational structures, programs, land, and foliage, said regulations to become effective upon approval by the City Council.
- F. The Commission shall adopt its own internal rules and procedures, and keep a public record, filed with the City Clerk, of its proceedings.
- G. The Commission has the authority to regulate the trees, plants, and shrubs in City parks.
- H. The Commission shall have the power to direct the use of any bequest devised to the City for the benefit of parks and recreation, for the purpose stated, if any, and in the best interest of parks and recreation, subject to the approval of the City Council, if said bequest is accepted by the City. The City Council shall commit any such bequest for the purpose stated, if any, and in the best interest of the City. The City Clerk shall promptly notify the Commission of any bequest for the benefit of a City park or park facilities.

#### Section 7.16 AUTHORITIES, BOARDS, AND COMMISSIONS

- A. The City Council may create such entities as may be needed for the public health, safety, and well-being of the City.
- B. The City Council may enter into agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted by law that they determine to be in the interests of the City.