



AGENDA

REGULAR MEETING OF PARKS & RECREATION ADVISORY COMMITTEE

Tuesday, May 26, 2026

6:30 PM

Green's Park

(248) 693-8391 ext. 102

- 1. Call to Order**
- 2. Roll Call and Determination of Quorum**
- 3. Election of Officers**
 - A.** Election of Officers
- 4. Approval of Minutes**
 - A.** Approval of Special Meeting Minutes of April 8, 2026
 - B.** Approval of Regular Meeting Minutes of April 28, 2026
- 5. Call to Public**
- 6. Approval of Agenda**
- 7. Pending Business**
 - A.** Parks Maintenance
 - B.** Capital Improvement Plan
- 8. New Business**
 - A.** Volunteer Days
 - B.** Orion Township networking/Park safety form
- 9. Reports**

- A. Committee Minutes
- B. Children's Shade Sails
- C. Green's Boat Bumpers
- D. DDA Volunteer Day

- 10. Items to Be Placed on Next Agenda**
- 11. Next Regular Meeting - June 23, 2026 Atwater Park**
- 12. Committee Member Comments**
- 13. Adjournment**
- 14. ADA Notice**

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Village, at least three (3) business days in advance of the meeting, if requesting accommodations. The Village of Lake Orion will provide foreign language or hearing impaired interpretation services for those individuals who contact the village to request such services at least seven (7) days prior to the meeting.

En el espíritu de la observancia de la Ley de Estadounidenses con Discapacidades, las personas con discapacidad debe sentirse libre para ponerse en contacto con el pueblo, por lo menos tres (3) días hábiles de antelación a la fecha de la reunión, si se solicitan alojamiento. El municipio de Lake Orion proporcionará idioma extranjero o personas con problemas de audición servicios de interpretación para las personas que se ponen en contacto con el pueblo de solicitar dichos servicios con no menos de siete (7) días antes de la reunión.



PARKS AND RECREATION ADVISORY COMMITTEE SUMMARY SHEET

MEETING DATE: April 22, 2025

TOPIC Election of Officers

BACKGROUND BRIEF: As provided in the Council resolution, the election of officers shall take place at the first meeting after April 1 of each year, and shall take place after the determination of a quorum. The newly elected or re-elected officers shall take office at that time and conduct the remainder of the meeting business.

The election of Chairman, Vice-Chairman, and Secretary shall be elected by the **resident members** of the Committee each April for one-year terms.

RECOMMENDED MOTION:

I move to recommend _____ for the Chairman position, term expiring March 31, 2026.

I move to recommend _____ for the Vice-Chairman position, term expiring March 31, 2026.

I move to recommend _____ for the Secretary position, term expiring March 31, 2026.

**VILLAGE OF LAKE ORION
PARKS & RECREATION ADVISORY COMMITTEE
RULES OF PROCEDURE**

ADOPTED October 27, 2003

Preamble.

These Rules of Procedures (Rules) have been adopted with the approval of the Village Council of the Village of Lake Orion for the Parks & Recreation Advisory Committee for the Village, to be applied and followed for meetings of the Committee.

Section 1 Authority

The Parks & Recreation Advisory Committee (Committee) is a committee appointed by and subject to the authority of the Village Council as expressed in Council Resolutions, specifically including the Resolution Regarding Parks and Recreation Committee attached hereto.

Section 2 Amendment

Amendments to these Rules may be recommended to the Village Council by the affirmative vote of at least five (5) voting members of the Committee. The final decision on any amendment rests with the Village Council.

Section 3 Meeting Attendance

Members of the Committee are expected to attend all scheduled meetings. A member who is unable to attend a given meeting is responsible to notify the Village Offices or Police Dispatch of their absence.

Attendance will be taken at all meetings to establish that a quorum is present and that action can be taken on agenda items.

A member who fails to give notice of their absence as provided above shall be deemed to have an unexcused absence.

The Committee may vote to notify the Village Council of what it considers to be an excessive number of unexcused absences by a member and ask that the Village Council take appropriate action, which request may include a request to remove that member and fill the vacancy for the remainder of their term.

Section 4 Order of Business

The order of business for the Committee at its meetings shall be:

1. Call to Order
2. Roll Call and Determination of a Quorum
3. Minutes of Previous Meeting(s)
4. Call to the Public
5. Approval of the Agenda (the placement of items on the agenda may be changed at this point)
6. Pending Business (listed as separate items on the meeting agenda)
7. New Business (listed as separate items on the meeting agenda)
8. Reports (listed as separate items on the meeting agenda)
9. Committee Member Comments
10. Items to be Placed on the next Agenda
11. Date of Next Meeting
12. Adjournment

By separate action, the Committee may vote to limit the time allowed for any item of business, including comments by individual members under Call to the Public, provided such limitations are no more restrictive than those applied by the Village Council and are perceived as necessary due to the length or complexity of an agenda or items on it.

As provided in the Council Resolution, the election of officers shall take place at the first meeting after April 1 of each year, and shall take place after the determination of a quorum. The newly elected or re-elected officers shall take office at that time and conduct the remainder of the meeting business.

Section 5 Meetings

Meetings shall be held in the Council Chambers at Village Hall unless another location within the Village that is available to the general public and otherwise in compliance with the Open Meetings Act, has been selected and such location is identified in the notice of the meeting.

Meetings shall be limited to two (2) hours in length. The meeting may be extended by the affirmative vote of four voting (4) members of the Committee.

All meetings are open to the public and shall be held in conformance to the Open Meetings Act.

All Committee action shall be by motion or resolution.

**Parks and Recreation Advisory Committee
Rules of Procedures**

To the extent necessary and appropriate, the Committee shall conduct its business in accordance with Roberts or other recognized Rules of Parliamentary Procedure. However, a failure to follow the technical requirements of such Rules that does not alter or impact on the action taken by the Committee and that is clearly reflected in the minutes shall not invalidate such action, which is advisory only.

Motion by President Pro Tem Harry Stephen]

Seconded by Council Member Hollenbeck

AYES: 7;

NAYS: 0;

Resolution declared and adopted at the Monday, October 27, 2002 regular Village Council Meeting

Village of Lake Orion Parks and Recreation Advisory Committee
Regular Meeting: Tuesday, April 8, 2026, 6:30 p.m.

1. Call to Order by the Chairperson

The Tuesday, April 8, 2026, Special Meeting of the Village of Lake Orion Parks and Recreation Advisory Committee was called to order at Village Hall by Rosemary Ford at 6:40pm.

2. Roll Call and Determination of Quorum

Present: Chairperson: Rosemary Ford
Secretary: Cristy Garbacik
Member: Erin Rohlfing
Absent: Council Member: George Dandalides
Vice Chairperson: Erin Crane
Vacancies: None
Also in attendance: DPW Director Wes Sanchez

3. Call to the Public

No public comment was received at this time.

4. Approval of Agenda

By Erin Rohlfing,
RESOLVED: To approve the Agenda of the Tuesday, April 8, 2026, Parks and Recreation Advisory Committee.
Seconded by Cristy Garbacik and adopted AYES: 3; NAYS: 0; ABSENT: 2.

5. New Business

A. Discussion of Park and Boat passes for 2026

A motion was made to recommend that the Village Council approve an increase to Green’s Park pass fees for the 2026 season, from \$2 to \$3/day and from \$25 to \$30/season/family.

By Erin Rohlfing
Seconded by Rosemary Ford and adopted: AYES: 2; NAYS: 1; ABSENT: 2.

A motion was made to recommend that the Village Council approve no change to boat pass fees for the 2026 season and continue \$75/boat pass plus a Green’s Park season pass.

By Erin Rohlfing
Seconded by Rosemary Ford and adopted: AYES: 3; NAYS: 0; ABSENT: 2.

6. Date of Next Meeting

Tuesday, April 28, 2026, at 6:30 at Children’s Park.

7. Committee Member Comments

Comments were received from George Dadalides and Erin Crane regarding their opinions on the passes.

The committee would prefer the Village to add Board action requests, like the discussion of park and boat passes, to their regularly scheduled agenda vs. requesting a special meeting.

8. Adjournment

On a motion by Cristy Garbacik seconded by Erin Rohlring, the Parks and Recreation Advisory Committee Meeting adjourned at 7:50pm.

Rosemary Ford, Chairperson
Date Approved: _____

Cristy Garbacik, Recording Secretary

Village of Lake Orion Parks and Recreation Advisory Committee
Regular Meeting: Tuesday, April 28, 2026, 6:30 p.m.

1. Call to Order by the Chairperson

The Tuesday, April 28, 2026, Regular Meeting of the Village of Lake Orion Parks and Recreation Advisory Committee was called to order at Village Hall by Rosemary Ford at 6:34pm.

2. Roll Call and Determination of Quorum

Present: Chairperson: Rosemary Ford
 Vice Chairperson: Erin Crane
 Secretary: Cristy Garbacik
 Member: Erin Rohlfing
 Council Member: George Dandalides

Vacancies: None

Also in attendance: DPW Director Wes Sanchez

3. Approval of Minutes

Meeting Minutes – March 24, 2026

By Erin Rohlfing,

RESOLVED: That the regular minutes of the March 24, 2026, meeting of the Parks & Recreation Advisory Committee be approved.

Seconded by Erin Crane and adopted: AYES: 5; NAYS: 0; ABSENT: 0.

4. Call to the Public

No public comment was received.

5. Approval of Agenda

By Rosemary Ford,

RESOLVED: To approve the Agenda of the Tuesday, April 28, 2026, Parks and Recreation Advisory Committee with the addition of 7E Green’s Park updates and 7F DDA volunteer day.

Seconded by Erin Rohlfing and adopted AYES: 5; NAYS: 0; ABSENT: 0.

6. Pending Business

A. Parks Maintenance.

An updated parks maintenance needs list is presented on a word document **which is attached and incorporated as part of these minutes.**

Added:

Children’s - Valentino’s grease bin is leaking into park/water (State of MI supersedes the clean-up)

Swiss - Ruts in land due to leaf removal truck.

Unger - Utility pole down and left by parking lot. (Wes will contact DTE)

Removed:

Children’s - Add woodchips next to the red slide, all new spirea have died. (Scout volunteer & replace)

Children’s - Bench metal frames are rusted and broken (two = Gazebo and by Wine Social top) (DPW removed bench in Gazebo and replaced by moving bench in grass to the Gazebo)

B. Capital Improvement Plan

An updated capital improvement plan is presented on an excel document **which is attached and incorporated as part of these minutes.**

7. New Business

A. Troop 284 Community Service

Scout Troop 284, with Scoutmaster Neil Garbacik, met at Children’s Park on Saturday, April 11 from 9:00-10:30am. The Scouts leveled the garbage cans with the pavers, spread wooden mulch around the bushes on Broadway St, and planted Spirea and Juniper by the red slide. Earlier, Cristy Garbacik met Jose at Home Depot to purchase plants and pavers.

B. Volunteer Days

Interested members will pick a date to create a volunteer day to help clean up one park this summer. Dates and times due to Erin Rohlring so she can submit them to the high school for service hours.

Erin Rohlring – Swiss, Erin Crane – Unger, Rosemary Ford – Atwater, Cristy Garbacik – Children’s

C. Committee Minutes

The committee discussed the strongly written email from the Village Clerk/Treasure Sonja in March regarding the requirements for minute submissions.

Cristy, Secretary, shared some thoughts as a volunteer who spends time attending PnR meetings, typing accurate minutes, visiting parks, and responding to emails. She is willing to pass the role to another member, submit the agenda quickly with minutes at a later date, write non-detailed minutes, or step down and allow another volunteer to fill the role. It is additionally frustrating as she has held this role since 2023 and the minutes in the past, and before her period, were never required by a particular time. Additionally, Cristy is willing to continue as secretary but is unable to commit to the requirement of the 8-day timeline as a volunteer.

Other members were not interested in taking on the role. There was also frustration with the strongly written email and requirements for volunteers. Rosemary offered to contact the Village and ask them to provide a solution to their request.

D. Children’s Park safety form

“Public Playground Safety Handbook” pg. 43-44 includes the safety pages Darwin previously requested the committee to fill out for each park. The committee agreed to fill out one page each meeting while visiting the parks. This will supply Darwin with one form per year per park. 6 copies are needed.

E. Green’s Parks Updates

Previously, Council brought up thoughts about changing lifeguards, boat contracts, and park fees. The budget is still current and so changes are unavailable. Green’s park life guards, attendant, contracts, and fees will not change.

F. DDA Volunteer Day

On May 9, 2026 the DDA is holding a downtown clean-up. Our committee decided to meet and focus on Children’s Park. Wes offered to help and supply materials. We requested green rubber mulch, wooden mulch, 2 flats Myrtle, soil, 2 Sugar Maples, and a power washer. Cristy volunteered to text a reminder.

8. Reports

A. Children’s Shade Sails

Per Wes Sanchez, 2 shade sails were ordered through AAA State of Play. DPW ordered the materials and installation for a total of \$5,561.00. This was a CIP request and will match the current ones in Children’s Park with Ocean Blue frames and Lime Shade Fabric.

B. Green’s Boat Bumpers

Wes Sanchez is in contact with John Jones from Walk on Water and will discuss the quote. Our request includes, but is not limited to, leveling the docks, adding bumpers, adjusting cleats, fixing the floating dock for stability, and extending the docks by one section.

C. Orion Township networking

Rosemary Ford and George Dadalides met with Director Aaron Whatley from Orion Twp. Parks and Rec. They toured the Village parks to discuss if Orion Township could support the Village parks. He offered to have their certified employee inspect the playground equipment. Could this replace the safety form?

D. Basketball Court

The DDA approved \$59,000.00 towards the Atwater basketball court. They will use funds from the 75/25 plan. They were very supportive and positive about the project and working together.

9. Items to Be Placed on Next Agenda

Pending Business

 Parks Maintenance

 Capital Improvement Plan

New Business

 Volunteer Days

 Orion Township networking/Park safety form

Reports

 Committee Minutes

 Children’s Shade Sails

 Green’s Boat Bumpers

 DDA Volunteer Day

10. Date of Next Meeting

Tuesday, May 27, 2026, at 6:30 at Green’s Park.

11. Committee Member Comments

Rosemary Ford mentioned possibly rescheduling May 27th meeting due to Memorial Day weekend. Cristy Garbacik suggested rescheduling Children’s Park visit due to today’s weather.

12. Adjournment

On a motion by Cristy Garbacik seconded by Rosemay Ford, the Parks and Recreation Advisory Committee Meeting adjourned at 8:57pm.

Rosemary Ford, Chairperson
Date Approved: May 26, 2026

Cristy Garbacik, Recording Secretary

Lake Orion Village Parks Maintenance Items

Updated Per April 28, 2026, Meeting

Red =1st Priority, Orange =2nd Priority, Blue = 3rd Priority

All Parks

- 1 – **DPW daily maintenance employee for the park grounds.**
- 1 – **Power wash and weed all parks monthly or as needed.**

Children's Park

- 1 – (5/27/25) New Maple tree by Cookies and Cream died. (planted 7/23/24)
- 1 – (7/23/24) Playground equipment Twist broken, needs to be raised – (Landscape Structures contacted)
Ordered by DPW, might be covered by Warranty
- 1 – (3/24/26) Valentino's grease bin is leaking into park/water (State of MI supersedes the clean-up)
- 2 – (3/24/26) Green rubber mulch is needed in playground area.
- 2 – (3/24/26) Bench metal frame is rusted and broken (by Wine Social top)
- 2 – (4/28/26) Black fence broken in multiple places (Snow removal company at Valentino's parking lot will not return Wes's phone calls.)
- 3 – (3/19/24) Picnic table multiple seats cracked (close to parking lot) – Future Eagle project

Meek's Park

- 2 – Bollards on bridge were run over and need to be replaced (close to Washington street)
- 3 – Bench was run over and needs to be replaced

Green's Park

- 1 – (7/26/22) Addition of mounted boat bumpers to be installed on docks. (10-6-25 P&R letter)
- 1 – (5/27/25) New Maple tree by beach died. (planted 7/23/24)
- 2 – (7/22/25) Floating boat dock (furthest south) unstable.
- 3 – (7/23/24) Remove small wooden and concrete seawall inside south beach. (5/27/25 met with engineer)

Swiss Village Park

- 2 – (5/27/25) Grass needs to be cut on hill.
- 2 – (6/24/25) Playground low on sand.
- 2 – (4/28/26) Ruts in land due to leaf removal truck.
- 3 – (5/23/23) Border needed around playground.
- 3 – (8/26/25) Chess table chair bent.

Unger Park

- 2 – (4/28/26) Utility pole down and left by parking lot. (Wes will contact DTE)

Atwater Park

- 2 – (2/24/26) Fix chain-link fence (bent with holes, by the baseball diamond close to DPW)
- 3 – (4/22/25) Bleachers need to be replaced.

**Village of Lake Orion Parks & Recreation Committee Budget
 2026-2027 Capital Improvement Plan (major permanent items over \$2,500 with a life span over 1 year)**

	Budget Item	Priority Level	Cost Estimate	Cost Actual	Notes	Voted & Agreed
1	<p><u>Atwater Park Basketball Court - 4"</u></p> <p><u>Approved - 11-25-24 and 4-22-25</u> Request 68x50 (3,400 sq. ft. court) Current 47x50 (2,350 sq. ft. court)</p> <p><u>Approved - 4-28-26</u> DDA approved \$59,000.00 using the 75/25 plan</p>	High	\$16,000	<p>5-28-24 Birmingham Seal \$30,733.00 (50x50 2,500sf) removal +\$4,700</p> <p>9-21-24 Hutch Paving \$33,965.00 (68x50 3,400sf) and removal</p> <p>7-22-25 NF Paving \$35,712.44 (84x50 7,280sf)</p> <p>8-25-25 Hutch Paving \$32,480.00 (4,100 sf) and removal +9,820</p>	<p>8-1-23 Began discussion</p> <p>6-25-24 DPW to look into cost</p> <p>11-25-24 Council approved CDBG funds of \$9,348.00 to be used towards Atwater bb court refurbish</p> <p>10-6-25 P&R letter</p> <p>2-24-26 DPW received 6 bids for Jr. High size from \$132,000 to 57,000. The swings will need to be moved. Done in Spring 2026.</p> <p>3-23-26 Village council majority votes no on project, suggested DDA funds project.</p>	<p>11-25-24 Council approved uses of PY2025 CDBG \$9,348.00 project.</p> <p>April '25 Council approved allocations for '25-'26 fully fund project, projected to be complete in Spring of 2026</p> <p>7-28-25 Council doesn't support 7-22-25 NF engineering recommendation, manager requesting engineering</p> <p>10-10-25 Council approved engineering for basketball court.</p>
2	<p><u>Green's Park Pavilion (SW of basketball court)</u></p>	High	\$50,000		<p>10-27-20 20x40 powder coated steel, 24-gauge metal roof</p> <p>9-23-25 motion</p> <p>10-6-25 P&R letter</p> <p>2-24-26 DPW contacted Mocerri about a donation</p>	<p>5-3-21 GazeboCreations.com \$34,000 to 38,000. Plus pouring concrete slab, construction volunteer day total \$45,000-50,000</p>

3	<u>Green's Park Sprinklers</u> 4-28-26 contract with Stafford	High	\$6,000	7-22-25 \$8,400 DPW quote 3-24-26 \$10,950 Mr. Sprinkler quote 3-24-26 \$9,800 Techseven quote 3-24-26 \$6,950 Stafford quote	7-26-22 motion 9-23-25 motion 10-6-25 P&R letter 2-24-26 DPW request for quote	4-28-26 DPW plan is to use CIP funds 4-28-26 DPW created a contract with Stafford with a July 1 install goal
4	<u>Atwater Additional Swing structure</u>	Medium	\$1,500		10-6-25 P&R letter 2-24-26 hold until basketball court is complete	
5	<u>Children's Additional Shade Sail(s)</u> Frame=Ocean Blue Shade fabric=Lime 4-28-26 2 ordered	Medium	1200 each	7-22-25 \$5,000 total, \$2,500 each AAA State of Play 4-28-26 \$5,561 with instalition	Matching current, with post, DPW install 10-6-25 P&R letter 10-31-25 email	9-23-25 Yes
6	<u>Green's Park Retaining Wall</u>	Medium				
7	<u>Unger Park Basketball court</u>	Low		Birmingham Seal \$15,000.00 5- 28-24 (quarter court)		
8	<u>Swiss Village Basketball court</u>	Low				
9	<u>Children's Park Stone walls are disintegrating.</u>				DDA installed 5-14-20 concern	
#	<u>Green's Park East-West seawall</u>				5/26/2015	
#	<u>Green's Park Dock extension x1</u>				7-22-25 10-6-25 P&R letter	

Approved

	<p><u>Children's and Meek's Park - Bank Stabilization</u></p> <p><u>Approved 4-22-25</u></p>	<p>High</p>	<p>300,000 - 400,000</p>		<p>The Village and DDA have a goal of improving bank stabilization in the DDA district. A 75/25 plan allows 75% of funds to be allotted for needed infrastructure.</p>	<p>4-22-25 Village, DPW, and DDA have approved completing this project in Spring 2026.</p>
	<p><u>Children's Park Bridge</u></p>	<p>Medium</p>			<p>7-22-25 budgeted by Village for '25-26 for \$100,000 2-18-26 Newspaper article design proposal</p>	

DRAFT

THE PLAYGROUND EQUIPMENT SAFETY ACT

Act 16 of 1997

AN ACT to regulate the manufacturing and assembling of public playground equipment; and to provide penalties.

History: 1997, Act 16, Eff. May 1, 1998

The People of the State of Michigan enact:

408.681 Short title.

Sec. 1.

This act shall be known and may be cited as "the playground equipment safety act".

History: 1997, Act 16, Eff. May 1, 1998

408.682 Definitions.

Sec. 2.

As used in this act:

(a) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(b) "Public playground equipment" means apparatus, including but not limited to slides, climbers, seesaws, and swings, designed for the recreational use of children and owned and operated by a local unit of government, school district, or any other governmental entity.

History: 1997, Act 16, Eff. May 1, 1998

408.683 Public playground equipment; liability as to state civil infraction; separate civil action.

Sec. 3.

(1) The standards identified in section 4 determine responsibility for a state civil infraction under this act and do not establish liability in a separate civil action that is brought to recover damages caused by the maintenance, repair, upkeep, manufacture or assembly of public playground equipment.

(2) The standards identified in section 4 shall have only the relevance as allowed by law or court rule in a separate civil action.

History: 1997, Act 16, Eff. May 1, 1998

408.684 Public playground equipment; standards.

Sec. 4.

A person who for compensation manufactures or assembles public playground equipment that fails to comply with the following standards is subject to a state civil infraction under this act:

(a) The "handbook for public playground safety" published for the U.S. consumer products safety commission, which is incorporated by reference and is based upon recommendations provided to the commission by the COMSIS corporation in March 1990 in "development of human factors criteria for playground equipment safety" by Donna Rattle, Melanie Morrison, and Neil Lerner.

(b) The "standard consumer safety performance specification for playground equipment for public use, ASTM F1487-01", published by the American society for testing and materials, which is incorporated by reference.

History: 1997, Act 16, Eff. May 1, 1998 ;-- Am. 1998, Act 137, Imd. Eff. June 24, 1998 ;-- Am. 2002, Act 419, Imd. Eff. June 5, 2002

408.685 Violation of act; penalty; default; disposition of collections.

Sec. 5.

(1) A person who violates this act in the manufacture of public playground equipment is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$10,000.00.

(2) A person who violates this act in the assembly of public playground equipment is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$1,000.00.

(3) A default in the payment of a civil fine or costs ordered under this act or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

(4) Money collected under this section shall be deposited into the children's trust fund established under section 1 of 1982 PA 249, MCL 21.171.

History: 1997, Act 16, Eff. May 1, 1998

408.686 Public playground equipment; responsibility for maintenance, repair, and upkeep.

Sec. 6.

(1) Except as otherwise provided in subsection (2), the local unit of government, school district, or governmental entity that owns and operates the public playground equipment shall be responsible for the maintenance, repair, and upkeep of the public playground equipment according to the standards identified by this act.

(2) For the maintenance, repair, and upkeep of public playground equipment that existed before the effective date of this act, the standards required by section 4 shall apply only to the extent that such application is possible without requiring substantial alteration, removal, or replacement of the existing equipment.

History: 1997, Act 16, Eff. May 1, 1998

408.687 Finding of responsibility; admissibility in civil action; immunity; other defenses, limitations, remedies, or rights.

Sec. 7.

(1) Evidence of a finding of responsibility for a state civil infraction under this act shall not be admissible in a civil action brought to recover damages incurred as a result of the manufacture or assembly of public playground equipment.

(2) This act does not expand, restrict, or otherwise alter the immunity from liability granted by law to a local unit of government, school district, or governmental entity.

(3) This act does not limit or alter and shall be in addition to any other defenses, limitations, remedies, or rights a person may have by law.

History: 1997, Act 16, Eff. May 1, 1998

RISK CONTROL SOLUTIONS

A Service of the Michigan Municipal League Liability and Property Pool and
the Michigan Municipal League Workers' Compensation Fund

PLAYGROUNDS AND PARKS

INTRODUCTION

Many Michigan communities maintain parks and playgrounds. Public Act 16 of 1997, ***The Playground Equipment Safety Act***, establishes the standards communities must meet if they provide playground equipment in their recreational facilities. The Act requires communities to adopt the standards for playground layout and maintenance as well as equipment selection that the U.S. Consumer Products Safety Commission recommends in its ***Public Playground Safety Handbook*** (2010). In addition, Public Act 16 incorporates the American Society for Testing and Materials (ASTM) standard for playgrounds for public use (F1487 *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, F1292 *Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment*, and other related standards). Failure to comply with Public Act 16 is a state civil infraction that might result in civil fines.

Parks and playground facilities enhance the community and provide the public with recreational opportunities. However, the use of playground equipment as well as the grounds themselves can lead to injuries. Therefore, management should manage this potential risk so that the public has a reasonable level of safety. Managers should also provide equal attention to the upkeep of play areas as well as to the proper assembly and maintenance of playground equipment.

Establishing routine regular inspections of the facilities and equipment throughout the year will help to prevent injuries and subsequent claims. In addition to reducing possible claims, year-round inspections and upkeep will reduce and control the amount of maintenance that the beginning of each season typically requires. Spring is an ideal time to conduct a walking survey of park and playground areas to obtain an overview of their general condition and any repairs that are necessary.

REGULAR INSPECTIONS

You should establish regular inspections to verify that play equipment is in proper condition and that the park and play areas receive necessary maintenance. High-use seasons may require more frequent inspections. Personnel who perform the inspections should receive training. Employees should document inspections using a checklist and appropriate corrective action should be taken and documented for any deficiencies. Proper documentation of inspections and appropriate corrective action could provide a strong legal defense in case of a lawsuit.

GENERAL ISSUES

In addition to maintaining park and playground areas in good condition, park management should consider establishing reasonable rules for park usage. Park management should post any rules in clearly visible locations around the perimeter of the park. Park Management should post rules that are specific to certain activities -- use of picnic areas, for example -- in areas where these activities take place. Rules should cover park hours, prohibited activities, and any other concerns. If police are to enforce these rules, the community should formalize the rules by legislative action.

FIELDS, TRAILS, WALKING TRACKS

These areas typically present numerous slip and/or trip exposures. Walking surfaces should be reasonably smooth. If wood chips or other materials are used as surfacing, employees should rake them and add more fill as necessary. Employees should routinely check for and correct potholes, erosion, rodent burrows, tree stumps and roots. They should remove debris such as broken glass, rocks as well as toxic plants and plants with thorns. If there are special hazards such as trenches, ponds, or streams, park management should post advisory and warning signs at appropriate intervals near each hazard.

PICNIC FACILITIES

Many parks and playgrounds offer picnic and/or barbecue areas. The location of barbecue grills and picnic tables requires careful consideration. Placing this equipment too close to paths of travel or play equipment can endanger young children. For the same reason, barbecue grills should not be too close to picnic tables. Employees should make certain that the area around each grill is clear of debris and material to reduce the fire hazard. Picnic tables and benches should be stable and have reasonably smooth surfaces. Park personnel should remove any benches and tables with splintered wood surfaces or sharp metal edges until park personnel can repair them or replace them with new equipment. Personnel should also examine equipment for loose fittings or hardware and replace or repair them as necessary. Signs should be in place that inform the public of any rules for the use of barbecue grills. These rules might include:

- Hours of use;
- A prohibition against children lighting the grill or cooking;
- A prohibition against the use of alcohol in the park;
- Months during which the public may use the grills.

PLAYGROUND ACTIVITIES

The U.S. Consumer Products Safety Commission (CPSC) has gathered statistics on the types and percentages of playground accidents. The CPSC estimates that there are over 200,000 annual emergency room visits due to the use of playground equipment. The most recent study of equipment-related incidents between 2001 and 2008 found that falls from equipment are the most common type of accident (44% of injuries). The next most common type of accident involves injury due to broken

equipment, tip over, design flaws, and improper assembly (23% of injuries). Other causes of injury involve entrapment or entanglement in equipment and colliding with other children or stationary equipment.

The CPSC's *Public Playground Safety Handbook* provides safety recommendations for specific types of equipment as well as use and fall zones and discusses various hazards that each type of equipment poses. Any apparatus your municipality purchases or acquires should meet these guidelines. In addition, the guide provides guidelines for installation and maintenance.

EQUIPMENT SELECTION AND INSTALLATION

Install new apparatus according to the manufacturer's specifications and the requirements of Public Act 16. Keep manufacturer's specifications on file. The manufacturer has already determined foundation, anchoring, angles of support, and clearance requirements for the equipment. Deviations from the assembly and installation instructions may violate the design specifications of the equipment and release the manufacturer from product liability.

LAYOUT OF PLAYGROUNDS

When designing a playground, you should consider children's safety as they travel to and from the playground. Experts recommend that playgrounds be enclosed to keep children from inadvertently running into the street. The enclosure does not eliminate the need for adult supervision. Park management should post signs informing the public of the need to watch their children as they play on the equipment.

The playground should have distinct areas for specific activities. Play equipment should be grouped together and away from open spaces used for running or games. Sand boxes and equipment for other quiet activities should have their own space. In addition, experts recommend separation of play areas for older and younger children. In particular, pre-school children should have their own equipment in an area that is separate from equipment for older children.

LAYOUT OF PLAYGROUND EQUIPMENT

Position each piece of equipment so that it has the appropriate amount of "use space". This space has two zones:

Fall Impact: This is the area beneath and around the apparatus where children falling from it are likely to land.

Non-Encroachment: This is the recovery space outside the impact zone for children to jump or dash off the equipment. This area should be free of obstruction so that children do not trip or run into anything before regaining control.

Follow specific guidelines for climbing apparatus, swings, slides and merry-go-rounds as offered in the CPSC's *Public Playground Safety Handbook*:

Climbing Equipment: Spacing in between bars should not be too wide or long for children's arms or legs. Hand rungs should fit children's hands. (Preferably they should be cylindrical and approximately 1-5/8" in diameter.) There should be an easy way for children to get up and down from the top. Bright, contrasting colors on rungs or steps help children perceive distances more easily.

Swings: Locate swings away from other equipment. There should be 2 to 6 swings in a series. The normal minimum clearance of 18" (non-encroachment zone) may need to be greater for swings that move in all directions, such as tire swings. Choose seats made of lightweight materials, with a smooth finish and rounded edges. Wood and metal seats are not recommended.

Slides: Slides can range from 4' to 16' in height. They may be straight, spiral, wavy, or tubular. To reduce excessive speed, limit the average incline to 30 degrees or less. Most manufacturers design slides with a 26-degree incline. Slides that are over 4' high should have sides at least 2-1/2" high and a top barrier at least 38" high.

Horizontal platforms should be sufficiently wide to help children make the transition from climbing to sitting. For slides attached to a composite structure, the length should be at least 3 feet; for freestanding slides, the recommended length is 22" minimum. Steps should be 7"-11" apart and be at least 15" wide with a permanent slip-resistant finish. Slides should have continuous handrails on both sides of the ladder. The exit region should be parallel to the ground and a minimum length of 11". For slides of 4 feet or less, the height of the exit region should be no more than 11" from the protective surface. Slides higher than four feet, should have exit regions that are at least 7" but no more than 15" above the protective surface. Position slides in shaded areas to prevent burns and glare and point slide exits away from congested areas of the playground. Metal slides can be especially hazardous for burn risks. Composite non-metal slides are preferred.

Merry-go-Rounds: According to the CPSC, this is the most common type of rotating equipment found on public playgrounds. The platform on which children stand should be approximately round and have handgrips to prevent falls. It should not have any sharp edges. No equipment should protrude beyond the edge of the base. The platform should never rotate at a speed higher than 13 feet per second.

Seesaws: The CPSC does not recommend the typical fulcrum seesaw for preschool children because they are not adept at coordinating their actions. Seesaws equipped with a spring centering device are acceptable. The device keeps the seesaw from hitting the ground abruptly if one child gets off it. Seesaws should have handholds at each seating area. These handholds should not turn or move when gripped. The fulcrum on seesaws should not present a pinch or crush hazard. To prevent the crushing of limbs between the seat and the ground, the CPSC recommends embedding a partial car tire or using other cushioning material underneath each seat of a fulcrum seesaw.

PLAYGROUND SURFACING

Proper playground surfacing materials can reduce the likelihood of serious injuries due to falls from playground equipment. The potential for injury is greater when no surfacing material cushions the fall in the use and/or fall zone of the equipment. During inspections, park personnel should use CPSC safety guidelines to determine the use and/or fall zones and how large an area of cushioning material they should provide to protect children at play on or near the equipment. Hard-packed soil, grass, concrete, and asphalt DO NOT provide cushioning properties. The following materials, at a minimum depth of 6 to 9 inches depending on the height of the equipment and the surface materials selected, provide effective, resilient surfacing:

- Rubber mats (tested to ASTM F1292)
- Pea gravel
- Sand
- Shredded rubber mulch
- Engineered wood chips
- Wood mulch (not CCA-treated)

Park personnel should rake or level playground-surfacing materials to maintain the proper cushioning depth of the materials. They should remove glass, rocks, and other foreign objects as they rake.

SUMMARY

A sound approach to constructing, maintaining, and operating your public parks and playgrounds benefits your community and every member of the Pool. If you have any questions or if we can assist in any other areas of risk management, please contact Loss Control Services.


MOST COMMON PLAYGROUND HAZARDS

- ◆ Hard surfaces
- ◆ Entrapment of the head and neck
- ◆ Entanglement of clothing or other articles
- ◆ Sharp points, corners, and edges
- ◆ Protrusions and projections
- ◆ Improper layout
- ◆ Exposed concrete footings
- ◆ Poor or no maintenance
- ◆ Pinch points, crush points and shearing points or exposed moving parts

A copy of the safety guidelines referenced in this bulletin can be found online at:

<https://cpsc.gov/s3fs-public/325.pdf>

**Contact MML Risk Management Services Staff/
or your Loss Control Consultant for more information.**

	Important Phone Numbers
MML Risk Management Services	734.662.3246 or 800.653.2483
Loss Control Services	800.482.0626

Note:

***This document is not intended to be legal advice.
It only identifies some of the issues surrounding this topic.
Public agencies are encouraged to review their procedures with an expert
or a competent attorney who is knowledgeable about the subject.***



GENERAL MAINTENANCE CHECKLIST FOR PLAYGROUNDS

This checklist is based on the CPSC's *Public Playground Safety Handbook*. Using it will help ensure that your playgrounds meet the minimum guidelines for public playground safety that the CPSC has established. You are encouraged to obtain a copy of the Handbook by writing to U.S. Consumer Products Safety Commission, Washington, D.C. 20207 or online at <https://www.cpsc.gov/safety-education/safety-guides/playgrounds/public-playground-safety-handbook>.

General Maintenance	Yes	No	Comments
▪ Playground free of miscellaneous debris or litter?			
▪ All trash barrels in place?			
▪ All trash barrels empty when park opens?			
▪ Are staff ensuring that trash barrels being emptied frequently?			
Damage	Yes	No	Comments
Are the following free of broken or missing pieces and in good general repair? Check for signs of vandalism or wear: broken or missing handrails or guardrails, rungs on ladders, frayed or cracked swing seats, damage to fences, signs and benches.			
Swings			
See-saws			
Merry-go-rounds			
Slides			
Climbers			
Sliding poles			
Spring rockers			
Other:			
Surfacing	Yes	No	
Are all surfacing materials:			
▪ Sufficiently deep to protect children when they fall?			
▪ In good condition?			
▪ Free of foreign objects?			
▪ Loose, particularly in heavy traffic areas?			

General Hazards	Yes	No	
Check all equipment and other playground features for any hazards. Are all playground features and equipment:			
▪ Free of sharp points, corners and edges?			
▪ Free of projections?			
▪ Furnished with protective caps or plugs as necessary?			
▪ Free of entanglement hazards such as open “S” hooks or joints?			
▪ Free of pinch, crush, and shearing points?			
▪ Free of trip hazards? These include exposed footings on anchoring devices as well as rocks, roots, or other obstacles.			
Deterioration of Equipment	Yes	No	
Are all equipment and other playground features:			
▪ Stable and anchored firmly?			
▪ Free of rust, rot, cracks and splinters?			
▪ Free of corrosion, especially where structures come in contact with the ground?			
Security of Hardware	Yes	No	
Are all moving parts, such as swing bearing hangars, properly maintained and free of signs of wear?			
Are all connecting, covering or fastening hardware secure and in good condition?			
▪ ‘S” hooks, especially on swings?			
▪ Connection points on flexible climbing equipment?			
▪ Other?			
Equipment Use Zones	Yes	No	
Are all areas where people use equipment free of obstacles? This includes:			
▪ Baseball diamonds			
▪ Volleyball courts			
▪ Basketball courts			
▪ Open playing areas			
Drainage Systems	Yes	No	
Is the entire play area free of drainage problems? Watch for pooling of water, especially in heavy use areas such as those under swings or at the end of slides.			