

TITLE 11
PARKS AND RECREATION

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CHAPTER 11.01

GENERAL PROVISIONS

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11.01.010 **DEFINITIONS**

In this title, unless the context requires otherwise:

- A. "Director" means any person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.
- B. "Public Park" means any land or water area and all facilities thereon owned, used, established, maintained or administered by the Town and devoted to active or passive recreation. Public Parks include trails, playgrounds, recreation centers, recreational areas, and open spaces.
- C. "Vehicle" means any wheeled conveyance, whether motor powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. This definition does not include baby carriages, motorized wheel chairs and other similar devices used by disabled persons and vehicles in the service of the Town parks.

(Ord. No. 341, 2014)

11.01.020 **DAMAGING OR TAMPERING WITH FACILITIES, TREES, SHRUBBERY AND LAWNS**

- A. No person shall damage or improperly use any building, structure, equipment or signs, toilets, or water and sewer facilities in any public park, or cause the lighting facilities or electrical appliances to be turned on without the written permission of the director or such other person as the Town Council may designate.
- B. No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant without the express written permission of the director.

- C. No person shall dig or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency without the express written permission of the director.
- D. No person shall climb a tree in any public park without the express written permission of the director.

(Ord. No. 341, 2014)

11.01.030 **USE OF MOTORIZED AND NON-MOTORIZED VEHICLES IN PUBLIC PARKS**

- A. No person shall drive or ride at any time any automobile, truck, motorcycle, motor scooter, horse or other motor vehicle or animal upon the grounds of any public park, except in public streets running through such premises or within designated parking areas located upon the premises, without the express written permission of the director.
- B. No person shall operate a skateboard, roller blades, roller skates, bicycle, scooter or any rolling vehicle in a public park where such activity is specifically prohibited by signage; or on any brickwork, ornamental surface, picnic table, bench, playground equipment, fountain area, planter, or sculpture; or, where permitted, in an unsafe manner so as to infringe upon the safety of themselves or others. All bicycle operations are also subject to the provisions of Chapter 10.08 of this code.
- C. No person shall leave a bicycle in a place in a public park other than a bicycle rack when such is provided and there is a space available.
- D. No person shall leave a bicycle lying on the ground or pavement or set against a tree in a public park.

(Ord. No. 341, 2014)

11.01.040 **ADVERTISING; SIGNS**

No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire in a public park, nor shall any person paste, glue, tack or otherwise post any sign placard, advertisement or inscription, or erect or cause to be erected any sign on any public park or on any highway or road adjacent to a public park. (Ord. No. 341, 2014)

11.01.050 **GLASS CONTAINERS**

- A. It is unlawful for any person to throw, toss or otherwise propel or either willfully, maliciously, carelessly or negligently break any glass object in a public park.
- B. In the event of accidental breakage of a glass container in a public park, the person responsible for the breakage shall clean up and properly dispose of all debris and broken glass and shall be responsible for injuries to any person or domestic animal caused by the breakage or failure to clean up and dispose of the debris.

(Ord. No. 341, 2014)

11.01.060 **TRESPASS**

- A. It is unlawful for a person to remain in or return to a public park after a reasonable request by the director or other authorized Town employee to leave based on violation of any provision of this article. The director or other authorized Town employee shall provide such person with notice of the reason for the request and retain copies of such notice for Town files.
- B. The decision of the director may be appealed to the Town Manager, whose decision shall be final.

(Ord. No. 341, 2014)

11.01.070 **UNREASONABLE NOISE**

It is unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive noise which disturbs the peace or quiet of any public park or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area after a reasonable request by the director or other authorized Town employee to stop making the excessive noise. (Ord. No. 341)

11.01.080 **SALE OF GOODS (CONCESSIONS)**

It is unlawful to sell food, beverages or other items in public parks and on all adjacent sidewalks, except pursuant to a permit issued by the director pursuant to Section 11.02.040. (Ord. No. 341, 2014)

11.01.090 **CONTROL OF ANIMALS; ABANDONMENT**

- A. All animals shall be under the custody and control of a responsible adult and must be on a leash not to exceed six feet at all times when in a public park, except when participating in a program authorized by the Town or in designated off leash areas.
- B. The animal's owner or person in control of the animal while it is in the public park is responsible for cleaning up and properly disposing of the animal's excrement.
- C. No person shall release a bird, animal, fish or reptile in a public park, except with written permission of the director.
- D. Except for service animals, dogs are not allowed in recreational facilities or where dogs are prohibited by signage.

(Ord. No. 341, 2014)

11.01.100 **ACTIVITIES PROHIBITED IN PUBLIC PARKS**

Except where such use is conducted by the Town or by others pursuant to a program organized by the Town or a permit issued by the Town, the following activities are prohibited in public parks:

- A. Dangerous Act. No person shall commit any act so as to endanger the health and safety of themselves or others.

- B. Weapons. No person shall use archery, firearms, sling shots, darts, rocks or other projectile producing devices. No person under the age of eighteen may possess a firearm in a public park.
- C. Model Rocketry. No person shall launch model rockets using propellants and motors in public parks except during a Town sponsored event or as authorized by a special event permit.
- D. Conduct. No person shall engage in abusive, violent or seriously disruptive behavior or use abusive or offensive language or gestures to any person.
- E. Littering. No person shall dispose of trash, flyers or other unwanted items in any manner other than depositing them in a designated waste or recycling container.
- F. Car Washing/Maintenance. No person shall clean, wash, polish, change oil or make other than emergency repairs upon an automobile, motorcycle, or other self-driven vehicle.
- G. Smoking. No person shall smoke in any area of a public park designated as non-smoking, as indicated by signage. Veterans Memorial Park is designated as non-smoking in its entirety.
- H. Hot Air Balloons. No person shall launch or land a hot air balloon or other aircraft.
- I. Fireworks. No person shall use fireworks in parks except as authorized by Chapters 5.16 and 9.06.
- J. Fires. No person shall start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas as designated and approved for such use by the director. No person shall set fire to the contents of a trash container or place or burn garbage in park grills.
- K. Urban Camping. No person shall camp, set up living accommodations or store personal belongings except in areas specifically for such use or specifically authorized by permit.
- L. Climbing on Non-playground Equipment. No person shall climb on non-playground equipment, including but not limited to park buildings, structures, facilities, restrooms, benches, tables, shelters, baseball backstops, and soccer goals. Children may climb on playground equipment designed for climbing purposes. Children younger than eight years of age shall be supervised by a responsible adult while climbing playground equipment.
- M. Golfing. No person shall engage in golf.
- N. Urination and Defecation. No person shall urinate, defecate or otherwise relieve him or herself other than in designated public restrooms.

(Ord. No. 341, 2014)

CHAPTER 11.02

PUBLIC PARK OPERATING POLICY

SECTION:

11.02.010

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11.02.020

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11.02.030

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HOURS

Except for unusual and unforeseen emergencies, public parks shall be open to the public every day of the year during designated hours. The opening and closing hours for public parks shall be from 6:00 a.m. until 10:00 p.m. and shall be posted therein for public information. (Ord. No. 341, 2014)

11.02.020

CLOSED AREAS

Any section or part of any public park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses. (Ord. No. 341, 2014)

11.02.030

EMERGENCY PARK CLOSURE; RESTRICTIONS

- A. The Town Clerk or the Chief of Police is authorized to direct that any public park or any portion thereof, be closed to all persons not properly authorized to be therein, when, in the opinion of either, an emergency situation exists therein that demands for the protection of the public health, safety or morals, that the premises be closed. Such closure shall be for a period not to exceed seven days.
- B. It is unlawful for any person not properly authorized to enter into or fail to vacate a public park when adequate notice of emergency closure has been given.

(Ord. No. 341, 2014)

11.02.040

RESERVATION PERMIT; ISSUING AUTHORITY

- A. When Reservation Permit Required. A reservation permit issued by the director is required:
1. Whenever an organized team uses all or a portion of any public park for a team practice or game. An organized team must obtain a reservation permit from the director even if not all members attend the team practice or game. Each organized team shall obtain its own permit even if sharing use of the same facility. For purposes of this section, an "organized team" means a team that belongs to a league or other organization that schedules games.
 2. Whenever any person or group wants to reserve or obtain exclusive use of all or any portion of a public park for a scheduled time period.

3. Whenever any person or group wants to move any large equipment, set up large inflatable structures, dunk tanks, tents, generators, climbing walls, amplified music equipment, portable restrooms, lights, or other equipment or structures in any public park.
 4. Whenever any person or group wants to reserve or use all or any portion of a public park for commercial purposes including but not limited to the sale of food, beverages, merchandise, conducting classes or other activities for profit or personal gain. No such permit shall be granted unless such permit is for a use which does not interfere with the use of the park for park purposes or for uses which are consistent with and in furtherance of public use and enjoyment of the park.
- B. Permit Rules. The director is authorized to issue reservation permits and promulgate rules for the regulation of such use. The signature of the permittee or an authorized representative of the permittee is a representation that the permittee has read the regulations applicable to the use of the public park and agrees to abide by those regulations and all applicable codes and ordinances.
 - C. Reservation Permit Time Limits. The director is authorized to include time limits on reservation permits and to establish rules for use of facilities on a first-come, first-served basis. Except as authorized by a reservation permit, it shall be unlawful for a person or group to continue to use a public park in excess of the posted time limit, whenever:
 1. Someone else has asked to use and is waiting to use that same facility; or
 2. The director or other authorized Town employee notifies the person or group that someone else has asked to use and is waiting to use that same facility.
 - D. Permit Fees. The Council shall establish fees for permits authorized by this chapter by resolution.
 - E. Insurance. When the activity authorized by the permit involves fifty or more people, insurance is required with policy limits established by the director. Prior to the commencement of the activity, a certificate of insurance shall be filed with the Town naming the Town as an additional insured.
 - F. Schools. Schools are required to obtain reservation permits for use of public parks. Fees may be waived if provided in an intergovernmental agreement with the school district.
 - G. Display of Permit. Any person or group who has obtained a permit pursuant to this section shall display the permit upon request. The permit may be revoked for failure to comply with the terms of the permit or any violation of rules, regulations, ordinances or state statutes.

(Ord. No. 341, 2014)

11.02.050 INTERFERENCE WITH RESERVED USE

- A. The reservation permit shall describe the reserved area and related amenities that are reserved for the exclusive use of the permittee.
- B. It shall be unlawful to interfere with a reserved use except with the consent of the permittee.
- C. For purposes of this section, the term “interfere” includes, but is not limited to, the following:
 1. Using the reserved area or amenities;
 2. Playing ball or frisbee within fifty feet from the reserved area boundary;

3. Congregating a group of ten or more persons within fifty feet from the reserved area boundary for a cumulative period of fifteen minutes or longer. (Ord. No. 341, 2014)

CHAPTER 11.03

ENFORCEMENT

SECTION:

11.03.010

ENFORCEMENT

11.03.010

ENFORCEMENT

In addition to the penalties provided for in Chapter 1.16 of this Code, the Town shall have authority to:

- A. Eject from a public park any person acting in violation of this title.
- B. Seize and confiscate any property, thing or device in a public park, used in violation of this title.

(Ord. No. 341, 2014)