

TITLE 12

PARKS AND RECREATION

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CHAPTER 12.04

PARKS COMMISSION

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12.04.01 Established There is established a Parks and Recreation Commission to operate, manage and control all recreational facilities in the city.

12.04.02 Membership The Commission shall consist of seven (7) qualified electors of the city, to be appointed by the Mayor and confirmed by a majority of the duly elected and qualified members of the City Council. Each Commissioner shall be appointed for a term of five (5) years; a vacancy on the Commission shall be filled for the unexpired term in the same manner hereinabove prescribed. Each Commissioner shall file the oath required of public officials by the laws of this state; any such Commissioner may be removed upon a two-thirds (2/3) vote of the members of the City Council. (Ord. No. 418, Sec. 1.)

12.04.03 Powers The Commission shall have full and complete authority to build, manage, operate, maintain and repair the grounds and improvements under its jurisdiction; shall have complete charge of its buildings and grounds, including the right to control the use thereof and to permit or refuse to permit the use of such facilities by an individual or group; and shall have the right to employ or remove any of its employees, and to fix and regulate the salary of each such employee.

The Commission shall have the exclusive authority to purchase supplies, apparatus, etc. necessary or desirable, including all construction, repairs, alterations and additions to the property within the jurisdiction of the Commission.

The Commission shall also have the exclusive authority to enter into contracts for the use of park facilities; shall adopt its own rules and regulations for the proper operation and management of all property within its respective jurisdiction; and shall have full authority to repeal or amend its rules and regulations as it sees fit.

12.04.04 Reports The Commission shall submit quarterly reports, beginning three (3) months after they take their oath of office and each three (3) months thereafter, reporting in full on the operations, including an accounting of receipts and disbursements and furnishing such other and further reports, data and information as may be required by the Mayor and City Council. The quarterly report, with respect to receipts and disbursements shall be certified by the Commissioners as correct. They shall further submit an annual audit of the operations of the Parks and Recreational programs to the Mayor and City Council.

12.04.05 Use of revenues The Commission shall have the exclusive authority to utilize all revenues derived from their respective operations; separate accounts shall be maintained and all monies shall be segregated and used exclusively for the operation of Parks and Recreation programs. The Commissioners shall receive no salary, but shall be reimbursed for actual expenses incurred in the performance of their duties.

12.04.06 Appropriation of funds The City Council may, at any time, appropriate funds from the General Revenue Fund or other available funds to provide the necessary monies for the operation of the Commission's Parks and Recreation program.

12.04.07 Exclusive jurisdiction The Commission shall have sole and exclusive jurisdiction, power and control over the recreational facilities and programs assigned to it.

CHAPTER 12.08

PARK REGULATIONS

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

Director means the Park Director or his duly authorized representative.

Park means a park, reservation, playground, beach, reservations center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

Vehicle means any wheeled conveyance, whether motor powered or animal-drawn, and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, bicycles and vehicles in the service of the city parks. (Ord. No. 388, Sec. 1.)

12.08.02 Penalty Unless otherwise provided for in this article, any person violating the provisions of this article shall be deemed guilty of a code violation and shall be subject to the penalties prescribed in 1.32.01. (Ord. No. 388, Sec. 2.)

12.08.03 Hours of operation Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year from 6:00 a.m. until 10:00 p.m, and no one shall be in the park after this hour; however, this does not apply to city-sponsored sporting events on athletic fields in the park. Any section or part of any park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time. (Ord. No. 388, Sec. 3.)

12.08.04 Removal of natural resources It shall be unlawful to dig or remove any beach sand, whether submerged or not, or any soil, rock stones, trees, shrubs or plants, fallen timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, except on special written permit obtained from the city. (Ord. No. 388, Sec. 4.)

12.08.05 Erection of structures It shall be unlawful to construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit obtained from the city. (Ord. No. 388, Sec. 5.)

12.08.06 Trees, shrubbery, lawns It shall be unlawful to damage, cut, climb carve, injure, transplant or remove any tree, flower or plant. No person shall attach any rope, wire or other contrivance to any tree or plant or in any other way injure or impair the natural beauty or usefulness of any park area. (Ord. No. 388, Sec. 6.)

12.08.07 Hunting, molesting wildlife

- A. It shall be unlawful to hunt, molest, harm, frighten poison, kill, trap or remove any animal, reptile or bird, or to remove the eggs, nest, or young of any wild animal, fish, reptile or bird.
- B. It shall be unlawful to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife or dangerous to human safety.
- C. The provisions of this section shall not apply to parks and recreations employees, or anyone acting at their direction, so long as any actions taken by such employees, or anyone acting under their direction, is in furtherance of management of animals and wildlife within the park, and has been authorized by the Parks and Recreation Director or the Mayor. (Ord. No. 388, Sec. 7.)

12.08.08 Pollution of waters It shall be unlawful to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer or drain flowing into such waters, any substance. (Ord. No. 388, Sec. 8.)

12.08.09 Refuse and trash It shall be unlawful to deposit in a park any refuse or other trash. No refuse or other trash shall be left anywhere on the grounds thereof, but shall be placed in proper receptacles where provided. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Ord. No. 388, Sec. 9.)

12.08.10 Speed of vehicles It shall be unlawful to ride or drive a vehicle at a rate of speed exceeding 20 miles per hour, except upon such roads as the city may designate, by posted signs, for speedier travel. (Ord. No. 388, Sec. 10.)

12.08.11 Parking generally It shall be unlawful to park a vehicle in other than an established or designated parking area. (Ord. No. 388, Sec. 11.)

12.08.12 Parking, leaving, abandoning vehicle in park after closing hours It shall be unlawful to park, leave or abandon a vehicle within a park during the closed hours of the park, that is, between the hours of 10:00 p.m. and 6:00 a.m., Monday through Sunday. (Ord. No. 388, Sec. 12.)

12.08.13 Vehicle traffic It shall be unlawful to ride, drive, operate or push a vehicle on other than paved vehicular roads or areas designated for that purpose. (Ord. No. 388, Sec. 13.)

12.08.14 Picnic and recreational facilities It shall be unlawful to leave a picnic area before all fires are completely extinguished and before all trash in the nature of boxes, cans, bottles, garbage and other refuse are placed in the disposal receptacles where provided. Where no such trash receptacles are available, refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. (Ord. No. 388, Sec. 14.)

12.08.15 Camping It shall be unlawful to set up or use tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like. (Ord. No. 388, Sec. 15.)

12.08.16 Games and recreation It shall be unlawful to gamble or participate in or abet any game of chance. No person shall take part in or abet the playing of other forms of recreation except in designated areas for or conducive to the particular form of recreation. (Ord. No. 388, Sec. 16.)

12.08.17 Intoxicating beverages It shall be unlawful to bring or consume alcoholic beverages within a city park. (Ord. No. 388, Sec. 17.)

12.08.18 Fireworks and explosives It shall be unlawful to bring in, possess, explode or cause to be exploded, discharged or burned any firecrackers, torpedoes, skyrockets, Roman candles or other fireworks, explosive or flammable materials without having first obtained written consent from the Park Director. (Ord. No. 388, Sec. 18.)

12.08.19 Fires It shall be unlawful to build or attempt to build a fire except in the fireplaces or facilities so designed for such use, or leave any fire unattended, and no person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park area. (Ord. No. 388, Sec. 19.)

12.08.20 Vending and peddling It shall be unlawful to expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Parks Commission. (Ord. No. 388, Sec. 20.)

12.08.21 Advertising and signs It shall be unlawful to announce, advertise, or call the public attention in any way to any article or service for sale or hire, or paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except in designated areas and when approved by the Parks Commission. (Ord. No. 388, Sec. 21.)

12.08.22 Skateboards, scooters, conventional or in-line skates, and bicycles No person shall operate any skateboard, scooter, conventional or in-line roller skates, or bicycle in area of a public park where one or more signs are posted prohibiting such activity, or in a manner which causes injury to any person or damage to public or private property. (Ord. No. 388, Sec. 22.)

12.08.23 Smoking It shall be unlawful to smoke within a city park. Any person violating the provisions of 12.08.23 shall be deemed guilty of a code violation, and shall be subject to a Twenty-Five Dollars (\$25.00) fine. Smoking is permitted in the parking lots of all city parks. (Ord. No. 415, Sec. 1.)