

## CHAPTER 76: PARKS AND RECREATION

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### **§ 76.01 Safety of Patrons Generally**

It shall be unlawful for any individual or group of individuals to participate in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The City Council may designate particular locations within park areas for specific activities and, when deemed necessary, it may limit the conduct of such activities by the issuance of special permits upon application, which permits will set out the particular conditions under which such activity is permitted.

### **§ 76.02 Injury to Trees, Shrubs, Fences, Etc.**

It shall be unlawful for any person to cut, break, deface or in any way injure the trees, shrubs, plants, grass, turf, fountains, seats, fences, structures, improvements, ornaments, monuments, or property within or upon any of the public parks.

### **§ 76.03 Abusive or Obscene Language Or Act**

No person shall use or speak any threatening, abusive, insulting, or indecent language in any of the public parks, and no person shall commit in any such parks any obscene, lewd or indecent act or create any nuisance.

### **§ 76.04 Dogs At Large**

It shall be unlawful for any owner, keeper, or person having the custody or control of any dog to cause or permit such animal to go into or upon the grounds of any public park within the City, unless such dog is led by some person and retained in custody by having such animal securely fastened by means of a chain, rope, or strap.

### **§ 76.05 Driving and Parking of Vehicles**

(a) A person commits an offense if in any park or recreational area he knowingly:

(1) drives a motor vehicle;

(2) Stops, stands, or parks a motor vehicle;

(3) Parks a motor vehicle so as to obstruct entrance to or exit from a roadway, parking area, or trail established for public motor vehicle use; or

(4) Fails to park the entire motor vehicle within the limit lines of a designated parking stall, where such lines have been provided.

(b) It is a defense to prosecution under subsection (a) that the driving, stopping, standing, or parking:

(1) was along a roadway, trail, or parking area established for public motor vehicle use;

(2) Was due to temporary mechanical failure of the vehicle;

(3) Was ordered by a police or park officer or a person charged with supervision of a park or recreation area within the City; or

(4) Was performed by an employee of the City while in the course of his official duties.

### **§ 76.06 Sale of Merchandise**

It shall be unlawful for any person to sell or offer for sale any food, drinks, confections, merchandise, or services in public park or recreation areas unless such person has a written agreement with the City or a permit issued from the office of the City Secretary permitting the sale of such items. Application for such agreement or permit shall be made to the office of the City Secretary.

### **§ 76.07 Possession of Alcoholic Beverages in Parks**

A person commits an offense if he consumes or possesses an alcoholic beverage while in a public park or while on a public street, sidewalk, building or parking area controlled and generated by the City adjacent to a public park.

## **§ 76.08 Noises Interfering with Enjoyment of Public Park Areas**

(a) A person commits an offense if he knowingly makes or causes to be made any loud and raucous noise in any public park and recreation area in the City.

(b) It is a defense to prosecution under subsection (a) that the person:

(1) Is a City employee acting within the scope of his official duties; or

(2) First obtained the written permission of the City Council authorizing a special event.

(c) The following enumerated acts are presumed to create loud and raucous noises for purposes of this section:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, as required by state law.

(2) The use of any mechanical loudspeaker or sound amplifier for the purpose of attracting the attention of other persons by the creation of noise.

(3) The playing of any radio, television, tape machine, musical instrument, or other machine, or device for the production or reproduction of sound at such a volume that the sound produced is audible at a distance in excess of one hundred fifty (150) feet.

(4) The operation of any automobile, motorcycle, bus, or other vehicle or mechanical device in such a manner so as to produce a sound that is audible at a distance in excess of one hundred fifty (150) feet.

## **§ 76.09 Parks not to be used for profit**

(a) No agent, servant, or employee of the City having supervision or jurisdiction over any of the various City owned parks may rent or allow the use of any of said parks to any person for the purpose of engaging in an enterprise for a profit.

(b) This section shall not apply to local civic, religious, and charitable organizations. Said organizations shall make application to the City Secretary for the use of any such park, setting forth in said application the name of the organization and its officers, the purpose for which said park is desired to be used, the length of time and a detailed statement showing the use of the revenue derived from the use of said park. Local civic, religious, and charitable organizations shall be deemed to mean such organizations functioning under the head of a state of local citizens as officers. The Mayor is given the authority to require a full showing, by documentary evidence in the application, that any such organization is local in nature and comes under the above classification as said organizations are generally regarded.

## **Parks and Recreation Board**

### **§ 76.20 Procedures**

The Board shall select from among its members a chairman and vice-chairman and may adopt, subject to the approval of the City Council, such rules and regulations for the government of its proceedings as it may deem proper.

### **§ 76.21 Dual Office Holding Prohibited**

No member of the Parks and Recreation Board shall hold any other office or position with the City.

### **§ 76.22 Duties**

It shall be the duty of the Parks and Recreation Board to:

- (1) Recommend policies and procedures for the proper administration of the parks and recreation program of the City subject to the approval of the City Council;
- (2) Encourage and facilitate the establishment and maintenance of parks, playgrounds, play fields, centers, swimming pools, and other park and recreational facilities of the properties owned and controlled by the City or on private or public properties with the consent of the owners and managers thereof,
- (3) Encourage the establishment of a supervised recreation program for all ages, on properties owned and controlled by the City or on private or public properties with the consent of the owners and managers thereof,
- (4) Recommend acquisition by the City of such land and buildings as are deemed necessary for a parks and recreation program and subject to location approval by the Planning and Zoning Commission;
- (5) Study and submit recommendations for improvement and expansion of the parks and recreation facilities and programs of the City;
- (6) Cooperate with all agencies, groups, and clubs concerned with recreation in the City;  
and
- (7) Make such studies concerning parks and recreation as may be requested by the City Council.

The Parks and Recreation Board shall have such additional duties as may be conferred on such board by ordinance.