

**ORDINANCE NO. 2216**

**AN ORDINANCE RELATING TO CITY PARK REGULATIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF FOR ALL PARKS WITHIN THE CITY OF BELOIT, KANSAS.**

**Section 1. Purpose.** The City of Beloit parks are established and maintained as areas of recreation, relaxation, and enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment by a number of people engaged in widely diverse interests and activities as may be practical within the limits of space, design and accommodations available in each park unit. Limitations may be required to insure the use of park areas safely and to protect the right of others in surrounding areas.

**Section 2. Definitions.** As used in the ordinance:

1. The term “**park**” means an area of land owned or controlled by the public, set aside and maintained by the public for the recreation and relaxation of the public, including neighborhood parks and community parks, as well as limited use parks.
2. The term “**neighborhood park**” includes Thierolf Park, Westside Park, Roadside Park and the Beloit Sports Complex and similar areas planned for public recreation, and also school ground of each public school within the city of Beloit when said school ground is being used by the Department of Parks and Recreation of the City of Beloit as provided in a recreation agreement between the City of Beloit and USD 273.
3. The term “**city park**” means Chautauqua Park, North Campus, and similar areas which may later be planned and developed for numerous types of family or group uses.
4. The term “**swimming pool**” means the City of Beloit Pool located within Chautauqua Park.
5. The term “**director**” means the Director of Parks and Recreation, or his or her authorized designee.
6. The term “**person**” means an individual, firm, partnership, group, association, corporation, governmental unit, company, or organization of any kind.

**Section 3. Rules and Regulations.** In addition to the regulations set out by this ordinance, the governing body or its designee is authorized to adopt rules, regulations, and policies governing the public use of all public property within the city. Such rules, regulations, and policies shall fix the conditions on which said facilities may be used and the charges, where charges are authorized, to be paid to the city for such purposes.

**Section 4. Exclusive use; when.** The governing body or its designee may, in accordance with sound public policy, grant permission to any individual, organization, or company for the exclusive use of public facilities for temporary periods only. Such permission shall not be inconsistent with the use for which facilities were acquired and made available for public use by the city.

**Section 5. Hold Harmless.** No person, organization, or company shall be granted a license or permit for use of a public facility until they first have agreed, in writing, to waive any claim against and shall indemnify and hold the city, the city governing body or its representatives harmless against the claims of any or all persons for injury to any person or damage to any property occasioned by or in connection with the use of the premises for which the permit was issued.

**Section 6. Park Hours and Closures.**

1. All parks shall be closed between the hours of 12:00 a.m. and 5:00 a.m. Any park or any section or part of any park may be closed to the public by the City of Beloit during designated hours as the director shall find necessary.
2. No person shall enter a park, or part thereof, during the hours of 12:00 a.m. to 5:00 a.m. or when posted as "Closed to the Public", except:
  - a. During authorized organized activities such as baseball games or other special events as permitted by the director;
  - b. Campers at Chautauqua Park lawfully camping during open camping months, as designated by the City; or
  - c. Persons parking at the Roadside Park for resting purposes, so long as the parking term does not exceed 24 hours.

**Section 7. Motorized Vehicles.**

1. Motorized vehicles, such as autos, trucks, motorcycles, motor scooters, ATVs, etc. shall operate, stop or park only upon designated roadways or within designate parking areas. Exceptions will include:
  - a. Maintenance equipment when operated by authorized personnel;
  - b. The loading and unloading of materials, supplies or equipment as authorized by the Beloit Park and Recreation Department; or
  - c. Special events with the permission of the director.
2. The designated speed for motor vehicles upon the roadways within any park is 10 miles per hour unless otherwise posted. No person shall operate a motor vehicle upon any roadway in a park at a speed greater than permitted by the basic rule as provided in the current Standard Traffic Ordinance (STO).
3. It shall be unlawful for any person to use an area within the parks of the city for purposes of washing or repairing automobiles or other motor vehicles.

**Section 8. Horses, Ponies or other Livestock.** No person shall ride or lead any horse, pony or other kind of livestock in any park, except on the roadways.

1. Persons in charge of said livestock shall be equipped to clean up after their livestock and must clean up when the livestock's actions so require.
2. Permits may be issued by the director for certain special events for the allowance of livestock on designated areas within a park. Such designated area, for the purpose of health and sanitation, shall be under the supervision of the Code Compliance Officer. If at any time such designated areas shall become a nuisance or a fly-breeding area, the Code Compliance Officer shall have the authority to revoke such special permit.

**Section 9. Dogs.** Any person bringing a dog to any park must have the dog under his/her command and control at all times, either by leash or voice command. Persons in charge of the dog shall be equipped to clean up after their dog and must clean up when the dog's actions so require.

**Section 10. Fire.**

1. No person shall build or maintain any fire in a park, except in designated fire rings at Chautauqua Park, fireplaces or in a stove or barbecue unit where picnic areas are provided.
2. Any person setting or maintaining a fire is responsible for that fire and responsible for seeing that the fire is fully extinguished and such area appropriately cleared after the fire is extinguished.

**Section 11. Commercial Activity and Solicitations.**

1. No person shall sell or attempt to sell any merchandise or service or operate any concession in a park without permission of the director. The director may issue a permit authorizing the selling of merchandise or services or the operating of a concession in a park if the director determines, in his or her reasonable discretion, that it is in the best interest of the city. The director may include reasonable conditions in said permit, and he or she may revoke a permit if the terms of the permit are violated, or he or she may deny a permit to a person or persons who have violated the terms of a permit within the previous year.
2. No person who holds a valid permit issued by the director under this section shall sell merchandise or service within a park in violation of any conditions stated in that permit.
3. No person shall beg or solicit any alms or any contribution in any park. Nor shall any person solicit, collect any donations or charge any fees for any service, whether

private or public, except fees as charged by the City, without first having obtained a written permit from the director.

### **Section 12. Garbage and Other Refuse.**

1. No person shall dump, deposit or leave any, waste, garbage or refuse, bottles, broken glass, ashes, paper, fill, boxes, manure, cans, dirt, rubbish, yard waste such as grass clippings, weeds, tree limbs, other landscaping waste, or other trash or litter in any park, except for the trash or litter created from the use of a park for a specific recreational activity.
2. Persons using any park for a specific recreational activity shall dispose of any trash or litter from such activity in the receptacles provided on the premises.
3. No person shall clean or dispose of any fish or game within any park.

### **Section 13. Care of Public Property.**

1. No person shall paste, glue, tack or otherwise affix or post any sign, placard, advertisement, or inscription whatever, nor erect or cause to be erected any sign whatever on any structure, tree, utility pole, or thing in a park, except as authorized by the director.
2. No person shall deface, disfigure, break, cut, tamper with, displace, remove from any park building or part thereof, any table, bench, lamp post, flag pole, fence, wall, paving or paving material, public utility or parts or appurtenances thereof, or any sign, notice or placard whether temporary or permanent, equipment, facilities or other park property or appurtenances whatsoever, whether real or personal.
3. No person shall damage, cut, carve, uproot or injure any tree or injure the bark, or pick the flowers or seeds of any tree or plant in any park; nor shall any person attach any rope, wire, or other contrivance to any tree or plant, in any park. No person shall dig in or otherwise disturb grass areas, or in any way injure or impair the beauty or usefulness of any park.
4. No person shall climb any tree nor climb, walk, stand or sit upon any wall, building, fountain, fence, or railing in any park nor upon any other park property not designated or customarily used for such purposes.
5. No person shall remove any soil, rock, stones, trees, shrubs, or plants, downed timber or other wood or materials from any park, nor make any excavation by tool, equipment, blasting, or other means or agency within any park, except under the direction of the director.

**Section 14. Hunting Prohibition.** No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw stones, rocks or other missiles at any animal or bird in any

park, nor shall any person remove or have in his possession a bird or wild animal or the eggs or nest of any bird or wild animal.

#### **Section 15. Dangerous Equipment and Activities.**

1. No person shall bring or have in his possession, or set off or otherwise cause to explode or discharge any cracker, torpedo, rocket, squib, other fireworks or explosives, or flammable materials, including any substance, compound, mixture, or article that in conjunction with any other substance or compound could cause injury to human or animal life, in any park.
2. No person shall hit a golf ball or otherwise use golf clubs in any park.
3. No person shall use or discharge any firearm or archery equipment in any park. Upon a specific request, a permit may be issued for a special archery event, with the approval of the director and Chief of Police.

**Section 16. Alcohol Prohibited.** No alcoholic liquors or cereal malt beverages shall be sold, delivered, given away, or consumed by anyone or at any time in any park except as allowed by a special permit issued by the City.

**Section 17. Tobacco Prohibited.** No person shall smoke or use any tobacco products in the following facilities: Beloit Sports Complex, USD 273 facilities, Chautauqua Park structures, shelter houses, playgrounds, and swimming pool.

#### **Section 18. Concerts, Meetings, Assemblies.**

1. No person shall conduct any musical concert, play upon any amplified instrument, nor set up or use any communication system in a park without first obtaining an official permit from the director.
2. No person shall hold, or attempt to hold, any sponsored meeting, assembly, demonstration, celebration, parade, rally, religious worship, or any sponsored entertainment, social, or recreational or athletic event without first obtaining a permit from the director.

**Section 19. Special Use Areas.** The director is authorized and directed to set aside, establish, alter and/or discontinue special use areas in one or more of the parks. These special use areas would include, but not limited to, activities such as horse or pony riding, bicycle riding, camping activities, scouting activities or any one or more of those activities otherwise prohibited by this ordinance. Before establishing, altering, or discontinuing such a special use area, the director shall determine, in his or her reasonable discretion, priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons.

If the director establishes a special use area, the director may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as he or she determine to be reasonably required for the safety and convenience of persons and property. He or she shall designate the boundaries of special use area and post such signs and warnings concerning that special use area as he or she deems reasonably appropriate. No person shall use or injure any special use area, except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the director.

#### **Section 20. Disturbing the Peace; Sound Amplifiers.**

1. No person shall disturb the peace in any park between the hours of 10:00 p.m. and 8:00 a.m. For purpose of this subsection, disturbing the peace is defined as including, but not be limited to the following:
  - a. Playing a musical instrument;
  - b. Playing a radio, stereo, television, or other electronic device;
  - c. Shouting; or
  - d. Engaging in any organized games except for those sports events and special events approved by the director.
2. No person shall use any device to amplify sound in any park unless a valid permit has been issued by the director under (3) below.
3. The director may issue a permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of a park on a designated date between specific hours if he or she finds, in his or her reasonable discretion, that the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The director may include conditions in such a permit which he or she deems reasonable, and the director may revoke a permit if the terms of the permit are violated, or he or she may deny a permit to a person or group of persons who have violate the terms of a permit within the previous year.
4. No person who holds a valid permit issued by the director under this section shall amplify sound within a park in violation of any conditions stated in that permit.
5. No person shall disturb or interfere with any person or party occupying any park, under the authority of a permit from the director.

#### **Section 21. Sleeping and Camping.**

1. No person shall sleep in any park between the hours of 12:00 a.m. and 5:00 a.m. except as provided in (3) below.
2. No person shall use a tent, shelter-half, vehicle, camper or trailer as a shelter for housing or sleeping in any park area except as provide in (3) below.

3. Camping with campers or trailers is permitted in designated areas only in Chautauqua Park from April 15 to October 15. Designated camping areas will be marked as such. Tents will be permitted in the designated sections of the park as long as vehicles remain on the roadway. Special permits for campers wishing to camp beyond the designated camp sites may be obtained thru the director. No campers or vehicles shall park on the grass unless a permit is obtained from the director.
4. Camping is limited to ten (10) days maximum in any sixty (60) day period when permitted and provided in subsection (3) above. A fee of \$50.00 per day over the 10 days will be assessed.
5. Designated areas for campers will be on a first come first use basis. License plate information will be collected for safety and tracking purposes.
6. No person shall discharge wastewater of any kind onto the grounds of any park.
7. A dump station is available for campers utilizing the Chautauqua Park. Usage of the dump station by others is strictly prohibited.
8. In the event of an emergency and need for evacuation and closing of any park, at the sole discretion of the director, all campers and persons shall immediately remove their property and vacate the park.

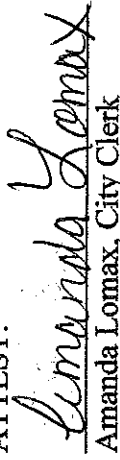
**Section 22. Solomon River Dam.** No person shall enter upon or attempt to cross the Solomon River dam, located adjacent to the Chautauqua Park.

**Section 23. Penalty.** Any person who violates any provision of this ordinance shall, upon conviction, be punished by fine of not less than \$25.00 and not more than \$500.00, or by imprisonment of not more than thirty (30) days, or, by both such fine and imprisonment, at the discretion of the court. Each day any violation of this chapter continues shall constitute a separate offense.

**Section 24. Effective Date.** This ordinance shall take effect and be in full force from and after its passage and one publication in the official newspaper.

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 17<sup>th</sup> day of October, 2017.

ATTEST:

  
Amanda Lomax, City Clerk

  
Tom Naasz, Mayor