

BILL NO. 2622

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NO. 2102 BY DELETING THE CURRENT RULES AND REGULATIONS AND ADOPTING THE ATTACHED PARKS RULES AND REGULATIONS

WHEREAS, the City of Chesterfield has determined it necessary to establish rules for the use of City Parks; and

WHEREAS, said rules provide for the safe and enjoyable use of City Parks by its Citizenry; and

WHEREAS, said rules of use are to be uniformly and equitably enforced within Chesterfield Parks.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:

Section 1. The Park Rules and Regulations as attached are hereby adopted. A copy of the new Parks Rules and Regulations is hereby attached hereto and incorporated herein by reference and as marked Exhibit "A".

Section 2. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2008.

MAYOR

ATTEST:

CLERK

FIRST READING HELD: _____

EXHIBIT A

CHAPTER 22 PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 22-1. Unlawful to operate motor vehicles in certain areas of City parks.

No person shall operate a motor vehicle upon any unpaved area within a Chesterfield City park unless the area is specifically designated and posted to permit the operation of such vehicles in that area.

Sec. 22-2. Buses and certain trucks prohibited in City parks.

Trucks larger than a three-fourth (3/4) ton pickup truck and buses are prohibited from entering into any City park unless specific permission for same is obtained from the Director. Trucks and buses having secured permission must park in areas so designated by the Director or Police.

Secs. 22-3--22-15. Reserved.

ARTICLE II. PARKS RULES AND REGULATIONS*

Sec. 22-16. Operating rules.

The Director of Parks and Recreation is hereby authorized to establish rules, which he/she determines are necessary to properly maintain, operate, develop, or construct City parks and facilities, or to assure the safety of users of said parks and recreation facilities.

Sec. 22-17. Hours of operation.

City parks shall be open for public use during the period from sunrise to sunset with the exception of special use facilities such as aquatic parks, athletic complexes, etc. It shall be unlawful for any person or persons (other than City personnel and/or concession/vending operators conducting City business therein) to occupy or be present in said park during any hours in which the park is not opened to the public, unless written permission for extended use has been obtained from the Director of Parks and Recreation.

Sec. 22-18. Park and facility usage.

The City through its representatives, agents, and employees, reserves the right to control all activities at any City park and/or facility and to eject any person(s) who is objectionable and causes disfavor to the rules and regulations.

Park patrons, lessee's, agents, servants, employees, assigns, successors, invitees, and licensees at all times agree to fully abide by all federal, state, county and municipal laws and ordinances.

No private property may be placed on or in City park and/or facility without the expressed written consent of the City. The City will not assume any responsibility for any private property that may be approved for placement.

The City shall have the sole right to determine any and all decisions regarding the condition and usage of the parks and facilities.

Sec. 22-19. Permits.

A permit for the use of a specific park area or facility may be obtained by applying to the Director of Parks and Recreation in advance of the date for which the use of a specific park area or facility is sought. Persons issued a permit for the use of a specific park area or facility shall have preference to the use of the specific park area or facility reserved upon the dates and during the times indicated on the permit. A permit shall be issued when:

- (1) The proposed activity or use of the park or facility will not reasonably interfere with or detract from the general public enjoyment of the park or facility.
- (2) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (3) The proposed activity or use will not entail unusual, extraordinary or burdensome expense, or police operation by the City.
- (4) The location for the proposed activity or use is in an area deemed suitable by the Director of Parks and Recreation.
- (5) The issuance of such permit shall not result in crowded or congested conditions due to the issuance of prior permits for the same day, or due to the anticipated number of attendees for the planned event.

Lessee is responsible to see that all activities are properly controlled; all rules are enforced, and must have a designated person(s) of authority on site at all times.

Lessee agrees that he/she will, to the extent possible, take every action necessary to prevent any and all disorderly or boisterous conduct or immoral practices of any kind and/or about the premises by its agents, servants, employees, assigns, successors, invitees and licensees.

The City through its representatives, agents, and employees, may revoke the usage of any permit previously granted at any time if it is determined that the application for permit contained any misrepresentation or false statement, or that any condition set forth in the policies governing the permit requested is not being complied with, or that the safety of the participants in the activities of the applicant or other patrons of or visitors to the park and/or facility is endangered by the continuation of such activity.

Sec. 22-20. Domestic animals.

- (a) No person shall bring any animal into areas of a park and/or facilities that have been marked by signs bearing that animals/pets are not allowed.

- (b) No person shall bring any animal into playground areas.
- (c) No person shall permit the running of a domestic animal at large, unless in a designated area such as a "Dog Park".
- (d) Except as part of an organized, authorized, or supervised Parks and Recreation program or in a designated area such as a "Dog Park", all domesticated animals where permitted shall be restrained by a leash no more than six feet in length and held by a competent person.
- (e) No vicious animal of any kind shall be brought into the park and/or facility at any time even though restrained as described above.
- (f) No person shall ride or otherwise bring any horse, mule, pony or other such riding animal in any of the parks and/or facility, except where posted for use of special trails etc. or unless special written permission for said use is obtained in advance from the Director of Parks and Recreation.
- (g) Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.
- (h) No animal shall be tethered to any bush, tree, shrub, or to any park structure.
- (i) Any person bringing an animal into the parks and/or facilities shall remove and dispose of all feces left by such animal.

Sec. 22-21. Disposal of trash.

- (a) No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, storm sewer or drain flowing into such waters, any substances matter or thing, liquid or solid, which will or may result in the pollution of the waters.
- (b) No person shall litter or cause to be littered any of the grounds, driveways, buildings or other structures of the parks, by scattering, dumping or leaving, paper, garbage, cans, broken glass, bottles, ashes, rubbish, waste, or other trash. All such rubbish or waste shall be placed in the proper receptacles where they are provided. Where receptacles are not provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (c) No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash.

Sec. 22-22. Fires.

- (a) No person shall build or attempt to build a fire in a park and/or facility except in an approved container and with written approval from the Director of Parks and Recreation.
- (b) No person who has built any fire shall leave the place where the fire was built without first completely extinguishing the fire.

(c) No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park and/or facility.

Sec. 22-23. Tobacco and smoking.

No person shall smoke or use tobacco products in any City park and/or facility, with the exception of parking lot areas.

Sec. 22-24. Camping.

Camping, whether in vehicles or not, is prohibited in City parks and/or facilities unless where specific written approval has been made by the Director of Parks and Recreation.

Sec. 22-25. Tents, awnings and canopies.

No person shall erect, hang, or construct any tent/awning/canopy in any City park and/or facility unless where specific approval has been made by the Director of Parks and Recreation or his/her designee.

Sec. 22-26. Damaging property.

No person in a City park and/or facility shall:

- (1) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof; sign, notice, or placard whether temporary or permanent; monument, stake, post or other boundary marker; or other structure or equipment, facility or park property or appurtenances whatsoever, either real or personal.
- (2) Dig or remove any soil, rock, stone, sand shrub, tree or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- (3) 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.
- (4) Damage, cut, carve, transplant or remove any tree or plant, or injure the bark thereof; or pick the flowers or seeds of any tree or plant; or attach any rope, wire or other contrivance to any tree or plant; or dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any area.

Sec. 22-27. Weapons prohibited.

No person shall carry or have in his possession any firearm, air pistol, air rifle, bow and arrow or any other instrument capable of launching or firing any projectile or noxious substance, whether propelled by gunpowder, gas, air, spring, or any other means, while within any park, facility, roadway, driveway, or other public place of the department. This section shall not apply to any law enforcement officer authorized by law to carry a weapon within the parks and/or facilities.

Sec. 22-28. Bicycles.

- (a) No person shall bring a bicycle(s) into areas of a park and/or facility that have been marked by signs bearing that bicycle usage is prohibited.
- (b) No person shall leave a bicycle in a place other than a bicycle rack when such is provided and space is available.
- (c) No person shall leave a bicycle lying on the paving or in any place or position where other persons may trip over it or be injured by it.
- (d) No person shall ride a bicycle on other than a paved vehicular road or path designated for that purpose, except a bicyclist may wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- (e) No person shall fail to comply with all traffic rules and regulations as apply to the operation of bicycles on City streets.

Sec. 22-29. Skateboards, in-line skates, coasters, scooters etc.

No person shall ride or otherwise bring any skateboards, in-line skates, coasters, scooters or any other such riding apparatus in any of the parks and/or facilities, except where posted for designated use (designated trails/pathways, skateboard parks etc.).

Sec. 22-30. Solicitations prohibited.

No person shall solicit alms or contributions for any purpose whatsoever, whether public or private within any of the parks and/or facilities, except by written permission of the Director of Parks and Recreation, when such solicitations are of direct benefit to the Parks and Recreation Department's purposes and programs.

No person shall offer to sell or exchange any article of thing, or do any hawking, peddling or soliciting of sales, or buy or offer to buy any article or thing in any of the parks and/or facilities, except when acting pursuant to a concessions/vending contract.

Sec. 22-31. Concessions and vending.

The City reserves the exclusive right to all concession and vending at all parks and/or facilities. This shall include, but not limited to food/beverage operations, bicycle and boat rentals, t-shirt and novelty sales etc.

Sec. 22-32. Closed areas.

No person shall enter an area or roadway in a park and/or facility closed to public access, unless authorized by the Director of Parks and Recreation.

Sec. 22-33. Traffic and motor vehicles.

(a) Persons operating a motor vehicle within City parks shall operate the same in a careful and prudent manner.

(b) No person shall drive any motor vehicle on a driveway located in any of the City parks and/or facilities at any speed over the posted speed limit.

(c) No person in a park shall drive any vehicle on any area except the paved park and/or facility roads or parking areas provided for that purpose, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director of Parks and Recreation.

(d) No person in a park and/or facility shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

(e) No person shall leave, park or stop a motor vehicle within any City park and/or facility after the designated closing time unless authorized by the Director of Parks and Recreation.

(f) No trucks, buses, or other commercial vehicle exceeding a gross weight of (8,000 lbs) may enter any City park and/or facility unless specific permission in writing is obtained from the Director of Parks and Recreation. This does not include vehicles delivering to or coming from the parks and/or facility, or vehicles engaged in work for the City.

(g) No person shall leave a parked vehicle for the purpose of carpooling or the advertisement to sell said vehicle.

(h) No person shall operate a golf cart and/or utility cart on or in parks and/or facilities without the expressed written consent of the Director of Parks and Recreation.

Sec. 22-34. Glass bottles or containers prohibited.

No person shall bring into any City park and/or facility any glass bottles or containers.

Sec. 22-35. Gambling.

No person shall gamble, or participate in or abet any games of chance in a park and/or facility.

Sec. 22-36. Amusement rides, games, booths, activities, DJ's.

The use of amusement rides, games, booths, activities, bands and DJ's etc. are prohibited in any City park and/or facility unless specifically approved in writing by the Director of Parks and Recreation.

Sec. 22-37. Swimming.

It shall be unlawful for any person in a park to swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulation as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat, when such activity is prohibited by the Director of Parks and Recreation upon finding that such use of the water would be dangerous or otherwise inadvisable.

(a) Certain hours. It shall be unlawful for any person in a park to frequent any waters or places designated for the purpose of swimming or bathing, or congregating thereat, except between such hours of the day as shall be designated by the Director of Parks and Recreation for such purposes for each individual area.

(b) Bath houses and Restrooms. It shall be unlawful for any person in a park to dress or undress on any beach, or in any vehicle or other place, except in such restrooms, bathing houses or structures as provided for that purpose.

(c) No person shall be indecently exposed or nude in a park unless in a Bath house or Restroom.

Sec. 22-38. Boating.

No person shall bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director of Parks and Recreation, or as part of an organized, authorized, or supervised Parks and Recreation program or when acting pursuant to a concessions/vending contract. Such activities shall be in accordance with applicable regulations as are now or may hereafter be adopted.

Sec. 22-39. Ice skating.

No person shall go onto the ice on any body of water in any park and/or facility.

Sec. 22-40. Sledding and snow boarding.

No person shall sleigh ride or snow board on/in any City park and/or facility.

Sec. 22-41. Fishing.

Except as otherwise provided herein, fishing is allowed in waters or waterways in or adjacent to any park and/or facility pursuant to the Missouri Conservation Commission rules R.S. Mo. Ch 252.

(a) No person shall fish off-shore in a park.

Sec. 22-42. Hunting.

No person shall hunt, molest, harm, trap, kill, shoot at any animal, reptile or bird; or remove the eggs or nest or young of any bird; except that snakes known to be deadly poisonous in any City parks and/or facilities.

No person shall give or offer to give any animal or bird any noxious substance.

Sec. 22-43. Intoxicating beverages.

(a) The use of intoxicating beverages within the parks and/or facilities is acceptable, with the exception of where specifically prohibited by the Director of Parks and Recreation.

(b) No person shall enter any of the parks and/or facilities while in an intoxicated condition nor shall that person remain therein while in an intoxicated condition whether intoxicated at the time of entering the parks and/or facilities or becoming intoxicated after entering.

(c) No one shall sell alcoholic beverages of any kind in a park and/or facility except when acting pursuant to a concession/vending contract.

(d) No minor shall possess or consume any intoxicating beverages at any time in any park and/or facility.

Sec. 22-44. Fireworks and explosives.

Except as expressly permitted by the Director of Parks and Recreation, no person in a park and/or facility shall bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket, or other fireworks or explosives of inflammable material; nor shall any person throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous.

Sec. 22-45. Games and activities.

No person in a park and/or facility shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, javelins, lawn darts, flying disc, golf, model airplanes, kites, bocce ball, dodge ball and horseshoes except in areas set apart for such forms of recreation or upon the written approval of the Director of Parks and Recreation.

No person in a park and/or facility shall take part in or setup/construct the playing of any games involving the use of volleyball/badminton nets/poles; baseball, softball, stickball, whiffle ball, and kickball; soccer, lacrosse, field hockey, football, and cricket; except in areas set apart

for such forms of recreation or upon the written approval of the Director of Parks and Recreation.

Sec. 22-46. City Trails

(a) Definitions and rules of construction. The following definitions and rules of construction apply to this Section.

“City Trail” means any trail maintained by the Parks and Recreation Department for use by pedestrians or cyclists.

“Cycle” means any device, other than a wheelchair, which is propelled by human power and has one or more wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.

“Pedestrian” includes any person walking, jogging, running, in-line skating or riding in a wheelchair.

“Wheelchair” means a chair mounted on wheels for use by disabled individuals.

(b) Trail use by motorized equipment/vehicles.

All motorized vehicles (cars, trucks, motorcycles, go karts, segways, toy vehicles, etc.), except for electrically assisted powered-mobility devices for persons with disabilities (wheelchairs and scooters) shall not use any trail, except for official and emergency vehicles.

(c) Trail use by cyclists.

(i) It is required that children under the age of 17 wear an approved helmet (Snell or ANSI standards) when riding a bicycle on a City trail.

(ii) Every person operating a cycle upon a City trail shall ride as near to the right side of the trail as practicable, exercising due care when passing a pedestrian or other cyclist.

(iii) Persons operating cycles upon a City trail shall ride, single file when passing a pedestrian or other cyclist.

(iv) No person shall operate a cycle upon a City trail at a speed greater than 20 mph and as is reasonable and prudent under conditions then existing.

(v) Every person operating a cycle upon a City trail shall give an audible signal before passing a pedestrian or another cyclist.

(vi) Every person operating a cycle upon a City trail shall at all times exercise the highest degree of care to avoid colliding with another trail user, and shall always yield to pedestrians.

(d) Trail Use by Pedestrians.

(i) Pedestrians on a City trail shall remain as near to the right side of the trail as practicable.

(ii) Every pedestrian on a City trail shall give an audible signal before passing another pedestrian or cyclist.

(e) Trail use by dogs.

(i) All dogs shall be restrained by a leash no more than six (6) feet in length. The dog shall be reined in to within four (4) feet of the responsible person whenever it approaches or is approached by another trail user.

(ii) Any person bringing a dog onto a City trail shall remove and dispose of all feces left by such dog.

(f) Trail use by horses.

It shall be unlawful for any person in a park or on a trail to ride a horse, except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

Sec. 22-47. Provisions not applicable to employees.

The provisions of these rules and regulations shall not be applicable to park employees while actually engaged in their official duties, nor shall the provisions of these rules and regulations be applicable to City officials while attending to park business.