

TITLE 12

Parks and Recreation

Chapter 1 Parks and Navigable Waters

Chapter 1

Parks and Navigable Waters

12-1-1	Park Regulations
12-1-2	Operation of Remote or Radio-Controlled Airborne Toys or Devices Permitted
12-1-3	Turf Protection on Public Property
12-1-4	Park Hours
12-1-5	Reservation of Park Space or Park Shelters

Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Colby from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.
- (b) **Definitions.**
- (1) **Parks.** Includes all existing, proposed and future municipal property set aside for active or passive use of leisure time.
 - (2) **Park Facilities.** Any park area, equipment or structure that has been set aside with a specific use intended.
 - (3) **Playgrounds.** An area, either within a larger park area or a small area set aside for the purpose of promoting imaginative and creative play of school children and providing a means of physical exercise through the use of play apparatus.
 - (4) **Swimming Areas.** Any open swimming area developed with the intent for use for swimming purposes and under the supervision of a professional lifeguard.
 - (5) **Green Belts.** Areas of municipally owned lands that are intended to serve an environmental control function such as erosion control, flood control and groundwater preservation which land is not generally desirable for public development, but may include any special interest activities which may lend themselves to the area, such as trails.
 - (6) **Open Spaces.** Areas of municipally owned lands maintained in their natural state, thus supporting native plants and animals.
 - (7) **Public Property.** All municipally owned parks, park facilities, playgrounds, swimming areas, green belts, open spaces, streets, parking facilities and easements for public use.

(c) **Specific Regulations.**

- (1) **Littering Prohibited.** Depositing rubbish or litter in any park or public property is prohibited. No person shall place or deposit any filth, ashes, embers, dirt, garbage, rubbish, paper or other litter, refuse or offensive matter in or on any park or other public property. This provision shall not prevent the proper use of rubbish burners or other receptacles where they are provided by the City.
- (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council, or designated committee thereof.
- (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Common Council, or designated committee thereof.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
- (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
- (6) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in City parks unless authorized by the Common Council.
- (7) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- (9) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have or Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

- (10) **Snowmobiles.** No person shall operate a snowmobile in a City park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limit.** No person shall operate any vehicle in a City park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcoholic beverages.
- (13) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (15) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Common Council is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped.
- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (19) **Fees and Charges.** The Common Council shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (20) **Camping.** Camping in all City parks is prohibited.
- (21) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (22) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (23) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.

Cross-Reference: Section 11-4-1.

12-1-2

Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, or any other such airborne device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec. 12-1-3 Turf Protection on Public Property.

Except as authorized by the Common Council or designated committee thereof, no person shall dig into the turf of any City-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City parks or recreational property, except beaches where no vegetation is present, is prohibited.

Sec. 12-1-4 Park Hours.

- (a) **Park Hours.** Subject to certain exceptions listed in Subsection (b) below, all City parks shall be closed from 10:00 p.m. to 5:00 a.m. the following day. Closing hours shall not be applicable for authorized events.
- (b) **Park Closing and Opening Dates.** The Chief of Police or Common Council will have full authority to open and close any park, facility or area because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

Sec. 12-1-5 Reservation of Park Space.

- (a) **Policy on Reservation.** The City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof, excluding camping areas, in the City to the end that the general welfare of the City is protected.
- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the City Clerk-Treasurer for a permit for exclusive use of the same. The City Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter,

while the Common Council shall issue permits for the exclusive use of City parks. Park facilities are reserved on a first-requested, first-reserved basis.

- (c) **Application.** Applications shall be filed with the City Clerk-Treasurer at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Common Council or City Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Common Council shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection (c) above.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third

12-1-5

parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- (g) **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
- (h) **Permit Revocation.** The Common Council and/or Chief of Police after granting a permit may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (i) **Form of Permit.** Each permit shall be in a form prescribed by the Common Council and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (k) **Care of Facilities.** Persons reserving City facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of City officials. Inadequate cleaning shall result in the permit holders being billed for such cleanup costs.

Cross-Reference: Sections 7-2-11 and 11-5-1.