

CHAPTER 47

PARK REGULATIONS

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47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, Sec. 364.12)

47.02 DEFINITIONS. Terms used herein shall be given their common and ordinary meanings. The term “motor vehicle” includes every vehicle which is self-propelled, but not operated upon railroad tracks.

47.03 PARKING. No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a police officer, any place other than a designated parking area.

47.04 MOTOR VEHICLE USE RESTRICTIONS. No person shall operate a motor vehicle within any City park except upon designated access roads for the purpose of traveling to and from designated parking areas, and no person shall introduce, place or cause to be introduced or placed, any motor vehicle or any vehicle capable of self-propulsion within any City park except upon designated access roads or designated parking areas. **EXCEPTION:** The provisions of this section do not apply to motorized wheelchairs being used to transport persons with disabilities.

47.05 SPEED LIMIT. Any person driving a motor vehicle within a City park shall drive same at a careful and prudent speed not greater than or less than is reasonable and proper, having due regard to the traffic, pedestrians present, and of any other conditions then existing. No person shall drive a motor vehicle within a City park at a speed in excess of twenty (20) miles per hour.

47.06 FIRES. No fires shall be built within a City park, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party. The Council may from time to time prohibit

all fires within a City park and post signs stating same which shall cause the building of any fire to be unlawful.

47.07 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

47.08 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

47.09 DESTRUCTION OF NATURAL ENVIRONMENT. No person shall, in any manner, deface, injure, destroy, cut or remove any tree, shrub, plant, soil, turf, grass, wood, rock, sand or gravel standing or growing in any City park or pick or destroy any fruit or flowers or seeds growing therein unless authorized to do so by the Council.

47.10 PROHIBITED ACTIVITIES. The following activities are specifically prohibited in a City park:

1. Disposing of Materials. The placing or dumping of any organic or inorganic materials including raked leaves, grass clippings, construction material, fire wood, paint or any other similar materials.
2. Private Improvements. Gardening and other private improvements such as fences, play equipment and similar encroachments.
3. Disposing of Refuse. Dumping of trash, debris, junk or similar disposition of refuse.

47.11 BUILDINGS AND ANIMALS. No person shall deface, injure, disturb or interfere with any building or improvements of any kind made or being made in or about any park, or injure, remove, disturb or interfere with birds or animals found or kept therein, except for bow hunting of antlerless deer in the Designated Urban Deer Management Zone as authorized in this Code of Ordinances.

(Ord. 855 – Jun. 06 Supp.)

47.12 POSTING OF SIGNS. Except for notices and signs authorized by the Council, no person shall post, fasten, paint or affix any placards, signs, notices or bills within a City park.

47.13 OFFICIAL SIGNS AND NOTICES. No person shall, in any manner, deface, injure, destroy or remove any signs or notices posted in a City park by the City.

47.14 POSTED NOTICES. No person shall enter upon portions of any City park or engage in any activities in disregard of official signs forbidding same.

47.15 RESPONSIBILITY OF PARENT OR GUARDIAN. No parent, guardian or custodian of a minor shall permit or allow such minor to do any act prohibited by any provision of this chapter.

47.16 CURFEW. A curfew is in effect from 10:30 p.m. until 5:30 a.m. each day in all City parks, and it is unlawful for any person to be present within a City park during such times unless specifically authorized to be present by the Council or unless performing duties as an agent, employee or official of the City.

47.17 FACILITY RESERVATIONS. The Parks and Recreation Director shall establish and maintain a system providing for exclusive use of City park facilities by advance reservation. A reservation fee and a damage deposit will be required pursuant to established policies. Deposits shall be returned to users only after deducting the cost of any littering or damage that has occurred during or as a result of the reserved use as determined by the Parks and Recreation Director, whose decision shall be final unless successfully appealed within twenty (20) days to the Council. Keg beer may not be served, except by a nonprofit organization that (1) possesses a valid liquor control license or beer permit, (2) provides proof of insurance to the City, and (3) obtains Council approval for the event. If the Parks and Recreation Department grants a special event or festival permit for use of City park facilities, all persons responsible for organizing and administering the event must comply with the requirements in the approved permit. If the operation of the festival or event does not comply with the requirements in the approved permit, the City may close or cancel the special event or festival, and the City may assess fines and fees as provided under the City's ordinances and policies. *(Ord. 799 – Jan. 04 Supp.)*

47.18 SHELTER HOUSE OCCUPANCY. It is unlawful to occupy a City park shelter house during a time when a reservation issued pursuant to Section 47.17 is in effect except at the invitation of the reservation holder.

47.19 CITY MAINTENANCE RESPONSIBILITIES. Notwithstanding anything to the contrary contained in this chapter, the City may control or manage plants, animals, birds or insects pursuant to established policies that have been approved by the Council, and the City may operate vehicles and maintenance equipment and perform maintenance activities as needed, pursuant to established policies.

47.20 BICYCLE AND RECREATIONAL TRAILS. For the purposes of this chapter, a bicycle or recreational trail is subject to all the regulations governing City parks, whether such trail is owned by the City or held pursuant to an easement. In City parks where recreational trails are provided, bicycles must be ridden on designated recreational trails or roadways only. Notwithstanding any provisions to the contrary in this chapter, however, the curfew for bicycle and recreational trails shall be in effect from 10:00 p.m. until 5:30 a.m. the following day.

47.21 BICYCLE AND RECREATIONAL TRAIL MAINTENANCE AND LIABILITY. The City shall have the sole obligation to maintain and keep in good repair any City bicycle and recreational trails, whether such trails are owned by the

City or held pursuant to an easement. The owner of the land on which a City bicycle or recreational trail is located who has granted the City an easement for a recreational trail (the "Owner") shall have no maintenance obligations with respect to any such trail. Except as may be caused by the negligent acts or omissions of the Owner, the Owner shall not be liable for injury or property damage arising from the use of the City bicycle or recreational trail. Except as to the negligent or intentional acts or omissions of the Owner, the City shall indemnify and hold the Owner harmless against any loss, damage, injury or claim for injury or property damage arising from the negligent or intentional acts or omissions of the users of the City bicycle or recreational trail.

47.22 TEMPORARY FENCE FOR CONSTRUCTION ON ADJOINING PROPERTY. Any property owner whose property adjoins a City park must erect a temporary fence to protect park property during any substantial construction or development on the adjoining property.

47.23 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 4 of this Code of Ordinances. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

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