

## 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. As used in this chapter, the terms “park” and “parkway” mean parks, parkways, trails, buildings, park roads or driveways and all public service facilities on grounds, buildings and structures in and adjacent to the City which are under control of the Park and Recreation Board.

*(Code of Iowa, Sec. 364.12)*

**47.02 PUBLIC PEACE.** Any threatening, profane, abusive, disorderly, insulting or indecent language, or any conduct or behavior or any act tending to a breach of the public peace and quiet by any person or persons in or upon any park, trail, or parkway is hereby prohibited.

**47.03 PUBLIC INTOXICATION.** No person shall be intoxicated or simulate intoxication in a park, trail, or parkway. No person shall sell, dispense or give any alcoholic liquor or beer to any intoxicated person, or one simulating intoxication.

**47.04 HORSES.** Horse drawn vehicles, riding horses or any other domesticated animal used for such purposes shall be prohibited in any park or trail unless permission is granted by the City Park and Recreation Board.

**47.05 ANIMALS IN PARKS.**

1. No person shall be permitted to bring into any park, parkway, trail, or open space any dog, cat or other domestic animals with the exception listed in Subsection 47.05(2)(A), nor shall any person permit such dog, cat, or other domestic animal to run at large in any park, parkway, trail, or open space. Any unattended animal shall be impounded and its owner may redeem the same upon paying reasonable costs of impoundment.

2. Leashed cats and dogs are allowed in designated public areas.
  - A. Notwithstanding the foregoing, leashed dogs and cats shall be permitted on designated trails as specified by the City.
  - B. It is unlawful for any owner or caretaker of any dog or cat to allow such animal to defecate on any property not owned by the owner or caretaker without immediately cleaning up after the dog and disposing of the waste in a proper manner. Owners or caretakers may be fined up to \$50 dollars for the first violation and \$100 dollars for any subsequent violations.
  - C. The owner or caretaker is responsible for the actions of the dog or cat. Aggressive or unruly pets may, at the discretion of City staff, be directed to leave the trail.
  - D. With the written approval of City staff, certain animals may be allowed into City parks for special events.

*(Ord. 13-2017 – Dec. 17 Supp.)*

#### **47.06 INJURING PARK PROPERTY.**

1. No person shall cut, break, scratch, mark or in any way injure or deface any park property, facility or any other feature upon or within any park, trail, or parkway.
2. No person shall pick or cut, break or in any way injure or deface any tree, shrub or plant within the limits of any park, trail or parkway, or carry within or out of any park, trail or parkway any wild flower, tree, shrub, plant, or any newly plucked branch or portion thereof, or any soil or material of any kind. This provision does not apply to officers or employees of the Park and Recreation Board.
3. No person shall go on foot or otherwise upon the grass or turf of any park, trail, or parkway where any prohibitory sign is posted.
4. No person shall throw or cast any stone or any other missile not designed or intended for throwing and/or catching within any park, trail, or parkway.
5. No person shall rob, injure or destroy the nest of any bird or any other fowl.
6. No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence, thing, or enclosure along or within any park, trail, or parkway.
7. No person shall stand or sit on any fence rail or any other structure not intended for such use in any park, trail, or parkway. The

climbing of buildings and going on roofs, either with ladders or from the inside of the buildings through the windows or any other way is prohibited.

8. No person shall move any bench, seat or table from any building or to any building, or remove any bench, seat table or other equipment provided by the City from any park, trail, or parkway without first securing the permission of the Council.

**47.07 USE OF DRIVES REQUIRED.** Motorized vehicles, mopeds, bicycles, motorcycles, motor scooters, go-carts, or other similar devices shall only be used or operated on roads or such other places as are set aside or designed for that purpose.

**47.08 FIRES.** No person shall start or fuel any fire at any park, trail or upon any parkway, except that small charcoal and other cooking fires for culinary purposes may be made by picnic parties in the places in parks provided for that purpose by the Park and Recreation Board, provided that said permitted fires are confined to appropriate grills, stoves or other containers. Every person who starts or uses any such permitted fire shall attend same and shall completely extinguish same before leaving it.

**47.09 LITTERING.** No person shall throw deposit, place or leave in any park, trail, or parkway any paper, rubbish waste or refuse of any kind or nature, but same shall be deposited in the receptacles therein provided for.

**47.10 ADVERTISEMENTS.** The Council may authorize the distribution in any park, trail, or parkway of announcements, advertisements or programs for any mass meeting, political meeting, concert, entertainment, performance, exhibit, band or procession, application for approval of which has been submitted to the Park and Recreation Board pursuant to Section 23.06(4) of this Code of Ordinances.

**47.11 SALES OF ARTICLES OR SERVICES.** No person shall sell or offer for sale, or display or exhibit any article or service whatsoever in any park, trail, or parkway without prior application to the Park and Recreation Board of the City and the approval of the Council. This provision does not apply to such sales of refreshments or any other articles from concession stands authorized by the Council, nor does it apply to any concert, program, exhibit or entertainment authorized by the Council under Section 47.10 or Section 47.14 hereof. Authorized refreshments shall include beer, wine coolers, and soft drinks.

**47.12 ALCOHOLIC BEVERAGES.** Subject to the foregoing, beer, wine coolers, and soft drinks may be consumed in any park, but no beer in containers

commonly referred to as “keg beer” shall be brought into any park or parkway by any person not authorized by the Council under Section 47.10 or Section 47.14 hereof. The baseball diamond playing area and bleacher area of Asbury Park is designated as an alcohol-free zone and no beer, liquor, wine or wine coolers shall be consumed in this area. No beer, liquor, wine or wine coolers shall be consumed on trails.

**47.13 FIREARMS AND OTHER WEAPONS.** The shooting or discharging of firearms, air rifles, bows and arrows, pellet guns or sling shots, including fireworks of any description by any person within the limits of any park, trail, or parkway is hereby prohibited. *(Ord. 4-2011 – Dec. 11 Supp.)*

**47.14 PUBLIC MEETINGS AND CONCERTS.** No mass meeting, political meeting, concert, entertainment, performance, exhibit, band or procession shall be held in any park, trail or parkway without prior application to the Park and Recreation Board of the City and approval of the Council.

**47.15 PUBLIC NUDITY.** No person shall allow or permit the actual or simulated performance of any sex act (as defined in Section 728.1(7) of the Code of Iowa) in any park. No person shall allow or permit the exposure to public view of his/her genitals, pubic hair, buttocks, anus, or female breast, or any part thereof, in any park, trail, or parkway.

**47.16 REMOVAL FROM PARK FOR VIOLATIONS.** Any park employee or City police officer shall be authorized and empowered to eject any person or persons from any park, trail, or parkway acting in violation to any provision of this chapter.

**47.17 MOTOR VEHICLES.**

1. No person in a park or parkway shall fail to comply with all applicable provisions of the Motor Vehicles Law of the State of Iowa in regard to equipment and operation of motor vehicles together with such regulations as are contained in this chapter and other Ordinances of the City.
2. No person shall wash, clean or polish any motor vehicle, motorcycle, motor scooter, bicycle or moped in any City park.

**47.18 ABANDONED VEHICLES.** Any motor vehicle left unattended in any parks after the closing thereof in violation of Section 47.19 of this chapter shall be deemed abandoned, and the City police shall cause same to be towed from the said park and same shall not be redeemed by the owner or the person responsible therefor until the reasonable towing charges and storage charges are

paid. No driver of a vehicle shall enter or allow same to remain in a park or parkway after the aforesaid park closing time.

**47.19 PARK HOURS.** The open season or hours for the respective parks and park facilities shall be established by the Council.

1. Asbury Park is open to the public from sunrise to sunset, from November 1 of each year to May 1 of the following year.
2. Asbury Park is open to the public from 6:00 a.m. to 10:30 p.m., unless prior express permission has been granted by the City Council, from May 1 to October 31 of each year.
3. Maple Hills Park and Althaus Wetland (Park) are open to the public from January 1 of each year to January 1 of the following year, from sunrise to sunset.
4. Cloie Creek Park is open to the public from sunrise to sunset from May 1 to October 31 of each year.
5. Trails shall be open to the public from sunrise to sunset, from January 1 of each year to January 1 of the following year.
6. No person shall enter or remain in any park or parkway after the aforesaid park or trail closing time.
7. Overnight camping, tenting or sleeping in the park, trail or parkway is prohibited.

*(Ord. 8-2016 – Sep. 16 Supp.)*