

CHAPTER 47

PARK REGULATIONS

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47.01 PURPOSE. The rules and regulations in this chapter are established concerning the conduct and use of parks, and regulating traffic and parking of automobiles and other vehicles in any such park. "City or public park" means and includes the Sports Complex and any other area which is under the control of, or contract with, the City and intended for recreational purposes.

47.02 USE OF ROADWAYS. No person shall ride or drive any automobile or other vehicle in any City or public park except upon the established roads and ways. No automobiles or other vehicles shall be permitted to stand in any of the public driveways in any such park where signs to the contrary are posted, nor shall any automobile or other vehicle be driven contrary to one-way signs. No City or public park road shall be used as a through street by any vehicle where posted.

47.03 SPEED. No person shall ride or drive any automobile or other vehicle in a City or public park at a speed in excess of 25 miles per hour or 15 miles per hour through play areas where so posted.

47.04 PARKING. No automobile or other vehicle shall be allowed to park in any City or public park except in places where designated, and no person shall park any automobile or other vehicle at night except where the same is lighted as required by law for other City streets. No such vehicle shall be parked or allowed to remain within or upon any such park area or facility for a period in excess of 24 hours.

47.05 OTHER TRANSPORTATION. No horses, motorcycles, snowmobiles, or other motorized vehicles are allowed off the roadway unless in specified areas.

47.06 HITCHING ANIMALS. No person shall hitch or ride a horse or other animal in any City or public park except in places where trails are posted and rails are provided.

47.07 PUBLIC PROPERTY. No person shall in any manner deface, injure, or remove any tree, shrub, or plant standing or growing in a City or public park, or pick or destroy flowers or seeds growing therein. No person shall cut or remove any wood, turf, grass, soil, rock, sand, or gravel from any City or public park. No metal detectors shall be allowed in any City or public park.

47.08 FIRES. No fires shall be lighted or made in any City or public park; provided, however, this section does not apply to fires in stoves and ovens provided in the park for the use in picnic cooking.

47.09 LITTER. No person shall deposit upon or litter the ground with any form of waste material. All such waste material shall be deposited in receptacles provided for such purpose.

47.10 LANGUAGE. No person shall use any loud, violent, obscene, or profane language while in any City or public park, nor shall any person behave in a disorderly or obscene manner or commit any nuisance therein.

47.11 DOGS AT LARGE. No dog shall be permitted to run at large in any City or public park.

47.12 HOURS. No person shall be in any City or public park between the hours of 10:00 p.m. and 7:00 a.m. or at any time duly designated and posted.

47.13 COMPLIANCE WITH RULES. All persons shall abide by rules as posted in park areas and facilities.

47.14 MOVING FIXTURES. No person shall move benches, seats, or tables from their places in any City or public park except on picnic grounds and within designated areas.

47.15 ALCOHOLIC BEVERAGES, WINE, AND BEER. No person shall possess, use, or consume alcoholic liquor, wine, or beer in a City or public park and no person shall be intoxicated in a City or public park.

47.16 SPORTS COMPLEX. The following rules and regulations are established governing the use of the Sports Complex:

1. Permission Required. No person shall use the Sports Complex for any tournament or special activity unless such activity is first approved by the City Council. Any group or organization wishing approval for the use of the Sports Complex shall request such permission from the Parks and Recreation Director who shall thereupon forward such request to the Council. If such request is granted, the applicant shall immediately deposit with the City the appropriate rental fee and the additional sum of \$100.00 as a maintenance deposit. The maintenance deposit shall be returned to the applicant only after the City has verified that no damage has resulted from the use of said Sports Complex by said group or organization. If the applicant wishes the use of lights, an additional charge of \$15.00 per hour shall be imposed with a minimum charge of \$15.00 payable at the time of the issuance of the permit, as is hereinafter provided. Notification of cancellation of any tournaments, special activity, or organizational functions must be made a minimum of five days prior to the scheduled event, or the rental fee will not be refunded.

2. Rental Fees. Rental fees for the use of the Sports Complex, if applicable, shall be charged in accordance with the following schedule:

A.	Little League baseball field	\$100.00 per hour
B.	Girls' softball field	\$100.00 per hour
C.	Adult softball field	\$100.00 per hour

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|----|------------------------|-------------------|
| D. | Unlighted soccer field | \$100.00 per hour |
| E. | Lighted soccer field | \$150.00 per hour |

A rental fee shall not be charged for the use of the Sports Complex when 50 percent or more of the participants in the tournament or special activity are residents of the City.

4. Permit Issuance. Upon payment of the rental fee and deposit, the City shall issue a permit to the applicant. Any nonresident group or organization claiming to have permission to use the Sports Complex shall have such permit in their collective possession at all times while within the Sports Complex and shall produce the same upon demand to any police officer of the City.

5. Observation of Rules; Responsibility. Any group or organization using the Sports Complex shall be responsible for any damage done by any member of such group. Any group or organization using said Sports Complex shall observe all other ordinances and regulations governing the use of parks within the City.

6. Use of Rental Fees. All funds derived from the collection of the aforementioned users' fees shall become part of the Parks and Recreation Fund and be used for the maintenance and improvement of the parks system within the City.

7. Weather Clause. The City shall determine if fields are not usable due to weather related conditions. In this event, the activity can be rescheduled. No refunds will be given to weather related causes.

8. Concession Rights. Only Polk City nonprofit organizations will have concession rights in the complex.

47.17 APPLICATION REQUIRED. Any person seeking permission to use the public parks for any regularly scheduled athletic activity or other type of activity shall first submit its application to the City. Such application shall state the name, address, and phone number of the person in charge of such organization; the names of all members of the Board of Directors or other governing body of such organization; and further, that said organization and its members agree to indemnify the City for any damages caused by the activities of said organization.

47.18 MISCELLANEOUS ORGANIZATIONS. Public meetings, religious, political, or otherwise, including picnic parties and entertainment for charitable or religious purposes, may be held in any public park after first obtaining permission from the City and only after such group furnishes the information required under Section 47.17. Such assemblages shall be conducted in a lawful and orderly manner and shall occupy such grounds as may be reserved for them.

47.19 REGULARLY SCHEDULED ACTIVITIES. Any person in any activity at such time and place which serves to conflict with any scheduled activity may be requested to leave, and, upon failing to do so, shall be guilty of a misdemeanor.

47.20 TOBACCO-FREE POLICY.

1. Tobacco Use Prohibited. Tobacco and nicotine use is prohibited in all City outdoor recreational facilities at all times. No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facility which includes, but is not limited to, any park, playground, athletic field and complex, skate park, aquatic areas, shelter, restrooms, trails, and parking lot areas. The term "tobacco" means any product made or derived from tobacco, such as nicotine, that is intended for human

consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and dissolvable tobacco. The term “electronic smoking device” means any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Tobacco product does not include nicotine products approved by the U.S. Food and Drug Administration (FDA) for tobacco cessation. Tobacco-Free signs shall be posted in all outdoor recreational facilities that conform to the requirement of Section 142D.6 of the *Code of Iowa*.

2. Enforcement. Any person found violating this section shall be asked to cease use of tobacco or leave the City Park or facility premises. Any person found to continually violate this section may be cited with a municipal infraction. Violations of this chapter are declared to be municipal infractions and may be punished as provided in Chapter 3 of this Code of Ordinances. For violations of this section, police officers or designees shall enforce and be authorized to issue citation-complaints. Before issuing a citation-complaint, the police officer or designee shall verify that the offender has previously received a warning against engaging in such conduct, or the offender has refused to discontinue engaging in such conduct after the police officer or designee has advised the offender that such conduct must cease. A \$100.00 civil penalty shall be imposed for each violation where a citation-complaint has been issued.

47.21 VIOLATIONS. All violations of any provisions of this chapter, with the exception of Section 47.21, are hereby declared simple misdemeanors punishable by a fine of at least \$50.00 plus surcharge and court costs, and/or municipal infractions, punishable by a penalty as listed in Chapter 3 of this Code of Ordinances. Violations may be prosecuted as either a misdemeanor criminal offense or a municipal infraction, at the sole discretion of the peace officer.

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