

**CITY OF TEA
ORDINANCE #191**

**AN ORDINANCE TO REGULATE THE GENERAL RULES FOR PARKS WITHIN THE
CITY OF TEA, LINCOLN COUNTY, SOUTH DAKOTA.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TEA, LINCOLN COUNTY, SOUTH DAKOTA:

GENERAL RULES FOR CITY PARKS

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Sec. 1.0. Definitions.

The following words when used in the Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the park and recreation board established by city ordinance.

Park means any park, playground, boulevard, lake, stream, recreation center, ballpark, or any other area outside of or in the city and devoted to active and passive recreation.

Vehicle means any motorized or unmotorized trailer in tow of any size, kind or description.

City means any City of Tea employee, Mayor and/or City Council Member.

Sec. 2.0. Purpose.

The purpose of this ordinance is to provide and ensure an enjoyable, recreational, and relaxing atmosphere within city parks for the residents of the City of Tea.

Sec. 3.0. Conduct.

No person shall engage in threatening, abusive or disorderly conduct or behavior within any city park tending to be a breach of the public peace. Any police officer may expel any person engaging in threatening, abusive or disorderly conduct from and any city park. Any person refusing to leave a city park at the order of a police officer pursuant to this ordinance may be cited with a misdemeanor.

Sec. 4.0. Driving or Parking Motor Vehicles on Grass.

It shall be unlawful for any person to operate or park a motor vehicle on any grass area within any City Park, except on clearly marked and designated parking areas therein or during special city events.

Sec. 5.0. Park Hours.

The hours that all city parks shall be open will be determined by resolution of the City Council. Hours shall be posted. Loitering in city parks during closed hours is prohibited. Except as permitted herein, no person shall be in any park between 11:00 p.m. and 5:00 a.m.

Sec. 6.0. Use of Drugs and Alcohol.

All parks are declared drug and gang free zones. Unless authorized by the City of Tea, the sale, possession with intent to sell or the consumption of alcoholic beverages is prohibited in the following areas:

- a) Within 50 feet of swimming or wading pools
- b) In school parks
- c) Within the playing boundaries of athletic fields
- d) In those areas designated by the City

No glass beverage containers are permitted in any park.

Sec. 7.0. Reservations.

The city parks and/or facilities may be made available for the exclusive use of persons and groups by reservation with the City. See Section 10.0 and 11.0 for organized activities reservations.

Sec. 8.0. Injuring park property.

Littering, soiling or defacing restrooms, facilities including landscape and fixtures is prohibited and may be grounds for immediate expulsion.

Sec. 9.0. Precedence of City Sponsored Events.

All City and Board sponsored events within all city parks take precedent over any other event.

Sec. 10.0. Organized Activities.

An organized activity is defined as any game, tournament, contest or other activity in which more than twelve (12) persons participate, and in which the time, place and rules for competing have been pre-determined by either the participants or any other person or organization. The wearing of uniforms by players shall constitute evidence of organized activity.

Sec. 11.0. Use of Park for Organized Activities.

The use of any city park for an organized activity must be approved by the Board with a twenty-one day advance notice and may be scheduled no more than one year in advance. A one-hundred dollar (\$100.00) deposit for each event, in cash or cashiers check, is required to conduct any organized activity within a city park. The deposit may be refunded in whole or in part, if at the discretion of the Board, the field has been left in good condition at the conclusion of the organized activity. Any refund shall be paid within thirty (30) days after the event.

Sec. 12.0. Public Address System

The operation of a public address system in any city park shall be prohibited without prior written permission of the City. The use of small portable radios shall be permitted so long as such radios are operated at such a volume as not to disturb other persons in the park or any residence along the park. No amplified music or amplified sound shall be allowed at any city park without approval by the City Council.

Sec. 13. Fees; requirements for use of park facilities

The Board shall recommend fees for the use of parks and park facilities operated by the city. Individuals desiring to use facilities for which a fee is charged shall enter and exit at the designated place and use only designated areas.

The Board may permit private persons or organizations to use designated portions of parks for uses or events for which the user may charge a fee for participation in or attendance at such events. A notice that the use or event is not city-sponsored shall be posted at the entrance. The board shall establish policies and procedures for such park use.

Sec. 14. Advertising within City Athletic Parks.

The Board, with the assistance of the City, may establish, by resolution, programs, rules and procedures for the sale and maintenance of advertising space within the athletic fields. Any such programs, rules and procedures may include terms and conditions for advertisers, including the establishment of fees and charges for advertising space. The Board shall administrate any such program, rules and procedures on behalf of the City.

Sec. 15. Removal of Signs.

The removal of any authorized or official sign indicating that any park facility or equipment is reserved is prohibited. The use of any park facility or equipment which has been reserved or which is marked by any authorized or official sign as reserved without receiving prior written permission from the City is prohibited.

Sec. 16. Inspection and Closure of Park.

Any section or part of a park or facility may be inspected and declared closed to the public at the direction of the City at any time and for intervals of time, either temporarily or at regular and stated intervals (daily or otherwise) for reasons including, but not limited to, the following:

- a) public liability
- b) damage to turf
- c) public service
- d) public health

Such closure may be partial, so as to limit certain activities, as the City may reasonably find necessary.

Sec. 17. Fishing.

Fishing shall be permitted within city parks at such times as may be determined by the City. The City shall post notice to the public of the time when fishing is permitted at each lake.

Sec. 18. Fires in parks.

No person shall start any fire in any park except in those places provided therefore. Every person who starts or uses a fire shall completely extinguish the fire before leaving the park.

Sec. 19. Relationship to Chapter 10.

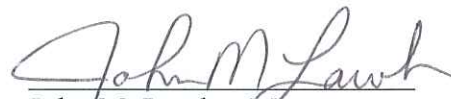
This chapter is intended to be read consistently with the provisions of Chapter 10. In the event of any conflict between this chapter and the provisions of Chapter 10, the provisions of Chapter 10 shall prevail.

Sec. 20. Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter, except Section 5.0, shall be deemed guilty of an infraction, and upon conviction thereof, shall be fined Fifty Dollars (\$50.00).

Sec. 21. Appeal.

Any applicant or other person, firm or corporation dissatisfied with a decision, interpretation or enforcement of this Chapter, by any City official, City employee, or the Recreation Board, may appeal that action to the City Council within 10 days after the decision or interpretation has been rendered. If the 10 days falls on a weekend or legal holiday, the appeal period shall be automatically extended to the next business day. The appeal shall be in writing and shall clearly set forth the reasons why the appeal should be granted. The City Council may establish, by resolution, a fee for the handling and processing of any appeal. In addition, the City Council may call up for review any decision or interpretation of any City official, City employee, or the City Parks & Recreation Board. The decision to call up for review must occur prior to the effective date of the action.


John M. Lawler, Mayor

ATTEST:


Dawn R. Murphy, Finance Officer

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