



## ORDINANCE 968

**AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING USE OF THE CITY PARKS OF THE CITY OF REXBURG, IDAHO; PROVIDING THAT ANY PERSON, FIRM OR CORPORATION VIOLATING THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; AND REPEALING AND REPLACING ORDINANCE 564.**

BE IT ORDAINED by the Mayor and Council of the City of Rexburg, Idaho:

### **SECTION I: Requirements concerning use of grounds and facilities.**

Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

### **SECTION II: Prohibited acts:**

It shall be unlawful for any person, firm or corporation using such Parks to either perform or permit to be performed any of the following acts:

- A. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities of Park property or appurtenances whatsoever, either real or personal, unless specifically granted permission by the appropriate agent of the City of Rexburg.
- B. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any Park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- C. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters or contiguous to any Park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park by the person responsible for its presence, and properly disposed of elsewhere.
- D. Disturb the peace, or use any profane, obscene or blasphemous language.
- E. Endanger the safety of any person by any conduct or act.
- F. Commit any assault, battery, or engage in fighting.
- G. Carry, possess, or drink any alcoholic beverage in any Park.
- H. Violate any rule for the use of the Park, made or approved by the City Council or designated agent of the City of Rexburg relating to management of the Parks.
- I. Prevent any person from using any Park, or any of its facilities, or interfere with such use in compliance with this ordinance and the rules applicable to such use.

### **SECTION III: Hours of Operation:**

The Parks shall be opened daily to the public between the hours of 5 A.M. to 11:30 P.M. every day; and it shall be unlawful for any person, or persons (other than city personnel conducting city business therein), to occupy or be present in said Park during any hours in which the Park is not open to the public.

Any section, or part of the Park, may be declared closed to the public by the City Council or designated agent of the City of Rexburg relative to Parks, at any time and for any purpose and for any interval of time, either temporarily or at regular or stated intervals.

### **SECTION VI: Other regulations:**

- A. Special activities.** It shall be unlawful to engage in special activities including flying model airplanes, golf practice, games except at locations specifically designated for such activities by the City Council or designated agent of the City of Rexburg relative to Parks. Areas for such activities may be reserved by groups for use at specified times.
- B. Motor Vehicles.** It shall be unlawful to drive or park any motor-driven vehicle except on a street, driveway or parking lot in any Park; or to park or leave any such vehicle in any place other than established for public parking, without a written permit from the City Council or designated agent of the City of Rexburg relative to Parks.
- C. Animals.** It shall be unlawful for any person to bring or harbor any animal in the Parks, except as may be allowed pursuant to established leash laws for the City of Rexburg.
- D. Sales.** It shall be unlawful for any person other than those designated by the City Council or designated agent of the City of Rexburg relative to Parks, to vend, sell, peddle, or offer for sale any commodity or article within any Park.
- E. Smoking.** It shall be unlawful for any person to smoke within fifty feet (50) of any structure, bleacher, playground equipment or water facility within the Park.
- F. Alcoholic beverages.** It shall be unlawful for any person to have in his or her possession, custody or control any alcoholic beverages of any kind whatsoever.
- G. Signs.** It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, or for any person to erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a Park without first having obtained permission from the City Council or designated agent of the City of Rexburg relative to Parks.

Provided that these provisions shall not apply to any properly authorized government official in pursuit of any official duty.

### **SECTION VII: Violation a misdemeanor:**

Any person, firm or corporation who fails, neglects, or refuses to comply with the provisions of this ordinance shall be deemed to be in violation thereof and guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars and not more than three hundred dollars, or may be confined in jail for a period of not more than thirty days, either or both such fine and imprisonment may be imposed, and in addition thereto, any person so convicted shall pay such costs as the Court may assess.

**SECTION VIII:** This ordinance shall be in full force and effect from and after its passage, approval, and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 06<sup>th</sup> day of September, 2006.

