

Chapter 14.5

PARKS AND RECREATION

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Sec. 14.5-1. Facilities.

The facilities governed by this chapter are any and all public playgrounds, athletic fields, recreation centers, parks, and other recreation facilities and activities on any of the properties owned or controlled by the city or on other properties with the consent of owners and authorities thereof.

(Ord. No. 158, § 1, 10-11-1993)

Sec. 14.5-2. Issuance of permits.

(a) Usage of the facilities governed by this chapter shall be restricted to those individuals or groups that have made proper and approved application with the city for the times requested.

(b) Usage without an approved permit or contract will be on a first come, first served basis. Any conflict over usage shall be resolved in the favor of the properly approved permit or contract holder.

(c) Usage contrary and in conflict with an approved permit or contract will be considered a criminal violation, and the violator shall be subject to the penalties as provided for in this chapter, revocation of the permit or contract, and loss of future use of the facilities.

(d) A permit for shortterm usage of a facility may be obtained from the city secretary during the normal business hours of city hall in accordance with the following:

- (1) The approval for the permit shall be made within three days by the mayor or his designee.
- (2) The application for the permit shall be made within 20 days of the desired use of the facility.
- (3) A denial of a permit may be appealed to the city council upon a timely request to be placed on the next agenda. The appeal shall be decided by a majority vote of the council in session at the called meeting.

(e) A contract for the longterm usage of a facility may be obtained from the city secretary during the normal business hours of city hall in accordance with the following:

- (1) The approval of the contract shall be by a majority vote of the city council after a written request to be placed on the agenda has been made by the contracting party.

- (2) A shortterm permit may be granted for usage prior to the contract being presented and during the period that the contract is being considered.

(Ord. No. 158, § 2, 10-11-1993)

Sec. 14.5-3. Fees and deposits.

(a) A deposit of \$100.00 for city park no. 2 and \$25.00 for city park no. 1 shall be made and attached to the permit or contract to cover the expenses incurred in cleaning the facility after the permitted usage, if the facility is not cleaned and left in the condition that it was found. Upon inspection by the mayor or his designee a determination shall be made as to whether all or part of the deposit shall be refunded. The fee is fully refundable if the application is denied.

(b) [Reserved.]

(c) Ballpark facility. A fee to be set each year, per day, per field shall be charged for the use of the city ballpark facility. If the lights are used, the fee shall be \$15.00 additional per night. This subsection only applies to shortterm permits issued for the use of ballpark facilities. Fees for longterm contracted usage are subject to the terms of the contract. The president of the Shepherd Little League shall be responsible for and shall handle these reservations and shall collect fees. Fees are to be used for field upkeep.
(Ord. No. 158, § 3, 10-11-1993)

Sec. 14.5-4. Time limitations.

(a) Usage of the facilities governed by this chapter under an approved shortterm permit shall be between the hours of 8:00 a.m. and 12:00 midnight.

(b) A waiver of the time restrictions may be granted by the mayor or his designee upon a showing of good cause and justifiable necessity. A denial of a waiver may be appealed to the city council upon a timely request to be placed on the next agenda. The appeal shall be decided by a majority vote of the council in session at the called meeting.

(c) Time restrictions on the longterm usage of a facility under a contract may be negotiated in the contract. If not otherwise negotiated in the contract, subsection (a) or (b) of this section shall apply.

(d) Nonpermitted or noncontracted usage of a facility shall only be allowed during the times specified in subsection (a) of this section.

(e) [Reserved.]

(f) Any violation may be taken into consideration in the application for any future permit or contract by the offending party. A denial by the mayor or his designee may be appealed to the city council and upon a timely request placed upon the next available agenda for consideration and action. The denial may be overturned by a majority vote of the council present at the called meeting.

(Ord. No. 158, § 4, 10-11-1993)

Sec. 14.5-5. Glass containers.

(a) Glass containers of any kind are prohibited in the facilities governed by this chapter.

(b) Any violation of this section shall be construed to be a class C misdemeanor punishable by a fine not to exceed \$500.00.

(c) In addition to a fine the mayor or his designee may immediately revoke the permit or contract issued for the usage of the facility.

(d) Any violation may be taken into consideration in the application for any future permit or contract by the offending party. A denial by the mayor or his designee may be appealed to the city council and upon a timely request placed upon the next available agenda for consideration and action. The denial may be overturned by a majority vote of the council present at the called meeting.

(Ord. No. 158, § 5, 10-11-1993)

Sec. 14.5-6. Noise restrictions.

(a) Loud and unreasonable noises or activities will not be allowed in the facility governed by this chapter at any time, regardless of the permitted or nonpermitted use.

(b) Recorded or live music is permissible provided it is not loud, it is reasonable, and it is within the time restrictions for usage. When music is intended to be a part of the planned usage of the facility, a specific request must be made in the application.

(c) Public address systems and speakers are permissible provided they are not loud, they are reasonable, and their use is within the time restrictions for usage. When a public address system or speaker is intended to be a part of the planned usage of the facility, a specific request must be made in the application.

(d) Any violation of this section shall be construed to be a class C misdemeanor punishable by a fine not to exceed \$500.00.

(e) In addition to a fine the mayor or his designee may immediately revoke the permit or contract issued for the usage of the facility.

(f) Any violation may be taken into consideration in the application for any future permit or contract by the offending party. A denial by the mayor or his designee may be appealed to the city council and upon a timely request placed upon the next available agenda for consideration and action. The denial may be overturned by a majority vote of the council present at the called meeting.

(Ord. No. 158, § 6, 10-11-1993)

Sec. 14.5-7. Alcoholic beverages.

(a) The possession and consumption of alcoholic beverages in any form is expressly prohibited in any facility governed by this chapter.

(b) Any violation of this section shall be construed to be a class C misdemeanor punishable by a fine not to exceed \$500.00.

(c) In addition to a fine the mayor or his designee may immediately revoke the permit or contract issued for the usage of the facility.

(d) Any violation may be taken into consideration in the application for any future permit or contract by the offending party. A denial by the mayor or his designee may be appealed to the city council and upon a timely request placed upon the next available agenda for consideration and action. The denial may be overturned by a majority vote of the council present at the called meeting.

(Ord. No. 158, § 7, 10-11-1993)

Cross reference—Alcoholic beverages, ch. 3.

Sec. 14.5-8. Enforcement.

Jurisdiction for the prosecution of a violation of this chapter shall be in the municipal court, or if applicable, in the justice of the peace precinct 2 of the county, or the county court.

(Ord. No. 158, § 8, 10-11-1993)

