

## TITLE 7 CHAPTER 2

### CITY PARKS, PROPERTY, AND RECREATIONAL FACILITIES

#### SECTION:

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7-2-1: SUPERVISION: The City parks, and the Albion State Normal School campus, located within the City of Albion, as well as all other properties operated and maintained by the City shall be under the supervision of the Mayor and the Council or their duly designated agents. The Mayor and the Council shall from time to time by resolution or ordinance promulgate rules and regulations for the operation and maintenance of such areas, and shall have the authority to establish schedules of fees to be charged for the use of the same.

7-2-1-1: RULES AND REGULATIONS FOR PARKS, PROPERTY AND RECREATIONAL AREAS: The following rules and regulations for the use and conduct in parks, property and recreational areas in the City shall apply to all parks, property and recreational areas under the jurisdiction of the City. It shall be unlawful for any person, without express permission of the City or its designee, in a public park, on public property, or in a public recreational area to:

- (A) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, fireplaces, signs, notices, stakes, posts, markers, or other structures or equipment, facilities, or park property or appurtenances whatsoever either real or personal.
- (B) Damage, cut, carve, mark, transplant, or remove any tree, plant, shrub, or in any other way injure the natural beauty or usefulness of any park or recreational area.
- (C) Dig or remove any soil, rock, stone, trees, shrubs, or make any excavation by tool, equipment, or any other means.
- (D) Bring any glass container into any park or recreational area.
- (E) Cause or permit to run loose any animal.
- (F) Walk a domestic animal without a leash, said leash to be no longer than six feet (6'). The owner or person having custody of such domestic animal shall be responsible for removal of

- any animal solid waste deposited in any park, property or recreational area under the City's jurisdiction.
- (G) Ride a horse or bring any other animal into the park except as provided in Subsection (F) hereof.
  - (H) Bring into the parks, properties or recreational areas any pistol, revolver, rifle, B-B gun, air gun, slingshot, bow and arrow, or any other weapon in which the propelling force is gun powder, a spring, air or other similar force, except in those areas designated for such uses by the City Council.
  - (I) Have in his or her possession or set off any fireworks except by a permit issued by the City Council or their designee for conducting properly supervised firework displays in designated park areas.
  - (J) Kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.
  - (K) Camp or sleep overnight in any park or recreational areas except on a permit issued by the City Council or their designee.
  - (L) Expose or offer for sale any article, product or service in any park, property or recreational area without a license from the City as a concessionaire.
  - (M) Post, paint, fix, distribute, deliver, place, cast, or leave about any bill, billboard, placard, handbill, circular or advertisement in any park, property or recreational area.
  - (N) Park or drive a motorcycle, motor vehicle, truck, or any other motorized apparatus, except on designated roads and in designated parking areas.
  - (O) Leave a bicycle, or other human-powered apparatus, lying on the ground or paving or set against a tree, building, or in any other place or position where persons may trip over or be injured by them.
  - (P) Engage in threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace and the use by others of the park and recreational areas.
  - (Q) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity in the parks, property or recreational areas.
  - (R) Conduct any activity for profit except under a permit issued under the authority of the City Council.

- (S) Throw, place, cause to be placed any rubbish, refuse, garbage, or other material in any park, property or recreational area except in receptacles provided for such purpose. If there are no receptacles provided or present, then such rubbish or waste shall be carried away by the person responsible for its presence and shall be disposed of elsewhere in a proper and appropriate manner.
- (T) Use any park area for playing or practicing golf or engage in activities related to archery unless the park, property or recreational area is designated specifically for that purpose.

7-2-1-2: PERMITS: Permits for special events in parks, on property, and in recreational areas under the City's jurisdiction shall be obtained by payment of the appropriate fee, which fee shall be established from time to time by City Council resolution, and by submitting an application to the City Council or their designee in accordance with the following procedure:

(A) A person or entity seeking issuance of a permit shall file an application stating:

1. The name and address of the applicant;
2. The name and address of the person, persons, corporations or associations sponsoring the activity;
3. The day(s) and hours for which the permit is desired;
4. The park, property, recreational area, or portion thereof for which the permit is desired; and
5. Any other information reasonably necessary for a determination as to whether a permit should be issued hereunder.

(B) Standards for issuance of a permit should include, but are not necessarily limited to, the following findings:

1. The proposed activity or use of the park, property or recreational area will not unreasonably interfere with or detract from the general enjoyment of the park by the public.
2. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. The proposed activity or uses that are reasonably anticipated will not include violence, crime, or disorderly conduct.
4. The proposed activity will not entail extra-ordinary or burdensome expense or police operation by the City.

5. The facilities desired have not been reserved for their use on the date and hour requested in the application.

(C) An applicant for a permit may be required to submit evidence of liability insurance, of sufficient amount, covering injuries to the general public arising out of the permitted activities in such amounts as may be from time to time determined prior to the commencement of an activity or the issuance of any permit.

7-2-2: HOURS OF THE ALBION STATE NORMAL SCHOOL CAMPUS: The property known as the Albion State Normal School Campus, and generally described as follows:

This tract of land is a part of the Northwest one-quarter of Section 6, Township 12 South, Range 25 East of the Boise Meridian located in Cassia County, Idaho described more particularly as follows:

The Point of Beginning, marked by a set 2@ dia. iron pin, is located South 0 degrees 14' 43" West 481.00 feet from the Northwest corner of Section 6, T. 12 S., R. 25 E., B.M. Said Northwest corner is marked with an existing 2@ dia. iron pin with attached plastic cap and L.S. number;

Thence South 0 degrees 14' 34" West 857.02 feet to a set 5/8" dia. iron pin which marks the North 1/16th corner of said Section 6;

Thence North 89 degrees 44' 56" East 1493.51 feet along the 1/16th line to a set 2@ dia. iron pin;

Thence South 0 degrees 38' 50" West 93.14 feet to a set 2@ dia. iron pin;

Thence South 89 degrees 54' 11" East 138.00 feet to a set 2@ dia. iron pin;

Thence North 0 degrees 30' 70" East 194.56 feet to a set 2@ dia. iron pin;

Thence North 0 degrees 38' 50" East 175.00 feet to a set 2@ dia. iron pin;

Thence North 89 degrees 03' 24" West 207.50 feet to a set 2@ dia. iron pin;

Thence North 0 degrees 38' 50" East 50.00 feet to a set 2@ dia. iron pin;

Thence South 89 degrees 03' 24" East 329.10 feet to a set 2@ dia. iron pin;

Thence North 26 degrees 36' 37" West 630.25 feet to a set 2@ dia. iron pin;

Thence North 2 degrees 41' 17" East 449.19 feet to an existing concrete corner monument;

Thence South 89 degrees 48' 42" West 1022.32 feet to a set 2@ dia. iron pin;

Thence South 0 degrees 23' 48" West 474.00 feet to a set 2@ dia. iron pin;

Thence South 88 degrees 56' 57" West 465.85 feet to the Point of Beginning.

This tract of land contains 43.66 acres more or less and is subject to an 80.00 foot wide state highway right-of-way and a 50.00 foot wide access easement, the locations of both encumbrances are shown on the official plat of said tract.

These premises are hereby closed to the general public between the hours of 10:00 p.m. and 6:00 a.m., during the periods in which daylight savings time is in effect in the Mountain Time Zone, and between the hours of 8:00 p.m. and 6:00 a.m., during the periods in which Mountain Standard Time is in effect in the Mountain Time Zone of each and every day and night, and any and all persons are prohibited from entering in or being upon, or said Albion State Normal School Campus as described above between said designated hours. It shall further be unlawful to loiter about said premises at any time of the day or night. The term loiter about means remaining on and about the premises described above, or the sidewalks and public roads adjacent thereto, or other similar areas of said Albion State Normal School Campus after being directed by a law enforcement official or an agent of the City to leave.

7-2-2-1: HOURS OF THE ALBION CITY PARK: the property known as the Albion City Park, and generally described as follows:

ABeginning at a point 558.3 feet east and 43 feet North of the Southeast (SE) 1/16 corner of the Northeast Quarter of the Northwest Quarter (NE3NW3), Section six (6), Township twelve (12) South, Range twenty-five (25) E.B.M; thence North 315.6 feet; thence East 315 feet; thence South 315.6 feet; thence West 315 feet to point of beginning, commonly known as the Albion Village Square, as computed from Frank Riblett survey of record in Book 1 of Miscellaneous at pages 9, 55, 56, 57 and 58, records of Cassia County recorder.@

These premises are hereby closed to the general public between the hours of 10:00 p.m. and 6:00 a.m., during the periods in which daylight savings time is in effect in the Mountain Time Zone, and between the hours of 8:00 p.m. and 6:00 a.m., during the periods in which Mountain Standard Time is in effect in the Mountain Time Zone of each and every day and night, and any and all persons are prohibited from entering in or being upon, said Albion City Park as described above between said designated hours. It shall further be unlawful to loiter about said premises at any time of the day or night. The term loiter about means remaining on and about the premises described above, or the sidewalks and public roads adjacent thereto, or other similar areas of said Albion City Park after being directed by a law enforcement official or an agent of the City to leave.

7-2-3: PENALTY PROVISIONS: Violation of this Chapter shall be a misdemeanor, and shall be punishable by a three hundred dollar (\$300.00) fine and/or up to six (6) months in the county jail.

7-2-4: TRESPASS: Any person who without consent of the City shall go upon any public lands belonging to said City without lawful excuse or loiters on said lands other than those

designated as a public park or who shall damage any property thereon or who unlawfully mars, disfigures, breaks, removes or destroys or otherwise injures any public property situated thereon is guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment.

7-2-5: SEVERABILITY: The sections of this ordinance are severable. The invalidity of a section, or subsection, shall not affect the validity of the remaining sections or subsections. [*Amended October 1, 2002, Ordinance 2002-10-1*]