COUNCIL BILL NO. 2023- ORDINANCE NO.

AN ORDINANCE amending Chapter 86 – Parks and Recreation, Article II – Park Rules and Regulations.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 86-33 – Hours is hereby repealed, and a new Section 86-33 – Hours is enacted in lieu thereof as follows:

"Section 86-33 – Hours.

The City parks and parking lots used in conjunction therewith shall be closed to the public and no persons or vehicles shall be within the City parks or on parking lots used in conjunction therewith during the following periods of time, except as authorized in writing by the director of parks and recreation. All City parks and parking lots used in conjunction therewith shall be closed to the public from 10:00 P.M. to 6:00 A.M. The director of parks and recreation may close all or portions of any City park or parking lot used in conjunction therewith at any time if the director finds that doing so is necessary to protect the public health, safety, or welfare. It shall be unlawful for any person to enter or remain in a closed City park or any closed portion thereof."

Section 2. That Section 86-34 – Use of picnic areas is hereby repealed, and a new Section 86-34 – Use of park is enacted in lieu thereof as follows:

"Section 86-34 – Use of park.

(a) *Use of picnic areas.*

(1) *Use generally*. The director shall have the authority to regulate the activities in such picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(2) *Availability*. It shall be unlawful for any person in a park to violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first-come, first-served," except in those cases where prior reservations have been made with the director.

(3) *Nonexclus*ivity. It shall be unlawful for any person in a park to use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, or to use such area and facilities for an unreasonable time if the facilities are crowded, except in those cases where prior reservations have been made with the director.

(4) *Duty of picnicker*. It shall be unlawful for any person in a park to leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers,

cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(b) *Use of designated paths and drives*. It shall be unlawful for any person to enter or leave any public park except by the walks, paths or drives provided therefor, or to drive any animal or vehicle anywhere in the park except in the drives provided therefor.

(c) *Permit*. A permit shall be obtained from the director before participating in any special use or activity in a park. A list of such uses and activities shall be kept on file in the office of the parks and recreation department."

Section 3. That Sections 86-36 – Unauthorized sales, 86-37 – Fortunetelling or games of chance, 86-38 – Intoxicating liquor prohibited; exceptions, 86-39 – Bathing or depositing articles in water, 86-40 – Unattended animals and vehicles, 86-41 – Protection of grass, 86-43 – Fires, 86-44 – Erection of tents or other structures, 86-45 – Public gatherings, and 86-46 – Launching inboard motor watercraft from park property are hereby repealed, and a new Section 86-36 – Prohibitions is enacted in lieu thereof as follows:

"Section 86-36 – Prohibitions.

(a) *General disfiguration and removal*. It shall be unlawful for any person in a park to mark, deface, disfigure, injure, tamper with or displace or remove, any building; bridges; tables; benches; fireplaces; railings; paving or paving material; water lines 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 or park property or appurtenances whatsoever, either real or personal.

(b) *Injury, removal of natural features*.

(1) *Trees, shrubbery, lawns*. It shall be unlawful for any person in a park to damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of, any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) *Removal, excavation of natural resources*. It shall be unlawful for any person in a park to dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except by specified written permit issued hereunder.

(c) *Climbing trees, monuments, etc.* It shall be unlawful for any person in a park to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences, sculptures, or upon any other property not designated or customarily used for such purposes. It shall be unlawful to tie or tether any object, including but not limited to hammocks and slacklines, to a tree, monument,

vases, fountains, railings, fences, goal posts or any other park fixture or natural feature. This section shall not prohibit the attachments of hammocks and slacklines to installed posts upon which signage indicates that the posts are for the placement of hammocks and slacklines.

(d) *Protection of animals and wildlife*. It shall be unlawful for any person to shoot at, catch or disturb any animals or wildlife belonging to, preserved or being in or about any public park, or to touch or destroy any habitat that animals and wildlife occupy.

(e) *Fires*. It shall be unlawful for any person in a park to build or attempt to build a fire except in such area and under such regulations as may be designated by the director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(f) *Discarding refuse and trash*. It shall be unlawful for any person in a park to bring or have brought in or to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash on park property. No such refuse or trash shall be placed in any waters in 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.

(g) *Water pollution, contamination*. It shall be unlawful for any person in a park to 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, discoloration or contamination of said waters.

(h) *Restrooms and washrooms*. It shall be unlawful for any person in a park to fail to cooperate in maintaining park restrooms and washrooms in a neat and sanitary condition.

(i) *Erection of structures*. It shall be unlawful for any person in a park to construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across park lands, except or special written permit issued hereunder.

(j) *Metal detectors and geocaching*. It shall be unlawful to use metal detectors in a park without a permit. It shall be unlawful to place and leave caches or other containers for the purpose of geocaching or treasure hunting in a park without a permit.

(k) *Swimming and bathing*. It shall be unlawful for any person in a park to swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. The director is authorized to establish rules for areas designated for swimming and bathing. It shall be unlawful for any person to fail to comply with posted rules at a designated swimming or bathing area.

(l) *Boating*. It shall be unlawful for any person in a park to bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. The director is authorized to establish rules for areas designated boating. It shall be unlawful for any person to fail to comply with posted rules at a designated boating area.

(m) *Intoxicating liquor prohibited; exceptions*. No intoxicating liquor shall be sold or given away, or be brought into, used or drunk within any of the City Parks, except as provided by section 10-18 of this Code of Ordinances and that alcoholic beverages — beer only, may be sold by the City of Joplin upon the premises of Schifferdecker Golf Course for consumption thereon. Nothing herein shall be construed to, in any way, allow any person to bring intoxicating liquor or alcoholic beverages of any type whatsoever onto the golf course other than that which is purchased on the golf course premises from the city licensee.

(n) *Merchandising, advertising, and signs*.

(1) *Advertising generally*. It shall be unlawful for any person in a park to announce, advertise or call the public attention in any way to any article or service for sale or hire. An exception shall be granted to any regularly licensed concessionaire acting by and under the authority and regulation of the director, or pursuant to and in compliance with a permit.

(2) *Vending and peddling*. It shall be unlawful for any person in a park to expose or offer for sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. An exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director or pursuant to and in compliance with a permit.

(3) *Posting signs*. It shall be unlawful for any person in a park to paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, or to erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(o) *Public gatherings*. It shall be unlawful for any person to conduct any organized activity or event involving more than 30 persons without a permit.

(p) *Penalty*. Any person having been found guilty of any violation of this section shall be punished as provided in section 1-5 of this Code of Ordinances."

Section 4. That a new Section 36-37 – Camping is enacted as follows:

"(a) Purpose. The purpose of this chapter is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property, which interferes with the rights of others to use the area in the manner for which it is intended.

(b) Definitions. The following definitions are applicable to this Section:

"Available overnight shelter" means a public or private shelter, with an available overnight space, open to an individual experiencing homelessness at no charge. "Available overnight shelter" also includes a hotel or motel that is made available to an individual experiencing homelessness at no charge.

"Camp" means to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks or cooking facilities or equipment.

"Park" means any publicly owned area controlled by the City or other governmental entity for park purposes. "Park" also includes all associated areas, including parking lots for parks.

"Public property" means any real property, building, structure, equipment, sign, shelter, vegetation, trail, and public open space, including all associated areas such as parking lots, controlled or owned by the City or any other governmental agency.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Street" means any highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way or place in the City open as a matter of right to public pedestrian and vehicular travel.

(c) Unlawful camping or storage of personal property in public places. It shall be unlawful for any person to camp or to store personal property, including camp facilities or camp paraphernalia, in the following areas:

(1) Any park; or

(2) Any street; or

(3) Any public property, improved or unimproved.

(d) Penalty. Any person having been found guilty of any violation of this section shall be punished as provided in section 1-5 of this Code of Ordinances.

(e) Enforcement. A violation of this Section shall be enforced as follows:

(1) Prior to issuing any citation or arrest pursuant to this Section, the investigating officer shall inquire whether the unlawful camping and storage of personal property is due to homelessness. If the officer learns that such is the case, the officer shall determine, in accordance

with relevant department policy, there is available overnight shelter to accommodate the subject of the investigation. If the officer determines there is no available overnight shelter, the officer shall not issue a citation.

(2) If the officer determines there is available overnight shelter, the officer shall provide directions to the shelter location.

(3) Any individual who refuses to accept the shelter space offered is subject to citation or arrest pursuant to this Section."

Section 5. That a new Section 36-38 – Use of mobility aids is enacted as follows:

"Section 36-37 – Use of mobility aids.

(a) *Use of mobility aids*. Individuals with mobility disabilities are permitted to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices, designed for use by individuals with mobility disabilities in any area open to pedestrian use. Individuals with mobility disabilities are permitted to use power-driven mobility devices in any area open to pedestrian use in a park unless the director adopts a regulation pursuant to this section.

(b) *Regulations on use of power-driven mobility aids*. The director is authorized to establish regulations related to the use of a power-driven mobility device if the director determines that a particular power-driven mobility device cannot be operated in accordance with legitimate safety requirements. In determining whether to adopt a regulation related to the use of a power-driven mobility device in a specific park, the director shall consider:

(1) The type, size, weight, dimensions, and speed of the device;

(2) The park's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(3) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

(4) Whether legitimate safety requirements can be established to permit the safe operation of the power-driven mobility device in the specific facility; and

(5) Whether the use of the power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with federal land management laws and regulations.

A regulation adopted pursuant to this section shall be posted in the applicable park, the director's office and on the city's website.

(c) *Compliance with regulations required*. It shall be unlawful to use a power-driven mobility device in violation of a regulation adopted by the director."

Section 6. That this Ordinance shall be in full force and effect from and after its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney