COUNCIL BILL NO. 2023-615 ORDINANCE NO.

AN ORDINANCE amending Chapter 86 – Parks and Recreation, Article VI – Trails, Section 86-200 – Trail rules.

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

Section 1. That Section 86-200 – Trail rules is hereby amended as follows:

"Section 86-200 – Trail rules.

(a) *Purpose.* To allow all users of the Joplin Parks and Recreation Trails system to enjoy safe and courteous use of the system.

(b) *Restrictions on trail use.* The following restrictions apply to all trails built or maintained by Joplin Parks and Recreation Department.

(1) *Hours of operation.* [~~Trails shall be open from sunrise to sunset except those trails located in Campbell Parkway which shall be closed from 11:00 p.m. to 5:00 a.m. from April 1st through October 31st and from 8:00 p.m. to 5:00 a.m. from November 1st through March 31st.~~] **The City trails and parking lots used in conjunction therewith shall be closed to the public and no persons or vehicles shall be within the City trails 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 trails 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 trail 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 trail or any closed portion thereof.**

(2) *Motorized vehicles restricted.* No person shall operate any motorized vehicle of any type whatsoever upon any Joplin Trail or rail corridor at any time, including, but not limited to: automobiles, trucks, farm or agricultural vehicles, motorcycles, motorbikes, motor-scooters, go-carts, golf carts, snowmobiles, motorized bicycles, motorized skateboards, mopeds or all-terrain vehicles. The following vehicles and uses are exempted from this prohibition: government maintenance vehicles, ambulance, law enforcement, fire or other emergency vehicles will be allowed to enter onto Joplin trails in the course of carrying out their official duties.

(3) *Allowed uses.* Bicycles, running, walking, skates, skateboards, nonmotorized scooters, and baby strollers are allowed on all trails at all times unless specifically prohibited and posted otherwise. All trail users will travel at safe speeds at all times. Bicyclists shall sound a warning prior to passing anyone.

(4) *Right-of-way.* In areas of mixed use, i.e., bicycles and pedestrians, bicycle or other wheeled traffic is to yield to pedestrians. All users should keep to the right except to pass.

(5) *Fires prohibited.* Fires are prohibited at any location and at all times within the rail corridor, trails, trail easements or trail facilities, including, but not limited to, parking areas, trail shoulders and borders, bridges and structures.

(6) *Trespass prohibited.* It is prohibited to trespass from trails onto adjacent private lands.

(7) *Stop required.* Trail users shall stop at all road and driveway crossings and yield to any motorized traffic, except where the trail or rail corridor takes precedence over a driveway crossing, in which case driveway users shall yield to trail or corridor users. Trails and highways will be posted with informational signs designating intersections.

(8) *Dogs on leashes.* Dogs on trails must be leashed at all times. Pet owners shall remove all waste.

(9) *Disorderly conduct prohibited.* Disorderly conduct of any kind is prohibited on the rail corridor and trails properties. Disorderly conduct includes, but is not limited to, making any coarse, annoying, derisive or obviously offensive utterance, gesture or display which tends to incite an immediate breach of the peace. Also, fighting, littering or abandonment of private property, making excessive or amplified noise that would tend to disturb the peace and quiet of adjacent residents or occupants, or any other activity that deliberately infringes on the ability of others to use or enjoy the trail or trails facilities.

(10) *Hazardous activities prohibited.* Hazardous activities of any kind are prohibited on the trails properties. Hazardous activities are defined as those activities, which might constitute or contribute to a hazard to the safety of any person. Such activities include, but are not limited to, use of fireworks or other explosives, use of remote-controlled craft, and sledding. Exceptions or additions to these restrictions may be made in specific locations or circumstances.

(11) *Vandalism prohibited.* Vandalism, property damage or removal of resources from facilities is prohibited on any trails property. It is unlawful to remove, damage, deface, mutilate or destroy any structure, poster, sign, marker, fence, gate furniture, vegetation, rock, or any object of scientific or historic value or interest.

(12) *Wildlife protected.* Wildlife is protected on all rail corridor and trails properties. Hunting, trapping, chasing, molesting, harming, removing, killing or otherwise disturbing wildlife on the trails is prohibited at all times and under all circumstances. Damaging or destroying the habitat of any species of wildlife is prohibited. Removing or destroying, native plants, bird or reptile eggs is prohibited. Nothing in this section shall prohibit trapping for research, management and monitoring purposes.

(13) *Littering and waste disposal prohibited.* Any disposal, depositing or abandonment of trash, garbage, grass cuttings, brush, tree limbs and branches, yard wastes, litter, waste paper, waste food products, human or animal wastes, toxic materials, oil and other mechanical waste products, animal parts, fire ash or other combustion byproducts, or other waste products on trails other than in designated containers and locations is prohibited.

(14) *Glass beverage containers prohibited.* No person shall use or possess any glass container for beverages upon any trail of the city.

(c) *Electrically-assisted pedal powered cycle on designated trails*.

(1) For purposes of this section, the following definitions apply:

"Cycle" shall mean any device upon which a person may ride; propelled by human power, having two (2) or more wheels, excluding wheelchairs.

"Electrically-assisted pedal powered cycle" is defined as a device weighing less than one hundred twenty-five (125) pounds, having two (2) or more wheels that are a minimum of sixteen (16) inches in diameter with fully operable pedals upon which a person may pedal the cycle, propelled by human power with the assistance of an electric motor of less than seven hundred fifty (750) watts or one horsepower (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor, is less than twenty (20) miles per hour.

(2) Rules applicable to electrically-assisted pedal powered vehicles are:

a. No person shall operate an electrically-assisted pedal powered cycle on a city trail or in a city park at speeds greater than fifteen (15) miles per hour; and

b. It shall be unlawful to operate an electrically-assisted pedal powered cycle on a city trail in a careless and imprudent manner."

Note: language which is **bold, underlined** has been added; language which is [~~bracketed, stricken~~] has been removed.

Section 2. 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