

**ORDINANCE NO. 505****AN ORDINANCE REGULATING THE USE OF PARKS, PARKWAYS, PUBLIC SQUARES, PUBLIC GROUNDS, STREETS, BOULEVARDS, PATHS, SIDEWALKS, GREENWAYS, REST AREAS, PLAYGROUNDS AND OTHER AREAS.**

**The city of Aumsville ordains as follows:**

**Section 1. Purpose, Policy and Scope.**

- (A) The city council, except as otherwise expressly provided, declares its intention to exercise general supervision, management and control of all public parks, public parkways, public squares, public ground, including but not restricted to streets, boulevards, paths, sidewalks, greenways, rest areas, playgrounds and other areas, hereinafter collectively referred to as "public areas" whether publicly owned, dedicated, leased or otherwise set aside for public use and not under the supervision or control of any other public agency.
- (B) All public areas as herein designated for general public use shall be kept and maintained for the use and benefit of the public, subject to such reasonable and necessary rules and regulations as herein prescribed or as may be from time to time adopted to protect and preserve the enjoyment, convenience and safety of the general public in the use thereof.
- (C) In order to protect the health, safety, and welfare of the general public, the Aumsville City Council declares its intention to prescribe rules and regulations as set forth or from time to time as necessary with respect to such public areas.
- (D) Parks are defined as those parks that are designated as parks by the city council. It is the express intent of the city council, in some circumstances, to regulate activity only in the city parks set forth herein. In those instances, the ordinance section shall designate that the conduct or activity is prohibited in the park.
- (E) In the event that someone or some organization want to use the parks and/or public areas for an event such as a demonstration/contest, a festival, a carnival, or the like the city council authorizes the city administrator to modify, change or delete the rules and regulations that are contained in this ordinance as the circumstances may dictate; taking into account what is in the best interest of the city and its citizens. However, the city administrator shall not allow the use of alcoholic beverages on public property.

[Section 1, amended by Ord. No. 532, passed May 24, 2004]

**Section 2. Delegation of Authority.** The city administrator is authorized to make such reasonable rules and regulations not inconsistent with this and other city ordinances and the policies of the council as herein enunciated, as may be necessary for the control and management of the public areas hereinabove designated.

All such rules and regulations shall be set forth in writing and, to the extent deemed necessary by the city administrator, shall be posted in conspicuous places in the areas affected thereby, for the guidance of the general public and individual users.

If any person feels aggrieved by any such rule or regulation, he may appeal to the council by filing with the city administrator an opposition against such rule or regulation, which shall be placed on the agenda of the council at its next regular meeting, and until amended or repealed by council such rule or regulation shall remain in full force and effect.

**Section 3. Regulations Prescribed by Council.** The council finds that it is in the public interest and necessary for the peace, health and safety of the general public that the rules and regulations set forth in this ordinance be enforced, and for the purposes herein set forth are adopted.

**Section 4. City Employees Not Affected.** Nothing contained herein shall prevent the performance of any act or duty by city employees that has been duly authorized by the city administrator or public works or police department.

**Section 5. Closures.** No person shall ride, drive or walk on such parts or portions of the public areas or pavements as may be closed to public travel, or interfere with barriers erected against the public.

**Section 6. Conduct.** No person shall sleep on the seats or benches, or use or play loud, boisterous, threatening, abusive, insulting or indecent language, or behave in a disorderly manner, or do any act tending to a breach of the public peace.

**Section 7. Damage - Payment for Restoration.**

- (1) Owners or persons in control of, or persons who permit the entry of any dog, horse or other animal into any public area under the control of the city, in addition to any penalties imposed by this ordinance for violation thereof, shall be held liable for, and shall pay to the city, the full value of repair or restoration of any public property damaged or destroyed, and if not paid upon demand by the city, recovery of same may be sought by action brought in the name of the city in any court of competent jurisdiction.
- (2) Any person who shall utilize the public areas herein described and who shall damage or destroy any public property under the control of the city, in addition to any penalties imposed by this ordinance for violation hereof, shall be held liable for, and shall pay to the city, the full value of repair or restoration of any public property damaged or destroyed, and if not paid upon demand by the city, recovery of same may be sought by action brought in the name of the city in any court of competent jurisdiction.

**Section 8. Sales and Services For Hire Restricted.** It is unlawful for any person to sell or offer for sale any article or perform or offer to perform any service for hire in any of the public areas without a written permit for such concession granted by the city administrator or designee.

**Section 9. Advertising and Decorative Devices Forbidden.** It is unlawful for any person to place or carry any structure, sign, bulletin board or advertising device of any kind whatever, or erect any post or pole or the attachment of any notice, bill, poster, sign wire, rod or cord to any tree, shrub, fence, railing, fountain, wall post or structure, or place any advertising, decorative or other device of any kind whatever, on any of the vases, statues, bridges or monuments in any public areas; provided that the city administrator may by a written permit allow said devices temporarily.

**Section 10. Parks - Intoxicating Liquor Prohibited.** It is unlawful for any person to take into or upon any park any alcoholic beverage. No intoxicated person shall enter or remain in any of the parks. The sale or dispensing of any alcoholic beverage is not allowed.

**Section 11. Rubbish Accumulation Prohibited.** It is unlawful for any person to obstruct the free use and enjoyment of any public areas by misuse of refuse containers or by placing any straw, dirt, chips, paper, shavings, shells, ashes, swill or garbage, or other rubbish, or refuse or debris, in or upon any public areas, except in designated trash receptacle.

**Section 12. Vandalism Prohibited.**

- (A) It is unlawful for any person to remove, destroy, break, injure, mutilate, deface or damage in any way, any structure, monument, statue, case, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower or other property in any public areas unless otherwise licensed or privileged to do so.
- (B) It is unlawful for any person to injure, deface, damage or destroy any notice of the rules and regulations for the government of the public areas, which shall have been posted or permanently fixed by order or permission of the city administrator.

**Section 13. Gambling Prohibited.** It is unlawful for any person to play any game of chance or to carry on betting of any kind within public areas.

**Section 14. Firearms or Fireworks Prohibited.** It is unlawful for any person to use, carry or display firearms, firecrackers, fireworks, or explosives of any kind in any park.

**Section 15. Parks - Molesting Animals, Birds and Fish Prohibited.** It is unlawful for any person to use any weapon, stick, stone or missile of any kind for the purpose of destruction, injury, disturbance or molestation of any wild or domestic animal, fowl or fish within the park limits.

It is unlawful for any person to give, or offer, or attempt to give to any animal with the parks, any noxious articles, or anything prohibited by notices conspicuously posted therein.

**Section 16. Animals.**

- (A) It is unlawful for the owner, possessor or keeper of any animal to permit such animal to roam at large in any public areas, and, if such animal is found in any public areas, it may be impounded.
- (B) No one shall ride any horse, or other animal, in any part of a park.
- (C) No one shall hitch horses or other animals to any tree, shrub, fence, railing or other structure within any part of a park.

**Section 17. Parks - Use of Established Entrance.** No one shall enter or leave the parks in a motor vehicle, except at an established entrance; and no one shall enter or remain in the parks after the hours fixed by regulation.

**Section 18. No Admittance Areas.** No person shall enter any building, enclosure, or place with any of the public areas upon which the words "no admittance" are displayed or posted by sign, placard or otherwise.

**Section 19. Parks - Public Restroom Facility.**

- (A) It is unlawful for any person to blow, spread or place any nasal or other bodily discharge, or spit, urinate or defecate on the floors, walls, partitions, furniture, fittings, or on any portion of any public restroom facility, or in any place in such a facility, excepting directly into the particular fixture provided for that purpose. Nor shall any person place any bottle, can, cloth, rag, or metal, wood or stone substance in any of the plumbing fixtures in any such station.
- (B) It is unlawful for any person to stand or climb on a water closet, closet seat, basin, partition or other furniture or fitting; or to loiter about or push, crowd or otherwise act in a disorderly manner; or to interfere with any attendant in the discharge of his or her duties; or skate, swear, or use obscene, loud or boisterous language within any public restroom facility, or at or near the entrance thereof.
- (C) It is unlawful for any person to cut, deface, mar, destroy, break, remove or write on or scratch any wall, floor, ceiling, partition, fixture or furniture, or use towels in any improper manner, or waste soap, toilet paper, or any of the facilities provided in any public restroom facility.

**Section 20. Parks - Traffic Regulations.**

- (A) No one shall ride, drive or operate any bicycle, motorcycle, motor vehicle, truck, wagon, or any other vehicle, in any part of a park, except on the regular drives designated therefor.
- (B) It is unlawful for any person to park any motor vehicle on any park or playground area in the city, except in designated parking areas. The police department shall have and exercise authority to tow any vehicle found parked in a park or playground area not designated for parking purposes, and to impound such vehicles and to impose and collect associated administrative fees.
- (C) It is unlawful for any person to store, park, or leave standing unattended for a continuous period of more than twenty-four hours, any motor vehicle, boat, trailer, conveyance or other personal property within any public area under the city's control.
- (D) No person shall ride or stand upon any device or conveyance other than roller skates, in-line roller skates, scooters or a skateboard within the boundaries of the skatepark.

**Section 21. Parks - Public Drinking Fountain.** It is unlawful for any person to willfully mark, scratch, disfigure, remove or in any manner damage any public drinking fountain, or throw, place or deposit in any cup or basin of same any matter or refuse whatever, or obstruct the regular flow of water in any manner whatever.

**Section 22. Signs, Lights, Call Boxes, Hydrants.** It is unlawful for any person to willfully cut, remove, deface or in any manner damage any street sign, any street, bridge, light or light fixture, or any hydrant, fence, gate or enclosure, or any part thereof, placed in any public areas.

**Section 23. Parks - Ejection Period.** Any city employee or city councilor may request any person acting in violation of Aumsville ordinance or state law to leave any city park. The city police shall have the authority to eject from any park any person acting in violation of Aumsville ordinance or state law, for a period of time up to six months. Any person entering upon or remaining in the park in violation of such a directive, shall be guilty of criminal trespass and subject to prosecution therefore.

**Section 24. Parks - Penalty for Violation.** Any person violating any provision of this ordinance shall upon conviction be punished by a fine of not more than \$500.00 as determined by a court of competent jurisdiction. If the person violating any provision of this ordinance is under the age of 18 years of age then the person's parent or legal guardian may be cited into the Aumsville Municipal Court pursuant to Aumsville Ordinance Number 434, known as the parental responsibility ordinance. Additionally, nothing in this ordinance shall prohibit the offender, if they are under the age of 18, from being cited directly into the Aumsville Municipal Court if the city of Aumsville obtains a blanket remand from the Marion County Juvenile Court remanding a violation of this ordinance to the Aumsville Municipal Court.

**Section 25. Effective Date.** This ordinance shall take effect on the thirtieth day after its enactment.

PASSED by the council July 8, 2002 and signed by the mayor July 11, 2002.