

CITY OF MERIDIAN ORDINANCE NO. 13-1579

BY THE CITY COUNCIL: BIRD, HOAGLUN, ROUNTREE, ZAREMBA

AN ORDINANCE REPEALING AND REPLACING TITLE 13, CHAPTER 2, REGARDING PARKS AND RECREATION REGULATIONS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the mission of the City of Meridian Parks and Recreation Department to enhance the community's quality of life by providing well-designed and properly maintained parks and recreational opportunities for all citizens; and

WHEREAS, pursuant to the recommendation of the Meridian Parks and Recreation Commission and the Director of the Meridian Parks and Recreation Department, the City Council of the City of Meridian finds that the following ordinance will advance the mission of the Department, preserve City of Meridian park facilities for long-term use; promote recreational opportunities for the community; and protect the health, safety, and welfare of the residents of Meridian and all City park users;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That Title 13, Chapter 2, Meridian City Code, shall be repealed, and replaced with the following language.

Title 13 - PARKS

Chapter 2 – PARKS AND RECREATION REGULATIONS

SECTION 13-2-1: PARKS AND RECREATION DEPARTMENT CREATED:

There is hereby created an administrative department within the City to be known as the Meridian Parks and Recreation Department.

SECTION 13-2-2: DEFINITIONS:

For purposes of this chapter, the following terms shall be defined as follows:

- A. **ADMINISTRATIVE POLICY:** A written policy, rule, or practice of the Meridian Parks and Recreation Department, approved by the Director and by resolution of City Council, concerning the administration, regulation, or operation of park amenities, recreational programming, or other function of the Department.
- B. **CITY PARK:** Any and all designated park or recreational lands or facilities that are open to or accessible by the public and are owned by the City of Meridian.
- C. **COMMISSION:** The City of Meridian Parks and Recreation Commission.
- D. **CONTRACT CONCESSIONAIRE:** A person or entity who sells, trades, gives away, or offers or displays for sale, trade, or giveaway, any good or service pursuant to a currently effective, written agreement with the City of Meridian.
- E. **DEPARTMENT:** The Meridian Parks and Recreation Department.

- F. **DIRECTOR:** The Director of the Meridian Parks and Recreation Department or his/her designee.
- G. **DIRECTOR’S ORDER:** A written or verbal order of the Director establishing a decision or directive regarding a specific inquiry or issue concerning the administration, regulation, or operation of park amenities, recreational programming, or other function of the Department.
- H. **MOBILE SOUP KITCHEN:** A temporary establishment, conducted by a nonprofit organization exempt from federal income tax under 26 U.S.C. sections 501(c), engaged in the preparation and provision of food to and/or for the needy, including persons who by reason of age, disability, or illness are unable to prepare meals for themselves.
- I. **OUTDOOR MARKET.** See definition of “Outdoor Market” in Meridian City Code Title 3, Chapter 4.
- J. **PARK AMENITY.** Any facility, physical space, land, recreational or utilitarian equipment, infrastructure, building, plant, landscaping, field, sports complex, swimming pool, golf course, trail, pathway, or other attraction, whether natural or manmade, that is in and/or part of a City Park.
 - 1. **RESERVABLE PARK AMENITY.** A Park Amenity that may be reserved by prior arrangement with the Department and payment of any required fee.
 - 2. **NON-RESERVABLE PARK AMENITY.** A Park Amenity that may not be reserved, as specifically designated as such by the Department, or as may be implied by omission.
- K. **PRIVATE GATHERING.** A gathering of persons not open to the general public.
- L. **SHORT-TERM CONCESSIONAIRE:** A person or entity in any City Park who sells, trades, gives away, or offers or displays for sale, trade, or giveaway, any food or beverages.
- M. **SPECIAL EVENT.** See definition of “Special Event” in Meridian City Code Title 3, Chapter 4.
- N. **SPONSOR.** A person or entity allowed or engaged by the Department to provide monetary or in-kind support for a Department event, program, or facility.

SECTION 13-2-3: DIRECTOR OF PARKS AND RECREATION:

There is hereby established the office of Director of Parks and Recreation, who shall be appointed as set forth in Title 1, Meridian City Code, and who shall superintend, direct, and manage the Meridian Parks and Recreation Department. In addition to those powers, duties and functions necessarily or fairly implied or incidental to, or those essential to, the management of the Department, the Director shall have the following expressly delegated and specified powers, duties and functions:

- A. Exercise general supervision of Meridian public parks, recreational programming, all officers and employees of the Department, City forestry, and the acquisition, planning, protection, operation, maintenance, development and use of public parks and other properties, buildings or facilities as may be assigned to the Department.
- B. Where necessary for the efficient management and oversight of parks and park amenities, adopt, and make available to the public, Administrative Policies or Director’s Orders, which shall have the effect of law upon their approval and adoption by resolution of the Meridian City Council.
- C. Prepare, and submit to City Council for approval, an annual budget for the operation of the Department.

- D. Supervise and direct all officers and employees in the Department, including the implementation and establishment of employee performance standards and procedures for employees of the department, including, but not limited to establishment of a dress code, duties assigned to the department's employees and procedures and protocols for the conduct and operation of day to-to-day park and facility maintenance and upkeep.
- E. Furnish and provide, upon request of the Mayor, City Council, or any other department, reports, services, labor, materials and information as may be requested and as resources permit.
- F. Perform such other functions and duties as required of him or her by the Mayor, the City Council and ordinances now in existence or hereinafter enacted.

SECTION 13-2-4: USE OF PARK AMENITIES:

- A. **Parks to be regulated.** No person in any park shall fail or refuse to comply with directions given by police officers or duly authorized representatives of the Director in regulating the time, place, and manner of any activity in any park when necessary to maximize use and secure the comfort or convenience of all park users.
- B. **Regulations for Use and Reservation of all Park Amenities.** The following regulations regarding the time, place, and manner of the reservation and use of all Park Amenities shall apply generally to the use of any and all Park Amenities.
 - 1. **First come, first served.** Unless reserved in accordance with Department procedures and policies, all Park Amenities shall be available on a "first come, first served" basis. No person shall be authorized to use any unreserved Park Amenity to the exclusion of other persons or uses except at such time at which and by such person by whom a Park Amenity is reserved pursuant to the provisions of this chapter.
 - 2. **No admission to be charged.** No person or organization, including a person or organization with a reservation, may charge admission to any Park or Park Amenity without written permission of the Director.
- C. **Regulations for Use and Reservation of all Reservable Park Amenities.** In addition to the regulations applicable to the reservation and use of all Park Amenities as set forth above, the following regulations regarding the time, place, and manner of the reservation and use of Reservable Park Amenities shall apply generally to the use of any and all Reservable Park Amenities.
 - 1. **Reservation request procedure.** Any person or organization may request that the Department reserve a Reservable Park Amenity for its lawful use. Upon receipt of such request and payment of applicable fees as established by fee schedule, the Department shall reserve Reservable Park Amenities at the time and place, in the manner, and according to the procedures for equitably allocating reservations as enumerated by Administrative Policy.
 - 2. **Limited scope of reservation.** The authority to exclude other persons or uses from a Reservable Park Amenity extends only to that imparted by the specific terms of a valid reservation. The Reservable Park Amenity specified on a written reservation shall be the only Park Amenity reserved by and for the reserving organization. In no case shall the reservation of a Reservable Park Amenity impart authority to physically touch or remove any person, object, or use from a shelter, or to violate any other provision of law.
 - 3. **Insurance may be required.** Any person required to maintain liability insurance coverage as specified in this Chapter or by any other applicable law, policy, or permit shall maintain such coverage at all times during such party's use of a Reservable Park Amenity.
 - 4. **Reserved Park Amenity to be left in same condition.** Reserving parties shall leave reserved Park Amenities clean of debris and in the same condition after use, which duty shall include the

disposal of waste, garbage and other refuse in disposal receptacles provided. If no such trash receptacles are available, then the reserving party shall remove its refuse and trash from the park area upon vacating the park. Upon violation of this section, in addition to other civil and criminal remedies, the Department may deny or revoke subsequent reservations to the violating person or organization.

5. **Commercial use of Reservable Park Amenities – goods and services.** Except as otherwise allowed by Director's Order or written permit, during any reservable time, no person shall use a Reservable Park Amenity to sell or offer for sale any good or service that a CONTRACT CONCESSIONAIRE sells or offers or displays for sale at that Park. Provisions of this Chapter regarding Specific Regulated Use of Parks may also apply to sales of goods or services in Parks.
6. **Commercial use of Reservable Park Amenities – recreation.** Except as otherwise allowed by Director's Order or written permit, during any reservable time, no person shall use a Reservable Park Amenity to sell or offer for sale any recreational programming that is available to the public from or offered to the public by the DEPARTMENT at that Park.

SECTION 13-2-5: SPECIFIC REGULATED USES OF PARKS:

In addition to laws of policies of general applicability, the following standards regarding the time, place, and manner of operation or occurrence of these specific Park uses shall also apply.

- A. **Special Events and Outdoor Markets.** A Special Event or Outdoor Market, as such terms are defined in Title 3, Chapter 4, Meridian City Code, shall be allowed in a Park subject to compliance with each and all of the following regulations on the time, place, and manner of operation of such use.
 1. **Temporary Use Permit required.** No person shall operate a special event in a Park without first obtaining a Temporary Use Permit and/or Citizen's Use Permit, as applicable, from the City Clerk's Office.
 2. **Short-term Concession Permit not required.** Short-Term Concessionaires specifically enumerated and permitted under a City of Meridian Temporary Use Permit are not required to obtain a Short-Term Concession Permit.
 3. **Reservable Park Amenity reservation required.** Where a Special Event is occurring at, utilizing, or would impede the typical use of a Reservable Park Amenity, the organizer of the Special Event shall be required to reserve such amenity and all reservation fees shall apply.
- B. **Mobile Sales Units.** A Mobile Sales Unit, as that term is defined in Title 3, Chapter 4, Meridian City Code, shall be allowed to operate in a Park subject to compliance with each and all of the following regulations on the time, place, and manner of operation of such use.
 1. **Mobile Sales Unit License required.** No person shall operate a Mobile Sales Unit in a Park without first obtaining a City of Meridian Mobile Sales Unit License from the City Clerk's Office and express, written approval from the Director or designee.
 2. **Director approval.** The approval of the Director or designee to operate a Mobile Sales Unit in a Park shall be limited as to the Park(s), scope, and authority conveyed by such approval. The Director may decline to approve the application of any Mobile Sales Unit to operate in a Park where such Mobile Sales Unit:
 - a. Is providing or offering services or programming otherwise available from the Department;
 - b. Is providing or offering goods that a CONTRACT CONCESSIONAIRE sells at that Park;
 - c. Is providing or offering goods, services, or programming that are incompatible with other lawful Park uses or Administrative Policy.

3. **Short-term Concession Permit not required.** Short-Term Concessionaires specifically enumerated and permitted under a City of Meridian Mobile Sales Unit License to operate in City parks are not required to obtain a Short-Term Concession Permit.

C. Short-Term Concessionaires. A Short-Term Concessionaire, as that term is defined in this chapter, shall be allowed to operate in a Park subject to compliance with each and all of the following regulations on the time, place, and manner of operation of such use.

1. **Invitation required.** It shall be unlawful to operate or act as a Short-Term Concessionaire in a Park without first obtaining a written invitation to operate such concession from the Director or designee. Such invitation must be expressly conveyed, and shall be nontransferable and limited to the scope and authority conveyed by such invitation. Such invitation may be conveyed in the form of a Reservable Park Amenity reservation. The Director may decline to extend an invitation to any Short-Term Concessionaire:
 - a. Which is providing or offering services or programming otherwise available from the Department;
 - b. Which is providing or offering goods that a City Contractor sells at that Park; or
 - c. Which is providing or offering goods, services, or programming that are incompatible with other lawful Park uses or Administrative Policy.
2. **Health Department approval may be required.** No person shall operate as a Short-Term Concessionaire in a Park without first obtaining any and all licenses, permits, certifications, and/or inspections required by the Central District Health Department.
3. **Amenity reservation may be required.** Any person operating as a Short-Term Concessionaire in or upon a Reservable Park Amenity during a reservable time shall first reserve such Reservable Park Amenity with the Department, unless such Short-Term Concessionaire is operating under a City of Meridian Temporary Use Permit or City of Meridian Mobile Sales Unit License.
4. **Short-term Concession Permit required.** No person shall operate as a Short-Term Concessionaire in a Park without first obtaining a Short-Term Concession Permit from the Department, unless such Short-Term Concessionaire is operating under a City of Meridian Temporary Use Permit or City of Meridian Mobile Sales Unit License.
 - a. Application for a Short-Term Concession Permit shall be made to the Department, and shall include a completed application form provided by the Department, which form shall include, but not be limited to:
 - (1) The name, address, and tax identification number of the applicant, and/or, if the applicant is a partnership, company, or corporation, the name, address, and corporate or tax identification number of such entity. Addresses required by this subsection shall include both local and corporate addresses, as well as both physical and mailing addresses.
 - (2) The names and addresses of all employees and/or persons who will be establishing, operating, or acting as under the Short-Term Concession Permit.
 - (3) A description of the operations, including any goods and/or services to be sold, traded, given away, offered, displayed, and/or delivered, or any activities or events scheduled to occur, under the Short-Term Concession Permit.
 - (4) A description of any and all motor vehicles to be used by or in the course of the operation, including license plate state and number, make, model, color, and other means of identification of such vehicle(s).
 - (5) A description and/or schedule(s) of the hours, locations, and means at and by which activities, sales, trades, giveaways, offers, and/or displays will occur under the Short-Term Concession Permit.

- (6) Proof of an insurance policy, issued by an insurance company licensed to do business in Idaho, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the Short-Term Concession Permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. Such insurance shall afford minimum limits of five hundred thousand dollars (\$500,000.00) per person bodily injury, five hundred thousand dollars (\$500,000.00) per occurrence bodily injury, and one hundred thousand dollars (\$100,000.00) per occurrence property damage.
- (7) Application fee as set forth in the Department's fee schedule, except that no application fee shall apply:
 - (A) where applicant is or represents a nonprofit organization exempt from federal income tax under 26 USC section 501(c);
 - (B) Where applicant is or represents a governmental entity; or
 - (C) Where applicant is seeking a Short-Term Concession Permit for the purpose of conducting fundraising activities for a school or youth organization.
- b. Within twenty one (21) calendar days of receipt of a complete application for a Short-Term Concession Permit, the Department shall either issue a Short-Term Concession Permit to the applicant or deny the application. Where an application is denied, the Department shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in this chapter.
- c. The City of Meridian Short-Term Concessionaire Permit shall include, on its face:
 - (1) The name(s) of the permittee and any employees and/or persons permitted to operate as a Short-Term Concessionaire under such permit;
 - (2) The time(s), date(s), place(s), and manner at and by which the Short-Term Concession is permitted to occur;
 - (3) Any and all other conditions of operation that are necessary to protect the public health, safety, and welfare or mitigate effects on park users.

D. Sponsors. A Sponsor, as that term is defined in this chapter, shall be allowed to operate in a Park subject to compliance with each and all of the following regulations on the time, place, and manner of operation of such use.

- 1. **Invitation required.** It shall be unlawful to operate or act as a Sponsor in a Park without first obtaining a written invitation to operate such concession from the Director or designee. Such invitation must be expressly conveyed, and shall be nontransferable and limited to the scope and authority conveyed by such invitation. The Director may decline to extend an invitation to any Sponsor:
 - a. Which is providing or offering services or programming otherwise available from the Department;
 - b. Which is providing or offering goods that a City Contractor sells at that Park;
 - c. Which is providing or offering goods, services, or programming that are incompatible with other lawful Park uses or Administrative Policy.
- 2. **Health Department approval required.** No person shall operate as a Sponsor in a Park without first obtaining any and all licenses, permits, certifications, and/or inspections required by the Central District Health Department.

- E. Mobile Soup Kitchens.** A mobile soup kitchen, as that term is defined in this chapter, shall be allowed in a Park subject to compliance with each and all of the following regulations on the time, place, and manner of operation of such use.
1. **Short-term Concession Permit required.** No person shall operate a mobile soup kitchen in a Park without first obtaining a Short Term Concession Permit from the Department. The Short Term Concession Permit fee shall be waived.
 2. **Amenity reservation may be required.** Any person operating a mobile soup kitchen in or upon a Reservable Park Amenity during a reservable time shall first reserve such Reservable Park Amenity with the Department. The reservation fee shall not be waived.
 3. **Health Department approval required.** No person shall operate a mobile soup kitchen in a Park without first obtaining any and all licenses, permits, certifications, and/or inspections required by the Central District Health Department.

SECTION 13-2-6: GENERAL PARK REGULATIONS:

Except as expressly authorized by the Director, the following prohibitions shall apply in all City Parks. These prohibitions shall not apply to police officers or MPR personnel acting in the course and scope of their duties.

- A. Incompatible uses.** Uses incompatible with those enumerated herein, as determined by the Director, shall be prohibited. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- B. Airborne objects.**
1. **Model rockets.** When other persons are present, no person shall launch a model rocket which is propelled by or includes a motor, black powder, composite propellant, or electric or explosive igniter. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
 2. **Aircraft.** Except by written order of the Director, no person shall launch, ride, land, tether, pilot, jump from, or dive from a hot-air balloon, airplane, helicopter, hang-glider, or other device designed for human flight. A violation of this provision shall be a misdemeanor. This provision shall not apply to miniature or toy versions of such aircraft, though other regulations may apply to the use of same.
- C. Alcohol.**
1. **Sale, provision, consumption, and/or possession.** The sale, provision, consumption, and/or possession of alcoholic beverages shall be subject to the following requirements.
 - a. **Alcohol sold or provided at public event.** Where a Special Event or Outdoor Market is held in a City Park, and such Special Event or Outdoor Market is open to or accessible by the public, alcohol may be sold or provided only pursuant to the terms and conditions of a duly issued Temporary Use Permit and a Alcoholic Beverage Catering Permit from the City Clerk. It shall be unlawful for any person to sell or provide an alcoholic beverage in violation of this provision. A violation of this provision shall be a misdemeanor.
 - b. **Alcohol brought to public event from off site for personal consumption.** Where a Special Event or Outdoor Market is held in a City Park, and such Special Event or Outdoor Market is open to or accessible by the public, alcohol that is brought to the Park for personal consumption may be consumed or possessed within the boundaries of the Special Event or Outdoor Market only pursuant to the terms and conditions of a duly issued

Temporary Use Permit and a Meridian Parks and Recreation Department Alcohol Permit. It shall be unlawful for any person to consume or possess an alcoholic beverage in violation of this provision. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

c. **Alcohol sold or provided to attendees of private event.**

(1) **Where TUP required.** Where a Special Event or Outdoor Market is held in a City Park, and such Special Event or Outdoor Market is not open to or accessible by the public, alcohol may be sold or provided only pursuant to the terms and conditions of a duly issued Temporary Use Permit and a Alcoholic Beverage Catering Permit from the City Clerk. It shall be unlawful for any person to sell or provide an alcoholic beverage in violation of this provision. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

(2) **Where TUP not required.** Where a private event not requiring a Temporary Use Permit is held in a City Park, and such event is not open to or accessible by the public, alcohol may be sold or provided only pursuant to the terms and conditions of an Alcoholic Beverage Catering Permit duly issued by the City Clerk. It shall be unlawful for any person to sell or provide alcoholic beverages in violation of this provision. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

d. **Alcohol brought to private event from off site for personal consumption.**

(1) **Where TUP is required.** Where a Special Event or Outdoor Market is held in a City Park, and such Special Event or Outdoor Market is not open to or accessible by the public, alcohol that is brought to the Park for personal consumption may be consumed or possessed within the boundaries of the Special Event or Outdoor Market only pursuant to the terms and conditions of a duly issued Temporary Use Permit and a Meridian Parks and Recreation Department Alcohol Permit. It shall be unlawful for any person to consume or possess an alcoholic beverage in violation of this provision. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

(2) **Where TUP is not required.** Where a private event not requiring a Temporary Use Permit is held in a City Park, and such event is not open to or accessible by the public, alcohol that is brought to the Park for personal consumption may be consumed or possessed only pursuant to the terms and conditions of a duly issued Meridian Parks and Recreation Department Alcohol Permit. It shall be unlawful for any person to consume or possess an alcoholic beverage in violation of this provision. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

e. **Park Alcohol Permit.**

1. Application for a Park Alcohol Permit shall be made to the Department, and shall include the following:

(a) A completed application form provided by the Department, which form shall include applicant's name, physical address, phone number, date of birth, and driver's license number; a description of the location at which alcohol will be served, consumed, or possessed; and the time of day, length of time, and date the alcohol is to be served, consumed, or possessed.

(b) Permit fee as established by fee schedule.

2. Upon receipt of a complete application for a Park Alcohol Permit, the Director shall refer the application to the Chief of Police or designee, who shall cause an investigation to determine the validity and completeness of the information therein. The Chief of Police or designee shall endorse upon the application the findings of the investigation and return it to the Director.
3. Within twenty one (21) calendar days of receipt of a complete application for a Park Alcohol Permit, the Director or designee shall either issue Park Alcohol Permit to the applicant or deny the application. Where an application is denied, the Department shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in this chapter.

D. Amplified sound. No person in any park shall operate or aid in the operation of a private radio, stereophonic or sound amplification device at a greater volume than sixty-two (62) decibels measured from such devices to a distance of twenty feet (20') therefrom, except as such device is otherwise allowed under a valid City of Meridian Amplified Sound Permit or Temporary Use Permit, in which case such device may be operated at a volume no greater than sixty-two (62) decibels measured from such devices to the perimeter of the City Park.

1. Application for an Amplified Sound Permit shall be made to the Department, and shall include a completed application form provided by the Department, which form shall include applicant's name, physical address, phone number, date of birth, and driver's license number; description of the location at which amplified sound will be used; and the time of day, length of time, and date the amplified sound will be used.
2. Within twenty one (21) calendar days of receipt of a complete application for an Amplified Sound Permit, the Department shall either issue an Amplified Sound Permit to the applicant or deny the application. Where an application is denied, the Department shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in this chapter.
4. The Amplified Sound Permit shall include, on its face:
 - a. The name(s) of the permittee and any employees and/or persons permitted to use amplified sound under such permit;
 - b. The time(s), date(s), place(s), and manner at and by which the Amplified Sound Permit is effective;
 - c. Any and all other conditions of operation that are necessary to protect the public health, safety, and welfare or mitigate effects on park users.
5. A violation of this section shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

E. Boating, swimming or wading. No person shall boat, windsurf, swim, bathe or wade in any water or waterways, or pool in any park, except in such water and at such places as are provided therefor and in compliance with all applicable and/or posted rules and regulations. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

F. Camping. No person shall set up a tent, shack, or any other temporary shelter for the purpose of camping, except by order of the Director, nor shall any person leave in a City Park after closing hours any tent, shack, movable structure or vehicle that is or could be used for such purpose. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

G. Defacement and damage prohibited. No person in any park shall willfully 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 whatsoever, either real or personal, or have in his possession any of the foregoing things or objects, or any part thereof. A violation of this provision shall be a misdemeanor.

H. Dogs.

1. **Control of dogs.** No person owning or having the care, custody, possession, or control of a dog shall permit or allow such dog to enter or remain except:
 - a. Where such dog is controlled by a leash.
 - b. Where such dog is confined in a motor vehicle.
 - c. Where such dog is carried by such person owning or having the care, custody, possession, or control of such dog.
 - d. At the Bark Park and/or in such areas designated by the Department or Director as dog training and exercise grounds, subject to the rules and regulations therein and as may be prescribed.
2. **Removal of fecal matter.** No person owning or having the care, custody, possession, or control of a dog shall:
 - a. Fail to have in his/her possession the equipment necessary to remove his/her dog's fecal matter when accompanied by said dog in any park.
 - b. Fail to remove the fecal matter deposited by his/her dog in any park before the owner leaves the immediate area where the fecal matter was deposited.

A violation of this provision shall be an infraction, the penalty for which shall be \$25.00 plus court costs. This provision shall not apply to: police officers and their service animals during the official performance of their duties; handlers of search and rescue animals during the official performance of their duties; or persons with disabilities utilizing assistance animals.

- I. Fences and Restricted Areas.** No person in any park shall climb upon or go inside security fences, maintenance service areas, or other permanently or temporarily restricted areas. A violation of this provision shall be a misdemeanor.
- J. Fires.** No person in any park shall light, build, or maintain a fire, except for culinary purposes in grills or fireplaces designated for such purpose, and no person shall leave the immediate area without first extinguishing such fire. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- K. Fireworks.** No person in any park shall discharge, or have in his possession, any fireworks, except as specifically authorized by Director's Order. A violation of this provision shall constitute a misdemeanor.
- L. Fishing.** No person shall fish in any waters in any City Park, whether by the use of a hook and line, net, trap, or other device, except in waters designated for that use and in compliance with all applicable and/or posted rules and regulations. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs. Fishing licenses shall be required pursuant to Idaho Department of Fish and Game regulations.
- M. Glass.** No person shall use, carry, or be in the possession of any container made of glass. A violation of this provision shall be an infraction, the penalty for which shall be \$25.00 plus court costs.

- N. **Golf.** Golfing or driving golf balls is prohibited except in specifically designated facilities. A violation of this provision shall be an infraction, the penalty for which shall be \$50.00 plus court costs.
- O. **Horseback riding prohibited.** No person shall ride or lead a horse in, through, or over any City Park. This section shall not apply to police officers and their service animals during the official performance of their duties. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- P. **Hunting prohibited.** No person shall hunt, harm, kill, trap, or throw projectiles at any animal or bird; nor shall any person collect, remove, or possess the eggs, nest, or young of any animal or bird. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- Q. **Motor vehicles.**
1. **Enforcement of traffic regulations.** No person shall fail to obey the direction of any police officer, park employee, or other person authorized by the Director to direct traffic in, into, or out of the City Park.
 2. **Obey traffic signs.** No person shall fail to observe any traffic sign indicating speed, direction, caution, stopping, parking restrictions or regulations, or other sign posted for proper control of vehicular or pedestrian traffic.
 3. **Speed of vehicles.** No person shall ride or drive any vehicle, whether motorized or unmotorized, at a rate of speed exceeding fifteen (15) miles per hour, except as otherwise designated by posted signs.
 4. **Vehicles confined to roads.** No person shall drive any vehicle, whether motorized or unmotorized, on any area except the paved park road or parking areas, or such other area as is specifically designated by the Director as a parking or driving area.
 5. **Penalty.** A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- R. **Park Closure.** No person shall be in the park during hours of closure, except for purposes of transit through the park, or as authorized by permit or Director's order. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- S. **Parking in Parks.**
1. **City parking code applies.** Except as otherwise set forth specifically in by code or Administrative Policy, Meridian City Code provisions regarding parking shall generally apply in City parks.
 2. **Designated areas.** No person shall park a vehicle in any park anywhere other than an established or designated parking area. No person in any park shall use a parking area in violation of posted directions, state or local law, the instructions of any police officer or duly authorized representative of the Director, or Administrative Policy.
 3. **Parking while closed.** No person shall leave any vehicle standing or parked in any park when the park is closed, except as specifically authorized by Director's Order or Administrative Policy.
 4. **Restricted vehicles.** No motor vehicles shall be permitted on any sidewalk or pathway of any park except:
 - a. Vehicles operated by law enforcement personnel;

- b. Emergency vehicles operated for purposes of transporting humans in need of emergency services;
 - c. Vehicles operated by the Department; and
 - d. As specifically allowed by written permit or other permission of Director.
5. **Penalty.** A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- T. **Remote-controlled objects.** No person shall operate a remote-controlled toy, vehicle, or other object when other persons are present. A violation of this provision shall be an infraction, the penalty for which shall be \$25.00 plus court costs.
- U. **Rules and Regulations.** No person shall violate any rules and regulations for the use of a park, or any of its facilities or programs as such are or may be promulgated by the Department, and/or the Director. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- V. **Signs.** Except as otherwise specifically allowed by written authorization of the Director and/or by permit or reservation approved by the Director, no person in any park shall paste, glue, tack or otherwise post or affix any sign, plaque, advertisement, or inscription, whether temporary or permanent, to or upon any park real or personal property, facility, or surface. A violation of this provision shall be an infraction, the penalty for which shall be \$25.00 plus court costs. This section shall not apply to plaques, tablets or signs posted or affixed by the City.
- W. **Smoking.** No person shall light, use, or consume any tobacco product or electronic cigarette in any City park, provided that this prohibition shall not apply to parking lots in City parks. The definition of the terms “tobacco product” and “electronic cigarette” shall be as set forth in Idaho Code section 39-5702. A violation of this provision shall be an infraction, the penalty for which shall be \$50.00 plus court costs.
- X. **Tennis Courts.** No person in any park shall fail to observe and/or violate the rules and policies regarding the use of such courts as promulgated by the Director. A violation of this provision shall be an infraction, the penalty for which shall be \$25.00 plus court costs.
- Y. **Thrown objects.** No person in any park shall throw, propel, or take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows or javelins except in areas specifically designated for such forms of recreation. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- Z. **Trees, shrubbery and vegetation.** No person in any park shall 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 climb trees, or in any other way injure or impair the natural beauty or usefulness of any area. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.
- AA. **Wheeled Devices.** No person in any park shall ride or operate a skateboard, roller skates, scooter, inline skates, bicycle or other wheeled recreation equipment on any ornamental surface, picnic table, bench, tennis court, fountain area, splash pad, playground equipment, planter,

sculpture or other structure unless otherwise specifically designated for such activity. A violation of this provision shall be an infraction, the penalty for which shall be \$100.00 plus court costs.

SECTION 13-2-7: PARK OPERATING POLICY:

- A. **Hours of operation.** Parks shall be open to the public every day of the year from dawn to dusk, which shall be defined as thirty (30) minutes before sunrise to thirty (30) minutes after sunset. Visitors and vehicles shall be excluded during the hours of closure except when authorized by permit, where hours are otherwise posted, or for transit through a park. The Director shall have the authority to change the hours of any Park by Director's Order.
- B. **Closed areas.** Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regularly and/or stated intervals and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

Section 13-2-8: DENIAL OR REVOCATION OF PERMITS; APPEAL:

The following provisions shall apply to Short-Term Concessionaire Permits, Park Alcohol Permits, and Amplified Sound Permits.

- A. Written notice of the denial of a permit shall be sent via U.S. mail to the applicant at the address set forth on the application.
- B. The Department shall deny an application for any of these permits where:
 - 1. The application is incomplete or required application materials or fees have not been timely submitted;
 - 2. Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete;
 - 3. The proposed activity to be permitted will not be conducted in accordance with all applicable provisions of law or policy, including, but not limited to, this Chapter; Department Policy; and/or Director's Order; or
 - 4. The Meridian Police Department recommends denial in order to protect the public health, safety, or welfare.
- C. Appeal of the denial of an application for any of these permits may be made by the applicant within fourteen (14) days of the mailing of such denial. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the City Clerk via U.S. mail or in person. Upon receipt of such appeal, the City Clerk shall schedule a public hearing on the appeal at a City Council meeting within thirty (30) days. The City Council's decision on such appeal shall be a final decision.
- D. In addition to any and all other applicable civil or criminal penalties, the Department may revoke any of these permits where:
 - 1. Any term or condition of the permit is violated by the permittee or by any employee or person operating or acting under such permit.
 - 2. In the course of operating or acting under such permit, the permittee or any employee or person operating or acting under such permit violates a provision of law or policy, including, but not limited to, this Chapter; Department Policy; and/or Director's Order.

3. It is found, after issuance of such permit, that it was issued pursuant to falsified, inaccurate, or incomplete information on the application therefor.
4. The operation of the permit and/or any component thereof varies materially from the approved time, place, and manner therefor.

The Department shall notify the permittee of such revocation in writing, and shall mail such notice to the applicant at the mailing address set forth in the permit application. Such revocation shall be effective immediately upon mailing by the Department. Appeal of the Department's revocation of a permit may be made by the permittee. Such appeal shall be made to the City Council in writing, shall state the reasons for such appeal, and shall be delivered to the city clerk via U.S. mail or in person. Upon receipt of such appeal, the City Clerk shall schedule a public hearing on the appeal at a city council meeting within thirty (30) days. The City Council's decision on such appeal shall be a final decision.

Section 13-2-9: ENFORCEMENT:

- A. **Officials.** Except where otherwise provided herein, peace officers, the Director, and other duly authorized representative of the Director shall enforce the provisions of this Chapter.
- B. **Ejectment.** A police officer, the Director or a duly authorized City of Meridian representative, shall have the authority to eject from the park any person acting in violation of this chapter. Any person ejected from the park shall leave promptly and peaceably and shall not return to the park for any reason on the same calendar day of his ejectment. It shall be unlawful for any person ejected from the park to fail to leave promptly and peaceably, or to return to the park on the same calendar day of his ejectment.
- C. **Trespass in Parks.** It shall be unlawful for any person to enter, remain in, or be present within or upon the premises of a park or park facility or any portion thereof during the hours when the park is closed to the public or enters, remains in, or is otherwise present within an area of the park clearly delineated by signs or barriers as temporarily or permanently closed to the public. Trespass in parks shall be a misdemeanor.
- D. **Seizure of Property.** A police officer shall have the authority to seize and confiscate any property, thing or device used in violation of this chapter.
- E. **Removal of Vehicles.** Any vehicle parked in violation of this chapter or Administrative Policy is subject to removal.
- F. **Exclusion notice.** The Director or designee may, by delivering an exclusion notice in person to the offender, exclude from a city park anyone who, within a city park, violates any Park rule, any provision of this chapter; or of Idaho state code. The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by the Director or designee or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.
 1. The director or his designee may exclude the offender from the city park in which the current violation occurred for a period not exceeding seven (7) days from the date of the exclusion notice.
 2. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the length and places of exclusion. It shall be signed by the issuing

- individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.
3. An offender receiving an exclusion notice may, within two (2) days excluding weekends and holidays from service or receipt of the exclusion notice, appeal to the city council for the purpose of having the city council review the exclusion. The notice of appeal shall be filed with the city clerk. The appeal must be in writing and must set forth the reason why such exclusion should not be enforced. The exclusion shall be stayed upon filing of a notice of appeal. The city council shall hear the appeal at the second regular council meeting following the date the appeal is filed with the city clerk. The city council may uphold the exclusion, overturn the exclusion, or shorten the length of the exclusion. City Council's decision shall be a final decision. No determination of facts made by the city council shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of the same facts in a subsequent criminal prosecution.
 4. This section shall be enforced so as to emphasize voluntary compliance with laws and park rules and in such a way that inadvertent minor violations can be corrected without resort to an exclusion notice.

Section 13-2-10: PENALTIES:

Except where otherwise provided herein, the violation of any provision of this Chapter, any duly effectuated Administrative Policy of the Department, or Director's Order, shall be a misdemeanor. Nothing in this chapter shall be construed as to limit City employees or other authorized persons from performing their official or City authorized duties.

Section 2. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

Section 3. That this ordinance shall be effective upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho this 8th day of October, 2013.

APPROVED by the Mayor of the City of Meridian, Idaho this 8th day of October, 2013.

APPROVED:

ATTEST:

Brad Hoag
~~Tammy de Weerd, Mayor~~
 Brad Hoag, City Council President



Jayce Holman
 Jaycee Holman, City Clerk

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 13- 1579

**AN ORDINANCE REPEALING AND REPLACING TITLE 13, CHAPTER 2, REGARDING
PARKS AND RECREATION REGULATIONS, AND PROVIDING AN EFFECTIVE DATE.**

City of Meridian
Mayor and City Council
By: Jaycee Holman, City Clerk

First Reading: 10-1-13

Adopted after first reading by suspension of the Rule as allowed pursuant to

Idaho Code § 50-902: YES _____ NO

Second Reading: _____

Third Reading: _____

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 13- 1579**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 13- 1579 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2013.

William. L.M. Nary
City Attorney