

Introduced By: Alderman Gosh

AN ORDINANCE AMENDING CHAPTER 230 OF THE WARSON WOODS MUNICIPAL CODE PERTAINING TO PARK REGULATIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, AS FOLLOWS:

SECTION 1. The Board of Aldermen hereby amends Chapter 230 of the Code of the City of Warson Woods by repealing the entire Chapter 230 and in its place adopting a new Chapter 230 to read as follows:

Chapter 230: Parks

Section 230.010 Scope.

The provisions of this Chapter shall be in effect in all parks and recreational areas under the jurisdiction of the City of Warson Woods, including but not limited to Ray Dreher Park, Bergfeld Park, Royal Oaks Park, and any other area designated by the City as a park or recreation (hereinafter "Park" or "Parks").

Section 230.020 Uses and Prohibitions.

- A. *Park Hours.* All Parks shall be open to residents of Warson Woods and guests subject to the following:
 - 1. Ray Dreher Park--dawn to dusk daily.
 - 2. All other Parks—between the hours of 6:00 A.M. to 10:00 P.M. daily, unless permission is granted for use outside such hours by permit issued by the Board of Aldermen, or its designated representative.
- B. *Destruction of Park Property.* It shall be unlawful for any person to disfigure, damage or in any way destroy either in whole or in part or remove or carry away any tree, shrub, plant, flower, stone or stone work, bench, chair, seat, stand, play equipment, sporting court or accessory thereto, fixture, fence or property or anything whatsoever in any park; or molest any birds, bird's nest, fish or animal or anything belonging to or kept therein; or inscribe any handbill, poster, card, device or inscription to or upon any tree, fence or structure within any Park.
- C. *Obstruction of Walkways, Sidewalks, Pathways and Bridges.* It shall be unlawful for any person to block, hinder or obstruct unreasonably the use of any walkway, sidewalk, pathway or bridge located within a Park.
- D. *Operation of Motor Vehicles.* Motor vehicles are prohibited on park land with the following exceptions, and under the conditions stated:
 - 1. Vehicles utilizing designated parking spaces.

2. Service vehicles.
 3. Emergency vehicles.
 4. Other vehicles approved by the Board of Aldermen or its designated representative(s).
 5. The speed limit within a park shall be a maximum of five (5) miles per hour.
- E. *Parking Hours and in Designated Areas Only.* The parking of vehicles on grassy areas is prohibited. Parking for vehicles is permitted only in designated as parking spaces. It shall be unlawful to leave, park or stop vehicles (including motorcycles) on any parking area or drive in a Park from 12:00A.M to 5:00A.M.
- F. *Possession of Alcohol in Park.* For family/small group picnicking, alcoholic beverages are allowed. For other events (except City events), no person shall possess any alcoholic beverage on park land, nor carry, transport, or otherwise bring any alcoholic beverage onto park land except when expressly authorized by the Board of Aldermen or its designated representative(s) in conjunction with an approved reservation for a specific area or event. The Board of Aldermen or its designated representative(s) may revoke authorization of alcoholic beverages at any time. For specific regulations regarding special permits for alcohol use when reserving the park, see Section 230.040(C)(2) below.
- G. *Glass Containers Prohibited.* Glass containers of any type are not permitted in Parks.
- H. *Smoking.* Smoking is prohibited in the restrooms and on or within twenty (20) feet of the playground, tennis courts or multipurpose court.
- I. *Skateboards, Scooters, Hoverboards, Bicycles/Tricycles.* All activities, other than tennis, including, but not limited to, bicycle riding, scootering, skateboarding, rollerblading or roller skating are prohibited on the tennis facilities located in Royal Oaks Park unless such activities are associated with a City-sponsored event. Use of any wheeled conveyance, whether powered or unpowered, is prohibited upon or in all pavilions, fire pit areas, park furnishings and fixtures, tennis courts and/or railings contained or incorporated therein, and shall also be prohibited on Park sidewalks or pathways during events or when the park is congested. Nothing herein should be deemed to include wheel chairs or other medically necessary conveyances.
- J. *Hunting Prohibited.* No person shall pursue, trap or kill any wildlife in any manner on park land. Except as may be permitted by state or other law, firearms, sling shorts, bows or weapons of any kind are strictly prohibited on park land.
- K. *Camping.* Camping of any kind is prohibited.
- L. *Additional Activities.* Unless as part of a City sponsored event, the following activities are prohibited in the Parks: petting zoos, pony rides, dunking booths, carnival rides, bounce houses, tents, portable swimming pools/sprinklers, balloon

releases, fireworks, and fish/turkey fries. Notwithstanding the above, permits may be issued by the City upon Board of Aldermen approval for inflatables, small tents (less than 90 square feet), music and/or concerts, large gatherings, weddings, and food trucks. The Board may attach any conditions to such permit as it deems in the best interest of the public and surrounding property owners and for the protection of the park.

- M. *Location of Fires and Picnicking.* Fires may be built only in barbecue grills or fireplaces installed by the City, and must be extinguished before leaving the park. Fires may be prohibited entirely by posting of special notices. Picnicking is allowed only in designated areas. Picnic tables outside of the pavilion must not be moved unless allowed by permit.
- N. *Disposal of Trash.* Trash, rubbish and debris of all kinds shall be deposited in the containers provided for that purpose. All areas shall be left in a clean and orderly condition. Dumping or depositing trash, rubbish or debris in or on any part of the park land or facilities other than in the receptacles provided is strictly prohibited.
- O. *Animals.* No person shall bring into the Park a dog or other domestic animal unless such animal is under restraint as that term is defined in Section 205.020. Any person bringing a dog or other domestic animal into the park shall have with them an instrument and container to remove any wastes deposited by their animal. No person shall permit the running of a dog or other domestic animal at large. All domestic animals are prohibited in and around all playgrounds located on park grounds and restrooms with the exception of service dogs. No animal of any kind that has previously attacked or threatened to attack as those terms are used in Section 205.030(B) shall be brought into a Park at any time even if restrained as described above.
- P. *Excessive Noises.* Excessive noises are prohibited in any Park unless special permission is obtained in writing as part of any permit or reservation granted by the City. Such written permission must be in the possession of the permittee at all times.
- Q. *Regulation of Solicitations and Commercial Activities.* Notwithstanding anything to the contrary contained in Chapter 610, use of the Parks for solicitation of any business or service is prohibited. No person, firm, or corporation is permitted to use the Parks to offer or advertise merchandise or other goods for sale or hire.

Section 230.030 Enforcement.

The City Clerk and Chief of Police shall have the duty to oversee the enforcement of all rules and regulations of the City of Warson Woods pertaining to the Parks, as set forth in this Chapter and in any policy adopted by the Board of Aldermen.

Section 230.040 Warson Woods Park Area Reservation Policy and Procedures.

- A. Applications for a Park reservation may only be made by residents of the City who are twenty-one (21) years of age or older.
- B. Reservations of Park Facilities.
 - 1. *Applications.* The time line for accepting reservation applications for the current calendar year shall be as follows:
 - a. City residents: January 1 of that year.
 - b. Not-for-profits* : March 1 of that year. (*)
 - 2. *Time of application.* Application for a reservation must be filed no later than two (2) business days prior to the planned event.
 - 3. *Areas Subject Reservation.* Areas that can be reserved include the pavilion, tennis courts (see Section 230.050), multipurpose, fire pits, and specific picnic areas. However, only two (2) of these areas may be reserved at any one time to allow some park use by residents at all times. Use of the pavilion assumes the group will also be using the adjacent grassy area.
 - 4. *Limitations.* Reservations are limited to groups of no more than one hundred (100) people, except for City sponsored activities. See §230.040, C.3 if a group size is desired to be larger.
 - 5. *Display of Reservation.* The applicant of a reservation must be present at the event and have the approved permit available for review. Park reservations are non-transferable. The applicant must inspect reserved facilities prior to the event and notify the City Clerk in writing of any existing damage. The applicant assumes full responsibility for ensuring the event is conducted with no violations of City of Warson Woods and St. Louis County ordinances; and State and Federal laws.
 - 6. *Denial.* Park reservations are subject to availability and may be denied because of City events, uses or park protection, or due to prior reservations, swim meets or other Warson Woods Swim Club events, or past ordinance violations by applicant.
 - 7. *Procedure.* The City staff, in collaboration with the Park Committee and with approval by the Board of Aldermen, will maintain a reservation application procedure, including penalties and fees to be assessed in accordance with the reservation procedures, on file in City Hall. The policy shall be in accordance with the Park regulations in this Chapter 230. The policy may be changed as needed, but should be reviewed from time to time, with any changes to that policy being brought to the Park Committee for input and then recommendation to the Board of Aldermen for approval as an amendment to said Policy. It may be changed as needed

* Not-for-profit groups include, but are not limited to, Police/Fire Departments, City employees, local operators of businesses within the City for non-commercial use only, Churches, Schools within the City

as long as the above-stated protocol for changes is followed and a current policy is always available for review.

- C. Deposits Due Before Reservation is Assigned.
1. Reservation permits for use of the park require a deposit, as set forth by the Board of Aldermen from time to time, upon application approval before a date can be assigned to that user. Failure to cancel a reservation two weeks in advance of a scheduled date results in forfeiture of deposits. Weather related cancelations normally result in a refund.
 2. If a user requests special permission from the City Clerk, alcohol may be served as long as there are no glass containers brought into the park. A permit to include alcohol may require an additional deposit as set forth by the Board of Aldermen from time to time.
 3. No more than one hundred (100) people can be in attendance at any function upon a reservation. If the application is requesting more than one hundred (100) people, the application will be reviewed by the Park Committee and decisions will be made on a case-by-case basis.
 4. Any damages or cleanup charges resulting from the use of the Park by the reserved party will be deducted from the deposit and/or additionally billed to the reserving party.
 5. If Police have to be called because of group misbehavior, the entire park deposit will be forfeited and future reservations for that group may be denied.
- D. If a group is given permission by the City to erect one (1) or more tents, a non-refundable fee, as determined by the Board of Aldermen from time to time, will be charged. Additionally, any such tents must be removed within two (2) days of the event. For the purposes of this provision, “tents” are defined as covered temporary structures which, individually or in aggregate, exceed one hundred (100) square feet of ground coverage. A copy of the flame retardant certificate is required (and may also be required by the Glendale Fire Department). **Tents or canopies over 900 square feet (30’x30’) will require a Temporary Structure Permit from the St. Louis County Public Works Department.**
- E. By being granted and accepting the reservation, Applicant covenants and represents that applicant will indemnify the City of Warson Woods from any loss, damage, cost, charges or expenses whether to person or property, to which the City of Warson Woods may suffer as a result of any action, neglect, omission or default on the part of the applicant or applicant’s guests. In the event any litigation shall be brought against the City, or any of its employees, as a result of any action, neglect, omission or default by applicant or applicant’s guests, the applicant warrants, represents and covenants that applicant will assume the defense thereof and pay any and all costs, charges, attorney’s fees, expenses and any judgments that may be incurred by or obtained against the City. In addition to any other remedies or penalties established by law, the City may apply to a

court of competent jurisdiction to prosecute the applicant or applicant's guests for violation of this Chapter 230.

Section 230.050. Tennis Facilities — Permits.

Permits are required to use the tennis facilities located in Royal Oaks Park. Permits are available to residents of Warson Woods at the City offices with permit fees set by the Board of Aldermen from time to time and posted in City Hall and/or on the City's website. The use of the tennis facilities is governed by specific rules approved by the Board of Aldermen and posted at Royal Oaks Park. Nothing in this Chapter 230 shall prohibit use of the tennis facilities or other part of any City park for City-sponsored events.

Section 230.060 Liability for Minors

A parent, guardian or other adult person having the care and custody of a minor commits the offense of allowing a minor to damage or destroy park property if he/she knowingly permits, or by criminal negligence allows, the minor to violate any of the provisions of this Chapter 230 or other code section that results in damage to the Park.

SECTION 2. This ordinance shall be in full force and effect on and after its passage and approval by the Board and the Mayor.

THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI THIS 15th DAY OF MARCH, 2016.

Laurance M. Howe, Mayor

ATTEST:

Kathy Mahany, City Clerk

APPROVED AS TO FORM:

Paul V. Rost, City Attorney