

ORDINANCE 5-04

AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, AMENDING THE CITY CODE OF ORDINANCES TITLE IX, GENERAL REGULATIONS, ADDING A NEW CHAPTER, 97, "PARKS AND RECREATION", FOR THE USE, CONTROL, AND REGULATION OF THE CITY-OWNED OR OPERATED PARK AND RECREATIONAL PROPERTIES AND FACILITIES.

WHEREAS, City staff has conducted a study as to the best use, control, and regulation of the City park and recreational system to insure to the public the most enjoyable facilities that can be provided; and

WHEREAS, the following have been determined to constitute the City parks and recreational system:

Storer Property	Highland Avenue
Fort Wright Nature Center	Highland Pike
South Hills Civic Club	Bluegrass Avenue
Veteran's Memorial	409 Kyles Lane
Tot Lot	409 Kyles Lane
Garden for the Blind	409 Kyles Lane
Volunteer Park	Park Road
Pocket Park	Dixie Highway and Kyles Lane

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTON COUNTY, KENTUCKY:

SECTION I

That a new Chapter, 97, is added to the City Code of Ordinances, Title IX, "General Regulations", as follows:

SECTION 97.01	Use and Privilege
SECTION 97.02	Hours of Operation
SECTION 97.03	Animals in Parks
SECTION 97.04	Operation of Motor Vehicles Restricted
SECTION 97.05	Permit Required for Certain Activities
SECTION 97.06	Prohibited Activities
SECTION 97.99	Penalties

SECTION 97.01 Use and Privilege

Use by Organized Groups or Clubs

City parks and recreational facilities are maintained and operated by the City primarily for the use of individuals, families, and small groups of recreation seekers and for picnickers who desire to avail themselves of the facilities offered by the City. No person, firm, or corporation shall hold, conduct, or attend any public meeting to be given by, under the auspices of, under the name of, or for the benefit of any organized group or club, unless there has first been obtained written permission from the Mayor or City Administrative Officer to conduct or hold the affair pursuant to established guidelines for the issuance of such permits.

The City of Fort Wright assumes no responsibility for any use of any City park or recreational facility except the maintenance, control, and operation of same as a part of its park system and where other uses as herein are permitted, such uses shall be deemed a strict privilege, and the City assumes no responsibility whatsoever for loss, injury, or destruction to persons or property, whatever the cause, because of the exercise thereof and such privileges shall be subject to revocation at anytime without notice and without payment of compensation or return of any fee.

Any person or persons exercising any privilege in or upon any City park or recreational facility in Fort Wright, when such privilege is permitted and/or authorized together with all vehicles, and/or equipment used in connection with the exercise of such privilege shall be subject to all the regulations, limitations, restrictions, and penalties hereinafter contained or hereafter imposed, all of which shall be subject to inspection.

SECTION 97.02 Hours of Operation

The City park and recreational system shall be open to the public between dawn and dusk. The Mayor or City Administrative Officer may grant written permission for use of any park or recreational facility outside of the posted time pursuant to established guidelines for the issuance of such permits.

It shall be unlawful for any person to be in or on any City park or recreational facility or property without permission after said park or recreational facility or property has closed.

SECTION 97.03 Animals in Parks

No animals shall be permitted within the improved picnic or play areas of the parks or recreational facilities.

No person shall take any dog or other animal on or within any park or recreational facility or property unless it is held by a leash, chain, or cord held by that person at all times. No person shall permit any animal of any kind to run at large upon or within the parks or recreational facility or property, nor shall any animal be tied to any tree, plant, or shrub in

any park or recreational facility or property by any person.

Any animal that constitutes a physical threat to human beings or other animals by its demeanor or actions shall be prohibited from being in a City park or recreational facility or property.

No animal that constitutes a nuisance by odor, noise, or other means shall be permitted in any City park or recreational facility or property.

No owner or custodian shall fail to clean up after his or her pet, including, but not limited to, animal feces, in any City park or recreational facility.

SECTION 97.04 Operation of Motor Vehicles Restricted

No person shall drive or operate any motor vehicle or any other vehicle or conveyance upon any park or recreational facility or property, except on the roadway provided for that purpose.

No person shall operate any ATV's (All-Terrain Vehicles) in any park or recreational facility or property at any time without written permission of Mayor or City Administrative Officer.

No person shall drive any vehicle within any park or recreational facility or property at a speed greater than 15 miles per hour.

It shall be unlawful to operate said motor vehicles beyond any gate, cable, or any other obstruction, or proceed beyond any parking area or sign prohibiting such travel, except for City owned and operated vehicles, unless written permission is received from the Mayor or City Administrative Officer.

Motorized vehicles shall be permitted in the park and recreational system solely for the purpose of transportation to and from the parks, and not for any other use.

It shall be unlawful for vehicles to be parked other than in the designated parking areas. Existing regulations regarding handicapped parking apply.

No parking is permitted off the paved areas, or along driveways, or on bicycle or walking or hiking trails, or outside the hours of operation of any park or recreational facility, except for City owned and operated vehicles, without the consent of the City. Vehicles in violation may be towed at the owner's expense.

It shall be unlawful for any person to perform vehicle repairs in any City park or recreational facility or property.

SECTION 97.05 Permit Required for Certain Activities

A City permit is required for exclusive use of a shelter house, athletic field, court, or any other City park or recreational facility or property pursuant to established guidelines for the issuance of such permits. For events operated by non-City organizations charging an entry fee, the City may assess a charge to the organization.

(A) Fishing

Fishing is permitted from the shore only.

Frog-gigging is not permitted on any City-owned or maintained lake or pond.

Ice Fishing is not permitted on any City-owned or maintained lake or pond.

All persons shall possess a Kentucky fishing license.

All State of Kentucky fishing regulations shall be applicable.

SECTION 97.06 Prohibited Activities

Advertising. No person, firm, or corporation, or other entity shall display, post, distribute, or place any sign, advertisement, circular notice, statement, banner, emblem or design in any park or recreational facility or property without written permission of the City.

Alcoholic beverages. No person shall possess or consume any alcoholic beverage in any park or recreational facility or property, except as a planned event with the written permission of the City.

Artifacts. It shall be unlawful for any person, firm, corporation, or other entity to remove or possess any artifacts or other items from any City park or recreational facility or property.

Boating. It shall be unlawful to use any boat or canoe or any other watercraft device including inflatable devices in any City park or recreational facility or property, except City employees on official business or other so authorized agents of the City on official business, and except property owners with an easement of record granting them the right to boat thereon.

Camping. It shall be unlawful to camp overnight in any City park or recreational facility or property, except as a planned event with permission of the City. Any authorized camping shall be done only in areas designated by the City.

Cooking. No person shall make, set, cause, or use any fire within any City park or recreational facility or property except in grills provided by the City, and only for the purpose of cooking food, within the park property for that purpose, unless they have first obtained written permission to do so from the City.

Destroying Park or Recreational Facility or Property. It shall be unlawful for any person to take, carry away, disturb, molest, destroy, mar, deface, mutilate, mark, or damage any tree, shrubbery, or any other property within the parks or recreational facilities.

It shall be unlawful for any person to remove any object, abuse, deface, or alter the park system, including properties and equipment associated with the park or recreational system.

It shall be unlawful for any person to cut or remove any trees, flowers, or vegetation within any City park or recreational facility (except when required for reasons of public safety or maintenance and then only by the City of Fort Wright Public Works Department personnel, or agents/contractors of the City or utility companies operating within their easements)

Excavating. It shall be unlawful for any person, firm, corporation, or other entity to excavate in any City park or recreational facility without written permission of the City.

Fireworks. It shall be unlawful to possess any fireworks anywhere in any City park or recreational facility or property except as a planned event with written permission of the City.

Glass Containers. It shall be unlawful to bring or use glass beverage containers in any City park or recreational facility or property.

Hunting. It shall be unlawful to hunt, trap, or in any way injure or molest any wild animal found within any City park or recreational facility (except when required for reasons of public safety or as authorized by the City or a Conservation Officer with the Kentucky Department of Fish and Wildlife) or property.

Ice Skating. It shall be unlawful to ice skate on any City owned or maintained lake or pond in the City without written permission of the Mayor or City Administrative Officer.

Littering. No person shall throw or deposit litter in any park or recreational facility or property within the City except in trash receptacles provided for that purpose and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where trash receptacles are not provided, all such litter shall be carried away from the park or recreational facility by the person responsible for its presence and properly disposed of.

Metal Detectors. It shall be unlawful to possess or operate any metal detecting device in any City park or recreational facility or property without written permission of the City.

Selling. No person, firm, corporation, or other entity shall conduct or engage in any form of trade, business, or other commercial activity or perform any type of service for consideration within any park or recreational facility or property without the written permission of the City.

Smoking. It shall be unlawful to smoke or use tobacco in any City park building or facility except for picnic shelters.

Swimming. It shall be unlawful to swim or otherwise enter any body of water in any City park or recreational facility or property.

SECTION 97.99 Penalties

Any person or persons violating any provisions of this Ordinance shall be guilty of a Class B Misdemeanor and shall upon conviction be subject to a fine of not less than \$20.00 nor more than \$250.00 or imprisonment of not more than 30 days or both for each offense. Violators may be cited with either a State Citation to District Court or City Citation. The fine for the City Citation shall be \$20.00.

In addition the violator may be ordered to pay restitution to the City for any damage caused.

Any person convicted of a violation of this Ordinance may be prohibited from being in or on any City park or recreational facility or property for a period of thirty (30) days up to permanent expulsion following such conviction at the determination of the Mayor.

All violations of the Kentucky fishing regulations shall be reported to the Kentucky Division of Fish and Wildlife.

SECTION II

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

SECTION III

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 14th day of July, 2004.

City of Fort Wright, Kentucky
A Municipal Corporation of the Fourth Class

Gene Weaver, Mayor

Attest: _____
City Clerk

First Reading: _____
Second Reading: _____
Published: _____