

## CHAPTER 95: PARKS AND RECREATION

### Section

- 95.01 Purpose
- 95.02 Authority
- 95.03 Enforcement
- 95.04 Definitions
- 95.05 Use by the general public; hours of use
- 95.06 Permit procedures
- 95.07 Fees and charges
- 95.08 Domesticated animals and wildlife
- 95.09 Activities requiring permit
- 95.10 Prohibited activities
- 95.11 Other

### § 95.01 PURPOSE.

The purpose of this subchapter is to establish regulations to provide for the safe and peaceful use of town park property by the public, for the recreational benefit and enjoyment of the public and for the protection and preservation of the property, facilities and natural resources of the town.

(Prior Code, Ch. 13, Art. I, § 13-1) (Ord. 359-03, passed 12-15-2003)

### § 95.02 AUTHORITY.

(A) The Town Council authorizes the Town Manager to promulgate special rules and administrative policies necessary and appropriate to administer these regulations and to enforce the same.

(B) The policies shall be in writing and made available to the public during normal business hours in the office of the Town Parks and Recreation Department.

(Prior Code, Ch. 13, Art. I, § 13-2) (Ord. 359-03, passed 12-15-2003)

### § 95.03 ENFORCEMENT.

(A) Any violations of this chapter shall be unlawful and subject to criminal prosecution and upon conviction shall be punishable under § 10.99 of the Town Code.

(B) Enforcement shall be the responsibility of the Town Manager or designee to include the Town Parks and Recreation Department, Police Department or other appropriate town employees.

(Prior Code, Ch. 13, Art. I, § 13-3) (Ord. 359-03, passed 12-15-2003) Penalty, see § 10.99

### § 95.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

***PARKS AND RECREATION DIRECTOR.*** The person immediately in charge of the Parks and Recreation Department, and to whom all Department employees are responsible.

***PARK PROPERTY.*** Any land, its landscaping and vegetation, buildings, fixtures, monuments or structures located thereon, devoted to park or recreational uses and owned, operated or established by the Town of Florence or the Town Council.

(Prior Code, Ch. 13, Art. I, § 13-4) (Ord. 359-03, passed 12-15-2003)

**§ 95.05 USE BY THE GENERAL PUBLIC; HOURS OF USE.**

(A) Park property and recreation programs are open to use by all members of the public regardless of race, sex, national origin, color or physical disabilities.

(B) Permitted hours of use shall be between 5:00 a.m. and 10:00 p.m., Sunday through Thursday, and 5:00 a.m. and 11:00 p.m., Friday and Saturday, unless the person has acquired the appropriate permit from the Town Parks and Recreation Department.

(C) In park property with functions sports lighting, the hours of use may be extended to 12:00 midnight for conducting sporting events and other events approved by permit.

(D) Hours of use shall not apply to the use of public sidewalks or public streets located within any park property which are being used as a transportation corridor.

(E) No person shall enter park property which has been closed to use and is so posted by the town.

(F) Town employees and law enforcement officers acting within their authority shall be exempt from the provisions of this section.

(Prior Code, Ch. 13, Art. I, § 13-5) (Ord. 359-03, passed 12-15-2003) Penalty, see § 10.99

**§ 95.06 PERMIT PROCEDURES.**

(A) A permit shall be obtained from the Town Parks and Recreation Department whenever any person or group desires to reserve town designated park areas to conduct activities.

## Florence - General Regulations

(B) Application for a permit must be received a minimum of ten working days prior to the anticipated use, on forms provided by the Town Parks and Recreation Department.

(C) Permits shall be issued to persons 18 years or older by the Director or designee within a reasonable period of time following receipt of application, in accordance with this chapter and administrative policies pertaining to park use.

(D) Permits issued pursuant to this section must be in the possession of the permittee during the activity and shown upon request.

(E) Functions shall be confined to the specific part of the facility assigned to the permit holder.

(F) If control personnel, parking attendant, traffic control devices and the like, are necessary to provide safe and orderly use, they shall be supplied by the permit holder.

(G) Continuous use of facilities by clubs, organizations and associations shall be permitted through signed agreement which may be reissued as necessary at the discretion of the Parks and Recreation Director or designee. A permit issued pursuant to this section shall not exceed one year.

(H) Activities sponsored or co-sponsored by the town shall have first priority in the use of any park property.

(I) Any request for a use not contemplated by this chapter, administrative policies or denied by the Parks and Recreation Director, may be forwarded to the Town Manager for consideration.

(J) Protest rallies, picketing activities or other gatherings to exercise free speech rights under the First Amendment shall be exempt from these permit requirements.

(Prior Code, Ch. 13, Art. I, § 13-6) (Ord. 359-03, passed 12-15-2003)

**§ 95.07 FEES AND CHARGES.**

(A) The Parks and Recreation Board may be authorized to establish a uniform schedule of fees for the services with all receipts to be paid into the general fund of the municipality. The fee schedules shall become effective upon approval by the Town Council.

(B) All fees and deposits must be paid prior to use, unless other arrangements are made with the Parks and Recreation Director or designee and written within the permit issued.

(Prior Code, Ch. 13, Art. I, § 13-7) (Ord. 359-03, passed 12-15-2003)

**§ 95.08 DOMESTICATED ANIMALS AND WILDLIFE.**

(A) With the exception of dogs and cats, no domesticated animal or wildlife shall be brought onto park property unless authorized by permit.

(B) No person shall bring domesticated animals or wildlife upon park property unless on a leash, and is at all times entirely within the control of the person bringing it upon park property.

(C) Domestic animals are not permitted at any time in certain posted areas of park property.

(D) Persons bringing domestic animals or wildlife upon park property are responsible for immediate cleanup and removal of the animal's defecation. It shall be unlawful for any person to cause or permit domestic animals or wildlife to be on park property unless the person has in his or her immediate possession an appropriate depository for the transmission of excrement to a waste receptacle. This provision shall not apply to a person who is physically disabled.

(E) No person shall catch, injure, destroy or interfere in any way with any wildlife on park property.

(Prior Code, Ch. 13, Art. I, § 13-8) (Ord. 359-03, passed 12-15-2003) Penalty, see § 10.99

#### § 95.09 ACTIVITIES REQUIRING PERMIT.

The following activities shall not be conducted on park property unless authorized by permit:

(A) Playing an audio device, use a public address device or any device to amplify music;

(B) Operation of a motor vehicle of any type, including, but not limited to, automobiles, motorcycles, motorbikes, except on roads or parking areas designated for that purpose;

(C) Leaving personal property unattended for more than four hours;

(D) Carrying, possessing or discharging a bow and arrow, dart, firearm, knife with a blade of more than three inches in length or other dangerous weapons. Law enforcement officers acting within their authority shall be exempt;

(E) Flying or launching powered model airplanes or rockets;

(F) Cutting or sawing any live or dead trees or their parts with any type of equipment, power or otherwise, or remove any live or dead trees;

(G) No signs, notices, decorations or objects of any kind shall be attached to, located on or painted on any part of park property;

(H) Conducting or soliciting of any business, trade or occupation;

- (I) Enclosure of any area or erection of any structures;
- (J) Planting of vegetation or causing vegetation to be planted;
- (K) Digging into the surface of park property;
- (L) Horseback riding; law enforcement officers acting with their authority shall be exempt;
- (M) Roller-skating, skateboards and bicycling in areas so posted; and

(N) Use of any portion of a park for golfing purposes, or make use of any golf clubs or golf balls.

(Prior Code, Ch. 13, Art. I, § 13-9) (Ord. 359-03, passed 12-15-2003)

**§ 95.10 PROHIBITED ACTIVITIES.**

The following activities shall be prohibited on park property:

- (A) Servicing any automobile, including washing, waxing, repairing or performing other work, except in case of any emergency;
- (B) Defacing, destroying or injuring in any way, misusing or removing any park property;
- (C) Interfering with any town employee acting in the course of his or her official duties;
- (D) Possessing and discharging any fireworks or explosives on park property;
- (E) Depositing, leaving or spilling refuse or other substances other than in receptacles

## Florence - General Regulations

provided for this purpose;

(F) Depositing refuse from private premises in park property trash receptacles;

(G) Possessing a glass beverage container in any park, trail or facility, nor shall any person purposely throw, toss or otherwise propel or break any glass object on park property, park area or access road leading to park property;

(H) Urinating or defecating other than in the proper restroom facilities provided;

(I) Congregating or assembling in or about any restroom or entry-ways of buildings in such a manner as to hinder or obstruct the proper use thereof;

(J) Violating any regulation posted for the operation of an individual recreation center or facility;

(K) Utilizing a playing field which is wet, or otherwise unsuitable for play and which may cause damage to the field;

(L) Camping or overnight parking; unless it is a town-sponsored activity;

(M) Fires are permitted for the purpose of cooking only in picnic areas and are restricted to grills constructed for this purpose and privately owned grills or stoves. Wood fires on park property are prohibited for any purpose;

(N) Trapping, except when necessary by the State Game and Fish Department or other law enforcement authority; and

(O) Consuming spirituous liquor as defined by state law. This division shall not apply to a person consuming beer from a broken package on park property except as otherwise posted.



(Prior Code, Ch. 13, Art. I, § 13-10) (Ord. 359-03, passed 12-15-2003) Penalty, see § 10.99

**§ 95.11 OTHER.**

(A) Lost objects found on park property must be turned over to the town police or Town Parks and Recreation Department and may be recovered by proper identification at Police Headquarters or Town Parks and Recreation Office.

(B) Picnic areas not requiring a permit are operated on a “first come, first serve” basis. Picnic armadas shall be reserved by permit on a “first come, first serve basis”, which must be made in person at the Parks and Recreation Office.

(Prior Code, Ch. 13, Art. I, § 13-11) (Ord. 359-03, passed 12-15-2003)

*PARADES***§ 96.60 DEFINITION.**

In this subchapter *PARADE* means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the municipality.

(Prior Code, Ch. 16, Art. III, § 16-61)

**§ 96.61 EXCEPTIONS.**

The provisions of this subchapter do not apply to:

(A) Funeral processions;

(B) Students going to and from school classes or participating in education activities, providing the conduct is under the immediate direction and supervision of the proper school authorities; and

(C) A governmental agency acting within the scope of its functions.

(Prior Code, Ch. 16, Art. III, § 16-63)

**§ 96.62 PERMIT REQUIRED.**

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the Town Manager.

(Prior Code, Ch. 16, Art. III, § 16-76) Penalty, see § 10.99

§ 96.63 PERMIT APPLICATION.

(A) A person seeking issuance of a parade permit shall file an application with the Town Manager not less than seven days before the date on which he or she is proposed to conduct the parade on forms provided by the municipality.

(B) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization;

(3) The name, address and telephone number of the person who will be the Parade Chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons who, and animals and vehicles which will constitute the parade, the type of animals and description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

## Florence - General Regulations

(9) The location by streets of any assembly areas for the parade;

(10) The time at which units of the parade will begin to assemble at any assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf; and

(13) Any additional information which the Town Manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(C) The Town Manager shall have the authority to consider any application hereunder which is filed less than seven days before the date the parade is proposed to be conducted.  
(Prior Code, Ch. 16, Art. III, § 16-77)

#### § 96.64 STANDARDS FOR ISSUANCE OF A PERMIT.

The Town Manager shall issue a parade permit when, from a consideration of the application and from the other information as may otherwise be obtained, he/she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the municipality to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the municipality other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(Prior Code, Ch. 16, Art. III, § 16-78)

**§ 96.65 NOTICE OF DENIAL OF A PERMIT.**

If the Town Manager disapproves the parade permit application, it shall mail to the applicant, within three days after the date upon which the application was filed, a notice of the action.

(Prior Code, Ch. 16, Art. III, § 16-79)

**§ 96.66 ALTERNATIVE PERMIT.**

The Town Manager, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two days after notice of the action of the Town Manager, file a written notice of acceptance with the Town Clerk. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit.

(Prior Code, Ch. 16, Art. III, § 16-80)

#### § 96.67 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the streets to be traversed that may be occupied by the parade;

(F) The maximum length of the permit in miles or fractions thereof; and

(G) Such other information as the Town Manager shall find necessary to the enforcement of this section.

(Prior Code, Ch. 16, Art. III, § 16-81)

**§ 96.68 POSSESSION OF PERMIT.**

The Parade Chairperson or other person heading or leading the activity shall carry the parade permit upon his or her person during the conduct of the parade.

(Prior Code, Ch. 16, Art. III, § 16-82)

**§ 96.69 COMPLIANCE WITH LAW REQUIRED.**

A parade permittee shall comply with all parade permit directions and conditions and with all applicable laws and ordinances.

(Prior Code, Ch. 16, Art. III, § 16-83)

**§ 96.70 REVOCATION OF PERMIT.**

The Town Manager may revoke a parade permit upon application of the standards for issuance of same.

(Prior Code, Ch. 16, Art. III, § 16-84)

