

## Chapter 34—The Board of Parks and Recreation

(ORD. #5-18)

(ORD #5-21)

(ORD. #38-23)

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#### **34.010. (ORD #38-23) Created.**

Pursuant to the authority granted by Section 67.750 RSMo, et seq. there is hereby established an advisory board to be known as the Holden Board of Parks and Recreation (Park Board).

#### **34.020. (Ord #05-21) (ORD #38-23) Composition.**

The Park Board shall be composed of seven (7) directors, to be chosen from the citizens residing in the Holden R-III and Kingsville R-I School Districts. Two (2) members of the board shall be members of the City Council with voting rights. All members are to serve without compensation.

#### **34.030. Appointment.**

Park Board members shall be appointed by the Mayor with the consent and approval of the City Council.

#### **34.040. (ORD #38-23) Terms of office; procedure for initial appointment.**

Park Board members shall hold office for a term of five (5) years, with members being appointed one per year, and the Council members being appointed annually. Upon the initial formation of the Park Board, the five (5) community persons shall be appointed by the Mayor with approval of the City Council, said persons shall cast lots such that one member shall hold their office for one (1) year, one member shall hold their office for two (2) years, one member shall hold their office for a term of three (3) years, one member shall hold their office for a term of four (4) years, and one member shall hold their office for a term of five (5) years, and annually thereafter the Mayor shall appoint replacement directors who shall hold office for five (5) years and/or until their successors are appointed. Council board members shall be appointed each year in the month of May.

#### **34.050. (ORD #38-23) Successive terms restricted.**

No member of the Park Board shall serve for more than two (2) successive full terms. No member shall be eligible for re-appointment to the Park Board until two(2) years have expired.

#### **34.060. (ORD #38-23) Removal of member, procedure for removal.**

A member of the Park Board may be removed from office as follows:

At the recommendation of the Mayor, and a majority vote of the city council, or by a two-thirds (2/3) majority vote of the City Council, any member of the Park Board may be removed for misconduct and/or neglect of duty.

#### **34.070. Filling of vacancies.**

Vacancies on the Park Board occasioned by removals, resignations, or otherwise, shall be reported to the Mayor and be filled in like manner as the original appointments, except that if the vacancy is an unexpired term, the appointment shall be made for the unexpired portion of the said term.

**34.080. Compensation.**

No member of the Park Board shall receive any compensation for service.

**34.090. (ORD #38-23) Organization, rules, and regulations.**

Upon appointment or as soon as possible after their appointment, the members of the Park Board shall meet and organize their body by electing one (1) of their number as Chair, one (1) of their number as Secretary, and by electing such other officers as they may deem necessary. Annually thereafter, the Park Board shall appoint a chairman and secretary each May.

The board shall make and adopt necessary by-laws, rules, and regulations, to be consistent with the City's code of ordinances and the Revised Statutes of Missouri. A copy of said rules and regulations shall be filed with the City Clerk and open for inspection by any member of the public.

**34.091. (ORD #38-23) Meetings; quorum; attendance.**

The Park Board shall hold regular meetings at City Hall; the meetings shall be held every first Thursday of each month. A quorum for the transaction of business at such meetings shall be four (4) members.

**34.092. (ORD #38-23) Meeting procedures.**

All meetings of the Park Board shall be open to the public and shall have a notice posted by the City Clerk consistent with Chapter 610 of the Revised Statutes of Missouri. The Chairman of the Park Board shall provide notice prior to the meeting of the time and place to all members of the Board, to media outlets if requested, and to the City Clerk for public posting. The business of the Park Board shall be taken up for consideration and disposition in a manner substantially similar to the following:

- a.** Call to Order
- b.** Roll Call
- c.** Approval of Minutes
- d.** Financial Report
- e.** Public Comments
- f.** Old Business
- g.** New Business
- h.** Committee Reports
- i.** Adjournment

**34.110. (ORD #38-23) Park Board-annual report.**

The Chair of the Park Board shall make an annual report to the City Council each May outlining the activities of the Park Board.

**34.120. (ORD #38-23) Donations of money, personal property or real estate.**

Any person or organization desiring to make donations of money, personal property or real estate for the exclusive benefit of City parks shall have their donations presented to City Council for approval.

**34.121. (ORD #38-23) Purchasing policies and procedures.**

- A. All purchases exceeding one thousand dollars (\$1000) must be documented with a purchase order and approved and signed by The Parks and Recreation Board Chairperson, City Administrator or Mayor, and the City Council committee person assigned to the Park

Board. Like purchases are not permitted to be broken up for the sole purpose of avoiding the use of a purchase order.

- B. All purchases and contracts exceeding five thousand dollars (\$5000) for projects, repairs or services require documentation of three (3) competitive quotes. These purchases must also be documented with a purchase order signed by the Parks and Recreation Chairperson and approved by the City Administrator or Mayor, and the City Council committee person assigned to the Park Board.
- C. All purchases and contracts exceeding ten thousand dollars (\$10,000.00) for projects, repairs or services require legal advertisement, written specifications, sealed bids, and are awarded by the City Council. Sealed bids shall be submitted to the City Administrator or Mayor for public opening and evaluation prior to City Council action. This ordinance shall not be interpreted or construed in a manner that would prohibit the Mayor of Holden from expending city resources to protect the City's property or citizenry.
- D. All competitive bids shall be sealed upon receipt. All bids for such projects, repairs or services shall be sought by placing an advertisement in a local newspaper informing the general public that the Board of Parks and Recreation is seeking such bids. This ordinance shall not be interpreted or construed in a manner that would prohibit the Mayor of Holden from expending city resources to protect the City's property or citizenry.

**34.130. Special charges permitted.**

Subject to approval by the City Council, the Park Board is authorized to fix fees and charges for any specifically designated area or portion of any City park that is especially equipped to provide recreation or amusement for the public when other funds of the park system are not adequate to provide for such special areas; provided, however, that such fees and charges shall not be excessive and shall be no more than is required to provide such special facilities or utilities.

**34.140. Additional powers.**

The Park Board shall have the power to exclude any person from any facilities or recreational activities due to disorderly conduct of any kind or for failing to comply with applicable laws, ordinances, rules, and regulations.

**34.200. Hours of operation of public parks.**

Unless approved by the Park Board in writing, no person shall be permitted to be in any City parks from dusk to dawn. The Park Board may set additional hours of operation for specific parks and facilities to the extent said hours are not inconsistent with this subsection.

**34.210. Posting of signs prohibited.**

It shall be unlawful for any person to post, affix, place or inscribe any handbill, poster card, sign, device, or inscription to, upon or against any fence, structure, tree, or property of, in, or on City parks, unless specifically authorized by a City ordinance regulating such; however, this shall not apply to duly authorized City personnel acting in the performance of their duties.

**34.220. (ORD #38-23) Selling in parks prohibited.**

It shall be unlawful for any person to sell, or offer to sell, or to erect or place or cause to be erected or placed, any stand, tent, building, wagon, cart, vehicle, trailer, structure, or any other facility for the purpose of selling or offering to sell, any goods, supplies, articles, or services, within any City park, without first obtaining the appropriate permit or facility lease.

**34.230. Sale of alcoholic beverages prohibited.**

It shall be unlawful for any person to dispense, sell, offer for sale, or deliver to, in any City park, any intoxicating liquor or non-intoxicating beer.

**34.240. Fires.**

It shall be unlawful for any person to make a fire for any purpose on the grounds of City parks except in fireplaces constructed for such purpose; provided, however, this shall not apply to duly authorized City personnel acting in the performance of duty.

**34.250. Climbing fences prohibited.**

It shall be unlawful for any person to climb over, under, or through any fence that is in or around any city park.

**34.260. Driving or parking motor vehicles on City park property.**

1. It shall be unlawful for any person to drive or park a motor vehicle across, over or upon, any City park property, other than roads or parking lots; provided, however, that this subsection shall not apply to duly authorized City personnel acting in the performance of duty.
2. In addition to any other penalty prescribed by this Code, any motor vehicle found parked upon City park property may be impounded by the police, and the owner of such vehicle, upon payment of towing and storage fees or charges, may obtain a release of their vehicle from impoundment.

**34.280. Defacing, destroying, or removing property.**

1. It shall be unlawful for any person to mark, deface, disfigure, injure, tamper with or displace or remove, any of the following found in City parks: building, bridges, tables, fences, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, property or

appurtenances , either real or personal.

2. It shall be unlawful for any person in a park to 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 grassy areas, or in any other way injure or impair the natural beauty or usefulness of any area.
3. It shall be unlawful for any person in a park to dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except by specified written permit issued hereunder.

**34.290. (ORD #38-23) Supervision of children.**

Children under twelve (12) years of age shall not avail themselves of the facilities of the park unless accompanied by a parent or guardian or someone sixteen (16) or older.

**34.300. Authorized users assume risk.**

Any person authorized to use City parks shall do so at their own risk. Neither the City nor the Park Board is liable for injury, damage of personal property, and/or theft.

**34.310. Camping.**

Any person, group or organization desiring to avail themselves of overnight camping on the grounds shall first secure permission and pay the fee as provided in the City's fee schedule. Three consecutive nights of camping shall be the maximum permitted, unless otherwise approved. Only RV/campers are permitted as primary camping use; tents are only permitted as a secondary use along with an RV/camper.

**34.320. (ORD #38-23) All-terrain vehicles; motorcycles; horseback riding.**

Other than vehicles operated by City personnel in the performance of their duties, no person shall operate any all-terrain vehicle, recreational off highway vehicle, golf cart, utility vehicle, or low-speed vehicle, in or upon any City park unless such use is explicitly authorized by state law. Golf carts licensed with a City of Holden permit are only authorized on paved roads.

Horseback riding in the Holden City Park shall be restricted to the area in and adjoining the arena area.

**34.330. Vandalism.**

The City shall not be responsible for any damage, destruction, or acts of vandalism to any personal property located within any City park.

**34.340. Restrooms and Washrooms.**

It shall be unlawful for any person in a park to fail to cooperate in maintaining park restrooms and washrooms in a neat and sanitary condition.

**34.350. Discarding refuse and trash.**

It shall be unlawful for any person to bring, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash in to or on any City park. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof but shall be placed in their proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

**34.360. Water pollution, contamination.**

It shall be unlawful for any person in a park to throw, discharge, or otherwise place or cause to place in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution, discoloration or contamination of said waters.

**34.370. Parking.**

It shall be unlawful for any person in a City park to park a vehicle in any location other than an established or designated parking area, and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present.

**34.380. Loitering, disorderly conduct.**

It shall be unlawful for any person in a City park to sleep or protractedly lounge on the seats, benches, or other areas; or to engage in loud, boisterous, threatening, abusive, insulting, or indecent language; or to engage in any disorderly conduct or behavior tending to a breach of the public peace.

**34.390. Fireworks or explosives.**

It shall be unlawful for any person in a City park to bring, possess, set off, or otherwise cause to explode or discharge or burn any firecrackers, torpedo, rocket, or other fireworks or explosives of flammable material; or discharge them or throw them into any park area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that, in conjunction with any substance or compound, would be dangerous from any of the foregoing standpoints, except under the sponsorship of organized groups and with the permission of the Park Board.

**34.400. (ORD #38-23) Permits.**

1. A permit shall be obtained from the appropriate City office before participating in any special use or activity in the City parks. A list of such uses and activities shall be approved annually by the Park Board, posted at City parks, and kept on file with the City Clerk.
2. A permit shall be on a form promulgated by the City Clerk and approved by the Park Board. Said permit shall contain the following information:
  - a. The name and address of the applicant.
  - b. The day and hours for which the permit is desired.
  - c. The park or portion thereof for which such permit is desired.
  - d. Any other information which the Park Board deems reasonably necessary to a fair determination as to whether a permit should be issued hereunder.
3. The City shall consider the following when evaluating a permit:
  - a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
  - b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
  - c. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
  - d. That the proposed activity will not entail unusual, extraordinary, or burdensome expense or police operation by the City.
  - e. That the facilities desired have not already been reserved.
  - f. A certificate of liability insurance has been submitted based on the following:
    - i. No insurance shall be required for events that do not request exclusive use or control of a park facility and which use a park or park facilities for activities for which the park or park facilities were designed and that do not bring any temporary or portable facilities, structures, or devices into the park.
    - ii. Unless waived by the City Council, liability insurance in an amount not less than one million dollars (\$1,000,000.00) for all claims arising out of a single accident or occurrence which names the City as co-insured shall be required for events including, but not limited to, the following:

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1. Festivals, concerts, contests, athletic camps and events, exhibitions, and celebrations.
  2. Hot air balloon festivals or competitions.
  3. Events involving animals for show, display, or rides.
  4. Events involving devices that entail risk of injury including, but not limited to, inflatables (such as bounce houses), dunking booths, amusement or carnival rides, mock weapons, or battery or gas-powered devices/toys.
- g. The following activities shall not be permitted in City parks:
- i. Tethered hot air balloon rides.
  - ii. Climbing walls.
  - iii. Fireworks, pyrotechnic displays, torpedoes, and rockets.
  - iv. Helicopters, airplanes, powered parachutes, hang gliders, and other aerial or aviation devices other than hot air balloons.
  - v. Motorized vehicle races or contests and precision driving contests and stunts.
  - vi. Remote control airplanes, drones, and other unmanned flying devices.
4. If a permit is denied, the City shall apprise and applicant, in writing, of the reasons for said denial. If said denial was determined by the City Clerk, then an appeal to the Park Board may be filed within ten (10) days. If said denial was determined by the Park Board or if the Park Board is unable to consider an appeal within thirty (30) days, then said appeal shall be considered by the City Council.
5. A permittee shall be bound by all park rules and regulations and all applicable ordinances as fully as though the same were inserted in said permits.
6. The person and/or organization responsible for a permit shall be liable for any loss, damage, or injury sustained by any person during the set-up, operation, or tear-down of an event.
7. The Park Board shall have the authority to revoke a permit upon finding or violation of any rule or ordinance, or upon good cause shown.