



Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council

FROM: Diana Seele, Town Clerk

DATE: February 25, 2021

SUBJECT: Johnstown Municipal Code: Chapter 11 – Public parks

ATTACHMENTS:

1. Copy of current ordinance redlined
 2. Proposed Ordinance
 3. Park Agreement
-

Proposed changes in Chapter 11 – Public Parks to remove some outdated requirements and implement rules and regulations governing the public parks.

Sections of the current ordinance that are proposed to be modified:

- Section 11-82: Assign the Town Manager the authority to delegate employees and agents of the Town to operate and maintain the public parks.
- Section 11-83: Daily park hours will be changed to 6:00 a.m. to 10:00 p.m. (current hours are 5:00 a.m. to 11:00 p.m.)
- Section 11-85: Erection of structures in park will be pursuant to written authorization by the Town. (currently the authorization comes from Town Council)
- Section 11-86: Remove 3.2% beer and modify the ordinance to fermented malt beverages in Hays Park with a permit.
- Fees have been included in the Town Fee Schedule

The Community That Cares

www.TownofJohnstown.com

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Chapter 11, Article V

Sec. 11-81. ~~— Public parks. Definition.~~

For purposes of this Article, the term public park or park shall mean a park, ~~reservation,~~ playground, ~~beach, recreation center~~ or any other area in the Town, ~~either now existing or which shall be subsequently acquired in accordance with the provisions of this Article,~~ owned or used by the Town ~~for , and devoted to~~ active or passive public recreation.

Sec. 11-82. ~~— Administration. Authority to establish.~~

~~The Town Manager is hereby delegated the authority to operate and maintain the public parks, which authority may be delegated to duly qualified employees and agents of the Town, and to implement rules and regulations governing the public parks that are~~ The Town shall have authority to acquire, establish and maintain, in the manner provided for by state law, public parks or pleasure grounds.

not inconsistent with the provisions of this Article. Such rules and regulations shall be on file and available for public examination in the office of the Town Clerk. The failure to comply with any rule or regulation shall be deemed a violation of this Article.

Sec. 11-83. - Daily park hours.

~~Public~~ ~~The~~ parks shall be open daily to the public from ~~56:00~~ a.m. until ~~10:00 p.m.~~ 11:00 p.m., and no person not an employee of the ~~Town on official Town business parks~~ shall remain in the ~~parksm~~ at any other time; provided, however, that the Town ~~Council~~ may, by permit ~~first having been obtained~~, extend or limit the time herein specified.

Sec. 11-84. - Destruction of park property.

It shall be unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage or deface the trees, shrubs, plants, turf or any of the park facilities, buildings, equipment, fences, bridges or other structures or property within or upon the public parks premises, or in any other way injure or impair the natural beauty or usefulness of any public park ~~or recreation area~~.

Sec. 11-85. - Erection of ~~tents and buildings~~ structures in park.

It shall be unlawful to build or place any tent, ~~building~~, booth, stand or other structure in or upon any ~~of the public~~ park except pursuant to written authorization by the Town. s or other recreational facilities without first having obtained a permit to do so from the Town Council.

Sec. 11-86. - Alcohol.

- (1a) ~~Except as provided below or pursuant to a special event liquor permit, it shall be unlawful to serve, consume or have an open container of alcoholic beverages in the public parks.~~
- (2) Upon approval of the Town and execution of a park reservation agreement, the Town may issue a permit for the consumption of fermented alcoholic beverages in Hays Park. The Town shall collect a fee for the permit in the amount set forth by resolution of the Town

Council in the Town Fee Schedule. A special 3.2% beer permit is hereby established to authorize the consumption of 3.2% beer in Hays Park.

- ~~(b) A fee for the permit shall be collected at the time the permit is issued. A portion of the fee shall be returned provided there is full and proper cleanup and no violation of governing laws, rules or regulations.~~
- ~~(e) The collection, administration and enforcement of the 3.2% beer permit shall be performed by the Town Clerk or Police Department. The Town Council is authorized to adopt all rules and regulations which may be necessary or appropriate for the collection, administration and enforcement of the 3.2% beer permit. The permit shall not be transferrable and shall be in the permittee's possession while at the park.~~

Sec. 11-87. — Lake Park. Lake Park rules and regulations.

~~(1) Persons may fish in Lake Park pursuant to a permit issued by the Town. The following shall apply to the use and enjoyment of Lake Park:~~

~~(1)(1) The Town shall collect a fee for the permit in the amount set forth by resolution of the Town Council in the Town Fee Schedule. The permit issued shall not be transferable and shall be in the permittee's possession while fishing. The Town may, in its discretion, revoke the permit if the permittee fails to comply with the park rules and regulations.~~

~~(2) It shall be unlawful to:~~

- ~~(a) Fish in Lake Park except pursuant to a permit;~~
- ~~(b) Swim, wade or enter the water at Lake Park;~~
- ~~(c) Use a boat or floatation device in Lake Park; and~~
- ~~(d) Except for law enforcement, possess firearms at Lake Park.~~

~~(2) Anyone may fish in Lake Park, provided that he or she purchase and have in his or her possession a fishing permit issued by the Town Clerk. A fee to be set by resolution shall be charged to purchasers of a fishing permit, the revenues collected to be used for administrative costs such as trash removal, police patrol, Code enforcement and overall maintenance. The permit issued shall not be transferable to any other person and any improper use of the facility of Lake Park may cause such permit to be revoked by the Town.~~

~~(2) There shall be no swimming in the lake, nor boating. Within Lake Park there shall be no alcoholic beverages and possession of firearms within the park, except by law enforcement personnel, shall be prohibited.~~

Sec. 11-88. — Violation.

Any person violating any provision of this Article shall be deemed guilty of such violation and, upon conviction thereof, shall be penalized as provided in Article IV of Chapter 1 of the Code. ~~(3) The Town Council may, by resolution, provide for rules and regulations concerning the use of the park facilities.~~

Chapter 11, Article V

Sec. 11-81. – Public parks.

For purposes of this Article, the term *public park* or *park* shall mean a park, playground, or any other area in the Town owned or used by the Town for active or passive public recreation.

Sec. 11-82. – Administration.

The Town Manager is hereby delegated the authority to operate and maintain the public parks, which authority may be delegated to duly qualified employees and agents of the Town, and to implement rules and regulations governing the public parks that are not inconsistent with the provisions of this Article. Such rules and regulations shall be on file and available for public examination in the office of the Town Clerk. The failure to comply with any rule or regulation shall be deemed a violation of this Article.

Sec. 11-83. - Daily park hours.

Public parks shall be open daily to the public from 6:00 a.m. until 10:00 p.m. and no person not an employee of the Town on official Town business shall remain in the parks at any other time; provided, however, that the Town may, by permit, extend or limit the time herein specified.

Sec. 11-84. - Destruction of park property.

It shall be unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage or deface the trees, shrubs, plants, turf or any of the park facilities, buildings, equipment, fences, bridges or other structures or property within or upon the public parks, or in any other way injure or impair the natural beauty or usefulness of any public park.

Sec. 11-85. - Erection of structures in park.

It shall be unlawful to build or place any tent, booth, stand or other structure in or upon any public park except pursuant to written authorization by the Town.

Sec. 11-86. - Alcohol.

- (1) Except as provided below or pursuant to a special event liquor permit, it shall be unlawful to serve, consume or have an open container of alcoholic beverages in the public parks.
- (2) Upon approval of the Town and execution of a park reservation agreement, the Town may issue a permit for the consumption of fermented alcoholic beverages in Hays Park. The Town shall collect a fee for the permit in the amount set forth by resolution of the Town Council in the Town Fee Schedule. The permit shall not be transferrable and shall be in the permittee's possession while at the park.

Sec. 11-87. – Lake Park.

- (1) Persons may fish in Lake Park pursuant to a permit issued by the Town. The Town shall collect a fee for the permit in the amount set forth by resolution of the Town Council in the Town Fee Schedule. The permit issued shall not be transferable and shall

be in the permittee's possession while fishing. The Town may, in its discretion, revoke the permit if the permittee fails to comply with the park rules and regulations.

(2) It shall be unlawful to:

- (a) Fish in Lake Park except pursuant to a permit;
- (b) Swim, wade or enter the water at Lake Park;
- (c) Use a boat or floatation device in Lake Park; and
- (d) Except for law enforcement, possess firearms at Lake Park.

Sec. 11-88. – Violation.

Any person violating any provision of this Article shall be deemed guilty of such violation and, upon conviction thereof, shall be penalized as provided in Article IV of Chapter 1 of the Code.

PARK RESERVATION AGREEMENT

Date Requested: _____ Time: _____ am/pm to _____ am/pm

Name or Organization _____

Address: _____

Phone/Cell # _____

Type of Function ("Event"): _____

Number of Participants _____ (100 or more see Special Events Permit)

Alcohol Requested (Hays Park ONLY) Yes / No _____
(Fermented Malt Beverage Only)

Inflatables Requested Yes / No

Contact person and phone #: _____

(office to complete section below)

Park _____ Fee: _____

Reserved _____

Deposit: _____

TOTAL DUE: _____

Deposit check will be cashed. Deposit, or a portion thereof, will be reimbursed subsequent to the Event on the condition that the applicant complied with the provisions contained herein. Charges may be made against deposit for loss, damage, cleaning and/or additional time (additional time charged at 150% of reservation amount).

Release of Liability and Agreement to Hold Harmless

The applicant agrees to use the Park according to the Town’s Rules and Regulations, which are attached hereto as Exhibit A. Among other obligations, the applicant agrees to be legally responsible for the conduct and control of both patrons and participants at the Event, to be financially responsible for any damages or injuries incurred arising from the use of the park, and to pay for repair or replacement, at the Town’s discretion, for damage to the park property, including but not limited to the landscaping, facilities and equipment.

The applicant hereby agrees to release, indemnify and hold harmless the Town of Johnstown, its officials, employees and agents, for damage or loss of property within the park. The applicant further agrees to release, indemnify and hold harmless the Town of Johnstown, its officials, employees and agents, from and against all liability, claims or demands due to bodily injury, personal injury, sickness, disease or death, including attorney’s fees, arising from or in any manner connected with the use of the park.

THE UNDERSIGNED HAS CAREFULLY READ AND REVIEWED THIS AGREEMENT, UNDERSTANDS THIS AGREEMENT, IS AUTHORIZED TO EXECUTE THIS AGREEMENT AND AGREES TO THE ABOVE STATED CONDITIONS:

If an individual:

Signature: _____

Printed Name: _____

Date: _____

If an organization:

Name of Organization: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

EXHIBIT A

PARK RULES AND REGULATIONS

1. Reservations are available for attendance of 0 – 99 participants. If over 100 participants, a Special Events Permit must be applied for which may include requirements for port-a- potties and/or trash removal. Other events requiring a Special Events Permit include, but are not limited to, events which:
 - barricade or block any roadway
 - obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic
 - the public is invited or admission is charged
 - utilizes amplified sound due to its impact on the surrounding neighbors
 - alcohol is sold or served to the public
2. Deposits checks will be deposited into Town of Johnstown account.
3. Town sponsored or hosted functions are exempt from these fees.
4. The privilege to use the park in the future will be denied to persons and/or groups that fail to comply with the rules of this agreement.
5. During the time the park is being used by the Lessee, the Lessee is responsible for any and all accidents, injuries, damages or loss of property. The Town of Johnstown and its designated representatives shall be held harmless for any and all claims resulting from the use of the park.
6. Lessee shall provide proper supervision, ensuring the protection of persons and property in its care, enforcement of park rules and regulations and restriction of all participants to authorized areas only.
7. Lessee is responsible for proper cleaning of the park being used. This includes all decoration removal, clean up of the trash around the area and proper disposal of trash is required before vacating the premises. If additional cleaning is required, the Town reserves the right to forfeit the Lessee's damage deposit. Any additional charges incurred will be the responsibility of the Lessee.
8. Reservations are not considered complete until all fees or deposits have been paid.
9. Lessee's must be 18 years or older.
10. Lessee shall be held responsible if any person within their party breaks or climbs upon, damage or deface the trees, shrubs, plants, turf or any of the facilities, buildings, equipment or other structures or property within or upon park premises, or in any way injure or impair the natural beauty or usefulness of any park or recreation area.
11. Removal of any Town-owned property from any Town park is strictly prohibited; violators are subject to criminal prosecution.

PARK RULES

1. No vehicles are to be driven or parked on grass at any time without written permission from the Town.
2. No tents, booths, stands or other structures shall be placed in the parks without pursuant written authorization by the Town. If stakes are to be driven into the ground, please be aware of any irrigation lines present, Lessee will be held liable for any damaged line.
3. Reservations are allowed for areas of the park and/or park shelters. Tot lots and playgrounds cannot be reserved. Please be aware that the park is a public place and

there may be other residents using other areas of the park including the playgrounds and restrooms.

4. Pick up all trash and debris and deposit in a trash receptacle.
5. If plastic or a "dance floor" is laid on the grass, it must be removed in a timely manner to prevent the grass from dying.
6. Parks can be reserved from 6:00 a.m. to 10:00 p.m., 7 days a week.
7. Failure to obey park closing time or allowing unruliness by members of the group will warrant forfeiture of all deposits.
8. Park use permits must be available at the facility during the time of use by the Lessee.