

CITY OF MERIDIAN ORDINANCE NO. 25-2083

BY THE CITY COUNCIL:

**CAVENER, LITTLE ROBERTS, OVERTON,
STRADER, TAYLOR, WHITLOCK**

AN ORDINANCE REPEALING TITLE 13, MERIDIAN CITY CODE, REGARDING PARKS AND RECREATION REGULATIONS; ADOPTING A NEW TITLE, TITLE 5, MERIDIAN CITY CODE, REGARDING PARKS, RECREATION, AND FORESTRY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Meridian’s 2021–2025 Strategic Plan includes this goal: “[U]pdate ordinances and simplify processes in order to improve effectiveness and provide premier services to our citizens,” and one of the enumerated strategies supporting this goal is to “perform a complete review of all ordinances, codes and policies in the City of Meridian to assess their value and relevance to the community”;

WHEREAS, the City Attorney’s Office, with input from the Parks and Recreation Department Director, Department staff, and the Parks and Recreation Commission, has proposed the following changes to the Parks and Recreation Code;

WHEREAS, the City Council finds that the proposed changes will clarify expectations for commercial uses of parks, shorten the timeframe for processing permit applications, update and simplify enforcement of the general park regulations, provide guidelines for pathway use, and enhance provisions regarding the City Arborist and the Meridian Forestry Program for clarity and for compliance with the National Arbor Day Foundation requirements for the City’s designation as a Tree City USA;

WHEREAS, for these reasons, City Council finds that the changes to the Parks and Recreation Code as set forth in this ordinance will serve the Strategic Plan goal as set forth above;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

Section 1. That Title 13, Meridian City Code, shall be repealed.

Section 2. That a new title, Title 5, Meridian City Code, shall be adopted to read as follows.

TITLE 5 – PARKS, RECREATION, AND FORESTRY

CHAPTER 1. PARKS AND RECREATION

5-1-1. Definitions.

For purposes of this chapter, the following terms shall be defined as follows:

- A. *Administrative policy.* A written policy, rule, or practice of the Meridian Parks and Recreation Department, approved by the Director and posted on the Department's website, concerning the administration, regulation, or operation of park amenities, recreational programming, or other function of the department.
- B. *City park.* Any and all designated park or recreational lands or facilities that are open to or accessible by the public and are owned by the City of Meridian.
- C. *Commission.* The City of Meridian Parks and Recreation Commission.
- D. *Contract concessionaire.* A person or entity who sells, trades, gives away, or offers or displays for sale, trade, or giveaway, any good or service pursuant to a currently effective, written agreement with the City of Meridian.
- E. *Department.* The Meridian Parks and Recreation Department.
- F. *Director.* The Director of the Meridian Parks and Recreation Department or Director's designee.
- G. *Director's order.* A written or verbal order of the Director establishing a decision or directive regarding a specific inquiry or issue concerning the administration, regulation, or operation of park amenities, recreational programming, or other function of the Department.
- H. *Mobile soup kitchen.* A temporary establishment, conducted by a nonprofit organization exempt from federal income tax under 26 USC section 501(c), engaged in the preparation and provision of food to and/or for the needy, including persons who by reason of age, disability, or illness are unable to prepare meals for themselves.
- I. *Outdoor market.* See definition in title 3, chapter 4 of this Code.
- J. *Park amenity.* Any facility, physical space, land, recreational or utilitarian equipment, infrastructure, building, plant, landscaping, field, sports complex, swimming pool, golf course, trail, pathway, or other attraction, whether natural or manmade, that is in and/or part of a city park.
- K. *Nonreservable park amenity.* A park amenity that may not be reserved, as specifically designated as such by the Department, or as may be implied by omission.
- L. *Reservable park amenity.* A park amenity that may be reserved by prior arrangement with the Department and payment of any required fee.
- M. *Private gathering.* A gathering of persons not open to the general public.

- N. *Sell*. To exchange goods or services for money; to trade or give away goods or services; or to offer or display goods or services for sale, trade, or giveaway.
- O. *Short term concessionaire*. A person or entity in any city park who sells to the public, trades, gives away, or offers or displays for sale, trade, or giveaway, any food or beverage.
- P. *Special event*. See definition in title 3, chapter 4 of this Code.
- Q. *Sponsor*. A person or entity allowed or engaged by the Department to provide monetary or in-kind support for a department event, program, or facility.

5-1-2. Use of park amenities.

- A. *Compliance with regulations*. No person in any park shall fail or refuse to comply with directions given by police officers or duly authorized representatives of the Director in regulating the time, place, and manner of any activity in any park when necessary to maximize use and secure the safety, comfort, and convenience of all park users.
- B. *Regulations for use and reservation of all park amenities*. The following regulations shall apply generally to the use of any and all park amenities:
 - 1. *First come, first served*. Unless reserved in accordance with department procedures and policies, all park amenities shall be available on a “first come, first served” basis. No person shall be authorized to use any unreserved park amenity to the exclusion of other persons or uses except at such time at which and by such person by whom a park amenity is reserved pursuant to the provisions of this chapter.
 - 2. *No admission to be charged*. No person or organization, including a person or organization with a reservation, may charge admission to any park or park amenity without written permission of the Director.
- C. *Regulations for use and reservation of all reservable park amenities*. In addition to the regulations applicable to the reservation and use of all park amenities as set forth above, the following regulations shall apply generally to the use of any and all reservable park amenities.
 - 1. *Reservation request*. Any person or organization may request that the department reserve a reservable park amenity for its lawful use. Upon receipt of such request and payment of applicable fees as established by fee schedule, the department shall reserve the reservable park amenity according to the procedures for equitably allocating reservations as enumerated by administrative policy. No reservation fee shall apply to historic Meridian special events as defined in title 3, chapter 4 of this Code.
 - 2. *Scope of reservation*. The authority of a reserving party to exclude other persons or uses from a reservable park amenity extends only to that imparted by the specific terms of a valid reservation. The reservable park amenity specified on a written reservation

shall be the only park amenity reserved by and for the reserving person or organization. In no case shall the reservation of a reservable park amenity impart authority to physically touch or remove any person, object, or use from a park amenity, or to violate any other provision of law.

3. *Condition following use.* Reserving parties shall leave reserved park amenities clean of debris and in the same condition after use, which shall include the disposal of garbage and other refuse in disposal receptacles provided. If no such receptacles are available, then the reserving party shall remove all refuse and trash upon vacating the park. In addition to other civil and criminal remedies, the department may deny or revoke subsequent reservations to any person or organization who violates this section.
4. *Use of reservable park amenities; goods and services.* Except as otherwise allowed by Director's order or written permit:
 - a. No person shall use a reservable park amenity to sell, offer for sale, or give away any good or service that a contract concessionaire sells or offers for sale at that park.
 - b. No person shall use a reservable park amenity to sell or offer for sale any recreational programming that is available to the public from or offered to the public by the Department at that park.Provisions of this chapter regarding specific regulated use of parks may also apply to sales of goods or services in parks.

5-1-3. Specific regulated uses of parks.

In addition to laws or policies of general applicability, the following standards regarding the time, place, and manner of operation or occurrence of these specific park uses shall also apply:

- A. *Special events and outdoor markets.* A special event or outdoor market, as such terms are defined in title 3, chapter 4 of this Code, shall be allowed in a City park subject to compliance with each and all of the following regulations:
 1. *Temporary use permit required.* No person shall operate a special event in a City park without first obtaining a temporary use permit from the City Clerk's Office.
 2. *Reservable park amenity reservation required.* Where a special event is occurring at, utilizing, or would impede the typical use of a reservable park amenity, the organizer of the special event shall be required to reserve such amenity and all reservation fees shall apply.
- B. *Mobile sales units.* A "mobile sales unit," as that term is defined in title 3, chapter 4 of this Code, shall be allowed to operate in a City park subject to compliance with each and all of the following regulations.

1. *Mobile sales unit license required.* No person shall operate a mobile sales unit in a park without first obtaining a City of Meridian mobile sales unit license from the City Clerk's Office and express, written approval from the Director or designee.
 2. *Director approval.* The approval of the Director or designee to operate a mobile sales unit in a park shall be limited as to the park(s), scope, and authority conveyed by such approval. The Director may decline to approve the application of any mobile sales unit to operate in a park where such mobile sales unit seeks to provide or offer:
 - a. Services or programming otherwise available from the department;
 - b. Goods that a contract concessionaire sells at that park;
 - c. Goods, services, or programming that are incompatible with other lawful park uses or administrative policy.
- C. *Short-term concessionaires.* A "short-term concessionaire," as that term is defined in this chapter, shall be allowed to operate in a park subject to compliance with each and all of the following regulations.
1. *Invitation required.* It shall be unlawful to operate or act as a short-term concessionaire in a park without first obtaining a written invitation to operate such concession from the holder of a valid reservation of a reservable park amenity or the organizer of a public or private event. Such invitation must be expressly conveyed, and shall be nontransferable and limited to the scope and authority conveyed by such invitation.
 2. *Limit one.* A party reserving a reservable park amenity or the organizer of a public or private event shall not extend an invitation to more than one (1) short-term concessionaire. If two (2) or more short-term concessionaires are present, a temporary use permit shall be required. establish the location, scope, and authority conveyed by such approval. The Director may decline to approve the application of any short-term concessionaire to operate in a park where such short-term concessionaire seeks to provide or offer:
 - a. Services or programming otherwise available from the department;
 - b. Goods that a contract concessionaire sells at that park;
 - c. Goods, services, or programming that are incompatible with other lawful park uses or administrative policy.
 3. *Health Department approval may be required.* No person shall operate as a short-term concessionaire in a park without first obtaining any and all licenses, permits, certifications, and/or inspections required by the Central District Health Department.
 4. *Amenity reservation may be required.* Any person operating as a short-term concessionaire in or upon a reservable park amenity during a reservable time shall first reserve such reservable park amenity with the department.
 5. *Short-term concession permit required.* No person shall operate as a short-term concessionaire in a park without first obtaining a short-term concession permit from the department.

- a. Application for a short-term concession permit shall be made to the department, and shall include a completed application form provided by the department, which form shall include, but not be limited to:
 - (1) The name and address of the applicant, and/or, if the applicant is a partnership, company, or corporation, the name and address of such entity. Addresses required by this subsection shall include both local and corporate addresses, as well as both physical and mailing addresses.
 - (2) A description of the operations, including any goods and/or services to be sold, traded, given away, offered, displayed, and/or delivered, or any activities or events scheduled to occur, under the short-term concession permit.
 - (3) A description of any and all motor vehicles to be used by or in the course of the operation, including license plate state and number, make, model, color, and other means of identification of such vehicle(s).
 - (4) A description and/or schedule(s) of the hours, locations, and means at and by which activities, sales, trades, giveaways, offers, and/or displays will occur under the short-term concession permit.
 - (5) Proof of an insurance policy, issued by an insurance company licensed to do business in Idaho, covering all claims which may arise from operations under or in connection with the short-term concession permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. Such insurance shall afford minimum limits of five hundred thousand dollars (\$500,000.00) for each occurrence of bodily injury or property damage, and five hundred thousand dollars (\$500,000.00) general aggregate for general liability.
 - (6) Application fee as set forth in the department's fee schedule, except that no application fee shall apply:
 - (A) Where applicant is or represents a nonprofit organization exempt from federal income tax under 26 USC section 501(c);
 - (B) Where applicant is or represents a governmental entity; or
 - (C) Where applicant is seeking a short-term concession permit for the purpose of conducting fundraising activities for a school or youth organization.
- b. A complete application for a short-term concession permit shall be submitted to the Department at least fourteen (14) calendar days prior to operating as a short-term concessionaire. Within fourteen (14) calendar days of receipt of a complete application for a short-term concession permit, the department shall either issue a short-term concession permit to the applicant or deny the application.
- c. The department shall deny an application for a short-term concession permit where:

- (1) The application is incomplete or required application materials or fees have not been timely submitted;
- (2) Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete;
- (3) The product to be offered or sold is offered or sold by a contract concessionaire at that park;
- (4) The product to be sold is incompatible with other lawful park uses or City policy; or
- (5) Denial is necessary to protect the public health, safety, or welfare.

If an application is denied, the department shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in Title 3, Chapter 1, Meridian City Code.

d. The City of Meridian short-term concession permit shall include, on its face:.

- (1) The name(s) of the permittee and any employees and/or persons permitted to operate as a short-term concessionaire under such permit;
- (2) The time(s), date(s), place(s), and manner at and by which the short-term concession is permitted to occur;
- (3) Any and all other conditions of operation that are necessary to protect the public health, safety, and welfare or mitigate effects on park users.

D. *Sponsors.* A Sponsor shall be allowed to operate in a park subject to compliance with each and all of the following regulations.

1. *Invitation required.* It shall be unlawful to operate or act as a sponsor in a park without first obtaining a written invitation to operate such concession from the Director or designee. Such invitation must be expressly conveyed, and shall be nontransferable and limited to the scope and authority conveyed by such invitation. The Director may decline to extend an invitation to any sponsor which is providing or offering:
 - a. Services or programming otherwise available from the department;
 - b. Goods that a contract concessionaire sells at that park;
 - c. Goods, services, or programming that are incompatible with other lawful park uses or administrative policy.
2. *Health department approval required.* No person shall operate as a sponsor in a park without first obtaining any and all licenses, permits, certifications, and/or inspections required by the Central District Health Department.

E. *Mobile soup kitchens.* A “mobile soup kitchen,” as that term is defined in this chapter, shall be allowed in a park subject to compliance with each and all of the following regulations regarding the operation of such use:

1. *Short-term concession permit required.* No person shall operate a mobile soup kitchen in a park without first obtaining a short-term concession permit from the department. The short-term concession permit fee shall be waived.

2. *Amenity reservation may be required.* Any person operating a mobile soup kitchen in or upon a reservable park amenity during a reservable time shall first reserve such reservable park amenity with the department. The reservation fee shall not be waived.
3. *Health department approval required.* No person shall operate a mobile soup kitchen in a park without first obtaining any and all licenses, permits, certifications, and/or inspections required by the Central District Health Department.

5-1-4. General park regulations.

Except as expressly authorized by written order of the Director, the following prohibitions shall apply in all City parks. Except as otherwise set forth in this section, violation of any of the following provisions shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00). These prohibitions shall not apply to police officers or MPR personnel acting in the course and scope of their duties.

- A. *Incompatible uses.* Uses incompatible with those enumerated in this chapter, as determined by the Director, shall be prohibited.
- B. *Aircraft.* No person shall launch, ride, land, tether, pilot, jump from, or dive from a hot air balloon, airplane, helicopter, hang glider, or other device designed for human flight. This provision shall not apply to miniature or toy versions of such aircraft, though other regulations may apply to the use of same.
- C. *Alcohol.* The sale, service, offer, provision, consumption, and/or possession of alcoholic beverages in a City park shall be prohibited, except where sold, served, offered, provided, consumed, or possessed in compliance with the following requirements:
 1. *Serving alcohol at a public event.* At an event or activity open to the public, a person may sell, serve, offer, provide, or offer an alcoholic beverage to another person only pursuant to the terms and conditions of a valid temporary use permit duly issued for that event, and a valid alcoholic beverage catering permit duly issued by the City Clerk, if applicable. It shall be unlawful for any person to sell, serve, offer, or provide an alcoholic beverage to another person, at an event open to the public, in violation of this provision. A violation of this provision shall be a misdemeanor.
 2. *Consuming alcohol at a public event.* At an event or activity open to the public, a person may consume or possess an alcoholic beverage only pursuant to the terms and conditions of a valid temporary use permit duly issued for that event. It shall be unlawful for any person to consume or possess an alcoholic beverage in violation of this provision.
 3. *Serving alcohol at a private event.* At an event or activity not open to the public, a person may sell, serve, offer, or provide an alcoholic beverage to another person only with a valid shelter reservation, and a valid alcoholic beverage catering permit duly issued by the City Clerk, if applicable. It shall be unlawful for any person to sell, serve, offer, or

provide an alcoholic beverage to another person, at an event not open to the public, in violation of this provision. A violation of this provision shall be a misdemeanor.

4. *Consuming alcohol at a private event.* At an event or activity not open to the public, a person may consume or possess an alcoholic beverage only in conjunction with a valid shelter reservation. Any person consuming alcohol pursuant to this provision shall remain within twenty feet (20') of the reserved shelter. It shall be unlawful for any person to consume or possess an alcoholic beverage in violation of this provision.

D. *Amplified sound.* No person in any park shall operate or aid in the operation of a private radio, stereophonic or sound amplification device at a greater volume than sixty-two (62) decibels measured from such devices to a distance of twenty (20) feet therefrom, except as otherwise allowed under a valid City of Meridian amplified sound permit, temporary use permit, or as otherwise allowed by applicable provisions of law or policy.

1. Application for an amplified sound permit shall be made to the department, and shall include a completed application form provided by the department, which form shall include applicant's name, physical address, phone number, date of birth, and driver's license number; description of the location at which amplified sound will be used; and the time of day, length of time, and date the amplified sound will be used.
2. Within seven (7) days of receipt of a complete application for an amplified sound permit, the department shall either issue an amplified sound permit to the applicant or deny the application.
3. The department shall deny an application for an amplified sound permit where:
 - a. The application is incomplete or required application materials or fees have not been timely submitted;
 - b. Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete;
 - c. The proposed activity to be permitted will not be conducted in accordance with all applicable provisions of law or policy, including, but not limited to, this chapter; department policy; and/or Director's order; or
 - d. Denial is necessary to protect the public health, safety, or welfare.If an application is denied, the department shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in Title 3, Chapter 1, Meridian City Code.
4. The amplified sound permit shall include, on its face:
 - a. The name(s) of the permittee and any employees and/or persons permitted to use amplified sound under such permit;
 - b. The time(s), date(s), place(s), and manner at and by which the amplified sound permit is effective;
 - c. Any and all other conditions of operation that are necessary to protect the public health, safety, and welfare or mitigate effects on park users.

- E. *Boating, swimming or wading.* No person shall boat, windsurf, swim, bathe or wade in any water or waterways, except in such water and at such places as are provided therefor and in compliance with all applicable and/or posted rules and regulations.
- F. *Camping.* No person shall set up a tent, shack, or any other temporary shelter for the purpose of camping, except by order of the Director, nor shall any person leave in a city park after closing hours any tent, shack, movable structure or vehicle that is or could be used for such purpose.
- G. *Commercial use of City parks.* No person shall use a City park, park amenity, or any portion thereof, to sell, trade, give away, or offer or display for sale, trade, or giveaway to the public, any good or service without a temporary use permit, short-term concession permit, or other written approval from the Director or designee for such use. A violation of this provision shall be a misdemeanor.
- H. *Defacement and damage prohibited.* No person in any City park shall:
1. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility, part or appurtenance, either real or personal, or have in his possession any of the foregoing things or objects, or any part thereof.
 2. Damage, cut, carve, transplant, or remove any tree or plant;
 3. Injure the bark, or pick the flowers or seeds, of any tree or plant;
 4. Attach any rope, wire or other contrivance to any tree or plant;
 5. Dig in or otherwise disturb grass areas; or
 6. In any way injure or impair the natural beauty or usefulness of any park amenity.
- A violation of this provision shall be a misdemeanor.
- I. *Dogs.*
1. *Control of dogs.* No person owning or having the care, custody, possession, or control of a dog shall permit or allow such dog to enter or remain except:
 - a. Where such dog is controlled by a leash.
 - b. Where such dog is confined in a motor vehicle.
 - c. Where such dog is carried by such person owning or having the care, custody, possession, or control of such dog.
 - d. At dog parks or park amenities designated by the department or Director as dog training and exercise grounds, subject to the rules and regulations as may be prescribed.
 2. *Removal of fecal matter.* No person owning or having the care, custody, possession, or control of a dog shall:
 - a. Fail to have in his/her possession the equipment necessary to remove his/her dog's fecal matter when accompanied by said dog in any park.
 - b. Fail to remove the fecal matter deposited by his/her dog in any park before the owner leaves the immediate area where the fecal matter was deposited.This provision shall not apply to police officers and their service animals during the official performance of their duties; handlers of search and rescue animals during the

official performance of their duties; or persons with disabilities utilizing assistance animals.

- J. *Fences and restricted areas.* No person in any park shall climb upon or go inside security fences, maintenance service areas, or other permanently or temporarily restricted or closed areas. A violation of this provision shall be a misdemeanor.
- K. *Fires.* No person in any park shall light, build, or maintain a fire, except for culinary purposes in grills or fireplaces designated for such purpose, and no person shall leave the immediate area without first extinguishing such fire.
- L. *Fireworks.* No person in any park shall discharge, or have in his possession, any fireworks, except as specifically authorized by Director's order. A violation of this provision shall constitute a misdemeanor.
- M. *Glass.* No person shall use any container made of glass when such person is on asphalt, concrete, or other hard surface.
- N. *Golf.* Golfing or driving golf balls is prohibited except at Lakeview Golf Course, in specifically designated facilities.
- O. *Hunting and fishing.* No person shall hunt, harm, kill, trap, or throw projectiles at any animal or bird; nor shall any person collect, remove, or possess the eggs, nest, or young of any animal or bird. Fishing shall be allowed in compliance with all applicable and/or posted rules and regulations. Fishing licenses shall be required pursuant to Idaho department of fish and game regulations.
- P. *Motor vehicles.*
 - 1. *Enforcement of traffic regulations.* No person shall fail to obey the direction of any police officer, park employee, or other person authorized by the Director to direct traffic in, into, or out of a city park.
 - 2. *Obey traffic signs.* No person shall fail to observe any traffic sign indicating speed, direction, caution, stopping, parking restrictions or regulations, or other sign posted for proper control of vehicular or pedestrian traffic.
 - 3. *Speed of vehicles.* No person shall ride or drive any vehicle, whether motorized or unmotorized, at a rate of speed exceeding fifteen (15) miles per hour, except as otherwise designated by posted signs.
 - 4. *Vehicles confined to roads.* No person shall drive any vehicle anywhere except the paved park road or parking areas, or such other area as is specifically designated by the Director as a parking or driving area.

5. *Hazardous operation.* No person shall operate a motor vehicle in a park in a hazardous or dangerous manner, including, without limitation: racing; performing doughnuts, burnouts, drifting, rapid acceleration, squealing tires, engine revving, or allowing passengers to ride partially or fully outside of the motor vehicle.

Q. *Parking in parks.* The provisions of Meridian City Code section 7-2-6(B) shall apply in city parks and pathway facilities.

R. *Pathways.*

1. No person shall operate on a pathway: a motor vehicle, as such term is defined in Idaho Code section 49-114(17), an off-highway vehicle, as such term is defined in Idaho Code section 67-7101(17), or neighborhood electric vehicles (also known as golf carts), as such term is defined by Idaho Code section 49-123(1)(j).
2. No person shall travel upon a pathway at a speed greater than is, or in a manner that is not, reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

S. *Rules and regulations.* No person shall violate any rules and regulations for the use of a park, or any of its facilities or programs as such are or may be posted or promulgated by the department, and/or the Director.

T. *Signs.* Except as otherwise specifically allowed by written authorization of the Director and/or by permit or reservation approved by the Director, no person in any park shall paste, glue, tack or otherwise post or affix any sign, plaque, advertisement, or inscription, whether temporary or permanent, to or upon any park real or personal property, facility, or surface. This subsection shall not apply to plaques, tablets or signs posted or affixed by the city.

U. *Smoking.* No person shall light, use, or consume any tobacco product or electronic smoking device in any city park, provided that this prohibition shall not apply to parking lots in City parks. The definition of the terms “tobacco product” and “electronic smoking device” shall be as set forth in Idaho Code § 39-5702.

V. *Toys and recreational equipment.*

1. *Model rockets.* When other persons are present, no person shall launch a model rocket which is propelled by or includes a motor, black powder, composite propellant, or electric or explosive igniter.
2. *Remote-controlled devices.* When other persons are present, no person shall operate a remote-controlled toy, vehicle, unmanned aerial vehicle (drone), or other object.
3. *Thrown objects.* No person in any park shall throw, propel, or take part in the playing of any games involving thrown or otherwise propelled objects except in areas specifically designated for such forms of recreation.

4. *Wheeled devices.* No person in any park shall ride or operate a skateboard, roller skates, scooter, in-line skates, bicycle or other wheeled recreation equipment on any ornamental surface, picnic table, bench, tennis court, fountain area, splash pad, playground equipment, planter, sculpture or other structure not specifically designated for such activity.

W. *Trespass in parks.* It shall be unlawful for any person to:

1. *Be in a closed park.* Enter, remain in, or be present within or upon the premises of a park or park facility or any portion thereof during the hours when the park is closed to the public, except for purposes of transit through the park, or as authorized by permit or Director's order.
2. *Be in a closed area.* Enter, remain in, or otherwise be present within an area of the park clearly delineated by signs or barriers as temporarily or permanently closed to the public.
3. *Fail to leave if ejected.* If ejected from a park by authorized personnel enumerated in section 5-1-6(A), fail to leave promptly and peaceably, or to return to the city park on the same calendar day of the ejection.
4. *Fail to comply with exclusion notice.* If issued a park exclusion notice by authorized personnel enumerated in section 5-1-6(A), fail to leave promptly and peaceably, or to return to any city park during the exclusion period.

5-1-5. Park operations.

- A. *Hours of operation.* Parks shall be open to the public every day of the year from dawn to dusk, which shall be defined as thirty (30) minutes before sunrise to thirty (30) minutes after sunset. Visitors and vehicles shall be excluded during the hours of closure except when authorized by permit, where hours are otherwise posted, or for transit through a park. The Director shall have the authority to change the hours of any park by Director's order.
- B. *Closed areas.* Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regularly and/or stated intervals and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

5-1-6. Enforcement.

- A. *Personnel authorized to enforce.* Except where otherwise provided herein, peace officers, code enforcement officers, community service officers, the Director, and any other duly authorized City of Meridian representative shall enforce the provisions of this chapter.
- B. *Ejection.* Personnel enumerated in section 5-1-6(A) shall be authorized to eject from a city park any person acting in violation of this chapter by verbally ordering such person to leave

the park. Any person ejected from a city park shall leave promptly and peaceably and shall not return to the city park for any reason on the same calendar day of his ejection.

- C. *Exclusion notice.* Authorized personnel enumerated in section 5-1-6(A) shall be authorized to exclude from a city park anyone who, within a city park, violates any park rule, any provision of this chapter, or of Idaho Code, by providing a written exclusion notice to the offender by personal delivery or U.S. Mail. The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by the officer, Director, or designee or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.
1. *Exclusion.* The Director or his designee may exclude the offender from all City parks for a period not exceeding fourteen (14) days from the date of the exclusion notice.
 2. *Notice.* The exclusion notice shall be in writing and shall contain the date of issuance, the length and places of exclusion, and the issuing individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.
 3. *Appeal.* An offender receiving an exclusion notice may, within two (2) days excluding weekends and holidays from service or receipt of the exclusion notice, appeal to the Police Chief or designee for the purpose of reviewing the exclusion. The notice of appeal shall be filed with the City Clerk. The appeal must be in writing and must set forth the reason why such exclusion should not be enforced. The exclusion shall be stayed upon filing of a notice of appeal. The Police Chief or designee shall hear the appeal within thirty (30) days following the date the appeal is filed with the City Clerk. The Police Chief or designee may uphold the exclusion, overturn the exclusion, or shorten the length of the exclusion. The Police Chief's or designee's decision shall be a final decision. No determination of facts made by the Police Chief or designee shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of the same facts in a subsequent criminal prosecution.
 4. *Voluntary compliance emphasized.* This section shall be enforced so as to emphasize voluntary compliance with laws and park rules and in such a way that inadvertent minor violations can be corrected without resort to an exclusion notice.
 5. *Other penalties.* Issuance of an exclusion notice pursuant to this section does not preclude the issuance of a citation or other criminal charge for the same behavior.

5-1-6. Penalties.

Except where otherwise provided herein, the violation of any provision of this chapter, any duly effectuated administrative policy of the department, or Director's order, shall be a misdemeanor. Nothing in this chapter shall be construed as to limit City employees or other authorized persons from performing their official or City-authorized duties.

Chapter 2. PUBLIC TREES AND MERIDIAN FORESTRY PROGRAM

5-2-1. – Definitions.

For purposes of this chapter, the following terms shall be defined as follows:

- A. *Department.* The Meridian Parks and Recreation Department.
- B. *Director.* The Director of the Meridian Parks and Recreation Department or Director's designee.
- C. *Public tree.* Any tree, including roots within the critical root zone, whose trunk is located partly or wholly on City property.
- D. *Right-of-way tree.* Any tree, including roots within the critical root zone, whose trunk is located partly or wholly in the public right-of-way, as such term is defined in Title 40, Idaho Code.

5-2-3. Establishment and duties of the City Arborist.

- A. *Designation.* The Director shall designate a staff member as the City Arborist.
- B. *Duties.* The City Arborist, subject to available resources, is authorized to carry out the following duties:
 - 1. Establish policies to carry out the provisions of this chapter.
 - 2. Develop, administer, and maintain the Urban Forest Management Plan and budget.
 - 3. Recommend a list of public tree species appropriate for planting, a list of prohibited public tree species, and an official set of spacing requirements.
 - 4. Provide information and advice to citizens and City employees, including Code Enforcement Officers, regarding the health and condition of trees and maintenance or removal necessary to protect public safety.
 - 5. Manage and regulate the planting, maintenance, protection, removal, and replacement of all public trees.
 - 6. As needed, consult with City departments regarding public tree care.
 - 7. Communicate forestry program accomplishments to City Council.
 - 8. Coordinate and promote Arbor Day activities.
 - 9. Support public awareness and education programs relating to trees.
 - 10. Submit the annual application to renew the City's Tree City USA designation.

5-2-4. – Tree planting and care standards.

- A. *Public tree standards.* All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 tree care standards and shall follow all tree care best management practices published by the International Society of Arboriculture.

- B. *Privately-owned tree standards.* All planting and maintenance of privately-owned trees shall comply with the Meridian Unified Development Code, including UDC section 11-3B-5.
- C. *Nuisance trees.* Pursuant to Title 4, Chapter 2, Meridian City Code, the Code Enforcement Division of the Meridian Police Department shall manage abatement of nuisance trees, with the assistance of the City Arborist.

5-2-5. – Prohibition against harming public trees.

- A. *Public tree pruning unlawful.* It shall be unlawful for any person to prune or remove, or cause the pruning or removal of a public tree or right-of-way tree or any portion thereof, without first obtaining written permission from the City Arborist.
- B. *Public tree damage unlawful.* Pursuant to Meridian City Code section 4-2-2(C), it shall be unlawful for any person to damage, mutilate or destroy any public tree; attach any device or structure to a public tree; or store, spill or dump substances, whether liquid or solid, in a manner which may be harmful to any part of a public tree.
- C. *Park tree damage unlawful.* Pursuant to Meridian City Code section 5-1-4(H), no person in any City park shall damage, cut, carve, transplant or remove any tree; injure the bark or pick the flowers or seeds of any tree; or attach any rope, wire, or other contrivance to any tree.
- D. *Construction near public tree.* Any person performing construction that may affect any public tree or part thereof shall first consult with the City Arborist and shall employ appropriate measures to protect the tree, according to the latest edition of “Best Management Practices – Managing Trees During Construction,” published by the International Society of Arboriculture.

5-2-6. – Penalties.

The violation of any provision of this chapter shall be a misdemeanor. Each violation of this chapter shall constitute a separate violation.

Section 3. That all City of Meridian ordinances, or parts thereof, that are in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ____ day of _____, 2025.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of _____, 2025.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 25 -2083

An ordinance repealing Title 13, Meridian City Code, regarding parks and recreation regulations; adopting a new title, Title 5, Meridian City Code, regarding parks, recreation, and forestry; repealing conflicting ordinances; and providing an effective date.