

TITLE 13-5 - PARKS

CHAPTER 21. PARKS AND RECREATION REGULATIONS

~~13-2-1. Parks and Recreation Department created.~~

~~There is hereby created an administrative department within the city to be known as the Meridian Parks and Recreation Department.~~

13-2-25-1-1. 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 ~~by resolution of City Council~~ 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 his/her 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.

Commented [EK1]: Moving Parks and Rec Code from Title 13 to Title 5. Close gap between UDC (Title 11) and Parks Code (Title 13) - there is no Title 12. Title 5 was Fire Department - relevant provisions will be moved to Title 1 (City Administration) and Title 4 (Public Health & Safety).

Commented [EK2]: Covered by Meridian City Code section 1-8-1

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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.~~

Commented [EK3]: Added to clarify provisions related to commercial activity in City parks.

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 beverages.

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.

13-2-3. Director of Parks and Recreation.

Commented [EK4]: Moved to Meridian City Code section 1-8-4.

13-2-45-1-2. Use of park amenities.

- A. ~~Parks to be regulated~~ 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 or~~ convenience of all park users.
- B. Regulations for use and reservation of all park amenities. The following regulations ~~regarding the time, place, and manner of the reservation and use of all park amenities~~ 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 ~~regarding the time, place, and manner of the reservation and use of reservable park amenities~~ shall apply generally to the use of any and all reservable park amenities.
1. Reservation request ~~procedure~~. 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 ~~amenities~~ amenity at the time and place, in the manner, and according to the

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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. ~~Limited~~ *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 ~~shelter~~ park amenity, or to violate any other provision of law.
3. ~~Insurance may be required.~~ Any person required to maintain liability insurance coverage as specified in this chapter or by any other applicable law, policy, or permit shall maintain such coverage at all times during such party's use of a reservable park amenity.
4. ~~Reserved park amenity to be left in same~~ *Condition following use.* Reserving parties shall leave reserved park amenities clean of debris and in the same condition after use, which ~~duty~~ shall include the disposal of waste, garbage and other refuse in disposal receptacles provided. If no such ~~trash~~ receptacles are available, then the reserving party shall remove its refuse and trash from the park area upon vacating the park. ~~Upon violation of this section, in~~ addition to other civil and criminal remedies, the department may deny or revoke subsequent reservations to ~~the violating any~~ person or organization who violates this section.
5. ~~Commercial~~ *Use of reservable park amenities; goods and services.* Except as otherwise allowed by Director's order or written permit, during any reservable time, no person shall use a reservable park amenity to sell or offer for sale any good or service that a contract concessionaire sells or offers or displays for sale at that park. Provisions of this chapter regarding specific regulated use of parks may also apply to sales of goods or services in parks.
6. ~~Commercial~~ *Use of reservable park amenities; recreation.* Except as otherwise allowed by Director's order or written permit, during any reservable time, 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.

13-2-55-1-3. 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~~," ~~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 on the time, place, and manner of operation of such ~~use~~ use:
 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.

Commented [EK5]: Update since we now take reservations of amenities other than shelters.

~~2. Is providing or offering goods, services, or programming otherwise available from the department;~~
~~3. Is providing or offering goods, services, or programming that are incompatible with other lawful park uses or administrative policy.~~

32. *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.

Commented [EK6]: Deleting unnecessary language

B. *Mobile sales units.* A "mobile sales ~~unit~~, 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 ~~on the time, place, and manner of operation of~~ applicable to such use.

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. ~~Is providing or offering~~ sServices or programming otherwise available from the department;
 - b. ~~Is providing or offering~~ gGoods that a contract concessionaire sells at that park;
 - c. ~~Is providing or offering~~ gGoods, services, or programming that are incompatible with other lawful park uses or administrative policy.

~~3. Short-term concession permit not required. Short-term concessionaires specifically enumerated and permitted under a City of Meridian mobile sales unit license to operate in city parks are not required to obtain a short-term concession permit.~~

C. *Short-term concessionaires.* A "short-term ~~concessionaire~~, 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 on the time, place, and manner of operation of such use.

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~~ Director or designee. Such invitation must be expressly conveyed, and shall be nontransferable and limited to the scope and authority conveyed by such invitation. ~~Such invitation may be conveyed in the form of a reservable park amenity reservation. The Director may decline to extend an invitation to any short-term concessionaire.~~

Commented [EK7]: Changes inviting party from MPR Director to reservation holder.

Commented [EK8]: Moved below.

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.

Commented [EK9]: Differentiates regular reservations and special events.

3. *Director approval.* The approval of the Director or designee of a short-term concessionaire in a park shall 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.

- ~~24.~~ *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.
- ~~35.~~ *Amenity reservation may be required.* Any person operating as a ~~short-short~~ term concessionaire in or upon a reservable park amenity during a reservable time shall first reserve such reservable park amenity with the department, ~~unless such short-term concessionaire is operating under a City of Meridian Temporary Use Permit or City of Meridian Mobile Sales Unit License.~~
- ~~46.~~ *Short-term concession permit required.* No person shall operate as a short-term concessionaire in a park without first obtaining a ~~short-short~~ term concession permit from the department, ~~unless such short-term concessionaire is operating under a City of Meridian Temporary Use Permit or City of Meridian Mobile Sales Unit License.~~
- 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, ~~and tax identification number~~ of the applicant, and/or, if the applicant is a partnership, company, or corporation, the name, ~~and~~ address, ~~and corporate or tax identification number~~ of such entity. Addresses required by this subsection shall include both local and corporate addresses, as well as both physical and mailing addresses.
 - ~~(2) The names and addresses of all employees and/or persons who will be establishing, operating, or acting as a short-term concessionaire under the short-term concession permit.~~
 - ~~(4)(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).
 - ~~(5)(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.
 - ~~(6)(5)~~ Proof of an insurance policy, issued by an insurance company licensed to do business in Idaho, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the ~~short-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) per person bodily injury, five hundred thousand dollars (\$500,000.00) per occurrence bodily

Commented [EK10]: Language not necessary since TUPs, MSUs, and STCs are three separate and distinct entities/purposes.

injury, and one hundred thousand dollars (\$100,000.00) per occurrence property damage.

~~(7)(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 ~~twenty-one (21)~~ 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.

Commented [EK11]: Shorter application processing period.

c. The department shall deny an application for a short-term concession permit where:

Commented [EK12]: Enumerating standards for denial of STCP.

- (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.

~~Where an 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 ~~this chapter~~ Title 3, Chapter 1, Meridian City Code.

~~ed.~~ 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"~~ "sponsor," 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 ~~on the time, place, and manner of~~ regarding the operation of such use.

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:

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- a. ~~Which is providing or offering~~ Services or programming otherwise available from the department;
 - b. ~~Which is providing or offering~~ Goods that a contract concessionaire sells at that park;
 - c. ~~Which is providing or offering~~ 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~~" 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 ~~on the time, place, and manner of 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.

~~13-2-65-1-4.~~ General park regulations.

Except as expressly authorized by written order of the Director or designee, 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:

Commented [EK13]: Recommending general penalty for all violations to simplify enforcement.

- A. *Incompatible uses.* Uses incompatible with those enumerated ~~herein in this chapter~~, as determined by the Director, shall be prohibited. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.
- B. ~~*Airborne objects.*~~
- 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

Commented [EK14]: Moved the default penalty to above for clarity.

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. ~~A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~
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. ~~A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~

Commented [EK16]: Added to codify practice of tying alcohol use to shelter reservation.

- 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 ~~such device is~~ otherwise allowed under a valid City of Meridian amplified sound permit ~~or, temporary use permit, or as otherwise allowed by applicable provisions of law or policy, in which case such device may be operated at a volume no greater than sixty-two (62) decibels measured from such devices to the perimeter of the City park.~~

Commented [EK17]: Recommending that sound levels be established by policy since each park is different based on location and proximity to residential areas. MPR has prepared written 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 ~~twenty-one (21) calendar~~ 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.

Commented [EK18]: Shorter application processing time.

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Commented [EK19]: Enumerating standards for denial of ASP.

~~If Where~~ 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 ~~this chapter~~ Title 3, Chapter 1, Meridian City Code.

~~34.~~ 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.

~~4. A violation of this subsection shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~

- E. *Boating, swimming or wading.* No person shall boat, windsurf, swim, bathe or wade in any water or waterways, ~~or pool in any park,~~ except in such water and at such places as are provided therefor and in compliance with all applicable and/or posted rules and regulations.

~~A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~

- 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. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.

- 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.

Commented [EK20]: Recommended to regulate commercial use of parks. Helps MPR provide better resources to users, avoid reservation/user conflicts, assess and mitigate risks and liability.

- ~~GH.~~ *Defacement and damage prohibited.* No person in any City park shall:
- ~~1. willfully~~ Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public ~~utilities-utility, or parts~~ or appurtenances ~~whatsoever~~, 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 or injure the bark, or pick the flowers or seeds, of any tree or plant; attach any rope, wire or other contrivance to any tree or plant; dig in or otherwise disturb grass areas; climb trees; or in any other way injure or impair the natural beauty or usefulness of any area.

A violation of this provision shall be a misdemeanor.

- ~~H.~~ *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.

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- d. ~~At the bark park and/or At dog parks or~~ such areas designated by the department or Director as dog training and exercise grounds, subject to the rules and regulations ~~therein and~~ 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.

~~A violation of this provision shall be an infraction, the penalty for which shall be twenty five dollars (\$25.00) plus court costs.~~ 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.
- ~~H.~~ *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.
- ~~J.~~ *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. ~~A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~
- ~~K.~~ *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.
- ~~L.~~ ~~*Fishing.* No person shall fish in any waters in any city park, whether by the use of a hook and line, net, trap, or other device, except in waters designated for that use and in compliance with all applicable and/or posted rules and regulations. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs. Fishing licenses shall be required pursuant to Idaho department of fish and game regulations.~~
- M. *Glass.* No person shall use, ~~carry, or be in the possession of~~ any container made of glass when such person is on asphalt, concrete, or other hard surface. ~~A violation of this provision shall be an infraction, the penalty for which shall be twenty five dollars (\$25.00) plus court costs.~~
- N. *Golf.* Golfing or driving golf balls is prohibited except at Lakeview Golf Course, in specifically designated facilities. ~~A violation of this provision shall be an infraction, the penalty for which shall be fifty dollars (\$50.00) plus court costs.~~
- ~~O.~~ ~~*Horseback riding prohibited.* No person shall ride or lead a horse in, through, or over any city park. This subsection shall not apply to police officers and their service animals during the official performance of their duties. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~

Commented [EK21]: Moved to Hunting and Fishing, below.

Commented [EK22]: Added because City now runs LGC.

Commented [EK23]: Recommend deletion of prohibitions that are not a typical issue in City parks.

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~~P.O.~~ ~~Hunting and fishing prohibited.~~ 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. ~~A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~ ~~Fishing is allowed in some park facilities.~~ ~~and regulations. Fishing licenses shall be required pursuant to Idaho department of fish and game regulations.~~

Commented [EK24]: Fishing is allowed in some park facilities.

Q. *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 ~~the 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, whether motorized or unmotorized, on any area 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.
6. *Reckless operation.* ~~No person shall operate a motor vehicle in a park in a reckless or dangerous manner, including, without limitation: racing; performing doughnuts, burnouts, drifting, rapid acceleration, squealing tires, or engine revving; or allowing passengers to ride partially or fully outside of the motor vehicle.~~
5. *Penalty.* ~~A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.~~

Commented [EK25]: Recommended to address vehicular issues in parks. Borrowed from Ohio "hooning" bill: https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_134/bills/hb740/IN/00/hb740_00_IN?format=pdf

~~R.~~ ~~Park closure.~~ No person shall be in the park during hours of closure, except for purposes of transit through the park, or as authorized by permit or Director's order. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.

Commented [EK26]: Moved to Trespass in Parks, below.

~~SR.~~ *Parking in parks.* The provisions of ~~Title 7, Chapter 2,~~ Meridian City Code section 7-2-6(B), regarding parking, shall apply in city parks and pathway facilities.

S. 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)(i).
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.

Commented [EK27]: Recommended to address use of vehicles on pathways, and speed of pathway users.

~~T.~~ ~~Remote controlled objects.~~ No person shall operate a remote controlled toy, vehicle, or other object when other persons are present. A violation of this provision shall be an infraction, the penalty for which shall be twenty five dollars (\$25.00) plus court costs.

Commented [EK28]: Recommend deletion of prohibitions that are not a typical issue in City parks.

~~U.I.~~ *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. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.

~~V.U.~~ 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. ~~A violation of this provision shall be an infraction, the penalty for which shall be twenty-five dollars (\$25.00) plus court costs.~~ This subsection shall not apply to plaques, tablets or signs posted or affixed by the city.

~~W.V.~~ Smoking. No person shall light, use, or consume any tobacco product or electronic ~~cigarette smoking device~~ in any city park, provided that this prohibition shall not apply to parking lots in City parks ~~or to Harold Cox Monument~~. The definition of the terms "tobacco product" and "electronic ~~cigarette smoking device~~" shall be as set forth in Idaho Code § 39-5702. ~~A violation of this provision shall be an infraction, the penalty for which shall be fifty dollars (\$50.00) plus court costs.~~

~~X.~~ Tennis courts. No person in any park shall fail to observe and/or violate the rules and policies regarding the use of such courts as promulgated by the Director. A violation of this provision shall be an infraction, the penalty for which shall be twenty-five dollars (\$25.00) plus court costs.

Commented [EK29]: Covered by Rules and regulations, above.

~~Y.~~ Thrown objects. No person in any park shall throw, propel, or take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows or javelins except in areas specifically designated for such forms of recreation. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.

Commented [EK30]: Moved to Toys and Recreational Equipment, below.

~~Z.~~ Trees, shrubbery and vegetation. No person in any park shall 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 grass areas, or climb trees, or in any other way injure or impair the natural beauty or usefulness of any area. A violation of this provision shall be an infraction, the penalty for which shall be one hundred dollars (\$100.00) plus court costs.

Commented [EK31]: Moved to Defacement and Damage, above.

W. 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 ~~or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows or javelins 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

Commented [EK32]: Consolidated these provisions into one section.

ornamental surface, picnic table, bench, tennis court, fountain area, splash pad, playground equipment, planter, sculpture or other structure unless otherwise not specifically designated for such activity.

~~X. C.~~ Trespass in parks. It shall be unlawful for any person to:

1. 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. 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. 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. 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.

Commented [EK33]: Moved from sections 13-2-9/5-1-6(B) and (C), below.

13-2-7.5-1-5. Park operating policy 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.

13-2-8. Denial or revocation of permits; appeal.

13-2-9.5-1-6. Enforcement.

- A. ~~Officials~~ 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 ~~of the Director~~ shall enforce the provisions of this chapter.
- B. *Ejection.* ~~Personnel enumerated in section 5-1-6(A) shall be authorized. A police officer, the Director or a duly authorized City of Meridian representative, shall have the authority~~ to eject from a city park, ~~as defined in this chapter,~~ 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. ~~It shall be unlawful for any person ejected from the park to fail to leave promptly and peaceably, or to return to the city park on the same calendar day of his ejection. A violation of this provision shall be an infraction, punishable by a penalty of fifty dollars (\$50.00).~~

Commented [EK35]: Covered by (and references above changed to reference) Title 3, Chapter 1, Meridian City Code.

Commented [EK36]: Updated to reflect current MPD staffing.

Commented [EK37]: Moved to enumerated prohibitions, above.

- ~~C. Trespass in parks. It shall be unlawful for any person to 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 or enters, remains in, or is otherwise present within an area of the park clearly~~

Commented [EK38]: Moved to enumerated prohibitions, above.

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~~directly or indirectly, temporarily or permanently, desecrate public trees or parks or other property punishable by a fine of not more than \$500.~~
DC. *Seizure of property.* A police officer shall have the authority to seize and confiscate any property, thing or device used in violation of this chapter.

ED. *Removal of vehicles.* Any vehicle parked in violation of this chapter or administrative policy is subject to removal.

1. The Director or his designee may exclude the offender from ~~the city park in which the current violation occurred all City parks~~ for a period not exceeding ~~seven (7)~~ **fourteen (14)** days from the date of the exclusion notice.
2. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the length and places of exclusion. It shall be signed by the issuing individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.
3. 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 ~~City Council~~ **Police Chief or designee** for the purpose of ~~having the city council review~~ **ing** 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 ~~City Council~~ **Police Chief or designee** shall hear the appeal ~~at the second regular council meeting within thirty (30) days~~ following the date the appeal is filed with the City Clerk. The ~~City Council~~ **Police Chief or designee** may uphold the exclusion, overturn the exclusion, or shorten the length of the exclusion. ~~City council's~~ **The Police Chief's or designee's** decision shall be a final decision. No determination of facts made by the ~~City Council~~ **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. 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. 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.

13-2-10-5-1-6. 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~~ **City** employees or other authorized persons from performing their official or ~~city~~ **City** authorized duties.

13-2-11. Establishment and duties of the City Arborist.

Chapter 2. PUBLIC TREES AND MERIDIAN FORESTRY PROGRAM

5-2-1. – Definitions.

A. Public tree. Any tree, including roots within the critical root zone, whose trunk is located, partly or in whole, on City property.

Commented [EK39]: Changed per MPD request.

Commented [EK40]: Extended exclusion period in order to include weekends.

Commented [EK41]: Recommending change to allow appeal of exclusion notice to Chief of Police, instead of City Council.

Commented [EK42]: Recommend moving regulations regarding Public Trees out of the Parks Code and into its own chapter, since public trees are all trees on City property.

Commented [EK43]: These provisions are required by the National Arbor Day Foundation regarding the City's designation as Tree City USA.

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B. *Right-of-way tree.* Any tree, including roots within the critical root zone, whose trunk is located, partly or in whole, 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 Parks & Recreation Department Director shall designate a staff member as the City Arborist, which person shall perform the duties imposed by and authorized to exercise the powers granted by this chapter.

B. *Duties.* The City Arborist, subject to available resources, is hereby authorized to carry out the following duties:

1. Develop, administer and maintain a community forestry management plan and budget.
2. Establish policies to carry out the provisions of this chapter.
3. Provide information and advice to citizens and City employees, including Code Enforcement Officers, regarding the health and condition of trees and maintenance necessary to protect the public health, safety and welfare.
4. Manage and regulate the planting, maintenance, protection, removal, and replacement of all public trees, as such term is defined in this chapter.
5. Coordinate and promote Arbor Day activities.
6. Support public awareness and education programs relating to trees.
7. As needed, consult with City departments regarding tree care.
8. Communicate forestry program accomplishments to City Council.
9. Submit the annual application to renew the City's Tree City USA designation.
10. Recommend a list of public tree species appropriate for planting, a list of prohibited public tree species, and an official set of spacing requirements.

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 "Standards for Tree Care Operations" 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 Meridian City Code 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

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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 or plant or injure the bark, or pick the flowers or seeds, of any tree or plant; attach any rope, wire or other contrivance to any tree or plant; dig in or otherwise disturb grass areas; or climb trees.

D. *Construction near public tree.* Any person or City department performing construction which 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 procedures contained in 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.