

ORDINANCE NO. _____

AN ORDINANCE AMENDING OELWEIN CODE OF ORDINANCES CHAPTER 3 ARTICLE IX AND CHAPTER 21
PARKS VIOLATIONS

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended by Replacing Section 3-172, Section 3-174, Section 3-175 with the following

Section 3-172. DUTIES OF THE BOARD.

The Park and Recreation Commission shall have the power and authority to and shall perform the following duties:

1. The Commission may participate in the fee schedule, long-term capital improvements and budgeting process with the Park Superintendent and Recreation Programmer to make recommendations to the City Administrator for the annual line item budget of all anticipated fiscal year revenues and expenditures. This budget, with the recommendation of the City Administrator shall be subject to final approval by the Council.

2. Review and recommend to the City Council policies for the operations of all functions under the jurisdiction of the Park and Recreation Commission.

3. Advocate and promote park and recreation activities which will benefit all citizens of Oelwein, Iowa.

4. Adopt rules and regulations for controlling the use of park and recreation facilities and activities associated therewith, which rules and regulations shall not be inconsistent with any State law or local ordinance.

5. Cooperate with the Board of the Oelwein Community School District, other Commissions, Boards and civic groups to expand and improve the parks and recreation programs, with minimum cost to the citizens of Oelwein, Iowa.

Section 3-174. MEETINGS.

The Park and Recreation Commission shall hold regular bi-monthly meetings during the months of January, March, May, July, September, and November. The date, time and place of these meetings as determined by the Commission. Special meetings may be called by the Park Superintendent, Chair, or in the absence of the Chair, by the Vice-Chair. All meetings shall be open to the public and subject to the rules and regulations of the open meetings law of the State of Iowa. A quorum, consisting of a majority of the Commissioners, must be present at any regular or special meeting.

Section 3-175. MINUTES OF MEETINGS.

The Park Superintendent or their designee shall keep detailed minutes of each and every regular and/or special meeting and shall submit copies of such minutes to each Commissioner and to the City Clerk.

Section 2. That the general Ordinances of the City of Oelwein adopted July 1, 2012 be amended by deleting Section 21-1, 21-2, 21-3, 21-4, 21-5, 21-6, 21-7, 21-8, 21-9, and 21-10 in their entirety and replacing them as follows:

SECTION 21-1. ANIMALS IN PARKS.

Animals within any city park or on any city trail at all times must be under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint of not more than six feet in length or properly restrained within a motor vehicle.

The restraint requirement shall not apply to animals within the dog park at City Park while abiding by all rules and regulations posted at such designated off leash area.

No horses, mules, or ponies shall be permitted on the premises of any City park ground or trails at any time.

The person in control of an animal on any city property shall be responsible to immediately clean-up, remove and dispose of, in a sanitary manner, solid waste fecal matter excreted by said animal.

Exception: The provisions of this section shall not apply to animals specially trained to assist handicapped persons under the direct control of a handicapped person. (Ord. No. 1052, 808-2005.)

SECTION 21-2. INJURING PARK PROPERTY PROHIBITED AND LITTERING

It shall be unlawful for any person to deface, damage or destroy park property, natural or manmade. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

21.3 SWIMMING POOL REGULATIONS.

Subject to approval of the Park and Recreation Committee and final approval of the City Council, rules and regulations for the use of the municipal swimming pool, which shall include the hours of operation, length of the season the pool is to be open, fees and admission charges, and regulations to be observed while using the pool shall be enforced by the Park Superintendent. The rules and regulations shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility. The Park Superintendent shall seek the advice and authority of the City Administrator in case of immediate need or emergency.

SECTION 21-4. PARKS CLOSED DURING SPECIFIED HOURS.

No person shall enter upon or remain upon the city parks or recreational facilities of the City of Oelwein starting one hour past sundown to one hour before sunrise. These facilities shall be closed to the general public, with exception of campers staying at the Oelwein City Park Campground and trail usage.

SECTION 21-5. PARKING AND TRAFFIC IN CITY PARKS.

1. It shall be unlawful to use motor vehicles in City parks:

- a. contrary to one-way traffic signs designating the direction of travel,
- b. upon the grass or off roadways in all city parks except as noted in sub-paragraph 2, below; or
- c. to park motor vehicles in the park, except in areas clearly designated for parking by signs or erected by the authority of the city council.

2. Snowmobiles are permitted to traverse city parks on the designated snowmobile trail when snow conditions are suitable and the dates and times said trail is posted as open. ATV's, UTV's, Golf Carts and all-terrain vehicles are prohibited in all city parks without exception. Snowmobiles and all-terrain vehicles shall be defined pursuant to 3216.1(20) and 3211.1 of the Code of Iowa.

SECTION 21-6. SPEED RESTRICTIONS.

It shall be unlawful for an operator of a motor vehicle to operate such a motor vehicle within the boundary of any city park at a speed in excess of fifteen (15) miles per hour, excepting the area designated for camping in Oelwein City Park, where no motor vehicle may be operated in excess of ten (10) miles per hour. (Ord. No. 769, Section 1, 6-23-86; Ord. No. 795, 6-22-87.)

SECTION 21-7. MOTORIZED VESSEL SPEED RESTRICTION.

It shall be unlawful for an operator of a motorized vessel to operate such motorized vessel on Lake Oelwein at a speed in excess of a no-wake speed.

SECTION 21-8. PENALTY.

Any person violating any provision of this chapter shall be guilty of a municipal infraction pursuant to Section 1-10.

SECTION 21-9. OELWEIN BIKE TRAIL RULES AND REGULATIONS.

1. Part of Park System. The Oelwein Bike Trail is declared to be a part of the Oelwein Park System and the Park rules contained at Chapter 21 of the Oelwein Code of Ordinances shall apply except as modified in this Section.

2. Use. The Oelwein Bike Trail shall be used as a trail for: bicycling, cross-country skiing, roller-blading and foot traffic and other special event usage authorized by the City Council. (Ord. No. 1120, 6-26-2012.)

3. Motorized Vehicles Prohibited. The use of motorized any vehicles, mopeds, motorized bicycles, ATVs, UTV's, golf carts and snowmobiles is prohibited on the Oelwein Bike Trail within the City of Oelwein, Iowa, except for authorized emergency and maintenance vehicles and except for motorized wheelchairs and other similar vehicles used by handicapped persons.

4. Horses and Other Animals. No person shall permit a horse under their control to be on the Oelwein Bike Trail. No person shall permit or allow an animal or pet on said Oelwein Bike Trail unless said animal or pet is under the control of said person and is on a leash of six feet or less in length. Said person shall pick up and dispose of any feces from the animal or pet under that person's control. For the purpose of this article, horse is defined as any equine animal including horses, mules, burrow, donkeys, and all lamas or alpaca like animals. Animal is defined as all animals of the animal kingdom, male or female, whether altered or not.

5. Special Permits. Special permits may be issued by the City Council for special events on specific dates utilizing golf carts or similar motorized transportation upon the Oelwein Bike Trail. (Ord. No. 1120, 6-26-2012.)

6. Official Signs. All Oelwein Bike Trail users shall observe and obey all official bike trail signs posted along the trail. These signs shall be considered "Official Traffic Control Devices" as defined by the Code of Iowa.

7. Violation of Rules. Any person who fails to obey a bike trail sign, rule, or other provisions of this Ordinance shall be guilty of a municipal infraction.

Section 3. That all Ordinances or parts thereof in conflict herewith be and the same are hereby repealed. This Ordinance shall become effective upon its passage.

First reading –
Second reading –
Third reading –

Passed and adopted by the City Council of the City of Oelwein, Iowa, this _____ day of

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Peggy Sherrets, Mayor