



CHAPTER 21

PARKS VIOLATIONS

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 ten six feet in length or properly restrained within a motor vehicle.

The restraint requirement shall not apply to animals within boundaries of a designated the off leash area in the south end of Redgate Park 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 in on any city park 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, except by the authority of the park committee, to cut, break or deface any tree or shrub growing in a part or any improvements placed therein. (Ord. No. 65, Section 2.)

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.

SECTION 21-3. HORSES OR PONIES IN CITY PARKS.

It shall be unlawful for any person to drive, lead or ride, or to permit to run at large, any horse or pony in any city park of the City of Oelwein, Iowa, other than upon the established roadways therein. (Ord. No. 561, 3-28-77.)

Cross reference — animals and fowl generally, Chapter 19.



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.

~~The Oelwein City Council shall establish and cause to be posted the hours when each city park, or section of any park, is open to the public.~~

~~It shall be unlawful for any person, other than city personnel conducting city business therein, to occupy or be present in said park during any hour in which the park is not open to the public.~~

~~(Ord. No. 429, Section 1, 5-22-67; Ord. No. 795, 6-22-87; Ord. No. 909, 1-2-95; Ord. No. 1120, 6-26-2012.)~~

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 ~~where~~ **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.

(Ord. No. 657, Section 1, 4-14-80; Ord. No. 909, 1-23-95; Ord. No. 1120, 6-26-2012.)



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. BOAT RAMP RESTRICTION.~~ ? Really need to be in here?

~~It shall be unlawful for any person to launch or retrieve a motorized vessel from the City Park boat ramp, or other location within Oelwein City Park, for purpose of operating said motorized vessel at a speed in excess of a no-wake speed.~~

SECTION 21-9. PENALTY.

Any person violating any provision of this chapter shall be guilty of a municipal infraction pursuant to Section 1-10. (Ord. No. 969, Section 2, 03-22-1999; Ord. No. 1120, 6-26-2012.)

SECTION 21-10. OELWEIN BIKE TRAIL RULES AND REGULATIONS.

1. Part of Park System. The Oelwein Bike Trail ~~located within the Oelwein City Limits~~ 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.

(Ord. No. 1001, 04-22-2002.)

ARTICLE IX

PARK AND RECREATION COMMISSION

SECTION 3-170. PARK AND RECREATION COMMISSION CREATED.

A Park and Recreation Commission is hereby created to advise the Council on needed facilities; to provide open space such as parks, playgrounds and community facilities for other forms of recreation. The Park and Recreation Commission shall plan and monitor City recreation programs, and encourage other programs, for the leisure time of the City's residents of all ages. The Park and Recreation Commission shall not have maintenance responsibility over any park or other recreational facility. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91.)

SECTION 3-171. COMMISSION ORGANIZATION.

1. Number. The Commission shall consist of seven (7) Park and Recreation Commissioners appointed by the Mayor, with the approval of the Council. (Ord. No. 1063, 0626-2006.)

2. Term. The Mayor, with the approval of the Council, shall appoint seven (7) Park and Recreation Commissioners for over-lapping and staggered three (3) year terms. The Park and Recreation Commission shall choose its Chair and Vice-Chair every year thereafter. (Ord. NO. 1063, 06-26-2006.)

3. Initial appointment of the Commissioners to expand the Park and Recreation Commission to seven (7) members shall have their initial terms designated by the Mayor, with the approval of the Council, so that one of the expansion members shall serve for an initial term of one (1) year and the other expansion member shall serve an initial term of two (2) years. Thereafter the expansion members shall serve for terms of three (3) years. (Ord. No. 1062, 0626-2006)

4. Preference for Appointment: Commissioners shall be appointed with a preference to eligible electors who are citizens of the City of Oelwein, Iowa.

5. Vacancies. A Commissioner's death or absence from three consecutive regular meetings of the Park and Recreation Commission, or failure to attend one-fourth of all regular monthly meetings in any year, excepting absences due to illness of the Commissioner, shall render the Commissioner's office vacated.



Vacancies in the Park and Recreation Commission shall be filled in the same manner as original appointments and such appointment shall be for the unexpired term of which the appointment is made. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-1391; Ord. No. 909, 1-23-95.)

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. Review and recommend to City Council a budget providing for the operations of the parks and all other recreation facilities and recreation programs.~~

~~2. Review and recommend to the City Council the establishment of fees for certain activities or programs established by the Park and Recreation Commission.~~

1.) The Committee 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.

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

~~4. Provide community based ideas and recommendations to City Council for long term capital improvement programs for park and recreation facilities, including acquisition of park sites.~~

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

~~6. Promote the activities of the Park and Recreation Commission throughout the community.~~

7. 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.

8. 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.

(Ord. No. 844, 5-13-91; Ord No. 845, 5-13-91.)

SECTION 3-173. DUTIES OF CHAIR AND VICE-CHAIR.

1. The Chair shall preside over all regular or special meetings of the Commission. In the absence of the Chair, the Vice-Chair shall preside over all regular or special meetings.



2. Only the Chair shall speak for the Park and Recreation Commission. In the absence of the Chair, only the Vice-Chair shall speak for the Park and Recreation Commission.

3. The Chair shall make an annual report, and other reports as may be requested from time to time by the Mayor or City Council, of the Park and Recreation Commission's activities and any recommendations for the development and operation of parks, playgrounds, recreational centers and cultural functions and programs.

4. The Chair may call special meetings of the Park and Recreation Commission.

(Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91; Ord. No. 909, 1-23-95.)

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.** ~~at a~~ **The** date, time and place **of these meetings** as determined by the Commission. Special meetings may be called by the 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. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91; Ord. No. 909, 1-23-95.)

SECTION 3-175. MINUTES OF MEETINGS.

The Park and Recreation Commission ~~Superintendent~~ **Superintendent** 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. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91.)

SECTION 3-176. COMPENSATION OF COMMISSIONERS.

Commissioners shall serve without compensation. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91.)

SECTION 3-177. GIFT AND DONATIONS.

All grants, gifts and donations which are received by the City of Oelwein and subsequently designated to be used for parks and recreation purposes only, shall be accounted for separately and shall be expended in a manner recommended by the Commission and authorized by the City Council. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91.)

SECTION 3-178. PENALTIES.

Violation of a rule or regulation which has been adopted by the Park and Recreation Commission may be cause for denial of use of a facility or participation in a Commission program, but such denial which extends more than three (3) days may be appealed to the Commission and shall be heard by a quorum of the Commission. (Ord. No. 844, 5-13-91; Ord. No. 845, 5-13-91.)