

ORDINANCE NO. 611

AN ORDINANCE PROVIDING FOR THE REGULATION OF ACTIVITIES AND CONDUCT IN CITY PARKS AND TRAILS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROY, MONTANA, THAT THE FOLLOWING ORDINANCE BE ADDED TO THE MUNICIPAL CODE OF THE CITY OF TROY, MONTANA:

IT IS UNLAWFUL FOR ANY PERSON IN A PARK TO:

- Mark, deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, grills, railings, paving or paving material, water lines, equipment, signs, drinking fountains, swimming or wading pools or other park property, improvements or appurtenances whatsoever, real or personal;
- Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition;
- Dump dirt, grass and tree clippings or dig, remove, plant or deposit any soil, rock sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment or other means or agency except as authorized by the City of Troy;
- Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public utility into, upon or across park property, except for special written permit issued hereunder;
- Damage, cut carve, mark, transplant or remove any plant, or injure the bark, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;
- Climb any tree or walk, climb, stand or sit upon buildings, monuments, statues, vases, planters, fountains, railings, fences or upon any other structure not designated or customarily used for such purpose;
- Attach any rope, cable, structure, device or other contrivance to any tree, fence, railing, bridge, bench, building or other structure unless otherwise posted. This prohibition does not include locking bicycles to the foregoing mentioned structures as long as no damage is done to the structure, so long as the bicycle does not interfere with the use and enjoyment of the park by others, and so long as the bicycle is not

locked to the structure for the period of time not to exceed (24) twenty-four hours;

- Litter or fail to deposit litter in provided garbage receptacles. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere;
- Break glass objects and then fail to remove broken glass and dispose of the broken glass in such fashion so as not to cause injury to persons or property;
- Cause or permit any domestic animal to run loose, or fail to keep such animal under restraint, in any park or other open space area designated by the commission as an area requiring restraint. Further, every owner or person having custody of said dog or other domestic animal shall remove and properly dispose of the animal's solid waste (fecal material);
- Tie or hitch an animal to any tree or plant;
- Pasture or pen any animal, domesticated or wild, except as authorized by the City of Troy
- Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, nor remove from the park or have in his possession any animal, or the eggs or nest, or young of any animal. *Exception to the foregoing is made in that a snake known to be poisonous may be killed on sight.* Exception is further made to fishing where allowed by the Montana Department of Fish, Wildlife, and Parks. This regulation does not apply to officers of the state or local government duty acting within the course and scope of their duties
- No horses are allowed in the park except by special permission by the City of Troy; for parades a parade permit is required
- Start a fire except in facilities installed and provided for such purpose, or to fail to completely extinguish a fire upon leaving the park;
- Camp overnight or picnic except in designated areas;
- Display, offer to sell, or sell any article or service without first obtaining a permit from the City of Troy except for sanctioned events;

- Bring or discharge any firearm, air gun, bow and arrow, slingshot, spear, boomerang or any other form of potentially dangerous weapon into the park;
- Possess or bring fireworks into the park, or cause the fireworks to be ignited or exploded in the park except an event sanctioned by the City of Troy;
- Skateboard, roller-skate, in-line skate, ride a bike or similar recreational device with wheels outside of designated areas;
- Operate a skateboard, roller-skate, in-line skate, ride a bike or similar recreational device with wheels on or against any city-owned table, bench, structure, bike rack, parking stop, retaining wall, fountain, statue, railing, stage, or other improvement which may suffer damage by such use;
- Operate a skateboard, roller-skate, in-line skate, or ride a bike or similar recreational device with wheels on or in any pavilion;
- Practice golf with real golf balls in any park;
- Drive, operate or park any vehicle or trailer on parklands or trails, except as authorized the City of Troy;
- Swim at the fishpond, boat ramp or other non-designated areas;
- Use boats, rafts, or canoes or any other flotation device in the fish pond, or
- Tamper with any control mechanical device, or any of the parks attractions.

PARK USE

Unless reserved according to the park reservation procedure adopted by the City of Troy, the use of the park or portion thereof by the public shall be on a first-come, first-served basis;

The City of Troy shall from time to time establish by resolution policies for the reservation of the park and a schedule of fees for various park uses.

HOURS OF OPERATION

- A. Hours. All parks shall be open to the public every day of the year subject to the exceptions established herein;

- B. General Closure. Any section or part of any park may be closed to the public by the City of Troy. Notice of closing shall be posted in a conspicuous manner;
- C. Open Hours. The City Council of the City of Troy shall from time to time schedule and post the hours of the park that will be open for public use.

TRAFFIC CONTROL

- A. No person shall drive any vehicle through the park or upon park roads at a rate of speed exceeding five miles per hour or at such speeds as may be established by the City of Troy; and
- B. Vehicles shall not be driven or parked off designated roads and parking areas without the written permission of the City of Troy.

PENALTY

It is a misdemeanor for a person to violate any of the provisions of this ordinance and a conviction of said violation shall be punished by a fine not to exceed five hundred dollars (\$500.00).

PASSED BY THE CITY COUNCIL and approved by the Mayor of the City of Troy, Montana, this 15th day of **April, 2009**.

/s/
James C. Hammons, Mayor

ATTEST:

/s/
Sandra Johnson, City Clerk

First Reading: March 18, 2009

Second Reading: April 15, 2009