

## ~Chapter 14-B~

### **PARKS AND RECREATION**

*Cross Reference: Alcoholic Beverages, Ch. 3; Animals and Fowl: Chapter 5, Bicycles, Ch. 5; Police and Prisoners, Ch. 17*

#### **14.01: Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Alcoholic beverage** means intoxicating beverage, malt beverage, wine or any other beverage containing any alcohol whatsoever.

**Building** means any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind

**Litter** means garbage, refuse, paper, rubbish, debris, trash and all other waste material whether natural or artificial

**Park and/or recreation area** means all recreation areas in parks, including land, buildings, lakes, ponds, streams, swimming pools, sports fields, cemeteries, and all other property and buildings owned, leased or managed by the City, and including all recreation areas and park in the City owned by the state or federal government and managed by the county.

**Vehicle** means any motor-driven or engine-driven equipment, such as an automobile, truck, motorcycle, moped, go-cart, ATV, snowmobile, or Segway

**Weapon** means firearm, rifle, pistol, revolver, paintball gun, BB gun, airsoft gun, or any weapon designed or intended to propel a shot, bullet, or other missile of any kind, or any device capable of discharging a projectile by air, spirit, gas or explosive, or any explosive substance or harmful solid, liquid and gaseous substance, or any, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any knife as defined by State law, bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any bat, club or other bludgeon-type weapon, or any flailing instrument or any disk which is designed to be thrown or propelled and which may be known as throwing star or oriental dart, or any weapon of like kind, and any stun gun, Taser or similar device.

#### **14.02 Enforcement of Chapter**

This chapter shall be enforced by any law enforcement officer authorized to enforce the ordinances of Hot Springs. Where there has been a violation of any provisions of this chapter, the law enforcement officer in his/her discretion may issue a citation, warning and/or order the person to leave the park or recreation area.

#### **14.03 Penalties for Violation of Chapter**

- A. Any person found to have violated any provision of this article may be punished by the maximum limits established by the City in accordance with the Courts
- B. Any person convicted of a violation of this ordinance may further be denied any park permit or permission to utilize the area of any park or recreation area

#### **14.04 Littering Prohibited**

It shall be unlawful for any person to throw or deposit litter on the grounds, streets, sidewalks, fountains, ponds, lakes, swimming pools, streams, or other body of water in any park or recreation area, except in public trash canisters and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or recreation area. Where public receptacles are not provided, all such litter shall be carried away from the park or recreation area by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be unlawful to take into or put into a park or recreation area, any litter generated outside the park or recreation area.

#### **14.05 Discharging Weapons Prohibited**

It shall be unlawful for any person to discharge any weapon or similar device in a park or recreation area unless discharge of weapon is from an authorized law enforcement officer or animal control officer in the performance of their regularly assigned duties.

#### **14.06 Throwing Objects Prohibited**

It shall be unlawful for any person to throw any stone or missile at any person, animal, animal habitat, light, sign or at any public or private building or structure in a park or recreation area.

#### **14.07 Improper Use of Sound Producing Devices**

It shall be unlawful for any person to operate or use any sound producing or motorized equipment including but not limited to generators and vehicles, or play or operate any sound amplification devices, including but not limited to radios, television sets, stereos, musical instruments, public address systems, and the like, in such a manner as to unreasonably annoy, disturb, injure, or endanger other persons, or to otherwise destroy the comfort, repose peace or safety of other persons in a park or recreation area. Those possessing a special parks use permit obtained in advance by the City shall be exempted from this requirement.

#### **14.08 Improper Personal Conduct**

It shall be unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be disturbing or annoying to other persons, or that could cause injury to other persons while in a park or recreation area, which conduct may include but is not limited to loitering, fighting, throwing or breaking articles, indecent exposure, lewd sexual acts, urinating or defecating in public, or public drunkenness. Persons shall be prohibited

from entering or occupying City park or recreational property for any purpose which interferes with the management of the area or authorized use of the area by others.

#### **14.09 Fires Restricted**

It shall be unlawful for any person to build or maintain a fire in a park or recreation area except in designated areas which are clearly marked by signs or defined with fire rings, fireplaces, grills or other area designated for the purpose of safely maintaining a fire, except by written permit by the City. Fires shall be confined to those areas so designated, shall not be left unattended and must be completely extinguished prior to departure.

#### **14.10 Damaging or Removal of Any Park Property, Vegetation or Natural Features Prohibited**

It shall be unlawful for any person to deface, graffiti, harm or damage any park buildings, wildlife, property, equipment or signs; or dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, water (with the exception of water from the developed spring located at Kidney Springs), historical artifacts, natural features or other vegetation in a park or recreation area.

#### **14.11 Buildings, Erection of Signs, Advertising and Fences Prohibited**

No person may place, construct, erect, or occupy any improvement or building; post or erect signs, place or distribute advertising material, or erect a fence or barrier on City park and recreation areas without prior authorization from the City.

#### **14.12 Possession, Use or Consumption of Alcoholic Beverages/Glass Containers**

In all city parks, no person shall consume any alcoholic beverages, except that the restriction shall not apply to malt beverages or wine as defined by SDCL 35-1-1 or where alcoholic beverages are licensed to be sold. It is a Class 2 misdemeanor for any person to consume distilled spirits in any public place, other than upon the premises of an on-sale dealer that is licensed to sell distilled spirits or upon the location set forth in a permit granted by SDCL 35-1-5.5. For purposes of this section, the term, public place, means any place, whether in or out of a building, commonly and customarily open to or used by the general public, and any street or highway.

Glass beverage containers of any type are not permitted in any park or recreation area with the exception of glass beverage containers enclosed by a silicone or silicone-like sleeve.

#### **14.13 Vehicles Restricted**

It shall be unlawful for any person to drive any unauthorized vehicle in a park or recreation area except upon designated roadways and parking areas maintained for vehicular traffic. Approved personal mobility devices for those persons with disabilities are allowed on pedestrian trails and walkways. Law enforcement or other public safety officials, and parks and recreation employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section. All persons operating any vehicle in a park or recreation facility upon roadways designated and

maintained for vehicular traffic must operate such vehicle in a safe manner, and must obey all posted speed limits and traffic signs. It shall be a violation of this article for any person to operate any vehicle in a park and/or recreation area at an excessive speed, in a reckless and unsafe manner, or in violation of posted traffic signs.

#### **14.14 Parking Limited to Park and Recreation Area Users**

It shall be unlawful for any person to park and leave unattended a vehicle or other property in a park or recreation area if the owner of the vehicle or other property is not utilizing the park or recreation facility, unless authorized by the City. It shall be unlawful for persons to congregate within a parking area of a park or recreation area so as to disrupt traffic or other persons, or so as to create a safety hazard.

#### **14.15 Commercial Activity Restricted**

It shall be unlawful for any person to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in a commercial activity in a park or recreation facility unless approved by permit by the City.

#### **14.16 Hours Open to Public Restricted**

It shall be unlawful for any person or vehicle to enter or be within a park or recreation area outside of the posted hours of operation unless approved by permit by the City, or unless such person is participating in authorized and scheduled programs, classes, special events or meetings.

Park hours of operation are ninety (90) minutes before sunrise until 11:00 PM.

The Freedom Trail shall be available for use twenty-four (24) hours /day

#### **14.17 Animals Restricted**

- A. It shall be the duty of every animal owner or custodian whose animal is in a park or recreation area to have physical control of the animal by leash or lead line no greater than ten feet (10') at all times unless in signed park areas where off leash is permitted. It shall be unlawful for any person with an animal, other than service animals (such as guide dogs) as necessary, to access areas of a park or recreation area which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a park or recreation area to immediately and properly dispose of solid waste deposited by the animal.
- B. It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation area to have in their possession proof of a current rabies vaccination for their animal. A vaccination tag or City pet license tag on the animal's collar indicating a current vaccination shall be acceptable proof of vaccination.
- C. It shall be the duty of every animal owner or custodian of such animal in a park or recreation area to immediately remove from such park or recreation area such animal

upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purpose of this subsection aggressive behavior includes, but is not limited to; aggressive barking, growling, bearing of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.

#### **14.18 Pyrotechnics Restricted**

It shall be unlawful for any person to possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, or other pyrotechnics, unless approved by written permit by the City.

#### **14.19 Launching Hot Air Balloons and Hobby Rockets Restricted**

It shall be unlawful for any person to launch hot air balloons and/or hobby rockets from a park or recreation area unless approved by written permit by the City.

#### **14.20 Park and Recreation Area Restrictions**

It shall be unlawful for anyone to enter a locked or closed park or recreation facility including any sports field (by field closed signage) unless approved in advance by City.

#### **14.21 Camping**

It shall be a violation of this article for persons to camp in a park, recreation facility, or in the parking lot of a park or recreation facility, except at sites or areas specifically designated for camping within the park or recreation area, or unless otherwise permitted by the City.

#### **14.22 Smoking and Tobacco Use in Prohibited Areas**

It shall be a violation of this article for persons to smoke or use tobacco products in areas of a park or recreation where restrictions of tobacco products are posted.

#### **14.23 Hunting and Trapping Prohibited**

It shall be a violation of this article for any person to hunt or trap animals, or attempt to hunt or trap animals, within a park or recreation area. Fishing shall be permitted so long as person(s) comply with South Dakota Department of Game, Fish, and Parks licensing requirements.

The City retains the right to perform hunting and trapping activity in the event of animal control purposes.

#### **14.24 Permits**

Permits for special events in a park or recreation area shall be obtained by application to City Hall. Guidelines for the issuance of permits by the City include:

1. That the proposed activity or use of the park or recreation facility will not unreasonably interfere with or detract from the enjoyment of the park or recreation area (factors to be considered include but are not limited to scope and duration of event);
2. That the proposed activity or use of the park or recreation facility will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation of a park or recreation area;
3. That the proposed activity or use of the park or recreation area is not reasonably anticipated to incite violence, crime, or disorderly conduct;
4. That the proposed activity or use of the park or recreation area will not conflict with existing parks and recreation services;
5. That the proposed activity or use of the park or recreation area desired has not been reserved for other use;
6. That the permitting person or persons will abide by all other state, county or city laws, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued;
7. That the City shall have the authority to revoke the permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown;
8. Persons may apply for a permit for a proposed activity or use of the park or recreation facility under the following categories: picnicking, fundraising, special event, food service for approved activities, and park or recreation area rentals; and
9. Any fees associated with acquiring a permit are made to City Hall prior to or at the time designated on the permit application

#### **14.25 Legal Clarification**

Should any section, clause or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

[Ord. 1174, Eff. 2/14/17]