

RESOLUTION

BE IT ENACTED by the Board of the Park Commissioners of the Park District of the City of Grand Forks that all of Ordinance No. 1 be amended and restated as follows:

ORDINANCE NO. 1

Section 1. Scope.

The provisions hereof are enacted for the regulation of the use and care of the parks, trees and property of the Park District of the City of Grand Forks by the public, and nothing herein contained shall operate to restrain or hinder the Park Commission of the Park District, or the individual members thereof, or the employees of such Commission, in the performance of their official duties.

Section 2. Meeting of the Board.

The Board of Park Commissioners shall meet regularly at the offices of the Park District on the first Tuesday of each month at the hour of 5:00 p.m., unless such other time or place is specifically fixed by the Board.

Section 3. Operation of Vehicles/Bicycles.

(1) In addition to the provisions of this ordinance, the traffic ordinances found in Chapter VIII of the Grand Forks City Code of 1987, as amended, shall apply to all Park District property.

(2) Operation Confined to Roads. No person shall drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Board of Park Commissioners or the Executive Director.

(3) Bicycles Confined to Roads. No person shall ride a bicycle on other than a paved vehicular road or path designated for that purpose in the parks unless specifically authorized by the Board of Park Commissioners or the Executive Director.

Section 4. Prohibited Acts.

(1) All offenses and miscellaneous provisions as set forth in Chapter IX of the City Code of the City of Grand Forks, as amended, shall apply to all Park District property.

(2) Items in this Section 4 are prohibited unless specifically authorized by the Board of Park Commissioners or the Executive Director.

(3) It shall be unlawful for any person, group, firm or corporation using parks under the operation and control of the Park District to either perform or permit to be performed any of the following acts:

- a. Glass Containers. Bring, carry, possess, consume from, or dispense from or have in his or her custody or control any glass beverage container, or to break or cause to be broken any glass object within any park in the City of Grand Forks.

- b. Refuse and Trash. No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so 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;
- c. Household Furniture. No person shall bring in useable or unusable household furniture of any kind for any purpose and shall not deposit or leave any household furniture on the Park District property. Household furniture shall be defined as that furniture which is normally found and used inside a house, apartment or living area as furniture in the living room, dining room, bedroom, den, family room and other inside dwelling areas. Household furniture does not include what is normally known as lawn furniture.
- d. Tobacco. No person shall use, chew, smoke, inhale e-cigarettes, or otherwise engage in the usage of tobacco, tobacco products within or on any playground, fitness center, arena, pool, Park District parks, baseball diamonds and outdoor tennis courts. Except for chewing tobacco products at Lincoln Golf Course and King's Walk Golf Course, all tobacco products and all tobacco usage is banned on all property owned, leased or managed by the Park District. (See also City Ordinance Section 13-1102, #16.)

(4) Violate any rule for the use of the park, made or approved by the Park Commissioners.

(5) Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter be adopted.

(6) Persons using any recreation facility shall be suitably attired.

(7) Hunt, trap or in any way catch, kill, or injure any animal or bird or to permit any domesticated animal to run at large.

(8) Enter upon any portion of a park which may be temporarily or permanently closed to the public.

(9) Attach any guy wires, telephone, telegraph or electric wire, or any other wire, cord or rope to any tree or shrub within any park.

(10) Cut, pull, pluck, or otherwise injure any flowers, flowering plants, shrubs, or trees growing in any of the parks of such district.

(11) Hold any picnic except in such places as may be designated therefor at such times as the parks are open for such use.

(12) Build any fire for any purposes, except in such places as may be designated.

(13) Nail, paste up or otherwise post handbills, placards, or posters, or make, print or mark any word, character or advertisement of any kind upon any tree, plant, pole or pose

in any part of the such parks, or upon any vehicle therein, or scatter any handbills, placards, or posters in such parks or upon any of the streets, ways or walks thereof.

(14) Injure or remove any sign or notice posted by order of the Board of Park Commissioners.

(15) Obstruct any roadway or path in any such park.

(16) Sell, vend, peddle or offer for sale any commodity or article or tell fortunes or perform any similar occupation within any park or Park District facility.

(17) Camp, set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any persons leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon, or the like.

(18) Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

(19) Deposit of snow in city parks prohibited. No person, entity or organization shall deposit or cause any snow or ice to be deposited upon any city park or roadway within said city park or any district property; nor shall any person, entity or organization deposit any snow or ice removed from any parking lot, filling station area, driveway or from any other private property upon any Park District property.

(20) Kegs containing beer or other alcoholic beverage shall not be permitted in the parks under the operation and control of the Park District or on Park District property without first obtaining a keg permit. Keg permits can be obtained through the Executive Director of the Park District. Keg permits shall be required for kegs larger than 2 gallons in quantity.

(21) No alcoholic beverage will be consumed or possessed at any park within the City of Grand Forks except at such locations and times as authorized by the Executive Director of the Park District as provided herein. Alcoholic beverages may be consumed and possessed on park property pursuant only to a permit issued by the Executive Director or his/her designee(s) provided that such consumption or possession occurs only in those area and for those times authorized by the permit. The Executive Director or his/her designee(s) may attach such terms and conditions to a permit as may be reasonably necessary to protect public health, welfare and safety. Notwithstanding the issuance of a permit, no alcoholic beverage shall be allowed in restroom facilities located on Park District property or within one hundred (100) feet of any swimming pool or playground area.

(a) Any person seeking the issuance of a permit for the consumption of alcoholic beverages shall file an application with the Executive Director or his/her designee(s) stating:

- (i) Name and address of applicant.
- (ii) Name and address of the person or entity sponsoring any group activity.
- (iii) The park property and location within the park for which such permit is desired.
- (iv) The days and hours for which the permit is desired.
- (v) Description of any proposed event or group activity.

- (vi) An estimate of attendance/participation at the event.
 - (vii) Any other information which the Executive Director shall find is reasonably necessary to make a fair determination as to whether a permit should be issued.
- (b) The Executive Director or his/her designee(s) shall issue a permit hereunder only upon the finding:
- (i) That the proposed event, activity, or use of the park property will not unreasonably interfere or detract from the general public's enjoyment of the park.
 - (ii) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
 - (iii) That the proposed activity and use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
 - (iv) That the proposed activity will not entail unusual, extraordinary, or burdensome expenses of maintenance, cleanup, security, or police operations.
 - (v) That the granting of the permit will not conflict with any other permit already granted or for which application is pending.
 - (vi) That the granting of the permit will not create a substantial risk of injury to persons or damage to property in the park or surrounding area.
- (c) The revocation of permit can occur upon the Executive Director's decision. The Executive Director reserves the right to, at his/her discretion, revoke or suspend any permit issued under this ordinance when the Executive Director finds that any of the standards for issuance of a permit no longer are complied with or when the public health, safety and welfare warrant the revocation of said permit.
- (d) The provisions relating to alcohol consumption herein shall not apply to the sale, purchase, consumption or possession of alcoholic beverages in the possession of or sold by a licensed vendor authorized by the Park District for such purposes.

Section 5. **Hours of Operation.**

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during 6:00 a.m. – 11:00 p.m. The opening and closing hours for each individual park shall be posted therein for public information.

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

Any section, or part of the park, may be declared closed to the public by the Executive Director at any time and for any interval of time, either temporarily or at regular or stated intervals.

Section 6. **Enforcement.**

The Police Department of the City of Grand Forks is hereby authorized to enter onto and to enforce all of the Park Board Ordinances, City Ordinances and State Statutes in the parks under the operation and control of the Park District. The Grand Forks Sheriff's Department and the University of North Dakota Police Department are also hereby authorized to enforce the provisions of Ordinances adopted by the Board of Park Commissioners of the Park District of the City of Grand Forks except as otherwise may be provided by law. Park District employees or agents of the Park District are authorized to enforce violations of Park District Ordinances and non-moving traffic infractions.

Section 7. **Disposition of Non-Criminal and Criminal Offenses.**

A criminal or non-criminal offense as set forth in the City Code of the City of Grand Forks shall be punished pursuant to City Code as determined by the Municipal Court. Any criminal or non-criminal violations of the North Dakota Century Code shall be dealt with in the District Courts of North Dakota pursuant to the laws of North Dakota. Any violations of Park District Ordinances set forth herein shall be punished pursuant to the maximum penalty set forth in Section 40-49-12(3) of the North Dakota Century Code. The Municipal Court of the City of Grand Forks shall have jurisdiction over all Park District Ordinance violations.

Section 8. **Ordinances Repealed.**

All previous Park District Ordinances are repealed.

Dated this 7th day of February, 2017.

APPROVED:



President, Board of Park Commissioners

ATTEST:



Clerk, Grand Forks Park District

First Reading:	January 10, 2017	(when approved for enactment)
Second Reading:	February 7, 2017	(must be no less than 8 days from 1 st reading)
Approved:	February 7, 2017	(adopted by yea/nay vote and approved by President)
Published:	February 18, 2017	(after approval, one time in official newspaper)
Enacted:	February 21, 2017	(effective 3 days after date of publication)

NDCC 40-49-13