

CHAPTER 7

PARKS & CITY OWNED BUILDINGS

- 7-7-1: Purpose
- 7-7-2: Park Operations
- 7-7-3: Personal Conduct
- 7-7-4 Noise; Amplification of Sound
- 7-7-5: Commercial Use Restrictions
- 7-7-6: General Use Restrictions
- 7-7-7: Regulatory Signs
- 7-7-8: Penalty
- 7-7-9: Special Events

7-7-1: **PURPOSE:** The purpose of this Chapter is to establish rules and regulations to provide for the safe and peaceful use of city owned buildings, park lands and trails; for the education and recreation of the public; for the protection of the property, facilities, and natural resources; and for the safety and general welfare of the public.

7-7-2: **PARK OPERATIONS:**

- A. Hours of Operation.
 - 1. Unless otherwise posted or stated on the park reservation agreement, parks are generally open daily from dawn to dusk.
 - 2. The City may extend the hours of operations for special events or maintenance.
 - 3. The City may close any park or a portion thereof at any time for the protection of park property or for the public health, safety or welfare.
- B. Park Reservation.
 - 1. The following may be reserved by entering into a Park Reservation Agreement: Von Baer Park (does not include trail area), Zollinger Park Large Pavilion, Zollinger Park Small Pavilion.
 - 2. Park use is on a first come first served basis with the following exceptions:
 - a. Athletic fields that are prepped for play or scheduled for games
 - b. Tennis courts that are scheduled for classes
 - c. Areas scheduled for City sponsored events
 - d. Areas reserved with a park reservation agreement
 - e. An activity utilizing the specific athletic field will take priority over a general use. (Example: baseball practice or an impromptu baseball game will take precedence over Frisbee on either the infield or the outfield)

7-7-3: **PERSONAL CONDUCT:**

- A. Use of Alcoholic Beverages and Controlled Substances. In a city owned building, park, or trail, it shall be unlawful for any person to:
 - 1. Possess, use, or sell any controlled substance (as defined in Utah Code 58-37-2) in violation of state law.
 - 2. Possess, serve, or consume beer, liquor, or any other alcoholic beverage.
- B. No-Use of Tobacco and Smoke Free Zone:
 - 1. A tobacco no-use and smoke free zone is an area where the use of tobacco products, smoke or smokeless, is prohibited. A person of legal age may bring tobacco products into the area, but they may not be used in the area.
 - 2. A tobacco no-use and smoke free zone is established at all parks including parking lots, sidewalks, and amenities.
 - 3. A tobacco no-use and smoke free zone is established in all city owned buildings and within 25 feet of the building not in a park, in accordance with the Utah Clean Air Act.
- C. Gambling, Disorderly Conduct, Use of Abusive and Insulting Language. It shall be unlawful for any person to gamble, engage in disorderly conduct, and or use abusive and insulting language.

7-7-4: **NOISE; AMPLIFICATION OF SOUND:** See Providence City Code Title 4 Chapter 9 Noise.

7-7-5: **COMMERCIAL USE RESTRICTIONS:** It shall be unlawful for any person to:

- A. Solicit, sell, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles without authorization by the City.
- B. Operate a still, motion picture, video or other camera for commercial purposes without authorization by the City.
- C. Expose, distribute, or place any sign, advertisement, notice, poster or display for commercial purposes without authorization by the City.

7-7-6: **GENERAL USE RESTRICTIONS:** It shall be unlawful for any person to:

- A. Mark, deface, disfigure, injure, 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.
- B. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
- C. 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 may any excavation by tool, equipment or other means or agency without authorization by the City.
- D. 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 without authorization by the City.
 - E. 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 without authorization by the City.
 - F. Climb any trees 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 without authorization by the City.
 - G. Attach any rod, cable, structure, device or other contrivance to any tree, fence, railing, bridge, bench, building or other structure unless otherwise posted without authorization by the City.
 - H. Litter or fail to refuse 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.
 - I. Break glass objects and then fail to remove broken glass and safely dispose of the broken glass in such fashion so as not to cause injury to persons or property. Glass is not allowed in or around the splash pad area.
 - J. Cause or permit any domestic animal (restrained or loose) to enter a park without authorization by the City. If any domestic animal is allowed in a park, every owner or person having custody of said animal shall remove and properly dispose of the animal's solid waste (fecal material). Exception, service animals are not prohibited.
 - K. Start a fire except in facilities installed and provided for such purpose or to fail to completely extinguish a fire upon leaving the park without authorization by the City.
 - L. Camp overnight without authorization by the City.
 - M. Bring or discharge any firearm, air gun, bow and arrow, slingshot, atlatl, spear, boomerang or any other form of potentially dangerous weapon in to the park without authorization by the City.
 - 1. Does not apply to law enforcement or persons with a legal right to carry a concealed weapon.
 - N. Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife, except in nuisance situations without authorization by the City.
 - O. Possess or bring fireworks into the park, or cause the fireworks to be ignited or exploded in the park without authorization by the City.
 - P. Skateboard, roller-skate, in-line skate, ride a bike or similar recreation device with wheels on any tennis court or on the splash pad.
 - Q. 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, tennis court, bike rack, parking stop, retaining wall, fountain, statue, railing, stage, or other improvement which may suffer damage by such use.

- R. Practice golf with real golf balls without authorization by the City.
- S. Drive or park any motorized vehicle or trailer on park lands or trails without authorization by the City.

7-7-7: **REGULATORY SIGNS:**

- A. Where signs have been posted under the direction of the City on any City owned or City leased property regulating walking, use of vehicles, parking, instructions as to animals or containing other regulatory information, it is unlawful for any person to violate the provisions of such regulatory signs.
- B. It is unlawful for any person to intentionally deface, destroy, cover, damage, or remove any placard, notice, sign, or parts thereof whether permanent or temporary, posted or exhibited by the City.

7-7-8: **PENALTY:** Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class B misdemeanor subject to penalty as provided in Section 1-4-1 of this Code. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

7-7-9: **SPECIAL EVENTS:**

- A. Purpose. It is the purpose of this Section to provide guidelines for special events held within the City, on city property.
- B. Definitions. For the purpose of this Section, the following words shall have the following meanings:

Basic City Services Those services determined in the sole discretion of the city to be necessary to protect the public health, safety and welfare of participants and spectators at any commercially related special event or free expression activity.

City Costs Any expense incurred by the city, as a result of a commercially related special event or free expression activity except those for basic city services and except for city services specifically budgeted for commercially related special events or free expression activities.

City Services The provision of city employees or equipment for services related to commercially related special events or free expression activities including police, fire and building inspection services other than

those which are determined by the city to be basic city services. City services shall also include the city allowing the applicant or sponsor the exclusive use of city property including the exclusive right to sell merchandise on the property.

Special Event Any athletic event, commercially related special event, free expression activity, entertainment event or political event, whether held for profit, nonprofit or charitable purposes.

Utilizing a Public Road Using any portion of a public road or the public right-of-way for an athletic event, entertainment event, political event, or special event.

C. **Application and Permit Process.** An application for a permit to hold an actual or anticipated assembly of one hundred (100) or more persons shall be made in writing to the City Administrator at least forty-five (45) calendar days in advance of such assembly. Special event application forms may be obtained from the City Office.

1. Exemptions from obtaining a special event permit:
 - a. Events not utilizing a public road that are organized by a political party or organization, an established religious organization, family reunions, and school sponsored activities shall not be required to obtain a permit under this Section.
 - b. Events held in existing and established recreational facilities, sporting arenas, stadiums, or other similar facilities that have been inspected and approved for the use and safety by the City or any other political subdivision of the State of Utah.
 - c. Funeral processions by a licensed mortuary.
 - d. Events sponsored in whole by the City or Cache County.
2. All applications for special event permits shall be made on a special event permit application form and shall include the following information:
 - a. Type and description of event;
 - b. Name of the sponsoring entity, contact person, address and telephone number;
 - c. Name of the promoting entity, contact person, address and telephone number;
 - d. Proposed date(s) of the event, together with beginning and ending times for each date;
 - e. Proposed location, including a plat or map of the proposed area to be used, including any tents, vending wagons, stages,

- bleachers, etc., any barricade, street route plans or perimeter/security fencing;
- f. Estimated numbers of event staff, participants and spectators;
- g. Public health plans, including plans for culinary water supplies, solid waste collections and disposal and wastewater;
- h. Fire prevention and emergency medical services plans;
- i. Security plans and/or law enforcement response;
- j. Admission fee, donation, or other consideration to be charged or requested;
- k. Plans for parking; and
- l. Signature of applicant.

D. APPLICATION REVIEW.

1. Administrator to Review: The administrator shall review all special event permit applications for completeness. If an application is incomplete, it shall be returned to the applicant with an explanation for why the application is incomplete within seven (7) calendar days.
2. Criteria for Consideration: In reviewing an application, the City shall consider the following:
 - a. The impact of the special event on the traffic, security, health and safety of the public, public facilities, surrounding property owners and the plans of the applicant to address such impacts;
 - b. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health and welfare of the public and the past history of the applicant in complying with such requirements;
 - c. The location and duration of the special event and the City's ability to accommodate the event with the necessary resources and the cost of those resources; and
 - d. Other previously approved special events that could cause scheduling conflicts during the same period and cause overextension of the City's resources.

E. Insurance Required.

1. No special event permit shall be issued unless and until the applicant has submitted to the administrator a certificate of insurance, listing Providence City as an additional insured party, on an occurrence policy issued by an insurance company authorized to do business in the state of Utah, showing comprehensive general liability and property damage coverage for the event with minimum limits of one million dollars (\$1,000,000.00) for injury or death for one person in any one occurrence; three million dollars (\$3,000,000.00) for injury or death for two (2) or more persons in any one occurrence; and five hundred thousand dollars (\$500,000.00) for property damage in any one occurrence.

2. The following special events shall be exempt from the insurance requirements set forth in this section:
 - a. Political events;
 - b. Events sponsored by a religious organization on private property;
 - c. School events on school property;
 - d. Events sponsored in whole by the county;
 - e. Block parties and family reunions; and
 - f. Events sponsored in whole by a municipality.
3. In consideration for the issuing of a special event permit, the applicant shall agree to indemnify, save harmless and defend the City, its officers and employees, against any claim for loss, damage or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the special event.
4. By issuing a special event permit, Providence City makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

F. APPLICATION FEES:

1. Each initial application for a special event permit shall be accompanied by a nonrefundable fee as established by the city council to defray the administrative costs of processing the application. The following special events shall be exempt from the application fee set forth in this section but shall be subject to fees of other agencies or departments:
 - a. Political events;
 - b. School events on school property;
 - c. Events sponsored by a religious organization on private property;
 - d. Events sponsored in whole by the city;
 - e. Block parties and family reunions;
 - f. Revenue raising events where the revenue flows to the direct benefit of Providence City government; and
 - g. Events sponsored in whole by a municipality.
2. In order to promote, protect and assure the safety and convenience of the people in their use of public streets, public places, and/or private property, the sheriff's office shall coordinate the use of professional peace officers if the special event requires traffic control or police protection. An additional fee may be charged by the sheriff's office to cover the costs incurred. The sheriff's office shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as: the date and time of the event; the event location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format and configuration of the event; and the estimated time for the event. The fee charged for traffic control or police protection shall be paid prior to the issuing of the special event permit.

3. Additional fees may be charged by the Cache County health department, the Logan City Fire Department, licensed EMS providers, or other county agencies for special services, equipment or facilities provided by these agencies. Such additional fees shall be specified at the time the agency approves the special event permit application and shall be paid directly to the agency prior to the issuing of the special event permit.

G. CLEANUP FEE REQUIRED:

1. Each initial application for a special event permit shall be accompanied by a refundable cleanup fee as established by the City council. This fee is to ensure that the property utilized in the City is restored to its proper order after the event. The fee may be refunded in whole or part by the administrator upon a determination by her/him that the event organizers have restored the grounds to their proper state. If the property utilized by the event organizer is not cleaned appropriately, the fee may be used by the City to ensure that city property is cleaned properly. The following special events shall be exempt from the cleanup fee set forth in this section but shall be subject to fees of other agencies or departments:
 - a. Political events;
 - b. School events on school property;
 - c. Events sponsored by a religious organization on private property;
 - d. Events sponsored in whole by the City;
 - e. Block parties and family reunions; and revenue raising events where the revenue flows to the direct benefit of Providence City government.

H. SPECIAL EVENT PERMIT ISSUANCE OR DENIAL.

1. Providence City reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, safety or welfare, or which may result in unreasonable inconvenience or cost to the public.
2. If an applicant does not comply with the requirements placed upon them through the permitting process, the City reserves the right to deny or revoke any application or permit granted. The City additionally reserves the right to deny any future applications for noncompliance with the terms and conditions of granting a prior special event permit.
3. A denial of the application for a special event permit may be appealed to the Providence City Council.

I. VIOLATION AND PENALTY. A violation of this chapter shall be a class B misdemeanor. The Cache County sheriff's office, in its discretion, may stop an event which has been issued a permit and/or may issue citations where event staff or participants violate other state statutes, county or City ordinances, terms or conditions specified in the application, and including, but not limited to, traffic

rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.