

TITLE 17. PARKS AND PLAYGROUNDS; RECREATION; SWIMMING POOL; GOLF COURSE ¹

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Chapter 17.01. Administration

17.01.010. Parks Supervision.

Under the supervision of the Assistant Public Works Director, City personnel shall take charge of and supervise the work, care, maintenance, improvement and beautifying of all public parks, playgrounds, ball fields, trails and parkways in the City.

¹ Complete revision of Title 17 with Ordinance No. 08-04, 3/20/08

17.01.020. Recreation Supervisor.

Under the supervision of the Director of Leisure Services, the Recreation Supervisor shall take charge and supervise leisure activities, programming and special events for the purpose of physical and mental improvement of participants.

17.01.030. Pool Manager.

Under the supervision of the Director of Leisure Services, the Pool Manager shall take charge of the maintenance, improvement and programming of the Brigham City Municipal Swimming Pool.

17.01.040. Golf Course Superintendent.

Under the supervision of the Director of Leisure Services, the Golf Course Superintendent shall take charge of and supervise the work, care and maintenance, improvement and beautifying of the Brigham City Eagle Mountain Golf Course.

17.01.050. Committees and Commissions.

The Parks Supervisor/City Forester, Recreation Supervisor, Pool Manager and Golf Course Superintendent shall be subject to appointment on committees or commissions as directed by the City Administrator or the Mayor, with the advice and consent of the City Council.

17.01.060. Authority to Make Rules.

The Director of Leisure Services, the Parks Supervisor/City Forester, the Recreation Supervisor, the Pool Manager and Golf Course Superintendent, with the help of authorized commissions or committees, may adopt or recommend the adopting of rules, regulations and where necessary, ordinances, for the use, care, and governing of their respective areas of responsibility with the approval of the City Council. Rules and regulations shall be consistent with this Chapter and other City ordinances.

17.01.070. Concessions in Parks, Playgrounds and Recreational Facilities.

The Leisure Services Department shall have control over all concession stands or dispensaries that sell any items to the public in any public park, playground or recreational facility, and before any concession shall be permitted in any public park, playground or recreational facility, an approval from the Director of Leisure Services must be obtained and a license purchased from the City license department for the operation thereof.

17.01.075. Temporary Closure of Parks, Playgrounds and Recreational Facilities.

The City Administrator or his designee shall have the authority to temporarily close and/or restrict access to any Park, Playground or Recreational Facility, or any portion thereof when such closure and/or restriction is determined by the Director of Leisure Services or his designee to be necessary for: (1) the reasonable and proper protection of the Park, Playground or Recreational Facility; (2) the reasonable and proper protection of City residents or any other potential user from any existing or potential hazard; and/or (3) any other emergency circumstance or situation which may arise.

17.01.080. Penalties for Violations.

A. Any person found to be in violation of this Title may be evicted immediately from the public park, playground or recreational facility.

B. It shall be unlawful for any person to remain in and/or return to any public park, playground or recreational facility after such person has been given direction from Brigham City (or its designated employee) to leave such public park, playground or recreational facility.

C. The violation of any of provision of this Title shall constitute a Class C Misdemeanor.

Chapter 17.02. Fees and Reservation of Facilities.

17.02.010. Fees.

Fees for use of facilities, participation in programs, for admission to venues and for special circumstances, shall be established by resolution of the City Council and shall be paid in full prior to engaging services. Fees may be changed from time to time by resolution of the City Council.

17.02.020. Reservation of Bowery Facilities.

A. Any individual or organization desiring to reserve the use of bowery facilities at any of the public parks, playgrounds or recreational facilities within Brigham City may do so by making their reservation through the Leisure Services office and paying the fees established by resolution of the City Council.

1. Application for reservations:

- a. Reservations will be accepted on a first come first serve basis beginning on the first Monday of February each calendar year for that calendar year
- b. Reservations must be made in person at the Leisure Services office in City Hall or by telephone or online using a credit card.
- c. Fees are due at application to confirm and hold reservation.
- d. Refunds for cancellations shall be the reservation fee minus the following service charge:
 - 30 day notice - \$5.00
 - Less than 30-day notice — fifty percent (50%)
- e. Reservations include the Bowery only and do not include exclusive use of tennis courts, ball diamonds, volleyball court, playgrounds or other park facilities.

2. Fee Waivers:

- a. Appropriate use of park boweries for the benefit, education or entertainment of the community at large, shall not be subject to fees. Appropriate use shall include but not be limited to the following:
 - i. Summer Concert Series
 - ii. Animal Clinic
 - iii. 4th of July
 - iv. Mayor and Council designated events
- b. Brigham City Corporation's use of facilities shall be scheduled prior to the opening of the season. The dates so selected shall not be available for reservation.
- c. No City reservations made after February 1 of each year shall displace or cancel an existing reservation unless the Mayor and Council so direct. If such action is taken, applicant shall receive a full refund.
- d. In recognition of community service, certain civic organizations may apply for one no-charge reservation per season. These reservations shall be scheduled for Monday through Thursday, excluding holidays. Application for these reservations will be accepted beginning the first Monday of February at the Parks & Recreation office on a first come first serve basis. Proper credentials or a letter of request from the organization's officers will expedite the reservation process.

B. Brigham City shall be authorized to fix certain fees as a precondition for participation in recreational activities sponsored by the City. These fees shall be determined by resolution of the City Council as the City Council from time to time deems appropriate.

17.02.030. Special Events at Public Parks, Playgrounds or Recreational Facilities.

A Special Events Permit, issued in accordance with Brigham City Resolution, shall be required for any use of any public park, playground or recreational facility which constitutes a Special Event as defined by Brigham City Resolution.

17.02.040. Reservation and Use of Parks, Playgrounds and Recreational Facilities for Sporting Events.

The Leisure Services Department shall have control over all use of all public parks, playgrounds and Recreational Facilities for sporting and special events. Accordingly, all public parks, playgrounds and recreational facilities shall be reserved for use according to the policies of the Leisure Services Department and based on availability and priority. The Leisure Services Department reserves the right to cancel any scheduled activity due to conditions or circumstances that are determined to be unsafe or in conflict with City

ordinances or policies. Fees established by resolution of the City Council must be paid at time of reservation. Refunding of fees shall be as set forth in 17.02.020.

No automatic or protected right based upon previous use, to use any public park, playground or recreational facilities, shall be granted. The Leisure Services Department reserves the right to deny use of any public park, playground or recreational facilities to any user that, in the Department's opinion, has had public relations or financial problems, has previously misused or abused facilities or property, has administered its programs or events in such a way to cause discredit to the City, or has not paid all fees due or past due.

Reservation and use of any public parks, playgrounds and recreational facilities for sporting and special events shall also be governed or regulated by policy and rules of Brigham City Leisure Services as permitted in 17.01.060.

Chapter 17.03. Prohibited Activities and Unlawful Conduct.

17.03.010. Storm Water & Flood Detention Basin.

It shall be unlawful for any person to enter into a storm water or flood detention basin when there is water present in it. For purposes of this section "storm water and flood detention basin" shall mean those structures and improvements designed and maintained for the purpose of temporarily controlling storm and flood water run-off.

17.03.020. Public Elimination.

It shall be unlawful for any person to expectorate, urinate or defecate at any public park, playground or other recreational facility, except into a toilet provided for that purpose.

17.03.030. Use of Restroom Facilities and Drinking Fountains at Public Parks, Playgrounds or Other Recreational Facilities.

A. No person over six (6) years of age shall enter into or use any toilet facility designated for members of the opposite sex at any park, playground or other recreational facility.

B. It shall be unlawful for any person to put any object in any sinks, toilets or drinking fountains, which is not normally used in those receptacles, which is reasonably likely to clog or plug the plumbing.

17.03.040. Restrictions on Animals.

A. It shall be unlawful for any person to permit any dog to enter or remain in a public park, playground or recreational facility unless it is led by a leash of suitable strength, not more than six feet in length.

B. Any owner or person having control of a dog must properly dispose in a waste receptacle or other designated place, any waste left by such dog in the public park, playground or recreational facility.

C. Except as otherwise expressly provided in this chapter, no person shall at any time, lead or let loose any of the bovine species, any horse, mule, goat, sheep, swine, cat, or fowl of any kind within a public park, playground or other recreational facility.

D. It shall be unlawful for any person to ride or drive any horse or other animal in any public park, playground or recreational facility, except as specifically authorized by the City.

E. It shall be unlawful for any person to hitch or fasten any horse or other animal to any tree or other place or structure in any public park, playground or recreational facility not especially designated and provided for such purpose.

F. It shall be unlawful for any person to annoy, injure or in any way interfere with any bird or animal in any public park, playground or recreational facility when such bird or animal is present with the authorization and consent of Brigham City.

17.03.050. Film, Video, Camera or Picture Taking Device.

It shall be unlawful for any person to film, video, or take pictures with any device within any public restroom, locker room or swimming pool. The Pool Manager may authorize such activities for special occasions at the Brigham City public swimming pool.

17.03.060. Consumption of Alcohol.

It shall be unlawful for any person to consume beer or any alcoholic beverage or to have in his or her possession any beer or alcoholic beverage within any public park, playground or recreational facility, with the exception of Eagle Mountain Golf Course and in accordance with the established rules and regulations of the Eagle Mountain Golf Course.

17.03.070. Firearms and Explosives.

It shall be unlawful for any person to carry or discharge any firearms, firecrackers, rockets, torpedoes, powder or any other fireworks or explosives in any park or playground. This section is not applicable to a fireworks display specifically authorized by the City.

17.03.080. Sprinkling Systems.

It shall be unlawful for any person to adjust or tamper with any sprinklers, sprinkling valves, or sprinkling or irrigation systems at any public park, playground or recreational facility, without the express consent of the Streets Superintendent or his designee.

17.03.090. Excessive Noise.

It shall be unlawful for any person to play or cause to be played amplified sound or music in any public park, playground or recreational facility without obtaining a Special Event permit in accordance with the provisions of the Brigham City Code. It shall be the responsibility of any person obtaining such permit to insure that the permit is available for inspection at the location for which the permission is granted and during the time for which it was granted. The issuance of a permit does not exempt the holder thereof from City ordinances or the rules and regulations of the health department regarding noise emissions.

17.03.100. Unlawful Conduct.

No person shall engage in fighting or in riotous, boisterous, threatening or indecent conduct or use any abusive, threatening, profane or indecent language in any public park, playground or recreational facility.

17.03.110. Defacing or Destruction of Property.

No person shall cut, break, remove, injure, deface, destroy or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or pluck, pull up, cut, take or remove any shrub, bush, plant, flower, or mark or write upon any building, monument, fence, bench or other structure in any public park, playground or recreational facility.

17.03.120. Fires.

A. *No person shall make or kindle a fire within any public park, playground or recreational facility for any purpose except in a designated fireplace, fire pit or facility specifically designed and set apart for that purpose.*

B. *No hot ashes or briquettes are to be placed in garbage receptacles located in any public park, playground or recreational facility.*

C. *Gas grills and other self-contained barbeques may be used within any public park, playground or recreational facility, provided that such grills and self-contained barbeques shall not be placed on picnic tables.*

17.03.130. Sledding, Etc.

It shall be unlawful for any person to ski, snowboard, sled, toboggan or ride inner tubes or similar means of descending a hill on snow or ice in any public park, playground or recreational facility where such uses are prohibited by posted signs.

17.03.140. Roads, Trails, Paths and Pathways.

A. *When a road, trail, path or pathway within a public park, playground or recreational facility is designated for any specific purpose or purposes, such as an equestrian trail, bicycle path, or other use, then such trail may only be used for the specific purposes designated or for incidental uses in connection therewith that are necessary to accomplish the use permitted.*

B. It shall be unlawful for any person to create or construct any path or pathway within any public park, playground or recreational facility without the express written consent of the City.

17.03.150. Swimming and Wading in Lakes, Ponds or Streams.

A. It shall be unlawful for any person to swim, bathe or wade in any lake, pond, fountain or stream located within a public park, playground or recreational facility and not specifically set aside by the City for that purpose (except that persons fishing may wade where fishing is allowed).

B. It shall be unlawful for any person to pollute the waters of any fountain, pond, lake or stream in any public park, playground or recreational facility.

17.03.160. Distribution of Advertising Material and Sales.

A. No person shall distribute any handbills or circulars, or post, place or erect any bills, notice paper or advertising device or matter of any kind in any public park, playground or recreational facility, except such as may be authorized in writing by the Director of Leisure Services or his designee.

B. It shall be unlawful for any person to practice, carry on or conduct any trade, occupation, business or profession, or to sell or offer for sale any merchandise, article or thing whatsoever within any public park, playground or recreational facility without being properly authorized and licensed by City.

17.03.170. Restrictions on Certain Recreational Activities.

A. Unless otherwise specifically authorized by the City, it shall be unlawful for any person within a public park, playground or recreational facility, to:

1. Hit or throw balls or other hard objects against fences, or against baseball, soccer or other backstops;

2. Golf or drive golf balls in any park other than Eagle Mountain Golf Course;

3. Shoot any projectile, paint ball or participate in archery.

4. Play on or otherwise use an athletic field or ball diamond that has been prepared by the Parks Department for a scheduled game or tournament.

B. No digging or staking, (with the exception of tents for authorized tournaments and scout groups) is allowed inside any public park, playground or recreational facility for any reason (examples: holes for volleyball standard, etc.). No structure of any kind is to be erected in any public park, playground or recreational facility without the written consent of Brigham City Leisure Services.

C. It shall be unlawful for any person to camp or lodge in any park or playground without the express approval of the Director of Leisure Services.

17.03.180. Littering in a Public Park, Playground or Recreational Facility.

No person shall throw or deposit any bottles, tin, tin cans, broken glass, nails, tacks, crockery, wire, paper, clothes, scrap or sheet iron, boxes, boards, lumber, stone, grass clippings, rubbish or garbage of any kind on the property of a public park, playground or recreational facility, except in receptacles set out for that purpose.

17.03.190. Limitation on Certain Activities on the Bridge at Pioneer Park.

A. It shall be unlawful for any person to drive or to push any motor vehicle, as such are described by the statutes of the State of Utah across or upon the bridge located at the Pioneer Park pond.

B. It shall be unlawful for any person to ride a bicycle across or upon the bridge located at Pioneer Park pond. Bicyclists must dismount and push their bicycles while upon or crossing the bridge.

C. It shall be unlawful for any person to stand or walk upon the side rails of the bridge located at Pioneer Park pond, or to be anywhere upon said bridge other than the floor portion normally used by pedestrian traffic.

D. It shall be unlawful to jump or leap from the bridge located at Pioneer Park pond.

17.03.200. Restrictions relating to Motor Vehicles.

A. Speeding. It is unlawful for any person to operate or drive a motor vehicle within any public park, playground or recreational facility upon any road, trail or pathway at a speed in excess of that posted on the

particular road, trail or pathway. If no speed is posted, then no motor vehicle shall be operated at a speed in excess of 7 miles per hour.

B. Careless, Reckless or Hazardous Operation. No person shall operate a motor vehicle within a public park, playground or recreational facility, even within the permissible speed limit or within the area designated for such vehicle's use, in a careless or reckless manner, or in a manner which causes significant hazard to life, safety or property.

C. Operation of Motor Vehicles in Designated Areas. No person shall operate a motor vehicle within a public park, playground or recreational facility in areas not specifically designated and posted by the City for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used by on-duty City or City employees or emergency personnel for transportation, maintenance or service of facilities, or in performance of their duties.

D. Parking in No Parking Areas. No person shall park a motor vehicle in areas designated as "no parking" areas at any time.

17.03.210. Regulations Relating to Eagle Mountain Golf Course.

A. No person shall have access onto the Brigham City Eagle Mountain Golf Course without being specifically authorized by Brigham City or as provided in paragraph C below.

B. The following categories of people are specifically prohibited from access to the golf course unless Brigham City grants special permission:

1. Joggers, runners and walkers,
2. Individuals going onto the course to retrieve golf balls;
3. Operators of bicycles, four-wheelers, motorcycles or other self-propelled or motorized vehicles
4. Skateboarders;
5. Snowmobilers;
6. Horses and riders.

C. All individuals who have paid the established "green fees" are authorized to have access upon the Brigham City Eagle Mountain Golf Course pursuant to established golf course rules. In addition Brigham City may from time to time authorize other individuals to have access onto the course by

1. Action of the City Council;
2. Authority of the Director of Leisure Services or his authorized agents; or
3. Authority of the Golf Professional or his authorized agents.

D. The following individuals are authorized by Brigham City to enforce the terms of this section:

1. The golf professional, or his assistant, or starters
2. The Golf Course Superintendent or his authorized agents;
3. Any Brigham City Police Officer.

General

17.01.010. Superintendent:

~~_____ The mayor, by and with the consent of the Council, may appoint some competent person to supervise the work, care, maintenance, improvement and beautifying of all public parks and all special parking districts in the city.~~

17.01.020. Offenses in Parks and Playgrounds:

~~_____ It shall be unlawful for any person to do or suffer or permit to be done any of the acts hereinafter specified in any public park, special parking district or playground in the city, or in any place now or which may hereafter be set aside or used as a public park, special parking district or playground:~~

~~_____ A. Animals and fowl. To lead or let loose any cattle, horse, mule, goat, sheep, swine, dogs or fowl of any kind;~~

~~_____ B. Fireworks or explosives. To carry or discharge any firecrackers, rockets, torpedoes, powder or any other fireworks or explosive without the express written consent of the fire chief and under his supervision:~~

~~_____ C. Injuring, etc., tree, structure, etc. To cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower or to make or write upon any building, monument, fence, bench or other structure;~~

~~_____ D. Cutting wood; removing turf, soil, etc. To cut or remove any wood, turf, grass, soil, rock, sand or gravel;~~

~~_____ E. Camping. To camp or lodge therein without the express approval of the City Council.~~

~~_____ F. Riding or driving horses or vehicles. To ride or drive any horse, or other animal, or to propel any vehicle, cycle or automobile elsewhere than on the roads or drives provided for such purposes and never on footpaths;~~

~~_____ G. Hitching horses to trees, etc. To hitch or fasten any horse or other animal to any tree or any other place or structure not specially designated and provided for such purpose;~~

~~_____ H. Speed limit. To ride or drive any animal or vehicle at a rate of speed exceeding fifteen miles per hour;~~

~~_____ I. Playing games. To play or engage in any game except at such place as shall be specially set apart for that purpose;~~

~~_____ J. Trash, rubbish or garbage. To throw or deposit any bottles, tin or tin cans, broken glass, nails, tacks, crockery, wire, paper, cloths, scrap or sheet iron, boxes, boards, lumber or stone or any rubbish or garbage;~~

~~_____ K. Annoying, etc., bird or animal belonging to city. To annoy, injure or in any way interfere with any bird or animal which is the property of the city;~~

~~_____ L. Swimming, bathing or wading. To swim, bathe or wade in the waters of any fountain, pond, lake or stream not set aside for that purpose.~~

17.01.030. Park Bowery Reservation and Use Fees:

~~_____ Any individuals or organizations desiring to reserve the use of bowery facilities at any of the public parks within Brigham City may do so by making their reservation through the parks and recreation office.~~

~~_____ The fee schedule and procedures shall be as follows:~~

| A. Reservation fees | | Resident | Nonresident |
|-----------------------------|--|--------------------------|---------------------------------------|
| 1. Rees Pioneer Park Bowery | | | |
| a. Up to 100 people | | \$25.00 40.00 | \$35.00 80.00 ² |
| b. Over 100 people | | 35.00 50.00 | 70.00 100.00 |
| 2. Constitution Park Bowery | | 20.00 30.00 | 40.00 60.00 |
| 3. Other Park Boweries | | 10.00 20.00 | 20.00 40.00 |

- B. Application for reservations
- Reservations will be accepted on a first come first serve basis beginning on the first Monday of February each calendar year.
 - Reservations must be made in person at the parks and recreation office in city hall. Telephone reservations will not be accepted; however, information concerning availability of open days and cancellations can be solicited.
 - Fees are due at application to confirm and hold reservation.
 - Refunds for cancellations shall be the reservation fee minus the following service charge as follows:

| | |
|---------------|------------------------------|
| 30 day notice | Pioneer Park Bowery - \$5.00 |
| | Constitution Park - \$1.00 |
| | Other Park Boweries - \$1.00 |

For less than 30-day notice a 50 percent refund will be made contingent upon reception of a new application for reservation.

- C. Fee Waivers:
- Appropriate use of park boweries for the benefit, education or entertainment of the community at large shall not be subject to fees. Appropriate use shall include but not be limited to the following:
 - Summerfest
 - Animal Clinic
 - 4th of July
 - Mayor and Council designated events
 - Brigham City Corporation use of facilities shall be scheduled prior to open season. The dates so selected shall not be available for reservation.
 - No city reservations made after February 1 of each year shall displace or cancel an existing reservation unless the mayor and Council so direct. If such action is taken, applicant shall receive a full refund.
 - In recognition of community service, certain civic organizations may apply for one no-charge reservation per season. These reservations shall be scheduled for Monday through Thursday, excluding holidays. Application for these reservations will be accepted beginning the first Monday of February in person at the parks and recreation office on a first come first serve basis. Proper credentials or a letter of request from the organization's officers will expedite the reservation process.
- D. The City Council may from time to time change the foregoing fees by resolution.

17.01.040. Recreational Fees.

Brigham City shall be authorized to fix certain fees as a precondition for participation in recreational activities sponsored by the City. These fees shall be determined by resolution of the Council as the Council from time to time deems appropriate.

17.02. Golf Course

17.02.010. Unauthorized Access to Eagle Mountain Golf Course:

A. No person is authorized to have access onto the Brigham City Eagle Mountain Golf Course unless said person or individual is authorized by Brigham City. Individuals may be authorized to have access as provided in paragraph C.

² Resolution No. 98-01, 1/16/98

~~_____ B. The following categories of people are specifically prohibited from access to the golf course unless Brigham City grants special permission:~~

- ~~_____ 1. Joggers, runners and walkers;~~
- ~~_____ 2. Individuals going onto the course to retrieve golf balls;~~
- ~~_____ 3. Operators of bicycles, four-wheelers, motorcycles or other self-propelled or motorized vehicles;~~
- ~~_____ 4. Skateboarders;~~
- ~~_____ 5. Snowmobilers;~~
- ~~_____ 6. Horses and riders.~~

~~_____ C. All individuals who have paid the established "green fees" are authorized to have access upon the golf course. In addition Brigham City may from time to time authorize other individuals to have access onto the course by~~

- ~~_____ 1. Action of the City Council;~~
- ~~_____ 2. Authority of the Director of Parks and Recreation *Director of Leisure Services*³ or his authorized agents; or~~
- ~~_____ 3. Authority of the Golf Professional or his authorized agents.~~

~~_____ D. The following people are authorized to enforce the terms of this ordinance:~~

- ~~_____ 1. The golf professional, or his assistant, or starters~~
- ~~_____ 2. The greens superintendent or his staff;~~
- ~~_____ 3. Any Brigham City Police Officer.~~

~~_____ E. Violation of the provisions of this ordinance shall be a Class B misdemeanor.~~

³ Ordinance No. 06-01, 01/19/06