

Publication No. \_\_\_\_\_

**ORDINANCE 23-838**

**AN ORDINANCE AMENDING CHAPTER 95 OF THE HUTCHINSON CITY CODE –  
PUBLIC PARKS**

The City Council hereby ordains that Chapter 95 of the City Code is hereby amended to read as follows:

**§ 95.01 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DESIGNATED ATHLETIC FIELDS.** Turf or field prepared and used for playing a game or sporting activity and regularly hosting sporting practices and events (e.g. sand volleyball court, baseball/softball field, soccer field, lacrosse field, etc.).

**DIRECTOR.** Shall mean and refer to the authorized and acting director of the Hutchinson Parks, Recreation, and Community Education (PRCE) Department.

**OFF LEASH DOG PARK.** A public, city-designated area where a dog owner is permitted to allow a dog or dogs to socialize and exercise off leash, subject to the rules and regulations for such an area.

**PARK or PARKS.** A park, parkway, greenway, playground, open area, athletic field, outdoor ice skating rink, dog park, skateboarding park, and the materials and equipment therein owned, leased or in use by the City of Hutchinson for recreational purposes and for such uses that are normally associated with parks.

**RECREATIONAL FACILITIES.** This includes the Aquatic Center, Recreation Center, Event Center, and Civic Arena.

**SHELTERS.** Open or enclosed structures located within city parks, including bandstands, the Depot, the Historical Church, and music stages.

**SPORTS COMPLEX.** Group of sports fields and/or facilities (e.g. Roberts Park, Veterans' Memorial Field, Park Elementary tennis courts, etc.).

**§ 95.02 PARK HOURS AND ACCESS.**

(A) The recreational and educational opportunities of the parks and recreation facilities shall be available to all members of the public regardless, of race, sex, age, creed, national origin or place of residence; however, residency requirements and certain other

regulations may be placed upon the participation in various league activities and preferences may be granted to residents of the City of Hutchinson over non-residents under certain circumstances.

(B) Public parks of the City will close at 10:00 p.m. each day and shall remain closed to the public until 5:00 a.m. on the next day, unless otherwise posted, except that the following parks will remain open until 11:00 p.m.:

Roberts Park  
Tartan Park/Veterans Memorial Field  
Library Square

(C) City park shelters shall be open and available to the public for rent from 9:00 a.m. to 9:00 p.m. Shelters are open May 1 through Labor Day. After Labor Day and until the third Sunday in October, shelters may be rented by reservation only. City Recreational facilities will be opened and available at a time determined by the Director or their designee.

(D) Except as provided in section 95.03, no person may be in, remain in or enter any public park between the park's closing time and 5:00 a.m., unless otherwise posted, and no person may drive into or remain in a public parking area within or immediately adjacent to a public park during the hours when the park is closed.

### **§ 95.03 ACTIVITIES PERMITTED AFTER PARK CLOSING.**

The following activities may continue in the public parks after the parks have closed:

(A) Camping at Masonic West River Park/Campground in designated camping sites. "Quiet Time" is from 10:00 p.m. to 6:00 a.m.

(B) City sponsored and supervised activities, which because of the nature of the activity, cannot be held during the time when the parks open.

(C) Activities sponsored by any other group, association or organization which has applied for and received a permit for such activity pursuant to section 95.04.

(D) City custodial or maintenance authorized personnel who must perform their services during the times when the parks are closed.

(E) Use of the Luce Line State Trail and the sidewalk within Library Square for traversing purposes.

(F) City designated sidewalks and public trails not located within a park are open for public use 24 hours a day unless posted.

#### § 95.04 PUBLIC GATHERINGS PERMITS.

(A) ~~A permit~~ Approval shall be obtained from the ~~City Council~~ PRCE Department before participating in any of the following activities or special events in a city park. ~~The fee for the permit shall be set annually in the City's Fee Schedule:~~

- (1) Carnivals;
- (2) Community celebrations;
- (3) Musical Concerts;
- (4) Use of amplified instruments, music, communication systems or the like that would exceed the requirements of Section 92.018 of the Hutchinson city code
- (5) Gatherings of 75 or more persons, including picnics, graduations, weddings and political gatherings; and
- (6) Contests and exhibitions, including among other things, those that require exclusive use or charging admission; and
- (7) To sell or offer for sale any goods or services

(B) ~~Permits~~ Approval shall not be required for those events and activities sponsored by the City or the Parks, Recreation, and Community Education (PRCE) Department, and those sporting events sanctioned by an official league (baseball, softball, etc.), whether admission is charged or not, which is authorized to use a city park by the Director or their designee.

(C) A person seeking ~~a permit~~ approval pursuant to this section shall file a written application on a form supplied by the Director or their designee. The application will state the following information:

- (1) Name and address of applicant
- (2) Name and address of the person(s), corporation or association sponsoring the activity or special event
- (3) Day(s), hour and year for which the permit is desired
- (4) Park or portion of the park for which the permit is desired
- (5) Estimate of anticipated attendance
- (6) Detailed description of the proposed activity
- (7) Variances required from city and park rules and regulations
- (8) Other information requested by the Director that is reasonably necessary to determine whether or not a permit will be issued

(D) For gatherings of more than two hundred fifty (250) persons or for any activities or events where a fee or donation is being requested, except for those exempt under section 95.04(B), the applicant for a permit under this section shall be required to carry and maintain public liability insurance, with the city as a named insured, providing insurance coverage for bodily injury, death and property damage occurring in connection with applicant's use of the park. Such insurance shall provide coverage in amounts at least equal to the city's maximum liability limits as provided by state law.

(E) The applicant for ~~a permit~~ approval under this article shall indemnify and save harmless the city from all loss, cost and expense arising out of any liability or claims of liability

for injury or damages to persons or property sustained or claimed to have been sustained by anyone whoever by reason of the use of occupation of the parks described in this section, whether such use is authorized or not, or by any act or omission of the applicant or any of its officers, agents, employees, players or guests. The applicant shall pay for any and all damage to property of city or loss or theft of such property done or caused by such persons.

(F) No ~~permit or preliminarily approved permit~~ application may be transferred, and the ~~permit holder~~ applicant will be bound by all park rules and regulations and applicable ordinances.

(G) The Director or their designee is authorized to revoke a ~~permit~~ approval immediately upon finding of a violation of any park rule, ordinance or conditions of a permit.

#### **§ 95.05 RENTAL OF MUSIC STAGE AT MASONIC WEST RIVER PARK**

Exclusive rental of the music stage at Masonic West River Park/Campground past the hours permitted in section 95.02 will be allowed on the condition that the renter ~~applies for a permit~~ is approved under Section 95.04, and that the renter purchases all of the tent and electrical only campground sites.

#### **§ 95.06 TRAFFIC AND PARKING.**

It is unlawful for any motorized vehicle or equipment to be parked or operated in any city park or recreational area other than on established roadways and designated parking areas. This section shall not be construed to prohibit the use or parking of a recreational vehicle in designated camping areas in West River Park for a period not in excess of two weeks. This section shall not apply to law enforcement and construction or maintenance equipment operated by, or under a contract with, the city and within the scope of such operation or contract

#### **§ 95.07 OPEN BURNING RESTRICTED.**

No person shall start or maintain an open fire in a park, except in an area specifically designated for such use. Cooking Fires made by picnic parties in the park are acceptable, but only in freestanding gas or charcoal barbecue grills. It is also unlawful to leave an area designated for an open fire or a freestanding grill before the fire is completely extinguished.

#### **§ 95.08 TOBACCO-FREE PARKS.**

It is unlawful for any person to smoke or use tobacco products within the confines of Tartan Park, which includes the terrain park, skate park and north ball field. This area does not include Veterans Memorial Field and the parking lot adjacent to VMF Park to the west.

#### **§ 95.09 DOGS AND ANIMALS IN PARKS.**

All dogs and other domestic animals must be leashed in public parks, except for a designated off-leash dog park. All dogs and other domestic animals are NOT allowed on any designated athletic fields or in sports complexes at any time. Dogs and other domestic animals are not allowed in enclosed park shelters/facilities and public restrooms/shower facilities. An

animal owner or person having custody or control of an animal shall immediately clean up and sanitarily dispose of any feces of the animal.

**§ 95.10 SELLING FOOD, PRODUCTS OR SERVICES AND ADVERTISING PROHIBITED.**

No person may sell or offer for sale any product, food or service, or advertise in any public park without the prior written approval of the City.

**§ 95.11 DAMAGING VEGETATION IN PARKS.**

No person may damage or disturb any flower bed, planting area, or ornamental landscaped area within a park, open space or recreational facility. No person may cut, trim or remove any wild flower, tree, shrub, plant, branch or portion thereof, or any soil or other material from a park, open space or recreational facility with the exception of authorized City officials.

**§ 95.12 DESTRUCTION OF PARK PROPERTY**

No person shall tamper with, climb on, hinder or deface, destroy, disturb, damage or remove any part of any building, structure, sign, light pole, drinking fountain, ornamental fountain, hydrant, table, grill, equipment (other than play equipment specifically designed for climbing, sliding, swinging, etc.), statues, public art or other property within public parks.

**§ 95.13 ADDITIONAL RULES AND REGULATIONS.**

The Director, or their designee, may establish reasonable rules and regulations for the use of parks and recreation facilities and shelters, and for obtaining permits. Such rules and regulations will be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, the need for supervisory personnel and the maximum number of persons who can safely use the facilities at one time. Park and recreational facilities and shelters may be used by members of the general public for recreational, athletic, and social purposes consistent with the nature of the facility and the safety of the public and property, subject to permit requirements. Specific rules and regulations for the use of park and recreation facilities and shelters established by the Director or their designee should be posted where they apply, and it is unlawful for any person to violate the same when so posted.

**FURTHERMORE BE IT ORDAINED** that the effective date of this Ordinance is \_\_\_\_\_, 2023.

ADOPTED BY THE HUTCHINSON CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

Attest:

\_\_\_\_\_  
Matthew Jaunich, City Administrator

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Gary T. Forcier, Mayor

