

ORDINANCE NO. 405

AN ORDINANCE OF THE CITY OF ATHOL, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADDING TITLE 6 CHAPTER 5 OF THE CITY CODE REGARDING CITY PARKS AND PLAYFIELDS. THE PURPOSE OF THIS CHAPTER IS TO PROTECT THE GENERAL HEALTH, SAFETY AND PUBLIC WELFARE OF CITY OF ATHOL RESIDENTS AND VISITORS BY REGULATING THE USE, HOURS OF USE, AND WHAT MATERIALS MAY BE BROUGHT TO PUBLIC PARKS AND PLAYFIELDS.

6-5-1: AUTHORITY FOR POSTED REGULATIONS.

- A. The city of Athol shall have ultimate authority to establish and post rules and regulations, in addition those set forth in this chapter, at public parks and playfields in order to protect the health, safety and general welfare of residents and citizens. For the purpose of this chapter a "playfield" shall mean any property set aside by the city of Athol for baseball, softball, soccer, football or other outdoor sports or recreational activities.
- B. It shall be unlawful for any person in any public park or playfield to violate any posted regulations, (Ord. 405, 9-15, 2015).

6-5-2: GLASS AND METAL CONTAINERS.

It is unlawful for any person to cause to be deposited on the premises of any public park or playfield any glass container, pop top style metal container or the opening tag off of the containers, except in designated trash receptacles. "Pop top" style metal container shall be defined to include, but not be limited to, any metal container which has an opening secured by a removable metal tag. (Ord. 405, 9-15-2015).

6-5-3: ALCOHOLIC BEVERAGE PROHIBITIONS.

It is unlawful for any person to consume any beer, intoxicating liquor or wine, or to have in their possession any open containers or receptacles containing any beer, intoxicating liquor or wine in any public park or playfield. Special exceptions to this prohibition may be granted by express authority of the city council when the use or activity is of general community benefit or of particular benefit to the city. Approval of any such exception shall be evidenced by a permit or letter of authorization to that effect which shall be exhibited to any employee of the city upon request. (Ord. 405, 9-15-2015).

6-5-4: CAMPING.

It is unlawful for any person to park a motor vehicle, or use any equipment, facilities, accessories, or appliances for camping purposes or overnight sleeping in any public park or playfield. Special exceptions to this prohibition in the form of overnight camping permission authorization may be granted by express authority of the city council when the use or activity is of general community benefit or of particular benefit to the city. Approval of any such exception shall be evidenced by a permit or letter of authorization to that effect which shall be exhibited to any employee of the city upon request. Appeal of any denial of such a request may be made to the Council. (Ord. 405, 9-15-2015)

6-5-5: PARK HOURS.

It is unlawful for any person to be in any public park or playfield between nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. (Ord. 405, 9-15-2015).

6-5-6: FIRES AND FIREWORKS.

- A. It is unlawful to possess or use fireworks of any kind in any public park or playfield.
- B. It is unlawful to have an open fire in any place in any public park or playfield in an area that is not specifically designated by the city for such use by the installation by the city of a fire pit or an outdoor cooking facility. (Ord. 405, 9-15-2015)

6-5-7: ANIMALS IN PARKS OR PLAYFIELDS RESTRICTED.

It is unlawful to bring, harbor or be in control of any domestic animal, including dogs or cats, exotic animals or farm animals upon the premises of any public park or playfield, whether such animals are on a leash or not, except for animals trained and used as service animals. This restriction shall not apply to specially designated and signed parks, or to organized animal shows or competitions sanctioned by a bona fide breeders' or owners' association which has been granted permission for such event or show by the city council when the use or activity is of general community benefit or of particular benefit to the city. (Ord. 405, 9-15-2015)

6-5-8: USE OF VEHICLES RESTRICTED.

It shall be unlawful for any person to operate or be in control of any motor vehicle, except for park maintenance and emergency vehicles, in any public park or playfield except on designated or established roadways or vehicle drives within said public park or playfield unless said person is operating or controlling said vehicle pursuant to a valid authorization from the council or

mayor. For the purpose of this chapter, "motor vehicle" shall be any automobile, truck, motorcycle, moped, motorbike or any other vehicle which travels on wheels or tracks and is driven by an engine or motor. If such an authorization is granted, the council may impose any restriction deemed necessary to protect the condition of the public park or playfield or to protect the public safety. (ord. 405, 9-15-2015)

6-5-9: FUNERALS PROHIBITED.

Funeral services that include the presence of human remains are prohibited in any public park or playfield. (Ord. 405, 9-15-2015)

6-5-10: PENALTIES.

Any person violating the provisions of this chapter or any rules issued hereunder is guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for up to one hundred eighty (180) days, or by both fine and imprisonment. (Ord. 405, 9-15-2015)

6-5-11: SEVERABILITY, PREEMPTION AND PRECEDENCE.

This Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the City, and any amendments to this Ordinance adopted as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision

6-5-12: REPEAL OF CONFLICTING ORDINANCES.

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance to the extent of such conflict are hereby repealed.

EFFECTIVE DATE.

This Ordinance shall take effect and be in full force from and after its passage, approval and publication.

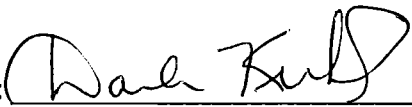
SUSPENSION OF THE RULES:

Passed under suspension of the rules at a regular meeting of the City Council of the City of Athol, Kootenai County, Idaho held on the 20th day of October, 2015, on which a roll call vote was duly taken and enacted.

DATED this 20th day of October, 2015.

CITY OF ATHOL

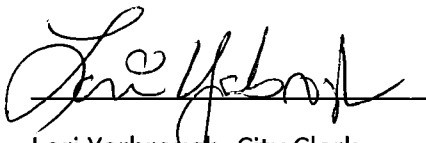
Kootenai County, Idaho

By: 

Darla Kuhman, Mayor

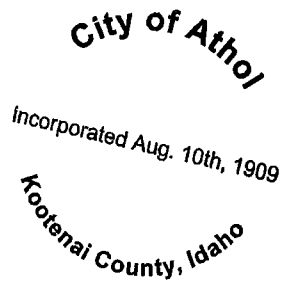
Councilman McDaniel voted	<u>YES</u>
Councilwoman Zichko voted	<u>YES</u>
Councilman Spenser voted	<u>YES</u>
Councilman Miller voted	<u>YES</u>

ATTEST:


Lori Yarbrough, City Clerk

(SEAL)

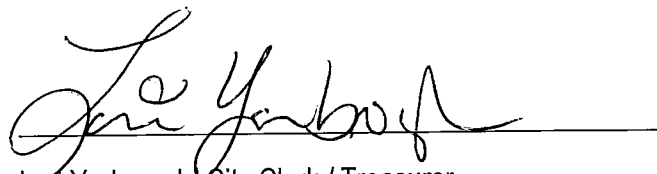
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SUMMARY OF ATHOL ORDINANCE NO. 405

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THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 405 IS AVAILABLE AT ATHOL CITY HALL, 30355 N 3rd St, ATHOL, IDAHO IN THE OFFICE OF THE CITY CLERK.



Lori Yarbrough, City Clerk / Treasurer

