

Sponsor: Mayor Frankie Dale Rife  
First Reading: \_\_\_9/12/11\_\_\_  
Second Reading: \_\_\_10/3/11\_\_\_

**ORDINANCE #4-11**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR THE TOWN OF WYOMING PARK AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

**WHEREAS**, the Town of Wyoming purchased on July 30, 1965, from Jacob M. Bennett and Fleta F. Bennett, his wife, a fee simple interest in all that certain piece or parcel of land and premises situated within the corporate limits of said Town of Wyoming, Kent County and State of Delaware, lying on the northerly side of West Third Street, on the westerly side of North Mechanic Street, and being bounded on the north by Wyoming Lake, containing 3.5 acres of land, be the same more or less, which deed is of record in the Recorder of Deeds Office, in and for Kent County, Dover, Delaware, in Deed Record Book Z, Volume 23, Page 401;

**WHEREAS**, the Town of Wyoming has since declared these lands to be used as a Town Park and is desirous to enact rules and regulations to govern the use, activity and welfare of said Town Park;

**WHEREAS**, the Town Council has adopted an ordinance with various amendments regulating the park over the past few years, and the Town Council finds it necessary to consolidate the original ordinance and its amendments into one ordinance; and

**WHEREAS**, the Town Council has repealed Ordinance #8-07 "An Ordinance Establishing Regulations for the Town of Wyoming Park and Providing Penalties for Violations Thereof", Ordinance #28 of the Town of Wyoming Amendment No. 1, Ordinance #28 of the Town of Wyoming Amendment No. 2, and Ordinance #28 of the Town of Wyoming Amendment No. 3, in anticipation of enacting this ordinance.

**BE IT HEREBY ENACTED** by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that "Ordinance #4-11, An Ordinance Establishing Regulations for the Town of Wyoming Park and Providing Penalties for Violations Thereof" be, and hereby is, enacted as follows to wit:

**AN ORDINANCE ESTABLISHING REGULATIONS FOR THE TOWN OF WYOMING PARK AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

**Section 1. Rules and Regulations of the Town of Wyoming Park.**

(1) The Wyoming park shall at all times be free of charge, and no money shall be demanded by the Town Council in respect of any use or enjoyment of the preserve by any person whomsoever.

(2) The Wyoming Town Park shall be open to the public every day during the year from sunrise to sunset or during such other hours as the Town Council may from time to time determine and post such notice in at least two conspicuous places in said Park.

(3) There shall not be permitted on the Wyoming Town Park the doing or abetting of any act or thing which may tend to the injury or disfigurement of the said Park or which may interfere with the use thereof by the public for the purposes of pleasure and recreation.

(4) There shall not be permitted on the Wyoming Town Park any camping, or the erection of placing of any booth, tent, shed, stand, post, rail, fence or other erection or obstruction of any kind whatsoever except by action of the Wyoming Town Council.

(5) There shall not be permitted on the Wyoming Town Park any fence, structure, shrub, or tree thereon, the posting or painting of any bill, placard, or notice, except by action of the Wyoming Town Council.

(6) There shall not be permitted on the Wyoming Town Park the cutting, plucking, injuring, or destroying of any tree, bush, or flower growing thereon, except as in the judgment of the Town Council shall be necessary for the construction of paths and roads through such park or for the general welfare and maintenance of said Park.

(7) While within the Wyoming Town Park, all animal pets shall be restrained or confined, either by leash or cage, including all dogs, cats, birds, and reptiles. If any animal pet is deemed dangerous to the general public, even though restrained or confined, the owner shall remove said animal pet from the Wyoming Town Park.

(8) There shall not be permitted on the Wyoming Town Park the lighting of any fire, of the willful, careless, or negligent doing of any act which causes, or may be likely to cause, damage by fire to anything growing or being thereon, except by action of the Town Council.

(9) There shall not be permitted on the Wyoming Town Park the digging, cutting, or removal of any sod, earth, loam, sand, gravel, or other substance thereon or therefrom, except by action of the Town Council.

(10) There shall not be permitted on the Wyoming Town Park the willful, careless, or negligent deposit or leaving thereon, or on any part thereof, of any rubbish, bricks, timber, or other substance or material whatsoever, except by action of the Town Council.

(11) There shall not be permitted on the Wyoming Town Park, the careless or willful injury, defacement, or removal of any notice, or notice board, post, railing fence, or other thing which may from time to time be erected or placed thereon by or under the authority of the Wyoming Town Council.

(12) There shall not be permitted on the Wyoming Town Park, the painting, writing, cutting, carving, or in any manner inscribing of letters, figures, or mark, on, or otherwise disfiguring any rock or tree, or any wall or fence, or other structure or erection on the preserve.

(13) There shall not be permitted on the Wyoming Town Park, the parking of any motor vehicle or trailer except in officially designated parking areas laid out by the Town Council or except in the judgment of the Town Council shall be necessary for the general welfare and maintenance of said Park. Additionally, there shall not be permitted within the Wyoming Town Park the operation of any motor vehicle without the prior written consent of the Town Council. For the purposes of this Ordinance, the term “motor vehicle” includes but is not limited to any automobile, truck, motorcycle, motor scooter, moped, go-cart, or other self-propelled vehicle.

(14) There shall not be permitted on the Wyoming Town Park, the selling of, possession of, the dispensing of, the giving away of, or the consuming of beverages with alcoholic content, or spirituous or intoxicating liquor. That no part of the premises shall be used or a permit issued for the use thereof by the Town Council for entertainment, recreational or social purposes if drinks with alcoholic content or spirituous or intoxicating liquors are to be used or consumed at such entertainment or recreational or social gathering.

(15) There shall not be permitted any weapon of any form within the Wyoming Town Park, including but not limited to any firearm, bow and arrow, crossbow, martial arts weapon, BB gun, pellet gun, or sling-shot.

(16) There shall not be permitted any harassment of any wildlife within the Wyoming Town Park. For the purposes of this Ordinance, the term “wildlife” includes but is not limited to any bird, waterfowl, squirrel, rabbit, or other indigenous animal, and the term “harassment” includes but is not limited to chasing, throwing objects at, or otherwise attempting to injure any wildlife.

**Section 2.** Whoever shall violate any one or more of the provisions of Section 1 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each and every such separate offense or violation thereof. The Justice of the Peace Court shall have jurisdiction over violations of this ordinance.

**Section 3.** It shall be unlawful for any person to feed the ducks, geese and/or fowl in and around the Town of Wyoming Park. Violation of this section shall result in that person being requested to vacate the Town of Wyoming Park and not being permitted to use the Town of Wyoming Park for a period of 24 hours immediately following the violation.

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### Synopsis

This ordinance enacts a new ordinance that consolidates the original ordinance regulating the Town of Wyoming Park, and the amendments thereto, into one ordinance. No substantive changes to the original ordinance (as amended) have been made by this ordinance, with the exception of references to the Parks Commission and Parks Commissioners being removed and replaced with references to the Town Council (since the Parks Commission no longer exists).

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on October 3, 2011.

Attest: Parvula B. Haddick  
Town Clerk

So Certifies:  
Trasler Dale Ruff  
Mayor

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This shall certify that a copy of this Ordinance was posted at the Town Hall on Oct 4, 2011.

10/4/11  
Date

So Certifies:  
Parvula B. Haddick