

Sponsor: Bilbrough
First Reading: 9/13/2021
Second Reading: 10/4/2021

ORDINANCE # 61-21

AN ORDINANCE REPEALING ORDINANCE #4-11 AND ADOPTING IN ITS PLACE THEREOF AN ORDINANCE REGULATING THE USE OF TOWN PARKS

WHEREAS, Sections 18.1 and 18.2 of the Charter of the Town of Wyoming authorize the Town to “[e]nact ordinances to preserve the health of the Town” and to “prevent, abate, and remove all nuisances, obstructions, unsanitary conditions, or any other condition detrimental to the public safety, health, and welfare”;

WHEREAS, the Town of Wyoming owns and maintains public parks that members of the public may use for their personal recreation and enjoyment; and

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to repeal Ordinance #4-11 that pertained to just the Town of Wyoming Park and adopt standardized regulations that will apply to all public parks in the Town of Wyoming.

NOW THEREFORE, 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Establishing Regulations for the Town of Wyoming Park and Providing Penalties for Violations Thereof” is hereby repealed in its entirety and a new Ordinance #61-21 “An Ordinance Regulating the Use of Town Parks” be and hereby is adopted, as follows, to wit:

AN ORDINANCE REGULATING THE USE OF TOWN PARKS

Section 1. Purpose and Intent. The Town hereby finds that public parks are an asset to the Town of Wyoming, which the public should be able to peacefully enjoy. In order to preserve the condition of public parks in the Town of Wyoming, and in order to facilitate the safe and reasonable enjoyment of the public parks, the Town Council declares it necessary to establish regulations governing the use of public parks in the Town of Wyoming.

Section 2. Designation of Public Parks. The Wyoming Town Park located between W. Third Street and North Mechanic Street and the Wyoming basketball court situated behind the Town Hall are hereby designated as public parks of the Town of Wyoming and are subject to the regulations found in this Ordinance. After the adoption of this Ordinance, any other property designated by the Town Council as a public park shall also be subject to these regulations.

Section 3. Hours of Operation. All public parks, including any corresponding parking lots, shall be open to the public daily beginning thirty (30) minutes prior to sunrise and closing thirty (30) minutes after sunset. All entry, use, and occupancy of a public park, including any corresponding parking lots, during the hours of closure is prohibited.

Section 4. Rules and Regulations of Public Parks. All public parks in the Town of Wyoming are subject to the following rules and regulations.

(1) Injuring or disfiguring a public park or otherwise interfering with the peaceful enjoyment thereof by members of the public is prohibited.

- (2) Camping is prohibited at all public parks.
- (3) No booths, tents, sheds, stands, posts, rails, fences or other erections or obstructions of any kind shall be placed in any public park, except when done by the Wyoming Town Council.
- (4) No sign, bill, placard, or notice shall be placed on any fence, structure, shrub, or tree situated in a public park, except when done by the Wyoming Town Council.
- (5) No one shall cut, pluck, injure, damage, or destroy any tree, bush, or flower growing in a public park, except as the Town Council finds necessary for the construction of paths and roads through a public park or for the general welfare and maintenance of a public park.
- (6) All pets at a public park shall be restrained or confined, either by leash or cage, including all dogs, cats, birds, and reptiles. If any pet is deemed dangerous to the general public, even though restrained or confined, the owner shall remove said pet from the public park.
- (7) Lighting fires at a public park is prohibited, with the exception of fires used to cook food at areas specifically designated for cooking food.
- (8) The digging, cutting, or removal of any sod, earth, loam, sand, gravel, or other substance at or from a public park is prohibited.
- (9) It is unlawful to willfully, carelessly, or negligently deposit or leave at any public park, or on any part thereof, any rubbish, bricks, timber, or other substance or material whatsoever.
- (10) It is unlawful to willfully, carelessly, or negligently injure, deface, damage, destroy, or remove 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 Town Council.
- (11) The painting, writing, cutting, carving, or in any manner inscribing of letters, figures, or marks, or otherwise disfiguring any rock, tree, wall, fence, or other structure or erection is prohibited.
- (12) It is unlawful to drive or park any motor vehicle or trailer in a public park except in officially designated parking areas laid out by the Town Council or except as otherwise permitted by the Town Council as part of a public event sponsored by the Town of Wyoming. 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.
- (13) The selling, possessing, dispensing, giving away, or consuming of beverages with alcoholic content, or spirituous or intoxicating liquors, at a public park is prohibited. Public parks may not be used for entertainment, recreation, or social purposes if those drinks prohibited herein are to be used or consumed at such entertainment, recreational, or social gatherings.
- (14) Firearms, bows and arrows, crossbows, martial arts weapons, BB guns, pellet guns, sling-shots, and all other weapons are prohibited at public parks.
- (15) The harassment of wildlife at public parks is prohibited. 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 feeding, chasing, throwing objects at, or otherwise attempting to injure any wildlife.

Section 7. Violations and penalties.

(1) This ordinance shall be enforced by the Wyoming Police Department.

(2) Anyone violating one or more of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine for the first offense of at least \$50.00 and not to exceed \$200.00. For each subsequent offense, such person shall be subject to a fine of at least \$200.00 and not to exceed \$300.00.

Section 8. General provisions.


(1) *Severability.* If any of the sections, paragraphs, sentences, clauses and phrases of this ordinance shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of the ordinance.

(2) *Effective date.* This ordinance shall take effect after the second reading and approval by the town council.

SYNOPSIS

This ordinance repeals Ord. #4-11, which just pertained to the Town of Wyoming Park, and adopts regulations pertaining to all public parks in Wyoming. This ordinance establishes hours during which public parks and corresponding parking lots are open to the public, which is from thirty minutes prior to sunrise until thirty minutes after sunset. Rules for the use of public parks are outlined in this ordinance, along with penalties for violations of the ordinance.

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 4, 2021.

Attest: 
Town Clerk

So Certifies: 
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on October 5, 2021.

10/5/2021
Date

So Certifies: 