

ARTICLE 955
Recreational Properties

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CROSS REFERENCES

Authority to establish and maintain - see W. Va. Code 8-12-5(37)
Public recreation and playgrounds - see W. Va. Code Art. 10-2
Athletic establishments - see W. Va. Code Art. 10-2A
Authority to levy charges - see W. Va. Code 8-13-13

955.01 DEFINITIONS.

As used in these rules and regulations:

- (a) "Council" means the Council of the City of Nutter Fort;
- (b) "Mayor" means the Mayor of the City of Nutter Fort;
- (c) "Park" means all properties and facilities controlled by or under the jurisdiction of Council, including playgrounds or school facilities being used as part of Council's recreational program;
- (d) "Person" means and includes individuals, corporations, partnerships and associations; and
- (e) "Authorized emergency vehicles" means vehicles of a fire department or police department, or ambulances.

955.02 PROTECTION OF PARK PROPERTY.

- (a) Defacement, Destruction or Removal. No person shall remove, injure, deface, destroy or disturb any part of the park or any building, sign, equipment or other property found therein, nor shall any tree, flower, shrub or other vegetation or fruit or seed thereof, or rock, or mineral therein, be removed, injured, defaced, destroyed or disturbed.
- (b) Defacement of Surface. No person shall operate a motor vehicle causing the rubber tires to spin, mark and deface the park roadway surface.

- (c) Littering or Dumping of Rubbish or Garbage. No person, without the written consent of the Mayor, shall leave behind or dump any material of any kind in the park, except that refuse, ashes, garbage or other material from a picnic or other permitted activity may be deposited in receptacles or pits provided for such purpose.
- (d) Noxious or Deleterious Material. No person shall within the park place or permit to be placed in any river, brook, stream, ditch or drain that flows into or through park lands or in any lake in the park, any noxious or deleterious material which may render park waters harmful or inimical to the public health, or to animal, vegetarian or aquatic life, or which may lessen to an unreasonable degree the use and enjoyment of such waters for recreational or other park use.

955.03 FIREARMS, FIREWORKS, EXPLOSIVES, WEAPONS, HUNTING, BOWS AND ARROWS.

- (a) Firearms. No person shall carry a firearm of any description, air or gas gun, fireworks, explosive, slingshot, or missile-throwing device into or within the park or discharge the same therein.
- (b) Dangerous Weapons. No person shall have or carry any switchblade, hunting knife, dagger, metal knuckles or other dangerous weapon while in the park.
- (c) Bows and Arrows. No person shall release an arrow from a bow or longbow within the park other than in areas designated by the Mayor at archery ranges or at such other locations as may be designated in writing for such purpose by the Mayor and Council.
- (d) Hunting. No person within the park shall hunt, pursue with dogs, hunt with birds, trap or in any way molest any wild bird or animal found within the park or rob or molest any bird nest or take the eggs of any bird.

955.04 PROHIBITED ACTIVITIES.

- (a) Advertising: Signs. No person shall distribute or place any sign, advertisement, circular, notice or statement, or distribute or place any banner, emblem, design or political advertisement within the park without the written consent of the Mayor, and without all applicable permits or licenses.
- (b) Sales. No person shall sell or offer for sale any article, thing, privilege or service within the park without the written consent of the Mayor, and without all applicable permits or licenses.
- (c) Disturbing the Peace. No person shall disturb the peace and good order within the park by fighting, by quarreling or wrangling with loud voice or shouts, by threatening violence to the person or property of others, or by engaging in riotous clamor or tumult.
- (d) Unlawful Assemblage. No person or persons shall within the park collect a group or a crowd for unlawful purposes, or in riotous assemblage or with the intent to annoy, harass or inflict property damage or bodily injury upon another person or persons.

- (e) Abusive Language. No person shall use obscene, profane or abusive language within the park.
- (f) Assault and Battery. No person shall willfully assault or commit bodily injury upon another while within the park, or within the park be engaged in, or abet or aid in, any fight, quarrel or other disturbance.
- (g) Gambling. No person shall gamble or play games of chance within the park, unless such games conform to all State and local laws, and operators thereof hold a permit issued by the Manager.
- (h) Intoxicating Beverages. Beer; Wine. No person shall within the park sell, offer for sale, possess or consume any intoxicating liquor, beer or wine unless the written consent of the Mayor therefore is first had and obtained as provided in Section 955.05(c) and unless there is full compliance with all applicable State law; and under no circumstances whatever shall any person be under the influence of any intoxicating liquor or wine within the park.
- (i) Glue Sniffing. No person shall within the park sniff any type of glue or other commercial material or product which contains toluol or ethers.
- (j) Use of Narcotics, Opiates and Hallucinogens. No person shall smoke, drink, have injected into one's self or otherwise use any type of narcotic drugs, dangerous drugs, opiate, hallucinogen or marijuana within the park.
- (k) Entering Toilet Facilities. No person, except park maintenance employees or police in the performance of official duties, shall enter a toilet within the park set aside for members of the opposite sex.
- (l) Indecent Conduct and Exposure. No person shall appear within the park in a state of nudity, or therein commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior and no person shall within the park make any indecent exposure of his or her person.
- (m) Solicitation. No person shall within the park solicit or ask anyone to commit, perform or engage in, any unlawful, lewd, lascivious, obscene or indecent act or behavior.
- (n) Compliance with Police: Failure to Obey. No person shall fail or refuse to comply with any reasonable order relating to these rules and regulations or to the control of traffic or motor vehicles within the park, or with any other order lawfully given by any police officer, or willfully resist, obstruct or abuse any officer or any other City official or employee in the execution of his office.
- (o) Loitering and Vagrancy. No person shall loiter in or near any building, toilet or structure, or loiter in or near a motor vehicle or vehicles within the park.

955.05 REGULATED ACTIVITIES.

- (a) Fires. No person shall start a fire within the park except small fires for culinary purposes in park grills or privately owned grills or fires in the place or areas designated for such purposes by Council; provided, that the Mayor may at his discretion prohibit fires for limited periods at any location or for any purpose when necessary for the protection of park property. All fires within the park shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire. No person shall within the park dump hot ashes or fire onto the grass or plants.
- (b) No Admittance After Park is Closed. No person, except Council members or public officials in the performance of their official duties, shall be permitted within the park or any part thereof after the same is closed for the night and prior to its opening the following day.
- (c) Intoxicating Beverages: Beer: Wine. Persons of legal age may have in their possession and may consume within the park intoxicating beverages, wine or beer or other malt beverages in connection with a picnic involving the consumption of food if such picnic is held at a designated picnic area, and beverages are consumed at such designated picnic area only, the same to be with the written permission of the Mayor only.
- (d) Pets. No person shall bring within the park, or permit, have or keep within the park, any dog, cat or other animal destructive to birds or other wildlife unless they are controlled at all times on a leash not more than six feet long.
- (e) Use of Picnic Shelter. No person shall use a picnic shelter, except by permit, unless no permit was issued for the particular shelter on that particular day; then it is on a first-come first-serve basis.

955.06 MOTOR VEHICLES.

- (a) State Laws Applicable. All of the provisions contained in Chapters 17A, 17B and 17C of the Code of West Virginia, 1931, as amended, shall govern the operation of motor vehicles within the park.
- (b) Speed Limits. No person shall drive or propel or cause to be driven or propelled along or over any road or drive within the park, any vehicles at a greater rate of speed than ten miles per hour, unless otherwise posted. (c) Vehicles Prohibited on Paths. No person shall operate or cause to be operated any type of self-propelled vehicle along or over any path or walkway designated for pedestrian traffic.

955.07 JURISDICTION OF VIOLATIONS.

As provided in West Virginia Code Section 8-21-10, municipal police judges or magistrates of Harrison County shall have concurrent jurisdiction with the Circuit Court of such County. The violation of any rule or regulation shall also constitute a violation of State law as well as a violation of municipal ordinance pursuant to the authority of West Virginia Code Section 8-21-10.

955.99 PENALTY.

The violation of any of the rules and regulations of this article shall constitute a misdemeanor, and any person convicted of any violation thereof shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for a period not exceeding thirty days, or by both fine and imprisonment. Nothing herein shall be construed as being in conflict with any other municipal penal ordinance or State law, but shall be deemed as supplemental.