



Department Source: Parks and Recreation

To: City Council

From: City Manager & Staff

Council Meeting Date: November 21, 2016

Re: Amending Chapter 17 of the Parks & Recreation Code of Ordinances

Executive Summary

P&R staff is seeking revisions to Chapter 17 of the Parks & Recreation Department's Code of Ordinances. Park staff, working with Legal staff, is proposing ordinance revisions that address the use of new technology, such as drones and electrically-assisted bikes (ebikes), as well as updating several sections in order to bring existing ordinances into compliance with other city, state or federal regulations. Notable revisions include defining and allowing ebikes and prohibiting the use of drones except by permit.

Discussion

As part of the periodic review of Chapter 17 of the Code of Ordinances for Parks and Recreation, staff is suggesting revisions based on changes in recreation patterns, technology, and federal regulations. Additionally, there are a few changes being recommended in order to clarify some sections and to bring park codes in line with existing city or state codes. P&R staff, working with the City's Legal Department, researched ordinances in other cities, as well as those in the Missouri State Park system in order to develop a clear and concise ordinance. Once a draft revision was prepared, staff presented it to the Parks & Recreation Commission and the Bike and Pedestrian Commission for their review. Staff also sought input from other city departments, individual users and key user groups, such as PedNet.

Staff distributed and discussed the proposed changes to the P&R Commission at their August 17, 2016 meeting. On October 20, 2016 the Commission voted to approve the revisions with minor changes. A copy of the draft minutes relating to this agenda item is attached.

The Bike and Pedestrian Commission reviewed the electrically-assisted bike (ebike) section at their July 20, 2016 meeting. They discussed the ebike policy in depth at this meeting. A formal action was made on the Chapter 17 revisions at the November 16, 2016 meeting.

Listed below are comments relating to the proposed changes in the order they appear in the ordinance.

Section 17-41 Definitions and Section 17-42 Enforcement

- Revisions in this section reflect technology advances in drones and electrically-assisted bikes. The words "park rangers" were added to confirm their ability to enforce park rules and regulations.



Section 17-44 Use of Mobility Aids

- In 2011, the Department of Justice revised rules which allowed “other power-driven mobility devices (OPDMD)” to be used by “individuals with mobility disabilities,” which applies to trails and recreational facilities on public land. This rule defines OPDMD as “any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT or all-terrain vehicles.” The federal regulation does allow for local governments to develop specific policies for OPDMD use at trails, athletic fields, pools, and recreation centers.
- Proposed revisions to Section 17-44 will allow the Director to establish rules and regulations regarding the use of OPDMD’s at specific recreation facilities.

Section 17-53 Climbing trees, monuments, etc.

- Park staff has seen an increase in users attaching cables and ropes to park trees which is causing damage and eventual decay of regularly used trees. To provide for this activity, park staff has installed designated posts for activities such as slack lining and use of hammocks.

Section 17-55 Restrooms and washrooms.

- By deleting last sentence of existing ordinance and by making modifications to restrooms, staff is working to provide restrooms for all genders.

Section 17-78 Vehicle operation, Section 17-80 Speed of Vehicles and Section 17-81 Parking

- Clarifies that park maintenance and OPDMD vehicles are exempt from restrictions and establishes speed limits for areas not posted.

Section 17-91 Swimming and bathing.

- Revisions address swimming in pools, lakes, or spraygrounds after designated hours and defines that swimming suits must be worn. This matches other state and local ordinances on appropriate swim wear.

Section 17-92 Boating

- Revisions are similar to Missouri State Park regulations and addresses requirement for lights when used on waters after dusk.

Section 17-95 Camping

- The Department currently does not allow camping in the parks, but will be evaluating certain areas such as the Gans Creek Recreation Area for possible designated camping sites. This allows for such designation. Revision prohibits sleeping in the parks except in designated or permitted camping areas.

Section 17-96 Games

- Revision will follow FAA guidelines and prohibit use of drones in parks unless through a permit issued by the Director. Currently, all unmanned flying aircraft, such as radio controlled airplanes and helicopters are prohibited in the parks. The City has designated a flying area for these aircraft on land owned by the sewer utility.

Section 17-97 Horseback riding

- The Department currently does not allow horseback riding in the parks, but will be evaluating certain areas for possible equestrian special events. This allows for such designation and requires owners to clean up after their horses.



Section 17-98. - Hunting; carrying and use of weapons.

- Revisions made to comply with Missouri statutes.

Section 17-99 – Electrically-assisted pedal powered cycle on designated trails.

- Currently, electrically-assisted bicycles are not allowed, and this revision establishes the size, speed and locations where ebikes may be utilized. Proposed revisions are similar to Katy Trail State Park regulations, with the exception of reducing the allowable maximum speed from 20 mph to 15 mph. This was done as the MKT Trail is more congested and in certain areas, not as wide as the Katy Trail.

Section 17-108 Peace disturbance in a park

- Brings the park ordinance more in line with existing city codes, specifically, Section 16-176.1 Peace disturbance—Generally.
- Revision of the ordinance removes language no longer needed in the ordinance (loitering) due to nature of activity and language now included in 17-95 Camping that addresses sleeping in the parks. The ordinance revision will cover all types of disturbances in a park from offensive music to assaults or threatening to assault someone in a park.

Section 17-111 Restrictions on sexual conduct in a park.

- Brings the park ordinance more in line with Section 16-132. Indecent exposure and Missouri State Statute 566.093 Sexual Misconduct.

Section 17-131 Hours of operation and Section 17-132 Closed areas.

- Revision establishes hours of operation of parks unless otherwise posted and clarifies that it is unlawful to remain after hours in parks or sections of parks that may be closed due to construction or other situations where it may be dangerous for the public.

Section 17-133 Metal detectors and geocaching.

- Revision requires permits for those that want to use metal detectors or place geocache containers in parks.

Section 17-134 Permit.

- Section 17-134 (a) revision allows new activities on facilities in parks and establishes appropriate insurance at a level to protect the City, yet be fair to the users. For example, Ultimate Frisbee uses fields that are not officially designated for Ultimate Frisbee, as they are normally used for soccer, football, lacrosse, and baseball/softball activities. This revision will allow Ultimate Frisbee to provide industry standard level of insurance for their national, state and local tournament and league activities.
- Other revisions to this section bring the code to date with current requirements of the City's Risk Management Department, including the use of drones.

Section 17-143 Trail and park use by dogs.

- Revision clarifies that certain dog rules applies to both trails and parks, except for designated dog parks.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A



Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Parks, Recreation & Greenways, Secondary Impact: Environment, Tertiary Impact: Not Applicable

Strategic Plan Impacts:

Primary Impact: Public Safety, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the ordinance amending Chapter 17 of the City Code as it relates to Parks and Recreation.