

CHAPTER XII. PUBLIC PROPERTY

- Article 1. Parks, Recreational Areas
- Article 2. Municipal Swimming Pool
- Article 3. Special Events conducted upon Public Property
- Article 4. Dog Park Rules

ARTICLE 1. PARKS, RECREATIONAL AREAS

- 12-101. **PURPOSE AND INTENT.** It is hereby declared necessary for the benefit of the public at large to impose certain rules and regulations upon the use of public parks and recreational facilities. It is the intent of this article that all persons may peacefully enjoy the use of the parks and recreational facilities of the city, and to this end, any permits or authorizations required to be obtained from the park board may not be refused except for valid reasons applied uniformly to all persons. Any denial of permits is intended only for the protection of the citizens' rights to full and peaceful use of the parks and recreational facilities. Permits will be denied where the proposed use will infringe upon the general public's use of the area involved to such an extent as to deprive the general public the use of the parks and recreational facilities for the purposes intended.
(Ord. 278, Sec. 2)
- 12-102. **HOURS, OPENING AND CLOSING, FEES FOR USAGE.** City park facilities will be closed to the public from 12:00 midnight to 5:00 a.m. daily, except Kirby Park, Old Oak Park and Timberlane North Park will be closed to the public from 10:00 p.m. to 5:00 a.m. daily. The hours of the Skate Park shall be from 15 minutes after sunrise until 15 minutes before sunset, as those times are provided by any local weather service. Hours of operation of any park facility may be temporarily modified for special events by action of the Governing Body.

The fees for use of such park facilities will be those determined from time to time by the Governing Body in consultation with city administrative personnel.
(Ord. 278-B; Code 2003, Ord. 888; Ord. 972; Code 2015)
- 12-103. **INJURING PROPERTY OR REMOVING EQUIPMENT.** It shall be unlawful for any unauthorized person to break, cut, mutilate or injure, remove or carry away, any stone or stonework, bench, chair, seat, bower, stand, structure, fence or property, or anything whatsoever, in or upon any park, playground, golf course or recreational facility, or upon any other property owned or controlled by the city.
(Ord. 278, Sec. 4)
- 12-104. **TRASH, RUBBISH.** It shall be unlawful for any person to throw stones, sticks or rubbish of any kind into any lake, pond, stream or swimming pool and/or to deposit

trash or rubbish of any kind in or upon any park, playground, golf course or recreational facility or upon any other property owned or controlled by the city, except in containers or facilities provided therefore.

(Ord. 278, Sec. 5)

12-105. CHASING GAME AND ANIMALS. It shall be unlawful for any person, other than a city officer or employee in the lawful discharge of his or her duty, to chase, kill, set snares for or catch any birds or wild animals in or upon any of the parks, playgrounds, golf courses or recreational facilities or upon any other property owned or controlled by the city.

(Ord. 278, Sec. 6; Code 2003)

12-106a. HUNTING. (a) It shall be unlawful for any person to hunt, or discharge a weapon in an attempt to hunt, in or upon property owned or controlled by the city except in those areas specifically so designated by the governing body. Hunting shall be defined as by state statute and/or regulation.

(b) The taking, catching or killing of bullfrogs is prohibited on all city owned waters.

12-106b. FISHING (a) Fishing shall be in designated areas only, and unless exempt by law, a state issued fishing license is required and must be shown upon request of any law enforcement officer, Kansas Department of Wildlife and Parks Employee, or other state enforcement official.

(b) Fishing is permitted in city owned waters located within the following city parks:

1. Riggs Park
2. Old Oak Park
3. Kirby Park
4. Timberlane North Park
5. Randal L Dorner Park

(c) Seining, and use of dip and cast nets, is prohibited on all city owned waters.

(d) Creel limits. A creel limit is the maximum number of a species of fish that can be taken per person in a calendar day.

(e) Length limits. Minimum length limits mean that fish shorter than a certain length cannot be kept.

(f) The following creel and length limits are hereby adopted:

(1) Channel Catfish: 5 per day.

(2) Largemouth Bass: 2 per day creel limit, with an 18 inch minimum length limit.

(3) All other species of fish: 4 per day creel limit.

(Ord. 515; Code 2003, Ord. 888; Ord. 973; Code 2015)

12-107. PERMITS.

(a) Permits will be required to reserve any Park Shelter House, Senior Center,

Dewey Gunzelman Memorial Pool, Haysville Activity Center, Plagens-Carpenter Park, Band Shell, Historic District Gazebo, the Home Town Market facility, or the Haysville Community Building and the fees are as established by Chapter 17. Requests for reservations shall be made in the city clerk's office, and all reservations are subject to availability.

- (b) Three (3) copies of the permit will be issued:
 - 1) One to the user of the shelter house, band shell or community building;
 - 2) One to the police department; and
 - 3) One will be filed at the city building.

(c) To reserve a park site for the use of inflatable playground equipment. This permit requires:

- 1) Proof of liability insurance naming City as additional insured in the amount of \$1 million dollars;
- 2) Proof of business license from the business' originating City;
- 3) All contact and reservation information required by City Clerk.

(Ord. 278, Sec. 8; Code 2003; Code 2007; *Ord. 941*, Ord. 958)

12-108. HORSEBACK RIDING. Horseback riding shall be permitted only in areas that have been so designated.

(Ord. 278, Sec. 9)

12-109. FIRES. Fires may be built only in ovens, stoves, fireplaces, portable grills or other facilities designed for that purpose and all such fires shall be extinguished before leaving the area. Fires may be prohibited entirely as a protective measure when ordered by the chief of police.

Charcoal briquettes, wood or other materials used for fire or cooking purposes shall be extinguished before being deposited in trash containers. No hot or burning coals or materials of any kind shall be dumped or deposited on the grass.

(Ord. 278, Sec. 10)

12-110. SWIMMING, BATHING, WADING, SKATING OR USE OF A VESSEL. Swimming, bathing, wading, skating, or the use of vessels in any of the ponds, lakes, rivers or waterways in parks or recreational facilities is prohibited except in designated areas, with city approval. The term vessel used herein means "every description of watercraft used or capable of being used as a means of transportation on water."

(Ord. 278, Sec. 11)

12-111. ARCHERY. Archery shall be permitted only in designated areas.

(Ord. 278, Sec. 12)

12-112. UNMANNED AIRCRAFT SYSTEMS. (a) Purpose. The City of Haysville encourages the safe and responsible use of Unmanned Aircraft. This ordinance is designed to empower innovation while protecting and promoting the health, safety, and welfare of its citizens. (b) Definitions. An "Unmanned Aircraft System" ("UAS")

shall mean an aircraft operated without the possibility of direct human intervention from within or on the aircraft. This definition includes devices commonly referred to as drones, remote controlled aircraft, model aircraft and model rockets. (c) Prohibited Use. (1) No person may take off or land an UAS on the private property of another individual or entity without express permission of the owner of such property. (2) No person may take off or land an UAS on any City owned property except for the following designated areas: All City Parks. (d) No Reckless Operation. No person may operate an UAS in a reckless manner so as to create: (1) a substantial risk of serious physical injury to another, including but not limited to operating an UAS in the airspace directly above or over any person; or (2) a substantial risk of damage to the property of another. (e) Penalties. A person found guilty of a reckless operation or operation out of compliance with this ordinance, may be punished by a fine not to exceed \$500. (f) Exceptions. This Ordinance does not apply to an UAS that is operated by or on behalf of the City of Haysville, or any other public agency for government related purposes in compliance with all federal laws and regulations and operated in compliance with City of Haysville policies.

(Ord. 1044)

12-113. **MOTOR OR ENGINE-DRIVEN VEHICLES OTHER THAN PARK MAINTENANCE VEHICLES.** Motor or engine-driven vehicles, including but not limited to go-carts, motorcycles, motor scooters, mini-bikes and motored bicycles, shall be permitted only in designated areas.

(Ord. 278, Sec. 14)

12-114. **FIREWORKS IN THE PARK.** The discharging of fireworks in the city park areas will be in compliance with the existing city laws and in designated areas only.

(Ord. 278, Sec. 15)

12-115. **CEREAL MALT OR ALCOHOLIC BEVERAGES WITHIN PUBLIC PARKS.** (a) The use or consumption of any cereal malt beverage, or alcoholic liquor is prohibited in any park, except in conformance with a lawfully issued Special Event Permit.

(b) The Historic District is exempted from the provisions of subsection (a), and exempted from the provisions of K.S.A. 41-719, all in accordance with K.S.A. 41-719(d). Alcoholic liquor or cereal malt beverage consumption within the Historic District is limited to those occasions associated with an agreement or permit issued by the City in which such consumption is specifically allowed.

(Ord. 278, Sec. 16; Code 2015; Code 2016)

12-116. Reserved.

(Ord. 278, Sec. 17; Code 2015)

12-117. **OVERNIGHT CAMPING OR CAMP-OUTS.** Overnight camping or camp-outs will be permitted in designated areas only.

(Ord. 278, Sec. 17)

- 12-118. PENALTY. Any person or persons violating any of the provisions of this article for which a penalty is not otherwise provided shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code.
(Ord. 278, Sec. 20; Code 1984; Code 2003)

**ARTICLE 2.
MUNICIPAL SWIMMING POOL**

- 12-201. POOL OPEN, RULES AND REGULATIONS. The municipal swimming pool of the city shall be opened to the public as herein limited at all proper and seasonable times subject to such rules and regulations herein contained and as the governing body of the city may from time to time adopt or authorize and as provided by the rules and regulations of the Kansas State Board of Health.
(Ord. 278, Sec. 18.2; Code 2019)
- 12-202. PENALTY. Any person or persons violating any of the provisions of this article for which a penalty is not otherwise provided shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code.
(Ord. 278, Sec. 20; Code 1984; Code 2003)

**ARTICLE 3.
SPECIAL EVENTS HELD UPON PUBLIC PROPERTY**

- 12-301. DESIGNATION OF SPECIAL EVENTS: The following special events may be held upon public property following submission of a complete application for a permit to hold such special event within the City of Haysville, and approval by the Chief Administrative Officer (CAO):
1. Fun Runs of no longer than 10 kilometers;
 2. Concerts, fundraisers, gatherings or public displays of sufficient size;
 3. Other events deemed to be Special Events by the CAO;
 4. Firework Displays, in conformance with 5-1109.
- 12-302. SPECIAL EVENT PERMIT; APPLICATION FOR PERMIT.
1. Any individual desiring to obtain a Special Event Permit to hold an event approved under 12-301 shall complete and submit an Application for a Special Event Permit 28 days prior to the event. Staff shall have up to 28 days to determine whether or not to approve the event.
 2. The application fee shall be as set forth within Chapter 17.
 3. Upon signature of the Special Event Permit Application by the CAO of the City of Haysville, the Application shall be deemed approved, subject to the terms and conditions set forth within the Application.
- 12-303. STANDARDS ASSOCIATED WITH APPROVAL OF APPLICATION FOR

SPECIAL EVENT PERMIT. The Chief Administrative Officer may approve an application for special event permit after the following conditions have been met:

1. Approval of the event by Public Works Director. The Public Works Director shall review the proposed area to be utilized for the special event and determine if such area may feasibly be blocked from general public use, including limiting or prohibiting traffic use, for the time period designated.
2. Approval of the event by Chief of Police. The Chief of Police shall review the proposed area to be utilized for the special event and determine if such area may feasibly be blocked from general public use, including limiting or prohibiting traffic use, for the time period designated. Such feasibility review shall include determination of law enforcement personnel availability to monitor that appropriate blockades have been placed by special event staff and that special event staff are stationed at critical points to monitor such blockades.
3. Approval of the event by the Recreation Director. The Recreation Director shall determine that no more than two such similar events are held within the City in any given month, that any such events are open to the participation of Haysville residents who may choose to participate, and shall maintain a calendar of such special events to be posted on all City associated media sites.
4. A determination that the Special Event Permit Application has been completed, that all terms and conditions of the Application have been met, and that the insurance required in association with the Special Event has been provided to the City Clerk.
5. The City does require the property be left in the same or better condition than it was before the event. The city may require additional conditions including clean up, security, insurance or bonding. The city council shall have the authority to waive such requirements at their discretion.
6. Other considerations for the approval of the permit may include the number of guests, the amount of noise associated with the event, as well as the time and duration of the event. Also staff will consider other events that are occurring simultaneously, and their affect on City resources.

The approved application shall not be considered a contract or guarantee for the event. The city reserves the right to cancel or disband the event at their discretion at any time if circumstances conflict with the health, safety, or welfare of the neighborhood or community.

ARTICLE 4 DOG PARKS

- 12-401. Park hours are from 5:00 a.m. to midnight pursuant to Chapter 12 Article 102 of the City Code.
- 12-402. Dogs must be current on vaccinations, wear a collar with identification and have a current rabies tag.

- 12-403. Dogs must be leashed when entering or leaving the fenced area of the park and the owner must have a leash available at all times while accompanying their dog in the park.
- 12-404. Owners must remain in the dog park with the dog, and must be physically capable of keeping their dog under reasonable control at all times.
- 12-405. No more than three dogs are allowed per visitor.
- 12-406. Dogs that have been deemed dangerous under Chapter 2 Article 3 of the City Code, dogs that show signs of aggressiveness towards people or other animals, or dogs that are ill/have open wounds are prohibited from the dog park.
- 12-407. Dogs must be neutered or spayed. Dogs in estrus (heat) are prohibited.
- 12-408. No spiked or pinch collars are allowed.
- 12-409. Dog parks are only for the use of dogs. No other types of pets are allowed.
- 12-410. No food, rawhide chews, alcoholic beverages, glass containers, littering, skateboards, motorbikes, bicycles, or rollerblades allowed.
- 12-411. No Tobacco use is allowed, including vaping in the dog park. Tobacco use is allowed in the parking lot.
- 12-412. Owners are responsible for their dog's behavior and must immediately remove any excrement deposited by their dog and fill any holes dug by their dog. To help reduce the potential spread of parasites, owners must pick up and dispose of their dog's waste in the collection containers provided.
- 12-413. Professional dog trainers may not conduct their business in the dog park.
- 12-414. Park areas are defined for the use of "small" and "all" dogs. Small dogs are those weighing 45 lbs. or less.
- 12-415. Owners will not allow large dogs (greater than 45 lbs.) into the small dog area.
- 12-416. Animal bites should be reported to Haysville Police Department by calling 911.
- 12-417. Owners assume all risks, loss or injury for themselves or their dog(s) associated with or resulting from the use of the park.
- 12-418. Owners making use of the dog park shall be responsible for injuries caused by their dogs to other persons and dogs. Persons responsible for any injuries or property damage shall hold the City of Haysville harmless for any such damage.

- 12-419. Owners must immediately restrain their animal and/or leave the park when instructed to do so by any law enforcement officer or City employee.
- 12-420. Violations or disregard of this Ordinance can result in removal from the park, suspension of use privileges, and citations/fines established in Chapter 17, Article 320 of the City Code.
- 12-421. Enforcement of the above rules and regulations is under the immediate supervision of the Chief of Police. Violators of dog park rules and regulations may be subject to one or more of the following:
- (a) Removal from the park;
 - (b) Suspension of park privileges; and
 - (c) Issuance of a Uniform Criminal Complaint or Notice to Appear.

If an owner or individual is found guilty of violating the rules and regulations of a city-owned Dog Park or any other provisions of this section, such owner or individual shall be guilty of a misdemeanor. The Director of Public Works, Recreation and the Chief of Police or designee shall promulgate additional regulations as are necessary to address health and safety concerns related to the operation of such parks.

(Ord. 1062, Sec. 1)