

CITY OF BOX ELDER ORDINANCE #685

TO AMEND ORDINANCE CHAPTER 26 – PARKS AND RECREATION

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BOX ELDER, TO AMEND CHAPTER 26 TO
READ AS FOLLOWS:

Chapter 26 - PARKS AND RECREATION¹

Footnotes:

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State Law reference— Municipal parks and recreation facilities, SDCL ch. 9-38.

(Ord. No. 561, § 33.02.11, 3-15-2016; Ord. No. 650, § 33.2.11, 5-1-2020)

Secs. 26-2—26-20. - Reserved.

ARTICLE II. - PARKS AND RECREATION BOARD²

Footnotes:

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State Law reference— Combined park and recreation boards, SDCL 9-38-90.1.

Sec. 26-21. - Established; board to also be known as tree board.

- (a) The city has created a parks and recreation board. The parks board shall also be known as the tree board. The common council hereby grants all powers attributed or assigned by South Dakota Codified Law and this Code.
- (b) The parks and recreation department shall be administered under the department of public works.

(Ord. No. 492, art. III, § 1, 7-20-2010; Ord. No. 561, § 33.02.01, 3-15-2016; Ord. No. 650, § 33.2.1, 5-1-2020)

Sec. 26-22. - Membership.

The parks board shall consist of six members. Wards I, II and III shall be represented on the board by one council member from each ward. The board must also have three additional members serving at large. All of these individuals must reside within the corresponding ward they represent, whenever possible.

(Ord. No. 561, § 33.02.02, 3-15-2016; Ord. No. 650, § 33.2.2, 5-1-2020)

Sec. 26-23. - Appointment and tenure of office.

- (a) In order to avail itself of the powers conferred by this chapter, the governing body shall appoint a parks board to recommend all improvements and appropriate regulations to be enforced therein related to the municipal parks system.

- (b) Each park board member shall be appointed for a five-year term.
- (c) Terms of members shall be staggered such that the terms of no more than two of the members shall end in the same calendar year. Board members may be removed by a majority vote of the city council for lack of attendance, incompetence, malfeasance, or other causes. Any member may request to be heard in executive session prior to said vote.

(Ord. No. 561, § 33.02.03(1), 3-15-2016; Ord. No. 650, § 33.2.3(1), 5-1-2020)

Sec. 26-24. - Officers.

The board shall elect from its membership a chairperson and vice-chairperson. The chairperson shall chair all meetings and proceedings. In the chairperson's absence, the vice-chairperson shall conduct the meetings. The park board shall establish bylaws to govern the conduct and procedural rules of the board and provide for election of officers.

(Ord. No. 561, § 33.02.03(2), 3-15-2016; Ord. No. 650, § 33.2.3(2), 5-1-2020)

Sec. 26-25. - Purpose.

The purpose of the parks board is to administer policy issued by the city council. The board is responsible to formulate and recommend policy and development and present such recommendations to the city council. The board will direct and supervise park development and activities in accordance with municipal, state, and federal regulations.

(Ord. No. 561, § 33.02.04, 3-15-2016; Ord. No. 650, § 33.2.4, 5-1-2020)

Sec. 26-26. - Accountability.

- (a) The board reports directly to the common council. Authorization to expend funds on behalf of the city parks remains solely with the common council. The parks board has no authority to expend funds.
- (b) As per SDCL 9-38-23, all park board records are subject to inspection. On an annual basis the parks board shall report to the common council of its acts and all authorized expenditures, showing the condition of all affairs under its control.

(Ord. No. 492, art. III, § 2, 7-20-2010; Ord. No. 561, § 33.02.05, 3-15-2016; Ord. No. 650, § 33.2.5, 5-1-2020)

Sec. 26-27. - Duties and responsibilities.

In addition to the other ordinances and sections in this Code giving the parks board duties and obligations, the duties and responsibilities of the parks board shall be as follows:

- (1) To advise the common council and parks and recreation director on all municipal recreation activities within the city and all municipal recreation facilities, as well as the maintenance of all parks;
- (2) To advise the parks and recreation director in preparing a budget request for consideration by the common council;
- (3) To advise the parks and recreation director on the expenditure of all budgeted funds in accordance with state law and city policy;

- (4) To advise the common council and the parks and recreation director on the maintenance of all municipal recreation facilities; and
- (5) To advise the parks and recreation director on the tree care regulations set forth elsewhere by ordinance.

The common council may require a report from such board at any time, and the records, books, papers, and accounts of the board shall at all times be subject to inspection by the mayor, auditor, Chief Finance Officer or any committee appointed by the common council for that purpose.

(Ord. No. 561, § 33.02.06, 3-15-2016; Ord. No. 650, § 33.2.6, 5-1-2020)

Sec. 26-28. – Compensation and Bond.

The board will serve on a volunteer basis, without compensation, except as otherwise ordained or resolved by the common council. No bond shall be required for the faithful performance of a Board member's duties.

(Ord. No. 561, § 33.02.07, 3-15-2016; Ord. No. 650, § 33.2.7, 5-1-2020)

Sec. 26-29. - Meetings.

The parks and recreation board shall set its own meeting schedule; however, at a minimum, the board shall meet at least quarterly. A quorum for the conduct of business at any meeting shall be four members of the Board. No action shall be taken in absence of a quorum, except to adjourn the meeting to a subsequent date.

(Ord. No. 492, art. III, § 3, 7-20-2010; Ord. No. 561, § 33.02.08, 3-15-2016; Ord. No. 650, § 33.2.8, 5-1-2020)

Sec. 26-30. – Parks and Recreation director.

The position of parks and recreation director is hereby created. The public works director shall assume the duties of the parks and recreation director until the common council, by resolution, shall direct otherwise. Upon adoption of said resolution, the director shall be hired and serve at the discretion of the Public Works Director.

(Ord. No. 561, § 33.02.09, 3-15-2016; Ord. No. 650, § 33.2.9, 5-1-2020)

Sec. 26-31. - Duties and responsibilities of the director.

The duties and responsibilities of the parks and recreation director shall be as follows:

- (1) To administer all operations in the parks and recreation department with the advice of the parks board;
- (2) To recommend hiring of parks personnel and supervise employees assigned to the parks department, and recommend to the mayor and common council appropriate staffing levels throughout the department;
- (3) To prepare and submit annually to the mayor and the common council and the parks board a proposed budget for the department;
- (4) To ensure the efficient operation of the parks department; and

- (5) To provide input to the mayor, common council, and other city boards and committees to ensure the continued efficient operation of the department while protecting the health, safety and welfare of the community.

(Ord. No. 561, § 33.02.10, 3-15-2016; Ord. No. 650, § 33.2.10, 5-1-2020)

Secs. 26-32—26-50. - Reserved.

ARTICLE III. - CITY PARKS

Sec. 26-51. - Hours; permit for activities outside normal park hours.

- (a) All city parks shall be closed to the public from 10:00 p.m. until 6:00 a.m., except as allowed by an approved permit issued pursuant to this chapter or city council resolution or ordinance.
- (b) The responsible party seeking to use city park facilities outside normal operating hours shall file an application with and obtain a permit from the city finance office. Permits shall be issued to persons over 21 years of age who shall be the responsible party for the activity authorized by the permit. The responsible party shall be responsible for the people attending the permitted event and must provide proof of the permit to law enforcement if asked to do so.

(Ord. No. 457, § 1, 12-5-2006)

Sec. 26-52. - User's responsibilities; prohibited conduct.

- (a) All persons using any picnic, recreational or playground area and equipment in any city park shall be responsible for the proper care of such equipment and shall clean up all litter and refuse caused by their occupancy before leaving such area.
- (b) No person shall act in a disorderly, unchaste, or lewd manner, or habitually loaf or sleep on the ground or on benches within any city park.
- (c) All city parks shall be considered safe zones. No fighting or other violent activity is allowed.
- (d) No vehicles are allowed in the parks, except in designated parking areas or except for city maintenance vehicles.
- (e) There will be no dumping of sewer or water from travel trailers or motor homes in city parks.

(Ord. No. 457, § 1, 12-5-2006)

Sec. 26-53. - Pets allowed only on leash; authority of board to establish pet control areas.

- (a) No pets are allowed in the city parks, except on a leash. Pets must be under control at all times. No pets shall be allowed in the bandit ball area during Little League season. No pets shall be allowed within 25 feet of any baseball or softball field, basketball court or other areas designated for games of any kind. Owners or the responsible party in possession of a pet(s) are responsible to clean-up after the animal while utilizing any public infrastructure.
- (b) The city parks and recreation board is authorized to designate other areas within city parks or upon public grounds as "no pet" areas or as "leash-free pet" areas. The public works department shall post such areas as shall be required to give reasonable notice to the public. It is a violation of this chapter for any person to permit any animal under his ownership or control to be present upon any park or public grounds designated as a "no pet" area.

(Ord. No. 457, § 1, 12-5-2006; Ord. No. 568, § 90.038, 11-1-2016)

Sec. 26-54. - No alcohol or drugs.

No one can possess or consume alcoholic beverages in any city park without the proper permit obtained from the City Finance Office as approved by the City Council; and drugs are not allowed.


(Ord. No. 457, § 1, 12-5-2006)

Sec. 26-55. - Violations and penalties.

Any violation of this article will be a Class 2 misdemeanor.

(Ord. No. 457, § 1, 12-5-2006)

Dated this 8th day of December, 2021.



Mayor

ATTEST:



Nicole Schneider
Chief Financial Officer

