

ORDINANCE NUMBER 543

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, ESTABLISHING THAT ALL LAWS OF SAID CITY APPLY TO PUBLIC PARKS OF SAID CITY, CONFIRMING JURISDICTION AND SETTING FORTH CERTAIN LAWS AND RESTRICTIONS, INCLUDING PROHIBITION OF ALCOHOL AND TOBACCO PRODUCTS, AND REPEALING ANY AND ALL PRIOR ORDINANCES AND ENACTMENTS OF THE CITY IN CONFLICT HEREWITH.

WHEREAS, the City of Highland has the right and authority, by virtue of its home rule powers and Kansas statutory authority, to set and establish various laws that shall apply to public parks, recreational areas and playgrounds under the city's ownership and control;

WHEREAS, the City believes that all traffic and criminal laws of the city shall apply the same in public parks, recreational areas and playgrounds of the city as they do to other areas within the corporate city limits; and

WHEREAS, the City also believes that alcohol and tobacco products present a potential health hazard to both users and the general public and that it is in the interests of the health, safety and welfare of citizens of the City and the general public to prohibit their usage in all public parks, recreational areas and playgrounds of the city;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, KANSAS:

SECTION 1: CITY LAWS EXTENDED TO PARKS. The various laws of the city, traffic, criminal and otherwise, shall and do hereby extend to and cover all city parks, recreational areas and playgrounds, including, but not limited to, the following:

(A) **Minier Park.** That area of the city known as Minier Park, located on the eastern side of the old Highland Grade School Building, constituting that portion of Block 57 in said City (originally Union Square) lying east of the north-south sidewalk and on which is located the basketball court and various pieces of playground equipment.

(B) **Degginger Park.** That area of the city known as Degginger Park, located upon Lots 5, 6, 7, 8, 15 & 16, in Block 91 of said City.

(C) **Community Ballpark.** That area of the city known as the community ballpark, picnic area and playground, and also Scottie Baseball Park, situated upon all of Blocks 35 and 36 of said City, excluding Lots 11 & 12 of Block 35.

(D) **Saddle Club Grounds.** That area of the city formerly known as the Highland Saddle Club grounds, located upon Block 112 of said City and certain lands contiguous thereto on the eastern edge of the City.

SECTION 2. JURISDICTION OVER PARKS. The city shall have jurisdiction to enforce all laws and regulations of the city within the public park areas described herein, and City police and all law enforcement officers shall have full power and authority to enforce all such laws and regulations.

SECTION 3. DAMAGING OR DISTURBING PARK PROPERTY. It shall be unlawful for any person, except duly authorized city employees or agents, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walk, bench, tree, improvement or property of any kind located in any park area as described herein. It shall be unlawful for any person, except duly authorized city employees or agents, to take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks and improvements thereto.

SECTION 4. TRAFFIC REGULATIONS. Traffic laws and regulations of said City shall apply to all park areas as described herein, including the following:

(A) All motor vehicles are prohibited from being operated upon the grounds of park areas described herein, excluding golf carts, except for the purpose of parking; provided, golf carts shall not be operated in a manner that will cause any significant injury to the park, park improvements or green areas. Parking of motor vehicles shall be allowed only in designated areas and accessed via designated roadways.

(B) The above prohibition does not apply to duly authorized city employees and agents during the performance of maintenance or improvements to such parks.

SECTION 5. HUNTING. It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner, at any time, while in any city park area as described herein.

SECTION 6. FIRES. It shall be unlawful for any person to start, build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be extinguished by the person, persons or parties starting such fire, immediately after the usage thereof.

SECTION 7. CAMPING PROHIBITED. Overnight camping is prohibited in city parks except where posted or unless specifically authorized by action of the governing body, mayor or other authorized agent of said City.

SECTION 8. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities or other improvements. No material other than bodily wastes and toilet paper shall be deposited into any toilet.

SECTION NINE. PROHIBITION AGAINST ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES. It shall be unlawful for any person or persons to use, consume or have on the premises of any park any alcoholic liquor or cereal malt beverage.

SECTION TEN. PROHIBITION OF TOBACCO PRODUCTS. It shall be unlawful for any person to use or consume any tobacco or tobacco-related products within any park area of the city, including, but not limited to, cigarettes, cigars, cigarillos, electronic cigarettes, pipe tobacco, chewing tobacco, dipping tobacco and snuff, in any form or substance. All parks of the City shall be designated tobacco-free zones and appropriate signage shall be posted to inform users of this policy.

SECTION ELEVEN. GENERAL REGULATIONS. The city may post such additional rules and regulations pertaining to the use of the city parks, as are approved by the governing body, in a conspicuous place in each city park. Violations of such posted rules and regulations shall constitute a violation of this ordinance, subject to penalty as set forth herein.

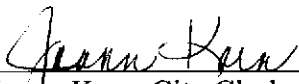
SECTION TWELVE. PENALTIES. Violation of any of the provisions of this ordinance shall be subject to punishment, as an unclassified misdemeanor, including fines and incarceration, pursuant to Sections 12.1 and 12.2 of the Uniform Public Offense Code for Kansas Cities.

SECTION THIRTEEN. REPEAL OF PRIOR ORDINANCES. Any and all ordinances of the City of Highland, Kansas in conflict herewith, are hereby repealed.

SECTION FOURTEEN. EFFECTIVE DATE. The terms and provisions of this ordinance shall take effect, and be in full force and effect, upon its summary publication in the official city newspaper in accordance with Kansas law.

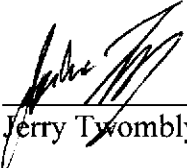
Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 9th day of August, 2017.

ATTEST:



Joann Karn, City Clerk

(SEAL)



Jerry Twombly, Mayor