

6. *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: *Provided*, that dogs and cats shall be permitted in the park if they are controlled at all times on a leash not more than six feet long, with the exception of the use of designated dog parks, or as a specific aspect of an organized BOPARC permitted activity.

7. *Horses and Horseback Riding.* a. No person shall ride a horse within the park without prior written consent of the Manager.

b. No person shall leave a horse unattended within the park.

8. *Swimming.* Swimming within the park is permitted only in a swimming pool or pools operated by the Board, and all persons shall abide by the swimming pool rules and regulations posted by the Manager at any such pool.

9. *Ice Skating.* No person shall ice skate on any area not specifically designated for ice skating activity and supervised by an employee of the Board.

10. *Professional Instruction.* No person other than authorized employees of the Board shall offer professional instruction in recreational activities within the park.

11. *Use of Picnic Shelters.* No person shall use a park picnic shelter, except by permit.

12. *Athletic Fields.* No person shall conduct any type of tournament on any park athletic field without a permit, and upon payment of appropriate fees.

13. *Feeding of Wildlife.* No person shall be permitted to feed any wildlife within the park.

SECTION G. MOTOR VEHICLES

1. *State Laws Applicable.* All of the provisions contained in Chapters 17A, 17B and 17C of the Code of West Virginia, on thousand nine hundred thirty-one, as amended, shall govern the operation of motor vehicles within the park.

2. *Speed Limit.* No person shall drive or propel or cause to be driven or be propelled along or over any road or drive within the park, any vehicle at a greater rate of speed than ten (10) miles per hour, unless otherwise posted.

3. *Vehicles Prohibited on Paths.* No person shall operate or cause to be operated any type of self-propelled vehicle or any vehicle which is moved by animal or human power upon any area other than a designated roadway.

4. *Driving on Closed Roads or Drives.* No person shall drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades. The Manager shall have authority to order roads or drives closed when the park is closed or during the process of construction, reconstruction or repairs, or when, in his opinion, weather conditions render travel either unsafe or duly destructive to the road.

5. *Demonstrating, Testing, Instructing with Respect to or Learning to Operate Vehicle.* No person shall use any part of the park for the purpose of demonstrating the operation of any vehicle, testing the operation of any vehicle, instructing another person to drive or operate any vehicle or learning to drive or operate any vehicle, except by written consent of the Manager.

6. *Parking.* No person shall park any motor vehicle, bicycle, wagon or other vehicle within any traveled roadway in the park or at any location where posted signs prohibit parking. No person shall leave any vehicle in the park between posted closing time and daybreak without written permission from the Manager or his authorized representative, unless said person is attending an even approved for extension beyond the posted closing.

7. *Snowmobiles.* No person shall within the park operate a motor driven vehicle which is designed for the purpose of traveling on snow-covered surfaces other than in areas designated for such purpose by the Manager.

8. *Motorbikes, Motorcycles.* a. Every person riding within the park on a motorbike or motorcycle is required to wear a crash helmet approved by either the American Motorcycle Association of the Snell Foundation.

b. No person shall operate a motorbike or motorcycle on any park roadway without having thereon a fender covering each tire.

c. Motorbikes or motorcycles are permitted within the park only on paved roadways normally used by motor vehicles and in parking areas for motor vehicles.

9. *Exceptions.* Nothing contained in the Section G of these rules and regulations shall apply to authorized emergency vehicles responding for emergency work in the case of fire, accident, public disaster, impending danger or other emergency or to a police officer in the performance of his official duties.

SECTION H. REVOCATION OF PERMITS

The Manager or his authorized representative has the authority to revoke any or all permits upon the finding of violation of any park rule or regulation by any offender or offenders.

This Ordinance shall be effective from date of adoption.

ADOPTED: As Amended: March 3, 1982

FILED: March 5, 1982

RECORDED: March 5, 1982

JAMES E. CRAIG, *Mayor*
PATRICIA J. CAMPBELL, *City Clerk*

Rules and Regulations for Morgantown Municipal Parks and



An Ordinance

Providing Rules and Regulations regarding the use of all recreational properties and facilities under the control of the Board of Park and Recreation Commissioners of Morgantown and prohibiting certain types of uses or activities in connection with such properties or facilities.

THE BOARD OF PARK & RECREATION

The Morgantown City Council hereby ordains:

Whereas, the Rules and Regulations were adopted by the Board of Park and Recreation Commissioners of Morgantown on October 15, 1981, pursuant to the authority granted to the board by the provisions of Article 21, Chapter 8 of the code of West Virginia, one thousand nine hundred thirty-one, as amended. Following the adoption of these rules and Regulations by the Board, these Rules and Regulations were submitted to the common Council of Morgantown for adoption and were so adopted on March 3, 1982 as amended.

SECTION A. PUNISHMENT FOR VIOLATION OF RULES AND REGULATIONS

1. *Fine and Imprisonment; Jurisdiction.* The violation of any of these rules and regulations shall constitute a misdemeanor and any person convicted of any such violation shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in jail for a period not exceeding thirty days, or by both such fine and imprisonment. As specified in Section 10, Article 21, Chapter 8 of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, municipal police judges, magistrates of Monongalia County, West Virginia shall have concurrent jurisdiction with the Circuit Court of said county (having criminal jurisdiction) of any such misdemeanor offenses.

2. *State Laws or Municipal Ordinances.* The violation of any of these rules and regulations which also constitutes the violation of any state law and/or municipal ordinance may be prosecuted and punished as a violation of such state law or municipal ordinance and/or as a violation of these rules and regulations.

SECTION B. DEFINITION OF TERMS

As used in these rules and regulations:

1. *Board* shall mean the Board of Park and Recreation Commissioners of Morgantown;
2. *Manager* shall mean the Superintendent of Parks and Recreation, Board of Park and Recreation commissioners of Morgantown;
3. *Park* shall mean all properties and facilities being used as part of the Board's recreational program;
4. *Person* shall mean and include individuals and corporations; and
5. *Authorized Emergency Vehicles* shall mean vehicles of a fire department or police department, or ambulances.

SECTION C. PROTECTION OF PARK PROPERTY

1. *Defacement, Destruction, Removal, etc.* 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, deface, destroyed or disturbed.
2. *Defacement of Surface.* No person shall operate a motor vehicle causing the rubber tires to spin, mark and deface the park roadway surface.

3. *Littering or Dumping of Rubbish or Garbage.* No person, without the written consent of the Manager, shall leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage or other material from a picnic or other permitted activity may be deposited in receptacles or pits provided for such purposes.

4. *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, vegetation, or aquatic life, or which may prevent, limit or interfere with the use of such waters for domestic or agricultural purposes or which may lessen to an unreasonable degree the use and enjoyment of such waters for recreational or other park uses.

SECTION D. FIREARMS, FIREWORKS, EXPLOSIVES, WEAPONS, HUNTING AND BOWS AND ARROWS

1. *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.

2. *Dangerous Weapons.* No person shall have or carry any switchblade, hunting knife, dagger, metal knuckles or other dangerous weapon while in the park.

3. *Bows and Arrows.* No person shall release an arrow from a bow, cross-bow or longbow within the park other than in areas designated by the Manager as Archery Ranges or at such other locations as may be designated in writing for such purpose by the Manager.

4. *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.

SECTION E. OTHER PROHIBITED ACTIVITIES

1. *Advertising, Signs.* No person shall distribute or place any sign, advertisement, circular, notice or statement, or distribute or place any banner, emblem or design or political advertisement, within the park without the written consent of the Manager.

2. *Sales.* No person shall sell or offer for sale any article, thing, privilege or service within the park

without the written consent of the Manager, and without all applicable permits or licenses.

3. *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.

4. *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.

5. *Abusive Language.* No person shall use obscene, profane or abusive language within the park.

6. *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.

7. *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.

8. *Intoxicating Beverages, Wine.* No person shall within the park sell, offer for sale, possess or consume any intoxicating liquor or wine unless the written consent of the Manager therefor is first had and obtained 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.

9. *Beer.* No person shall sell, offer for sale, possess or consume beer or other malt beverage within the park without the written consent thereof of the Manager except as provided in Section F of these rules and regulations.

10. *Glue Sniffing.* No person shall within the park sniff any type of glue or other commercial material or product which contains Toluol or ethers.

11. *Use of Narcotics, Opiates, and Hallucinogens.* No person shall smoke, drink, have injected into one's self, or otherwise use, any type of narcotic drug, dangerous drug, opiate, hallucinogen or marijuana within the park.

12. *Entering Toilet Facilities.* No persons, except for park maintenance employees or police in the performance of their official duties, shall enter a toilet within the park set aside for members of the opposite sex. Use of park toilet facilities shall be limited to defecating, urinating, and washing of one's hands thereafter. All other activities therein are prohibited including, but not limited to the following:

- A) bathing
- B) storing personal items
- C) sleeping or resting
- D) smoking
- E) eating or drinking

No person shall hinder, obstruct, or prevent the movement of persons within a park toilet facility so as to interfere with the rights of others to the proper use of the toilet facility.

No person shall hinder, obstruct, or prevent access to a park toilet facility so as to interfere with the rights of others to the proper ingress and egress of the toilet facility.

13. *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.

14. *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.

15. *Boats and Water Equipment.* No person shall without the written consent of the Manager, bring and use within the park any boat, surfboat, surfboard, water skis, scuba diving gear and similar aquatic equipment.

16. *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 official in the execution of his office.

SECTION F. REGULATED ACTIVITIES

1. *Fires.* a. 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 fireplace or areas designated for such purpose by the Board: *Provided*, That the Manager may at his discretion prohibit fires for limited period at any location or for any purpose when necessary for the protection of park property.

b. 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.

c. No person shall within the park dump hot ashes or fire onto the grass or plants.

2. *No Admittance After Park Is Closed.* Park closes at 10:00 PM. No person, except Board employees 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.

3. *Camping.* No person shall establish or maintain any camp or other temporary lodging or sleeping place within the park without the written consent of the Manager.

4. *Beer and Malt Beverages.* Persons of legal age may have in their possession and may consume within the park beer or malt beverages in approved containers in connection with a picnic involving the consumption of food if such picnic is held at a designated picnic area and if such beer or malt beverage is possessed and consumed at such designated picnic area. Only glass and aluminum containers are permitted. Kegs are not permitted within the park.

5. *Fishing.* a. Fishing within the park is prohibited except at areas designated for that purpose by the Board.

b. Fishing by the use of hooks left unattended, traps, spears, gigs or bows and arrows is prohibited.