

ORDINANCE 1484

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS; CHAPTER 95, PARKS AND RECREATION; REPEALING SECTIONS 95.01 AND 95.02 AND ADDING SECTIONS 95.01 THROUGH 95.08

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that the Code of Ordinances Chapter 95, Parks and Recreation, be amended as follows:

§ 95.01 PURPOSE; DEFINITIONS.

(A) Purpose. The City deems it appropriate, reasonable, and necessary to specify rules and regulations to provide for the recreational enjoyment of park areas and facilities; for the protection and preservation of park property, facilities, and natural resources of the City; and for the safety and general welfare of the public.

(B) Definitions.

AMUSEMENT CONTRAPTIONS. Any contrivance, device, gadget, machine, or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing, or fall experience including, but not limited to, ball-throwing contest device, pinball type devices, animal ride devices, dunk tank, ball and hammer device, inflatables, trampoline devices, and the like.

AREA or AREAS. A specified place within a park.

CAMPGROUND. An area that is occupied or intended for occupancy by camping in tents, camp trailers, recreational vehicles, or motor homes.

CAMPING UNIT. A shelter designed for camping; camping trailer, fifth-wheel trailer, motor home, travel trailer, or tent.

CITY. The City of Vermillion, established pursuant to South Dakota Statutes.

DANGEROUS OR DEADLY WEAPON. SDCL § 22-1-2 (10) any firearm, stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm but also includes spears, crossbows, bows and arrows, sling shots, paintball guns, or any other dangerous weapon or projectile.

DESIGNATED CAMPSITES. Only allowable area for camping in the campground. These sites are marked with a numbered sign and have associated campsite payment information.

DIRECTOR. Director of Parks and Recreation.

ELECTRONIC SMOKING DEVICE. Any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the devices, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Nicotine products approved by the U.S. Food and Drug Administration for tobacco cessation shall be allowed.

EMPLOYEE. Any city volunteer or full or part-time regular or temporary worker hired by the city.

FIRST-COME, FIRST-SERVED CAMPSITE (FCFS). A campsite that can be occupied by the first person who requests it. These sites cannot be reserved in advance.

MOBILITY DEVICE. Any device powered by batteries, fuel, or other engines used by an individual with mobility disabilities for the purpose of locomotion.

MOTOR VEHICLE. Every vehicle as herein defined, which is self-propelled, including but not limited to off-the-road or all-terrain vehicle including, but not limited to, snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, or all-terrain cycle.

NATURAL RESOURCES. All flora and fauna within the city and the physical factors upon which they depend, including air, water, soil, and minerals.

PARK. Any public land, water area, or trail corridor and all facilities thereon, under the jurisdiction, lease, control, or ownership of the city.

PERMIT. Written permission obtained from the city to carry out certain activities.

PERSON. Shall extend and be applied to associations, corporations, firms, partnerships, and bodies politic and corporate as well as to individuals.

PEST. Any plant, animal, or microorganism that is determined to be undesirable because it conflicts with park management objectives, creates an annoyance to park guests, or has the potential to create a health hazard.

PET. A domestic animal that is accompanied by a person in the immediate vicinity of the animal.

POLICE OFFICER. Those individuals that are licensed as South Dakota police officers by the South Dakota Law Enforcement Officers Standards and Training Commission vested with the legal authority to enforce laws and ordinances.

PROPERTY. Any public land, waters, facilities, or possessions of the city.

SMOKING. The carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment; the use of ELECTRONIC SMOKING DEVICE; or the inhalation or exhalation of smoke from any lighted smoking equipment.

TOBACCO PRODUCT. Any product made or derived from tobacco that is intended for human use, including any component part or accessory of a tobacco product. A TOBACCO PRODUCT includes, but is not limited to cigarettes, cigars, pipes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and dissolvable tobacco.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, provided that, for the purpose of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.

WILDLIFE. Any living creature, not human, wild by nature, including, but not limited to, mammals, birds, fish, amphibians, insects, reptiles, crustaceans, and mollusks.

YOUTH ACTIVITIES. Activities in which the intended participants and/or the intended attendees are primarily under 18 years of age.

§ 95.02 REGULATION OF PUBLIC USE.

(A) Park hours.

- (1) Parks shall be open to the public from 6:00 a.m. until 10:00 p.m. It shall be unlawful for any person to enter or remain in a park, to include parking lots, at any other time except when the park area or facility is otherwise designated by the city, or the park area or facility is being used as part of an authorized city program.
- (2) The City Manager, or designee, or an on-duty police/fire supervisor are authorized to close any park or portion thereof at any time for the protection of park property or the public health, safety, or welfare.

(B) Reservations and Permits.

- (1) The City Manager, or designee, may grant, upon written request, permission for exclusive use of any portion of the park except the picnic area for use by organized groups for the purpose of overnight camping, nature study, planned recreation programs, and other such activities as approved.
- (2) Reservations shall be required for the exclusive or special use of all or portions of park areas, special use facilities, buildings, or trails or for the use of park areas and facilities when they are otherwise closed to the public.
- (3) The City Manager, or designee, may grant, upon written request, permission for entertainment, tournament, exhibition, or any other special use.
- (4) It shall be unlawful for a person to violate any provision of a permit or reservation.

(C) Lions Park Campground.

- (1) The campground does not take reservations, this is a first-come, first-served campground.
- (2) There are designated camp sites located in the park; only these sites may be used for camping. Each site allows for two camping units maximum per site. No dispersed camping is allowed.
- (3) The daily camping fee is an amount set by resolution per City Council; it shall be paid prior to camping the first night. Payment and campsite documentation form are to be placed in the dedicated payment box located near the bathroom/shower building.
- (4) A campsite is deemed physically occupied when a camping unit is erected upon the campsite. Visitors cannot hold a site by paying and simply placing a tag on the camp post or by placing a backpack, cooler, sleeping bag, or tarp etc.
- (5) The campground has a maximum of a two-night/three-day length of stay.

(6) The Director or designee will establish rules and regulations relating to the use of the designated overnight camping area in Lions Park. Said rules and regulations for use of the overnight camping area in Lions Park may be amended from time to time and shall be posted in a conspicuous manner. Any failure to comply with the posted rules and regulations shall be a violation of this Chapter 95 and subject to the enforcement provisions in section 95.08.

(7) Campground privileges may be revoked by the City based upon violation of City ordinances and /or validated complaints.

§ 95.03 REGULATION OF GENERAL CONDUCT; PERSONAL BEHAVIOR.

(A) Vermillion Code of Ordinances, Title XIII, General Offenses; Chapter 130 shall apply to this code section.

(B) Tobacco Products

(1) The use of tobacco products and electronic smoking devices are hereby prohibited in city parks, sports field, and the Bluffs Golf Course when any youth activities take place.

(2) This subchapter is cumulative of other state laws that regulate tobacco product use and smoking including, but not limited to, SDCL Ch. 34-46, as may be amended.

(C) Discharge of any dangerous or deadly weapon is prohibited, except by law enforcement in performance of duties.

§ 95.04 REGULATIONS PERTAINING TO GENERAL PARKLAND OPERATION.

(A) Commercial use; solicitation; advertising; photography. The City Manager, or Director, may grant, upon written request, permission for commercial use; solicitation; advertising; photography. It shall be unlawful for any person to:

(1) Solicit, sell, or in any manner charge admission, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in a park except when authorized by City Manager or Director. Additional State licensing may be required.

(2) Operate a still, motion picture, video, or other camera for commercial purposes in a park. News coverage or media journalism is not considered a commercial purpose.

(3) Expose, distribute, or place any sign, advertisement, notice poster or display in a park.

(B) Pets in parks. Vermillion Code of Ordinance, Title IX, General Regulations; Chapter 93: Animals and Fowl shall apply to this code section.

(C) Noise; amplification of sound. Vermillion Code of Ordinance, Title IX, General Regulations; Chapter 90: Health and Safety; Nuisances, § 90.01 Noises Prohibited shall apply to this code section.

(D) Fires. It shall be unlawful for any person to:

(1) Start a fire in a park, except in a designated area, and then only in fire rings or grills, except for City employees or contractors engaged in cleaning or maintaining public property.

- (2) Leave a fire unattended or fail to fully extinguish a fire.
 - (3) Scatter or leave unattended lighted matches, hot coals, burning tobacco, paper, or other combustible material.
 - (4) Fail to comply with Vermillion Code, Title IX: General Regulations, Chapter 92: Fire Prevention and Protection.
- (E) Amusement contraptions. It shall be unlawful to bring in, set up, construct, manage or operate any amusement contraption without permission from the City Manager or Director.
- (F) Unlawful occupancy. It shall be unlawful for any person to:
- (1) Enter in any way any building, installation, or area that may be under construction, locked or closed for public use except public safety workers.
 - (2) Enter in any way or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any park.
 - (3) Enter in any way any building, installation, or area after receiving a permit revocation or unlawful occupancy notification during the time-period specified.

§ 95.05 PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES.

- (A) Disturbance of natural features, without permission from the City Manager or Director, it shall be unlawful for any person to:
- (1) Remove, alter, injure, or destroy any tree, other plant, rock, soil or mineral without a permit.
 - (2) Dig trenches, holes, or other excavations in a park.
 - (3) Introduce any plant, animal, or other agent within a park.
 - (4) Harvest, grow or cultivate controlled substances.
- (B) Wildlife. It shall be unlawful for any person to:
- (1) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife, except in designated areas.
 - (2) Release or abandon any animal within a park.
 - (3) Feed any wildlife or feral animals in a park.
- (C) Destruction; defacement of park property; signs. It shall be unlawful for any person to:
- (1) Deface, vandalize, or otherwise cause destruction to park property.

(2) Deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the city.

(D) Interference of park property. It shall be unlawful for any person to build an encroaching structure, such as a fence, shed or garden, on park property.

§ 95.06 REGULATION OF RECREATION ACTIVITY.

Recreational activity. It shall be unlawful for any person to set up temporary shelters, tents, tarps, canopies, and other such devices within public parks, except in designated camp sites within Lions Park without the written permission from the City Manager, or Director.

§ 95.07 REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING.

(A) Motorized vehicles. It shall be unlawful for any person to operate a motorized vehicle within a park except emergency personnel in such areas and at times as may be designated by the City Manager or Director or for mobility devices in accordance with Americans with Disabilities Act.

(B) Parking vehicles. It shall be unlawful to:

(1) Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow.

(2) Leave a vehicle standing after posted closing hours without written permission. The city reserves the right to impound cars after 24 hours.

§ 95.08 ENFORCEMENT.

(A) Police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter and may issue citations, arrest, arrest with warrant, and eject from parks or Bluffs Golf Course acting in violation of this chapter.

(B) Parks and Recreation employees shall, in connection with their duties as prescribed by the City diligently enforce the provisions of the chapter and, except as limited by the City Manager, issue warnings to persons acting in violation of this chapter.

§ 95.09 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

Dated at Vermillion, South Dakota this 1st day of May, 2023.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY 
Jonathan D. Cole, Mayor

ATTEST:

BY Katie E. Redden
Katie E. Redden, Finance Officer

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