

CHAPTER 23

PARKS AND RECREATION¹

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ARTICLE I. GENERALLY

Sec. 23-1. Motorcycles, bicycles, skateboards, etc., in city parks.

No person shall operate or ride upon any self propelled vehicle or any vehicle capable of propulsion by human power in the city parks except upon established roadways. This prohibition includes, but is not limited to motorcycles, bicycles or skateboards, unicycles, motorized bicycles, all-terrain vehicles, cars and trucks. (Ord. No. 9078, § 1, 1-3-78; Ord. No. 10859, § 1, 7-6-87)

Sec. 23-2. Alcoholic beverages.

No beverage containing any quantity of alcohol shall be used or drunk on any park premises in the city, without the prior written approval of the park board. (Code 1977, § 27-2)

Sec. 23-3. Fees for use of golf facilities. *Repealed.*

(Code 1977, § 27-5; Repealed by Ord. No. 12028, § 1, 2-21-94)

Sec. 23-4. Glass Containers in Parks.

It shall be unlawful for any person to bring or have brought in or to dump, deposit or leave any glass container, bottle, or any other glass item in or about park property owned or operated by the Parks & Recreation Commission of the City without the advance approval of the Director of the Parks and Recreation Department. No such container shall be placed in any waters in or contiguous to any park. (Ord. No. 11583, § 1, 5-20-91)

Sec. 23-5. Dumping in Parks.

It shall be unlawful for any person to bring or have brought in or to dump, deposit or leave any refuse, trash, or solid waste in or about park property owned or operated by the Parks & Recreation Commission of the City, including park property trash receptacles. (Ord. No. 11583, § 1, 5-20-91)

Sec. 23-6. Littering in Parks.

It shall be unlawful for any person to place any refuse or trash generated in the use of any park property owned or operated by the Parks & Recreation Commission of the City in any waters in or contiguous to any park, or left anywhere on the grounds thereof. Litter shall be placed in the proper receptacles where these are provided;

where receptacles are not so provided, all rubbish or waste shall be carried away from the property by the person responsible for its presence, and properly disposed of elsewhere.
(Ord. No. 11583, § 1, 5-20-91)

Sec. 23-7. Restricted Parking on Park Property.

- A. It shall be unlawful for any person to park or leave standing any motor vehicle upon any property, parking lot or parking space thereon, owned or operated by the Parks and Recreation Commission of the city unless the owner or operator of such motor vehicle is a tenant, visitor, employee, delivery and/or service person or other person who has lawful park and recreation business to conduct on the premises.
- B. The Parks and Recreation Commission may designate and restrict parking areas, hours, and fees for the classifications in subsection (A).
- C. Any motor vehicle parked in violation of this section shall be considered an abandoned or disabled motor vehicle and the provisions and procedures contained in section 22-34 shall apply and be observed.

(Ord. No. 11583, § 1, 5-20-91)

ARTICLE II. FORESTRY COMMISSION

Sec. 23-11. Establishment and Designation of a City Forestry Commission.

There is hereby established a City Forestry Commission (hereinafter "Forestry Commission"). The Parks and Recreation Commission of the City of Jefferson, Missouri, in addition to other duties and responsibilities, is hereby designated as the Forestry Commission for the City of Jefferson, Missouri.

Sec. 23-12. Functions Generally.

- A. The Forestry Commission shall have responsibility for implementation of the Non-Park Tree Planting Plan, approved by the Council as provided in Section 7-17 of the Code of the City of Jefferson, in accordance with recognized horticultural, arboricultural and forestry standards and within budgetary constraints.
- B. The Non-Park Tree Planting Plan approved by the Council and the Park Tree Plan approved by the Forestry Commission shall together constitute the Comprehensive Tree Plan for the city. Such plans will be incorporated in the annual capital and operating budgets requests for streets, parking lots, public grounds and the park system presented to the Council for approval.
- C. Subject to other provisions of this article and the Code of the City of Jefferson, the Forestry Commission shall undertake any action, or program and may formulate, adopt, and enforce rules and regulations it finds advisable or necessary for the care, preservation, pruning, planting, removal and replanting of trees and shrubs and other landscaping and establish standards for distances, clearances and species in parks, along street rights-of-way and in public parking lots.

Sec. 23-13. Definitions.

City forester. The employee of the Parks and Recreation Commission so designated by the director to administer the city's forestry program.

Park Tree Plan. The plan adopted by the Parks and Recreation Commission, as a part of its duties to study, investigate, develop, update and administer plans for the care, preservation, pruning, planting, replanting, removal or the disposition of trees and shrubs in parks, greenways and public grounds maintained by the Parks and Recreation Commission in accordance with recognized horticultural, arboricultural and forestry standards.

Park trees. Trees, shrubs, bushes, and all other woody vegetation in public parks, grounds and greenways owned, controlled or maintained by the Parks and Recreation Commission of the city.

Private community trees. All other trees within municipal boundaries not included in the definition of park trees, street trees, or public parking lot trees.

Street trees and public parking lot trees. Trees, shrubs, bushes, and all other woody vegetation located on land within the right-of-way of all streets, avenues, and public parking lots within the city with the exception of those trees and shrubs planted and maintained by the State of Missouri on or abutting state grounds and facilities or

by agreement with the City.

Topping. Topping, rounding-off, or pollarding means a systematic cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Tree lawn. That part of a street or highway, right-of-way not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic and includes unpaved islands and medians between surfaces usually used for vehicular traffic.

Sec. 23-14. Designation of Director of Forestry.

- A. The Director of the Parks and Recreation Commission shall also serve as Director of the Forestry Commission and is charged with responsibility for carrying out the policy directives of the Forestry Commission. The Director of the Forestry Commission shall hire such qualified forestry staff as necessary and delegate to them such duties as deemed appropriate and shall designate a "city forester" within the organizational structure of the Department of Parks and Recreation.

Sec. 23-15. Duties of City Forester.

- A. Under the supervision of the Director of the Forestry Commission, it shall be the duty of the city forester to see that all statutes and ordinances for the planting and protection of trees are strictly enforced; to direct the time and method of planting and maintaining all trees in the streets and public places of the city, to consult with the Council, the Environmental Quality Commission, other city departments, the Forestry Commission and property owners regarding the kind of trees and method of planting deemed desirable on particular streets; to report to the Forestry Commission whenever trees have died or need attention, in order that the Forestry Commission may care for such trees or cause the same to be replaced, and to perform such other duties relating to his office as may be prescribed from time to time by the Director of the Forestry Commission.
- B. All planting, cutting, trimming, and pruning of trees shall be under the supervision of the city forester. It shall be unlawful to plant, cut, trim, top, prune, or otherwise disturb any tree or shrub in street rights-of-way or public property of the city, or cause such acts to be done by others, without first obtaining a written permit from the city forester. The city forester shall have authority to issue and deny permits for the planting, care and removal of trees as provided for in this ordinance. The city forester shall issue the permit if the desired work is necessary and the proposed method and workmanship are of a satisfactory nature; provided that a permit will not be required for the trimming or maintaining of shrubbery growing on any streets rights-of-way for the purpose of maintaining proper clearance. The Forestry Commission may establish fees for such permits as may be reasonable to recover the cost of issuance and inspection and may require compensatory payments for the removal and replacement of trees.
- C. Any person aggrieved by the decision of the city forester to deny a permit may appeal to the Director of the Forestry Commission whose decisions may be appealed to the Forestry Commission which shall have final authority.

Sec. 23-16. Funding and Operations.

The Parks and Recreation Commission has the responsibility to fund the care of park trees as a part of its normal park system maintenance and operations duties. The Forestry Commission, utilizing parks and recreation

employees and equipment, will also be responsible for the care and maintenance of street trees and public parking lot trees with additional funding as approved by the Council. Requests for such funding shall be clearly distinguished from the general fund operating subsidy for parks and recreation and shall be accounted for in such way as to accurately propose the cost of street tree and public parking lot tree care.

Sec. 23-17. Removal of Dead, Dangerous, Damaged, or Diseased Trees.

The Forestry Commission shall have the right to cause the pruning, maintenance, and/or removal of trees, plants and shrubs on public or private property within the city when such trees, plants or shrubs constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city forester shall have the authority to follow the abatement procedures under the nuisance section of the code.

Sec. 23-18. Public Education and Training.

The Forestry Commission may from time to time offer consultation, training, and education programs to homeowners, businesses, utilities, other public agencies, and tree service companies regarding proper selection, planting, care, pruning, and removal of trees and shrubs to protect and enhance the value of the urban forest in Jefferson City.

Sec. 23-19. Interference with the Forestry Commission.

- A. It shall be unlawful for any person to prevent, delay, or interfere with the Forestry Commission or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any park tree, city grounds tree, street tree, public parking lot tree, or trees on private grounds, as authorized in this ordinance.
- B. It shall be unlawful for any person to prevent, delay, or interfere with access to private property by the Forestry Commission or its representative in the legal performance of any section of this ordinance.

Sec. 23-20. Penalty.

Any person violating any provision of this ordinance shall be subject to, in addition to any other penalties, the penalty as provided for the abatement of a nuisance. In addition, if as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of any park tree, city grounds tree, street tree or public parking lot tree is caused, the cost of repair or replacement of such tree or shrub shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with accepted arboricultural standards. Cross References - City Charter; Article VI; Chapter 1, General Provisions, sec. 1-13; Chapter 21, Nuisances, sec. 21-36, 21-43.

NOTES

¹. **Cross references** - Definitions and rules of construction generally, § 1-2; posting of bills or notices on public property, § 18-226; speed of vehicles in parks, Ch. 19.