

Cumberland Town Council

Ordinance 2018 – 21

Ordinance Amending Parks and Trail Rules

Whereas, Chapter 94 of the Town of Cumberland Code of Ordinances details the rules of conduct in Town parks and on Town trails; and

Whereas, from time to time, the Town of Cumberland reviews Town policies to ensure that the policies are complaint with all existing laws and regulations, and are in the best interest of the Town.

Whereas, the Town of Cumberland seeks, at all times, to comply with all local, state, and federal laws when executing and administering the Town's Code of Ordinances; and

Whereas, after review of Chapter 94, the Town Council finds that it is in the best interest of the Town, and its citizens, to amend Chapter 94.

Therefore, it is ordained that Chapter 94 of the Town of Cumberland Code of Ordinances is amended as written in Exhibit A.

It is further ordained that this ordinance shall take effect upon adoption.

It is further ordained that that any other provision of the Code of Ordinances which is not specifically amended by this Ordinance shall remain in full force and effect.

Sept 5th, 2018

Cumberland Town Council:



Anna Pea, President



Joe Siefker, Vice President

Brian Gritter, Member

Nicole Bell, Member



Aaron Cutshaw, Member

Attest:



Erica Salmon, Clerk-Treasurer

Exhibit A

§ 00-09-94-01 GENERAL RULES.

(A) To provide for the safety and welfare of community residents in their use and enjoyment of the town's public park facilities, it is necessary that the following rules and regulations be herein established and adhered to.

(B) The general rules shall be applicable to all park facilities.

(1) Animal owners may not allow their animals to be in the park unless the animal is on a leash and under human control.

(2) There shall be no littering of any nature. Any refuse or waste materials shall be deposited in the receptacle provided for that purpose. All feces from animals owned by humans shall be removed from the park by the animal's owner or other person who brings or permits the animal to be in the park.

(4) There shall be no motorcycles, motor bikes, or mini-bikes of any nature permitted within the park at any time, unless such vehicle is an Other Power-Driven Mobility Device, as defined by the American with Disability Act of 1990 (Act) and regulations promulgated under the authority of the Act, used by a person with a disability under the Act.

(5) There shall be no alcoholic beverages possessed or consumed within the confines of the park.

(6) Commercial activities, including the soliciting of business, shall be prohibited in the park, except upon written approval of the Town Council.

(7) Defacing, damaging, or destroying any tree, bush, shrub, or any park property is expressly prohibited.

(8) All children under the age of eight years are prohibited from being within the park, unless accompanied and supervised by an adult.

(9) (a) From April 1 to October 31 of each year, parks shall be open to the public from dawn to dusk, except for any part of the park with facilities that are illuminated by park lights, which facilities shall be open from dawn to 10:00 p.m.

(b) From November 1 to March 31 of each year, parks shall be open to the public from dawn to dusk.

(c) The Park Director or Police Department may close any park in response to the adverse weather unsuitable ground conditions, or for any other public safety-based reason.

(1995 Code, § 00-09-94-01) (Am. Ord. 2000-3, passed 5-3-2000) Penalty, see § 00-09-94-99

§ 00-09-94-02 CONTROL OF VEHICLES.

(A) It shall be unlawful and punishable by fine for anyone to operate a motor vehicle of any kind in and upon any public park ground, or area designated as such, which is located within the limits of the town.

(B) Motor vehicles shall only be operated along and upon specifically designated and marked public thoroughfares within the park, but otherwise are restricted from being operated in any other part or portion of the public park areas.

(1) The provisions in sections (A) and (B) do not apply to the following:

(i) Individuals with disabilities operating an Other Power-Driven Mobility Device pursuant to the American with Disabilities Act of 1990.

(ii) Authorized employees of the Town of Cumberland using a Town vehicle within the scope of their employment.

(iii) Emergency response teams and first responders acting within their scope of employment, including, police, firefighters, and ambulance drivers.

(1995 Code, § 00-09-94-02) Penalty, see § 00-09-94-99

§ 00-09-94-05 TRAIL RULES.

(A) Trail Rules.

(1) Trail hours are from dawn to dusk.

(2) Littering is prohibited. All trash must be placed within the appropriate receptacles or carried out by the user.

(3) Alcohol is prohibited on the trail.

(4) Pets must be on a short leach (no more than six feet in length).

(5) Pet waste must be cleaned up by owner of the pet.

(6) Keep to the right of the trail.

(7) When passing, communicate such by saying "Passing on the left".

(8) Pedestrians have the right-of-way. All other users (bicycle riders, skaters, etc.) shall yield to pedestrians.

(9) Stop for cross traffic and obey all traffic and trail signage.

(11) Motorized vehicles are prohibited except in the case of maintenance, public safety, and used by individuals with disabilities pursuant to the American with Disabilities Act of 1990.

(12) If snow or rain render any segment of the trail impassable by foot or bike, please refrain from using it.

(13) Advertising along the trail is prohibited, except for town approved trail related signage.

(B) Trail Etiquette.

(1) Share the trails, don't block the entire trail. If in a group, walk single file to allow others to pass when present.

(2) Be courteous of other users.

(3) Do not trespass on private property adjacent to the trail.

(4) Do not disturb the natural environment along the trail.

(Ord. 2010-13, passed 8-4-2010)