

CHAPTER 96: PARKS AND RECREATION

Section

General Provisions

- 96.01 Benton City Park; curfew
- 96.02 Speed limit
- 96.03 Reckless operation of motor vehicle
- 96.04 H.H. Lovett Park; parking regulations
- 96.05 Possession of intoxicating beverages prohibited

Park Board

- 96.15 Creation
- 96.16 Membership specifications
- 96.17 Appointment of members; term; compensation
- 96.18 Officers
- 96.19 Powers and duties
- 96.20 Reports and records
- 96.21 Removal of members
- 96.22 Oath
- 96.23 Levy of rental fee on certain enterprises doing business in city park

- 96.99 Penalty

GENERAL PROVISIONS

§ 96.01 BENTON CITY PARK; CURFEW.

(A) *Persons within the park after hours.* It shall be unlawful for any person to be or remain within the bounds of the City Park for the period from 11:30 p.m. until 6:00 a.m. unless such person shall be engaged in the performance of some activity within the area that is approved or sanctioned by the City Park Board or unless the person shall be traveling upon the public thoroughfares within the boundaries of the park in some lawful employment, making it necessary to be in such place during the curfew period.

(B) *Permitting minors to violate curfew.* It shall be unlawful for anyone having the legal care, custody and control of any person who is a minor to allow a minor child to go or to be upon the public thoroughfares within the bounds of the park or to permit the child to be or to remain within any area of the park unless the child shall be engaged in or attending any of the activities exempt pursuant to division (A) of this section.

(C) *Detaining child.* Every member of the police force while on duty is authorized to detain any minor willfully violating the provisions of this section until the parent or guardian of the child shall take him or her into custody, but the officer shall immediately upon taking custody of the child notify the parent or guardian of the child's detention.

(Ord. passed 8-21-79) Penalty, see § 96.99

§ 96.02 SPEED LIMIT.

(A) Any person or persons driving or operating a motor vehicle of any kind on the grounds of the Benton City Park shall at all times operate same in a careful and prudent manner at a speed not to exceed 15 miles per hour.

(B) Whoever violates any provision of this section shall be subject to the fine schedule set forth in KRS 189.394.

(Ord. passed - -)

§ 96.03 RECKLESS OPERATION OF MOTOR VEHICLE.

No person or persons shall operate a motor vehicle of any kind upon the grounds of the Benton City Park in a careless, irregular, improper or reckless manner, or drive or operate the vehicle so as to damage the roads or grounds or other property in the park.

(Ord. passed - -) Penalty, see § 96.99

§ 96.04 H.H. LOVETT PARK; PARKING REGULATIONS.

(A) It shall be unlawful to permit any vehicle to stand or remain parked in the H.H. Lovett City Park except where necessary to permit the attendance or participation in any of the following organized events conducted in the park under the supervision of the Park Commission:

- (1) Softball games;
- (2) Baseball games;
- (3) Football games;
- (4) Soccer games;

(5) Tennis matches;

(6) County Fair;

(7) Tater Day; and

(8) Any other special event that might be organized and receive the approval of the Park Commission to be conducted in the H.H. Lovett Park.

(B) It shall be unlawful to park any place other than a designated parking area.

(C) The Chief of Police or any other person authorized by the Mayor and City Council shall cause signs to be posted in the park designating that parking is limited or prohibited and indicating the limitations and prohibitions.

(D) Police officers charged with enforcement of this section shall, after noting the license number of the vehicle and the name of the offender, if known, shall issue a traffic citation notifying the offender to appear in court at a designated time for hearing the cases. The officer may sign a complaint for the issuance of a warrant of arrest if the offender does not appear at the time and place designated in the citation.

(E) Persons arrested for a violation of this section shall be released upon proper bill being furnished as required by the applicable Kentucky law.

(F) The fact that an automobile which is illegally parked in the H.H. Lovett Park is registered in the name of a person shall be considered prima facie proof that the person was in control of the automobile at the time of the parking.

(G) *Towing of illegally parked vehicle.*

(1) The Police Department and any members thereof charged with the responsibility of enforcement of this section are hereby authorized to remove and tow away or have removed and towed away by a commercial towing service, any car or other vehicle illegally parked in the H.H. Lovett Park when the vehicle creates or constitutes a traffic hazard, blocks the use of any vehicle moving within the park.

(2) Vehicles towed away for illegal parking shall be stored in a safe place and restored to the owner or operator of the vehicle upon payment of a fee equal to the charges assessed for the towing plus any cost associated with the storage of the vehicle which are applicable as a result of the towing and storage of the vehicle.

(Ord. passed 11-20-89) Penalty, see § 96.99

§ 96.05 POSSESSION OF INTOXICATING BEVERAGES PROHIBITED.

(A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

INTOXICATING BEVERAGE. Any liquid intended for human consumption which contains more than ½% by volume of alcohol.

(B) It shall be unlawful to have, possess, or be in control by any means of any intoxicating beverage in any park in the city.

(Ord. passed 8-15-94) Penalty, see § 96.99

PARK BOARD**§ 96.15 CREATION.**

Pursuant to KRS Chapter 97 there is created a Park Board to be known as the "Benton City Park Board" and consisting of seven persons to be selected by the Mayor.

(Ord. passed 2-5-62; Am. Ord. 97-02-01, passed 2-18-97)

§ 96.16 MEMBERSHIP SPECIFICATIONS.

All persons selected for the Park Board must meet the following qualifications:

(A) They must be residents of the city and over the age of 21 years.

(B) They shall not hold any other official position with the city or any other body politics.

(C) No two members of the same household shall serve on the Park Board at the same time.
(Ord. passed 2-5-62)

§ 96.17 APPOINTMENT OF MEMBERS; TERM; COMPENSATION.

Persons selected for Board members shall hold office for four years and until their successors are appointed and qualified, except that three members of the first Board appointed shall be appointed for a term of one year. The members of the Board appointed shall not receive any salary for their services. The Board shall be a corporation with perpetual succession and may, in its corporate name,

contract and be contracted with, sue and be sued, have and use a corporate seal and alter or renew it at pleasure.

(Ord. passed 2-5-62)

§ 96.18 OFFICERS.

As soon as it is convenient, the members of the Board shall meet and choose a President and a Secretary from among its members each to serve for a term of one year, and annually thereafter a President and Secretary shall be chosen. The duties of the officers shall be the usual duties incumbent upon an office and other duties as the Board prescribes.

(Ord. passed 2-5-62)

§ 96.19 POWERS AND DUTIES.

The Board shall have the care, management and control of all parks and playgrounds within the limits of the city, shall lay out and improve them with walks, drives, roads and trees, and provide for the proper lighting of the parks and playgrounds. The Board shall not have the power to demolish any structure or facility now located in the parks with the express approval of the City Council. In addition to the above, any space leased to any group, individual, person or corporation shall first be approved by the City Council.

(Ord. passed 2-5-62)

§ 96.20 REPORTS AND RECORDS.

The Park Board shall keep a set of books showing the receipts and expenditures of the Board. The books shall at all times be subject to examination by the Mayor or any committee of the City Council appointed for that purpose. The Board shall, each January, transmit to the Mayor and legislative body a full report of the acts of the Board for the preceding year, with a complete and itemized account of all receipts and expenditures of money, and estimate of the money needed for park and playground purposes for the coming fiscal year.

(Ord. passed 2-5-62)

§ 96.21 REMOVAL OF MEMBERS.

All persons appointed to the Park Board shall be subject to removal at the pleasure of the Mayor.

(Ord. passed 2-5-62)

§ 96.22 OATH.

Each person appointed to the Board shall appear before the City Clerk and make and subscribe to an oath that he will faithfully, diligently and to the best of his ability perform all the duties as

member of the Board; that he or she will not in any manner, directly or indirectly, be concerned in any contract, purchase, sale or emolument of any kind in connection with or growing out of any business of the Board or the providing, purchasing, managing or improving, of any park or playground property. The oath shall be filed in the office of the City Clerk and shall be a public record. (Ord. passed 2-5-62)

§ 96.23 LEVY OF RENTAL FEE ON CERTAIN ENTERPRISES DOING BUSINESS IN CITY PARK.

(A) The City Park Board is hereby authorized to levy a fee of 10% of the gross receipts of any profit making organization or enterprise conducting the business within the City Park of Benton which a 10% fee will be in lieu of any and all other rental charge for the use of space or privilege of the city park.

(B) Nothing contained in this section shall be construed to affect any organizations or enterprises who have heretofore negotiated with the City Park Board and are now conducting their businesses under terms of lease executed prior to the adoption of this section.

(C) This section is not intended to supplement any city license that may be required by any enterprise doing business in the city, but is to be a rental charge in addition to any license fees imposed, the rental charge is to cover the use of the park and its facilities. (Ord. passed 4-17-61) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Any person, firm or corporation who violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500, imprisonment for up to 30 days, or both such fine and imprisonment.

(B) Any person, firm or corporation who violates any provision of § 96.04 shall be guilty of a violation and shall be fined not less than \$10 nor more than \$100. (Ord. passed 11-20-89)

(C) Any person violating any provision of § 96.05 shall be fined not less than \$50 nor more than \$500, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. passed 8-15-94)