

**CITY OF DOVER**  
**ORDINANCE NO. 126**

AN ORDINANCE OF THE CITY OF DOVER, IDAHO; REPEALING ORDINANCE NO. 102 IN ITS ENTIRETY; REGULATING THE USE OF CITY PROPERTIES AND PARKS; PROVIDING PENALTIES FOR VIOLATION; AND ESTABLISHING A PARKS DESIGNATED FUND.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, IDAHO AS FOLLOWS:

SECTION 1. Definitions. In construing the provisions of this Ordinance, the following definitions shall apply:

- a. **“Park Properties” or “Park Areas”** means parks, reservations, playgrounds, trails, paths, river front beach areas, bridges, public restrooms, parking lots and any other area in the City devoted to active or passive recreation.
- b. **“City Properties”** means any parcel of real property within the City of Dover owned and operated by the City.
- c. **“Litter”** means all waste, whether biodegradable or non-biodegradable, including but not limited to, garbage, trash, ashes, industrial waste, demolition and construction waste, abandoned vehicles and parts thereof, and all vegetable waste including yard and garden trimmings.
- d. **“Public Place”** means any area that is used or held out for use by the public whether owned or operated by public or private interests.
- e. **“Watercraft”** means including, but not limited to, any boat, ship, vessel, barge, jet-ski, canoe, kayak, seaplane or other floating craft of any type, contrivance, description, size, make or model.
- f. **“Service Animal”** means any Americans with Disability Act (ADA) approved animal that is individually trained to do work or perform tasks for people with disabilities.
- g. **“Service Vehicle”** means any motorized vehicle, including but not limited to, wheelchairs used for mobility or to aid a person with disabilities.
- h. **“Private” or “Private Event”** means an event at which attendance is limited to any person(s) specifically and/or individually invited.
- i. **“Public” or “Public Event”** means an event open to the public, and includes an event where tickets, invitations, or announcements are available to the public.

SECTION 2. Operating Hours of Park Properties.

- a. Except for permitted special events, park properties shall be closed to the public every day of the year from a half hour after sunset to a half hour before sunrise.
- b. During the winter months, the City properties and/or park areas may be open, but the properties, including but not limited to trails and/or paths, will not be maintained, including but not limited to, snowplowing and de-icing except for the City Hall walkways and parking lot.

SECTION 3. Prohibiting Dogs Without Leash.

- a. No dog(s) shall be allowed on City properties and/or park areas without a leash.
- b. Service dogs are permitted on City properties, park areas and/or public buildings as per ADA guidelines.
- c. The animal(s)' owner(s) shall be held financially and legally responsible for any injury, damage and/or animal waste cleanup.

SECTION 4. Prohibiting Alcoholic Beverages. No person(s) shall bring, possess or consume alcoholic beverages on any City properties and/or park areas, unless a special event alcoholic beverage catering permit has been approved and issued.

SECTION 5. Prohibiting Glass Containers. No person(s) shall bring any glass containers of any kind on any City properties and/or park areas.

SECTION 6. Prohibiting Fires. No person(s) shall start or build a fire on any City properties and/or park areas except in barbeque receptacles provided for public use or in private receptacles or grills, provided they are placed in areas designated for such purpose.

SECTION 7. Prohibiting Weapons and Fireworks.

- a. Except police officers or for the lawful defense of person or property, no person(s) shall use, shoot or fire any weapons including but not limited to any pistol, revolver, rifle, shotgun, bb-gun, pellet gun, air gun, spring gun, slingshot, bow or any other weapon with a propelling force such as gun powder, or spring or air on any City properties and/or park areas.
- b. No person(s) shall use, shoot or fire any fireworks or explosives of any kind on any City properties and/or park areas.

SECTION 8. Regulating Assemblies, Parades, Special Events. It shall be unlawful for any group or assembly of twenty (25) persons or more, united for a particular purpose, to use any City properties and/or park areas without a permit. The permit may limit or condition the number of participants, the length of the event, the time and location of the event, or the manner of the event where necessary to prevent violence; to avoid serious inconvenience to those needing access to

commercial or public services; to avoid interference with movement of police or fire vehicles or ambulances and where such limitations or conditions provide ample opportunity for exercise of protected rights.

SECTION 9. Prohibiting Fuel Powered Toys. No person(s) shall operate on any City properties and/or park areas any remote control or radio-control apparatus, device, toy or machine, with any type fuel powered engine.

SECTION 10. Prohibiting Disturbing the Public Peace.

- a. No person(s) shall use, maintain or operate a public address system, commonly called a P.A. System, or any other sound amplification system or apparatus on any City properties and/or park areas in a loud or otherwise offensive manner so as to cause actual discomfort or an annoyance to other users of City properties and park areas or surrounding property owners.
- b. No person(s) shall engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to breach the public peace.

SECTION 11. Prohibiting Camping. No person(s) shall establish or maintain any camp or other temporary lodging place on City properties and/or park areas unless the City has preapproved such activity. Any overnight camping in a recreational vehicle, motor vehicle or any other type of facility, contrivance, tent, camper, trailer or other vehicle on any City properties and/or park areas is specifically prohibited.

SECTION 12. Prohibiting Watercraft Docking Overnight. No watercraft of any type, description, size, make or model, motorized or non-motorized shall be docked or parked overnight on any City properties and/or park areas. Any watercraft found in violation of this Ordinance is subject to being removed, impounded and/or stored at the owner's sole responsibility, liability and cost.

SECTION 13. Prohibiting Any Seaplane or Aircraft. No seaplane or aircraft capable of traveling and operating on the water surface shall be allowed to be operated, driven, flown, beached, landed, pulled up upon, or attached to any City properties and/or park areas unless such activity is preapproved by the City. Any seaplane or aircraft found in violation of this Ordinance is subject to being removed, impounded and/or stored at the owner's sole responsibility, liability and cost.

SECTION 14. Restricting Motorized Watercraft in Certain Waterways. Only motorized watercraft with an electric motor shall be allowed to be operated, driven, beached, docked, attached to or pulled up upon any inland waterways, sloughs or tributaries within Dover City limits. Any other motorized watercraft found in violation of this Ordinance is subject to being removed, impounded and/or stored at the owner's sole responsibility, liability and cost. Nothing herein is intended to restrict the use of non-motorized watercraft in these designated areas.

SECTION 15. Regulating Refuse and/or Trash Disposal.

- a. No household trash, refuse or brush may be brought onto City properties and/or park areas.
- b. No person(s) shall dump, deposit or leave any waste or garbage including but not limited to bottles, broken glass, ashes, boxes, cans paper, rubbish or other trash of any nature except in proper litter receptacles. Where receptacles are not provided, any waste, garbage, trash or rubbish shall be carried away from any City properties and/or park areas by the person(s) responsible for its presence and properly disposed of elsewhere.

SECTION 16. Prohibiting Damage to Property or the Natural Surroundings.

- a. No person(s) shall injure, mar, deface, remove or otherwise damage in any manner any property including but not limited to restrooms, monuments, ornaments, fences, bridges, benches, fountains, playground equipment, bar-b-ques, signs or any other public property on any City properties and/or park areas without written permission from the City.
- b. No Person(s) shall cut, chip, blaze, box girdle, trim, pick, gather, uproot, remove, destroy or otherwise deface or injure whether alive or dead any natural surroundings, including but not limited to, trees, shrubs, flowers, saplings, plants or grass on any City properties and/or park areas without written permission from the City.
- c. No person(s) shall remove or cause to be removed any natural surroundings including but not limited to sod, earth, humus, peat, boulders, gravel or sand from any City properties and/or park areas.

SECTION 17. Prohibiting Certain Treatment of Birds and Wildlife.

- a. No person(s) shall or attempt to feed, hunt, trap, catch, wound, kill or treat cruelly, any bird or animal in or upon any land or waterways owned and/or administered by the City.
- b. No person(s) shall molest or rob any nest, lair, den or burrow of any bird or animal in or upon any land or any waterways owned and/or administered by the City.
- c. For the public's health and safety, if any animal or bird is found injured, trapped or considered to be problematic, the City or Idaho Fish and Game should be notified to implement capture and/or removal of such animal or bird.

SECTION 18. Regulating Motorized Vehicles.

- a. No person(s) shall park, drive, operate, propel and/or ride any motorized vehicle including but not limited to cars, trucks, motorbikes, mopeds, motorcycles, go-carts, golf carts, snowmobiles or all terrain vehicles on any City properties and/or park areas except on designated roads and/or parking lots.

- b. Service vehicles are permitted on City properties, park areas and/or in public buildings.
- c. No person(s) shall clean, wash, polish, repair or in any manner service any motor vehicle or trailer on any City properties and/or park areas or cause same to be done.
- d. Exceptions to this Section shall apply to the changing of deflated tires or the performing of necessary emergency work on a disabled vehicle for the purpose of immediate movement.

SECTION 19. Regulating Non-Motorized Devices.

- a. No persons(s) shall operate, propel and/or ride any type of non-motorized device including but not limited to bicycles, scooters, roller skates, roller blades, skateboards or similar devices on any City properties and/or park areas except on paths, trails or walks as designated for such activity.
- b. If operation of a non-motorized device results in injury or damage to others, operator will be personally liable.

SECTION 20. Penalty for Violation. Any person(s) who violates this Ordinance may be guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding One Thousand Dollars (\$1,000.00) or by both.

- a. A violation of this Chapter is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) and imprisonment in the county jail not to exceed six (6) months or both.
- b. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, excluding court costs and fees. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.

SECTION 21. Parks Designated Fund.

- a. There is hereby established within the City, a designated fund which shall be known and cited as the "Dover Parks Designated Fund." The source of the money for such fund shall be fees generated by public or private use of any public park or beach in the City. Such fees including but not limited to concession fees, user fees and donations shall be deposited in such fund only.
- b. The purposes for which the "Dover Parks Designated Fund" may be used as follows:
  - 1. The acquisition of land for public parks and/or beaches.
  - 2. The construction of public facilities for parks and/or beaches.
  - 3. The improvement of Dover's public parks and/or beaches.
- c. The use of these funds shall not be expended unless specifically appropriated by the City Council.

SECTION 22. Severability. The sections of this Ordinance are severable. The

invalidity of a section shall not affect the validity of the remaining sections.

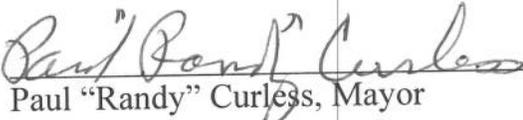
SECTION 23. Effective Date. This Ordinance shall be in full force and effect upon passage and publication provided by law.

Upon suspension of the rules and a motion and second to approve the foregoing the following vote was recorded:

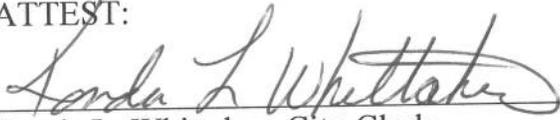
Councilman Darling - Aye  
Councilwoman Burge - Aye  
Councilwoman Shaha - Aye  
Councilwoman Travis - Aye

PASSED AND ADOPTED BY THE DOVER CITY COUNCIL AND APPROVED BY THE MAYOR THIS 12<sup>th</sup> DAY OF September 2013.

BONNER COUNTY, IDAHO  
CITY OF DOVER

  
Paul "Randy" Curless, Mayor

ATTEST:

  
Ronda L. Whittaker, City Clerk