

Ordinances of the Park District of the City of Bismarck
Approved by the Board of Park Commissioners on December 15, 2011

WHEREAS, the Park District of the City of Bismarck is a municipal subdivision organized pursuant to chapter 40-49 of the North Dakota Century Code (“N.D.C.C.”); and

WHEREAS, Section 40-49-13, N.D.C.C., provides for the exercise of the powers of the Board of Park Commissioners by ordinance; and

WHEREAS, the Park District of the City of Bismarck has heretofore from time to time enacted ordinances pursuant to law and desires to amend and restate such ordinances.

NOW, THEREFORE, Be it enacted by the Board of Park Commissioners of the Park District of the City of Bismarck:

1. Authority

These ordinances are enacted pursuant to Section 40-49-12, N.D.C.C., and shall be known and cited as the ordinances of the Park District of the City of Bismarck.

2. Existence of the Park District

The Park District of the City of Bismarck (“Park District”) has been created in accordance with the laws of the State of North Dakota. The Park District includes all of the park territory within the City of Bismarck and such other areas as may be incorporated in the city limits in the future, and such other areas that have been acquired by the Park District or are managed by the Park District and areas that are acquired by or managed by the Park District in the future.

3. Repeal

All ordinances previously adopted by the Park District (Section 25-16 through 25-141, Appendix A of Code of Ordinances, City of Bismarck) are hereby repealed as of the date of enactment of these revised ordinances; however, such prior ordinances shall apply to any acts or offenses committed prior to the repeal.

4. Scope

The provisions hereof are enacted for the regulation of the use and care of the parks and trees of the Park District of the city by the public, and nothing herein contained shall operate to restrain or hinder the park commission of the Park District, or the individual

members thereof, or the employees of such commission, in the performance of their official duties.

5. Disposition of offenses

A criminal or non-criminal offense as set forth in the City Code of the City of Bismarck shall be punished pursuant to City Code as determined by the municipal court. Any violations of the North Dakota Century Code shall be dealt with in the district courts of North Dakota pursuant to the laws of North Dakota. Any violations of Park District ordinances shall be punished by a fine not more than five-hundred dollars (\$500.00) pursuant to the maximum penalty set forth in section 40-49-12(3), N.D.C.C. The municipal court of the City of Bismarck shall have jurisdiction over all Park District ordinance violations.

6. Enforcement

The Police Department of the City of Bismarck is hereby authorized to enter onto and to enforce all of the Park District ordinances and state statutes in the parks under the operation and control of the Park District in the city. The Burleigh County Sheriff is hereby authorized to enter onto and to enforce all of the Park District ordinances and state statutes in the parks under the operation and control of the Park District that are located in Burleigh County outside the city limits. Park District employees or agents of the Park District are authorized to enforce violations of Park District ordinances.

7. Meetings of the Board

The Board of Park Commissioners shall meet the third Thursday of every month at 5:15 p.m. in the City/County Building at 221 North 5th Street, Bismarck, unless some other time or place shall be specifically fixed by the board.

8. Operation of vehicles

- (1) In addition to the provisions of this ordinance, Title 12, Traffic Ordinances, of the City of Bismarck Code of Ordinances, as amended, shall apply to all Park District property.
- (2) No person shall operate any vehicle on any area within the parks other than the roads, trails, driveways or parking lots provided for such purposes. For the purpose of this section the term "vehicle" shall include all devices propelled by human, animal or mechanical power. The prohibitions of this subsection do not apply to medical mobility devices or to child strollers or baby carriages.

9. Prohibited Acts

- (1) All offenses and provisions as set forth in Title 3, Animal Control and Protection, and Title 6, Criminal Offenses, of the City of Bismarck Code of Ordinances, as amended, shall apply to all Park District property.
- (2) It shall be unlawful for any person using parks under the operation and control of the Park District to perform any of the following acts:
 - a. Use of glass beverage containers or to break any glass object.
 - b. Consume or possess alcoholic beverages without first obtaining a beverage permit from the Park District.
 - c. Ride or lead horses except in the Horse Arena.
 - d. Build any fire for any purposes, except in such places as may be designated by the Park District.
 - e. Posting of posters and advertisements.
 - f. Maintain any refreshment stand, offer any article of any character for sale, or conduct any business for profit on Park District property without obtaining a permit from the Park District.
 - g. Carry or discharge any dangerous or concealed weapon, or any firearms, gun, air rifle, slingshot or other similar weapon, except for (1) the use of bow and arrow within a designated archery range or with a Special Herd Reduction Deer bow license or a special turkey bow license issued by the North Dakota Game and Fish Department in Bismarck and a trespass permit issued by the Bismarck Chief of Police or (2) the use of approved equipment, such as BB guns, in Park District approved classes.
 - h. Permit any animal to run at large. Dogs must be leashed except in the leash-free area of a dog park.
 - i. Fail to promptly clean up and dispose of the excrement of an animal for which you are responsible that is deposited upon park property.
 - j. Hunting, trapping or killing of animals or birds, except for the use of bow and arrow within a designated area with a Special Herd Reduction Deer Bow license or a special turkey bow license issued by the North Dakota Game and Fish Department in Bismarck and a trespass permit issued by the Bismarck Chief of Police.

- k. Camp overnight in any parks except General Sibley Park and Eagles Park with a permit from the Park District for overnight camping.
- l. Enter upon any portion of a park which is temporarily or permanently closed to the public.
- m. Bring in or dump, deposit or leave waste, garbage, refuse or other trash, except in proper receptacles where provided.
- n. Deposit snow in any city park.
- o. Violate posted or printed rules of the Park District.

10. Park Trees

The ordinances in Title 13, Trees and Vegetation, of the City of Bismarck Code of Ordinances, as amended, shall apply to all Park District property.

First Reading: November 17, 2011

Second Reading: December 15, 2011

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