

CITY OF BOZEMAN PARKS AND RECREATION DEPARTMENT BEHAVIOR POLICY (“Parks Behavior Policy”)

The City of Bozeman’s parks, trails, and recreation programs and facilities are community privileges that contribute greatly to the quality of life enjoyed by Bozeman-area residents and its visitors. It is the mission of the Parks and Recreation Department (“Department”) to enhance the quality of life of the City’s residents and its visitors through the provision of high quality recreation facilities and programs, trails, and open spaces. The Department strives to provide recreational opportunities, facilities, parks, and trails that are accessible, affordable and safe for the enjoyment of all users.

Pursuant to the [Bozeman Municipal Code](#), the Department administers the City’s parks, open spaces and trails, and recreation programs and facilities. As part of its administration duties and in accordance with its mission, the Department may reasonably limit usage with reasonable time, place, and manner restrictions to ensure that its parks, open spaces, and trails, and recreation programs and facilities are accessible, safe, and welcoming for all users.

- 1. Purpose.** To support the goals of the Department by establishing a Parks Behavior Policy that sets forth the expected standards of conduct and behavior for users of the Department’s parks, open spaces, and trails, and recreation programs and facilities.

This Parks Behavior Policy is narrowly tailored to protect users’ enjoyment of the Department’s parks, open spaces, and trails, and recreational facilities and programs from unreasonable interference; ensure the integrity of Department resources; and to provide notice of the Department’s fair enforcement of, and penalties for, violating this Parks Behavior Policy.

- 2. Scope.** This Parks Behavior Policy applies to all individuals and groups who participate in the Department’s recreation programs, utilize its recreation facilities, or enter the Department’s parks, open spaces, and trails.
- 3. Parks Behavior Policy.** All persons who enter a park, open space, or trail, and recreation facility or participate in an organized or passive park program, event, activity and/or service administered by the Department will conduct themselves in accordance with published and posted rules and regulations. The Department Director, managers and staff are responsible for ensuring that these rules and regulations are published and made available to the public.

- i. Violation of State and Local Law.** It is a violation of this Parks Behavior Policy to engage in any conduct while using the Department’s recreational programs, or entering its facilities, parks, open spaces, and trails that would violate [Sec. 26.02.030 of the Bozeman Municipal Code](#).

In accordance with Sec. 26.02.030 of the Bozeman Municipal Code, it is unlawful for any person in a park or in or adjacent to a recreational facility to:

- a.** Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, grills, railings, paving or paving material, water lines,

- equipment, signs, drinking fountains, swimming or wading pools or other park or recreational facility property, improvements or appurtenances whatsoever, real or personal;
- b. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex;
 - c. Dump dirt, grass and tree clippings or dig, remove, plant or deposit any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment or other means or agency except as authorized by the director;
 - d. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public utility into, upon or across park or recreational facility property, except on special written permit issued hereunder;
 - e. Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;
 - f. Climb any tree or walk, climb, stand or sit upon buildings, monuments, statues, vases, planters, fountains, railings, fences or upon any other structure not designated or customarily used for such purpose;
 - g. Attach any rope, cable, structure, device or other contrivance to any tree, fence, railing, bridge, bench, building or other structure unless otherwise posted. This prohibition does not include locking bicycles to the foregoing mentioned structures as long as no damage is done to the structure and so long as the bicycle does not interfere with the use and enjoyment of the park by others, and so long as the bicycle is not locked to the structure for a period of time not to exceed 24 hours;
 - h. Litter or fail or refuse to deposit litter in provided garbage receptacles. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere;
 - i. Break glass objects and then fail to remove broken glass and safely dispose of the broken glass in such fashion so as not to cause injury to persons or property;
 - j. Cause or permit any domestic animal to run loose, or fail to keep such animal under restraint, in any park or other open space area designated by the commission as an area requiring restraint. Further, every owner or person having custody of said dog or other animal shall remove and properly dispose of the animal's solid waste (fecal material). This subsection shall not apply to service animals authorized under the Americans with Disabilities Act; Tie or hitch an animal to any tree or plant;
 - k. Pasture or pen any animal, domesticated or wild, except as authorized by the director;
 - l. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, nor remove from the park or have in his possession any animal, or the eggs or nest, or young of any animal. An exception to the foregoing is made in that snakes known to be poisonous may be killed on sight. An exception is further made to fishing where allowed by the state department of fish, wildlife and parks. This regulation does not apply to officers of state or local government duly acting within the course and scope of their duties;
 - m. Ride a horse except on designated horse trails;
 - n. Start a fire except in facilities installed and provided for such purpose, or to fail to completely extinguish a fire upon leaving the park;
 - o. Camp overnight except in designated camping areas;
 - p. Display, offer to sell, or sell any article or service without first obtaining a permit from the director pursuant to this article;

- q. Bring or discharge any firearm, air gun, bow and arrow, slingshot, atlatl, spear, boomerang or any other form of potentially dangerous weapon into a park or recreational facility (see Bozeman Municipal Code, [section 24.07.170](#));
- r. Be in a park or recreational facility after being closed, either because of the night closure or closure following public notice or posting;
- s. Possess or bring fireworks into a park or adjacent to a recreational facility, or cause the fireworks to be ignited or exploded in a park or adjacent to a recreational facility (see Bozeman Municipal Code, chapter 18, article 5);
- t. Operate a skateboard, roller skate, inline skate, ride a bike or similar recreational device with wheels on any tennis court or in any drained swimming pool;
- u. Operate a skateboard, roller skate, inline skate, or ride a bike or similar recreational device with wheels on or against any city-owned table, bench, structure, tennis court, bike rack, parking stop, retaining wall, fountain, statue, railing, stage, or other improvement which may suffer damage by such use;
- v. Operate a skateboard, roller skate, inline skate, or ride a bike or similar recreational device with wheels on or in any pavilion, except as authorized by [section 26.02.130](#) of the Bozeman Municipal Code;
- w. Practice golf with real golf balls in any park;
- x. Drive, operate or park any vehicle or trailer on park lands or trails, except as authorized by the director;
- y. Within any park, paint trees, bushes, buildings, parking lot surfaces, or sidewalks;
- z. Allow an animal, other than service animals, in a recreational facility.

Any person violating these regulations shall be guilty of a municipal infraction in accordance with Chapter 24, Article 2 of the Bozeman Municipal Code, and shall be fined not more than \$500.00. The Director of Parks and Recreation or any police officer having jurisdiction may issue a citation for a municipal infraction for a violation of Section 26.02.030, BMC.

- ii. Pursuant to [Sec. 26.02.030\(B\) of the Bozeman Municipal Code](#), the Department Director creates the following additional prohibitions:
 - a. Entering or using the Department's parks, open spaces and trails, and recreation programs and facilities at any time other than during the posted hours of operation;
 - b. Using, possessing or selling illegal drugs or possessing drug paraphernalia;
 - c. Possessing or consuming alcohol without obtaining prior approval pursuant to [Sec. 26.02.050](#) of the Bozeman Municipal Code;
 - d. Aggressive intimidation or harassment of other users or City staff, including physical, sexual, or verbal abuse;
 - e. Offensive conduct, as defined in [Sec. 24.04.140 of the Bozeman Municipal Code](#), that can reasonably be expected to obstruct other users access to parks, open spaces and trails, and recreation programs and facilities in a manner that prevents accessible, safe, and welcoming usage;
 - f. Operating or using electronic equipment, including but not limited to radios, cameras, and cellular phones on pool decks administered by the Department. Individual's wishing to photographing other users must first obtain prior approval from the user or the user's parent or guardian;

- g. Urinating or defecating in any parks, open spaces and trails, or building that the Department administers; and
- h. Unhygienic use of any fountain, drinking fountain, pool, sprinklers, or any other water contained in a Department park or building for the purpose of washing or cleaning oneself or personal belonging unless the area is specifically designated for such use.

4. Notice; Penalties. This Parks Behavior Policy and all provisions of the Bozeman Municipal Code, Chapter 26, Article 2 may be enforced by the Director, the City Manager, the Fire Chief, or the Police Chief. Enforcement of this Policy will be conducted in a fair and reasonable manner. The City will not deny, directly or indirectly, any person full and equal access or enjoyment of parks, activities, facilities, accommodations, or privileges for any discriminatory reason. However, the Director, Parks and Recreation staff, Bozeman Fire personnel and/or Bozeman police officers will intervene as necessary to stop prohibited activities and behaviors. Although violators may receive an oral warning and be given a chance to rectify their behavior before privileges are lost, any individual act may result in loss of privileges without prior warning.

- (a) City staff may issue a verbal warning to any individual violating this Parks Behavior Policy. Severe violations may result in Parks and Recreation staff and/or Bozeman police officers instructing the violator to leave the Park property or facility.
- (b) If behavior is not rectified after verbal warning(s), City staff may ban the individual from the Department's parks, open spaces, and trails, and recreational facilities and programs for the remainder of the day. Children between the ages of seven and eighteen will receive at least two (2) verbal warnings before being asked to leave by staff. Staff retain the right to skip the verbal warning and require immediate removal from the park or facility when deemed necessary due to the nature of the infraction.
- (c) For multiple or serious offenses, the Director may revoke the violator's privilege to enter Department's parks, open spaces, and trails, or Department's parks, open spaces, and trails, and recreational facilities, or participate in recreational programs for a period of one (1) day to three (3) years or more depending on the severity of the offense as determined by the Director by providing the violator with notice in writing, delivered in person or by first-class mail, describing the nature of the violation and the period of revocation of privileges.
- (d) Any individual who attempts to access the Department's parks, open spaces, and trails, and recreational facilities and programs while their privilege to do so is restricted may face criminal prosecution for trespass.
- (e) Violators who commit a criminal offense on City property will be reported to authorities and may be subject to temporary suspension of privileges, or in arrest and/or prosecution.

Any person violating these regulations shall be guilty of a municipal infraction in accordance with Chapter 24, Article 2 of the Bozeman Municipal Code, and shall be fined not more than

\$500.00. The Director of Parks and Recreation or any police officer having jurisdiction may issue a citation for a municipal infraction for a violation of Section 26.02.030, BMC. From sec. 26.02.170.

- 5. Appeals.** Individuals have the right to appeal the Director's decision suspending or revoking Parks and Recreation privileges to the Bozeman City Manager. Criminal convictions and their associated penalties are not under the control of the Parks and Recreation Department and may not be appealed to the City Manager. The following requirements apply to all appeals:
- (a) Individuals intending to make an appeal must notify the Director of Parks and Recreation in writing within fourteen (14) days of the date of the written notice. Any notice of appeal made after the fourteen (14) day deadline will not be considered.
 - (b) Individuals may present their appeal by delivering a written statement addressing the basis of the appeal to the City Clerk's Office, 121 N. Rouse, Bozeman MT.
 - (c) The individual submitting the appeal will receive a written statement of the City Manager's decision regarding the appeal within thirty (30) days of the submission of the appeal to the City Clerk.
 - (d) Documents and communications related to the appeal are public information unless the City Attorney's Office determines that the appellant's right to privacy exceeds the public's right to know.

Copies of all applicable rules and regulations that may lead to barring an individual from the Department's parks, open spaces, and trails, and recreational facilities and programs are on file in the Director's office. Copies of rules and regulations applicable to a particular facility are also on display at that facility or otherwise made available to the public by the facility's management.