

*Ordinance Summary published in the Miami County Republic on February 4, 2015 and the full text of the Ordinance made available at [www.cityofpaola.com](http://www.cityofpaola.com) for a minimum of 1 week from the date of publication.*

## **Ordinance No. 3080 Summary**

On January 27, 2015, the City of Paola, Kansas, adopted Ordinance No. 3080, amending Article V: Penalties, Chapter 220: Parks and Public Property, of the Code of the City of Paola, Kansas, 2009, by replacing it with a new Article V: Paola Pathways Recreation Trail which defines lawful use of the Trails, and adding a new Article VI: Penalties. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at [www.cityofpaola.com](http://www.cityofpaola.com). This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

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### **ORDINANCE NO 3080**

**AN ORDINANCE AMENDING ARTICLE V: PENALTIES, CHAPTER 220: PARKS AND PUBLIC PROPERTY, TITLE II: PUBLIC HEALTH SAFETY AND WELFARE, OF THE CODE OF THE CITY OF PAOLA, KANSAS, 2009, BY REPLACING IT WITH A NEW ARTICLE V: PAOLA PATHWAYS RECREATION TRAIL, AND ADDING A NEW ARTICLE VI: PENALTIES**

**BE IT ORDAINED** by the Governing Body of the City of Paola, Kansas:

**SECTION 1:** Article V: Penalties of Chapter 220, Title II: Public Health Safety and Welfare, of the Code of the City of Paola Kansas, 2009, is hereby amended to read as follows:

#### **ARTICLE V Paola Pathways Recreation Trail**

##### **Section 220.380. Definitions.**

**DIRECTOR** – The City of Paola Public Works Director acting directly or through his authorized agent.

**MOTORIZED VEHICLE** – Any motorized conveyance including but not limited to: cars, trucks, motorcycles, tractors, farm machinery, four-by-fours, golf carts, minibikes, dune buggies, all-terrain vehicles (ATVs), or snowmobiles. This shall not include motorized wheelchairs.

**NON-MOTORIZED VEHICLE** – Any non-motorized conveyance including: bicycles, roller blades, roller skis, skate boards, strollers, tricycles, unicycles, wagons, wheelchairs, and motorized wheelchairs.

**PERSON** – Any individual, partnership, corporation or association.

**PAOLA PATHWAYS RECREATION TRAIL; RECREATION TRAIL; TRAIL** – Any City of Paola trail so designated by separate resolution of the Governing Body.

**Section 220.390. Trail Hours.**

- A. Recreation Trails shall be open year round. Recreational Trails located within the boundaries of any City Park shall be closed between the hours of 12:00 midnight to 5:00 am daily.
- B. Exceptions: Trails may be closed at any time for any reason deemed advisable by order of the Director, by order of the Governing Body, or to accommodate an approved Community Event pursuant to Chapter 605 of the Municipal Code.

**Section 220.400. Trail For Public Use – Personal Risk.**

The public, at its own risk, shall be permitted the lawful, sanitary, safe, and orderly use of the Paola Pathways Recreational Trail for various activities of a recreational nature as herein provided.

**Section 220.410. General Trail Usage.**

- A. In general, and subject to the limitations imposed by this ordinance and other duly enacted statutes, rules and ordinances, or unless specifically prohibited by the Director, trails may be used for the following forms of non-motorized recreation: walking, hiking, jogging, running, cycling, roller blading, skate boarding, cross country skiing and snow shoeing.
- B. Motorized vehicles may not be driven on, over, or across the trails at any time.
- C. Trail signs shall be obeyed at all times.

**Section 220.420. Domestic Animals.**

- A. Pets will be allowed on trails. All pets shall be attended and effectively restrained by a leash not exceeding eight feet in length. Such pets shall not be permitted to deprive or disrupt the enjoyment or use of any area by another person. Pet owners are responsible for cleaning up any droppings left by their pet.
- B. Horses, mules, or other similar animals, are not permitted on trails.

**Section 220.430. Public Safety.**

- A. No firearm, bow and arrow, nor any weapon, shall be discharged within, into, over or across the trail at any time.
- B. No manner of animal trap shall be set within the trail.

**Section 220.440. Environmental Protection.**

- A. No person shall disturb, destroy, injure, damage, or remove any property within trails including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities; except edible fruit, fungi, and wild animals legally taken under Section 220.410 of this ordinance, and vegetation unavoidably damaged or destroyed by the ordinary use of the trail specifically permitted by this ordinance. Collections for scientific and educational purposes may be taken after obtaining a permit from the Director.
- B. Refuse. No person shall burn or dispose of garbage, refuse, litter, or trash within a trail. If an appropriate receptacle has not been provided, the person who brought the item into the trail must haul it away for proper disposal.

**Section 220.450. Peddling and Soliciting Prohibited.**

- A. It shall be unlawful for any person to engage in or solicit business of any nature whatsoever within a Recreation Trail.
- B. The placing of advertising, decoration, or other device on the trail is prohibited without authorization from the Director.

**Section 220.460. Permits.**

- A. The Recreational Trails may be used for Community Events by permit pursuant to Chapter 605 of the Municipal Code.
- B. A person to whom a permit is issued shall be liable for any loss or damage to trail property.
- C. The Director shall have the authority to revoke any permit or reservation upon his finding a violation of any rule or ordinance, or upon good cause shown.
- D. The Director may refuse any permit, when in the Director's judgment, it is in the best interest of the trail system.

**Section 220.470. Penalty and Enforcement.**

- A. Penalty. Any person who violates any of the provisions of this ordinance, or who fails or refused to comply with the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not exceeding seven hundred dollars (\$700.00) or imprisonment not to exceed ninety (90) days, or both so fined and imprisoned.
- B. It shall be the duty of the Director, and other such employees as the City may designate, and Paola Police Department, to enforce the provisions of this ordinance.
- C. Nothing in this ordinance shall prevent employees of the City, County, State or Federal Governments, emergency service providers, approved contractors, or agents of the City of Paola from performing their assigned duties.

**SECTION 2:** A new Article VI: Penalties of Chapter 220, Title II: Public Health Safety and Welfare, of the Code of the City of Paola Kansas, 2009, is hereby added as follows:

ARTICLE VI  
**Penalty**

**Section 220.380. Penalty.**

Where no other penalty is specified, any person violating any of the provisions of this Chapter shall upon conviction thereof be fined any sum not exceeding three hundred dollars (\$300.00) or imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

**SECTION 3.** That this ordinance shall become effective after its passage, approval, and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

**PASSED AND APPROVED** by the Governing Body and the Mayor of the City of Paola this 27th day of January, 2015.

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Artie Stuteville, Mayor

ATTEST: [seal]

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Daniel G. Droste, City Clerk