

Chapter 19

PARKS AND RECREATION

ARTICLE I In General

SECTION 19-1. Use of Public Parks for Public Entertainment Restricted. [Ord. of 8-2-1943, § 1]

It shall be unlawful for any person to place or maintain for any length of time whatsoever, upon any public park or tract of land owned by the City, any carnival, show or public entertainment of any kind or character, except by special authority granted by the City Council.

SECTION 19-2. Public Parks, Recreation Areas — Hours. [Ord. No. 77-8, § 2, 7-5-1977]

That all of the public parks, recreation areas and pleasure grounds owned by the City of Lexington and operated by the Lexington Park Board shall be closed to the public from dusk until dawn, except for approved community activity, or by special permission of the City Council and it shall be unlawful for any person or vehicle to be in said parks or upon the public roads therein during said hours.

SECTION 19-3. Lexington Community Park Speed Limit; Regulations. [Ord. No. 77-8, § 3, 7-5-1977]

The speed limit on all public roads within the confines of Lexington Community Park shall be twenty (20) miles per hour and it shall be unlawful for any motor vehicle to leave the traveled portion of the public roads and parking areas as are now or may be established and designated.

SECTION 19-4. Unlawful to Deface, Damage or Litter Public Parks. [Ord. No. 77-8, § 4, 7-5-1977]

It shall be unlawful for any person to deface or cause damage to any improvements located in said public parks, recreation areas or pleasure grounds or to deposit or allow to be deposited in their presence any debris, rubbish, trash, or other refuse, or to allow the same to be thrown from their automobile on to any portion of the property comprising said park areas.

SECTION 19-5. Penalty. [Ord. No. 77-8, § 5, 7-5-1977]

Any person, persons, firms or corporations who shall be found to be in violation of the provisions of Sections 19-2 through 19-4 shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1-8.

SECTION 19-6. Unlawful to Fish Without License. [Ord. No. 82-8, § 1, 3-25-1982; Ord. No. 2000-17 § 1, 8-15-2000]

It shall be unlawful for any person, either directly or through agents, officers, servants or employees to hunt, lure, fish, hook, spear or capture any fish within the waters, water courses, waterways or lakes located in any City park within the corporate limits of the City of Lexington, Missouri, or to attempt any such actions, without first taking out and having a license and permit issued by the Park Board or its lawfully designated representatives. Citizens sixty-five (65) years or older and handicapped citizens are exempt from paying a fee, however a permit must be obtained. Proof of exemption is required by showing the State license waiver or letter.

SECTION 19-7. Fishing Permit. [Ord. No. 92-26 §§ 1-2, 1-26-1993]

A separate fee may and shall be charged for a "Fishing Permit" before any person shall be permitted to fish upon or in any such waters, water courses, waterways, or lakes located within the City of Lexington. The "Fishing Permit" shall be issued by the Park Board or its lawfully designated representatives.

SECTION 19-8. Boat Permit. [Ord. No. 82-8, § 3, 3-25-1982; Ord. No. 92-26, § 3, 1-26-1993; Ord. No. 96-14 §§ 1-2, 7-9-1996]

- A. It shall be unlawful for any person to use or operate a boat in or upon any waters, water courses, waterways or lakes located within the City of Lexington without first obtaining or having a boat permit issued by the Park Board or its lawfully designated representatives. A separate fee shall be charged for said boat permits.
- B. Only boats propelled by electric trolling motors, oars, or paddles shall be allowed upon any waters, water courses, waterways or lakes located within the City of Lexington.

SECTION 19-9. Park Board — Responsibility. [Ord. No. 82-8, § 4, 3-25-1982]

The Park Board may and shall promulgate its various rules and regulations as it may deem appropriate to give meaning and effect to this Chapter from time to time.

SECTION 19-10. Violation and Penalty. [Ord. No. 82-8, § 5, 3-25-1982]

Any violation of this Section is deemed a misdemeanor, punishable under Section 1-8 of this Code, which is the general penalty Section.

SECTION 19-11. Lexington Lion's Community Park Lake. [Ord. No. 96-02 § 1, 4-23-1996]

- A. It shall be unlawful for any person(s) other than the Lexington Park Board, to erect, construct, maintain, use, occupy, build or place any type of free standing, floating or anchored structure which would abut, border, come in contact with, or extend out and over the body of water commonly known as Lexington Lion's Community Park Lake.
- B. All unattached buildings or structures of accessory use, located in the rear yard of the main structure located on lots abutting the Lexington Lion's Community Park Lake shall have a set back of five (5) feet from the rear property line, otherwise known as the ordinary water line.
- C. If drought or other natural conditions exist that may jeopardize the integrity of the lake, the Lexington Park Board shall regulate the use of said Lexington Lion's Community Park

Lake pursuant to Article I, Section 19-9 and Article II, Section 19-17 of the Lexington Municipal Code of Ordinance.

- D. The City of Lexington, its employees, representatives, agents, assigns, boards, or commissions shall not be responsible for, or liable to, any property owner abutting the Lexington Lion's Community Park Lake, for damages arising out of or from erosion, or other natural causes along the shoreline or water's edge.
- E. A violation of this Section shall be deemed a misdemeanor and shall be punishable by fine, and/or imprisonment. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Section shall be fined not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or no more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation continues, or by both such fine and imprisonment in the discretion of the court.
- F. The City may institute any appropriate action or proceedings against any firm, person or corporation who violates or refuses to comply with any of the provisions of this Chapter to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent occupancy of such building, structure, or land, or prevent any illegal act, conduct, business, or use in or about such premises.

SECTION 19-12. Park Designations. [Ord. No. 2004-08 § 1, 3-9-2004; Ord. No. 2005-18 § 1, 6-14-2005]

The City Council may enclose, improve, regulate, purchase or sell all public parks or other public grounds belonging to the City and may purchase and hold grounds for public parks within the City or within three (3) miles thereof.

Lexington Community Lake	375 Park Road
Irish Town Hill	150 Highland Avenue
College	1550 State Street
Crystal Lake	725 S. 24th Street
Cell Tower	1475 Lafayette Street
Sprint	1116 Franklin Avenue
Lexington Riverfront	400 N. 10th Street

**ARTICLE II
Park Board**

SECTION 19-13. Created.

There is hereby created in the City a Park Board.

SECTION 19-14. Appointment of Members. ¹ [Ord. No. 2014-17 § I, 6-24-2014]

The Mayor shall, with the approval of the City Council, appoint a Board of nine (9) Directors to the Park Board, chosen from the citizens of the R-V School District at large, with reference to their fitness for such office, and no member of the City Government shall be a member of the Board.

SECTION 19-15. Terms of Office; Removal. ²

The Directors of the Park Board shall hold office, one-third (1/3) for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years from the first of June following their appointment, and at their first regular meeting, shall cast lots for their respective terms; and annually thereafter, the Mayor shall, before the first of June of each year, appoint as before three (3) Directors, who shall hold office for three (3) years and until their successors are appointed. The Mayor, may by and with the consent of the City Council, remove any Director for misconduct or neglect of duty.

SECTION 19-16. Vacancies; Compensation. ³

Vacancies in the Park Board occasioned by removal, resignation or otherwise, shall be reported to the City Council and be filled in like manner as original appointments, and no Director shall receive compensation as such.

SECTION 19-17. Organization; General Powers. ⁴

The Directors of the Park Board shall immediately after their appointment, meet and organize by the election of one (1) of their number President, and by the election of such other officers, as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their guidance and for the government of the parks as may be expedient, not inconsistent with this Article or Sections 90.500 through 90.570, RSMo. They shall have the exclusive control of the expenditures of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of said park. All monies received for such parks shall be deposited in the Treasury of the City to the credit of the Park Fund and shall be kept separate and apart from the other monies of the City and drawn upon by the proper officers of the City upon the properly authenticated vouchers of the Park Board. Said Board shall have the power to purchase or otherwise secure ground to be used for such parks, shall have power to appoint a suitable person to take care of said parks and necessary assistants for said person and fix their compensation, and shall have power to remove such appointees, and shall in general, carry out the spirit and intent of this Article and Sections 90.500 through 90.570, RSMo. in establishing and maintaining public parks.

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1. State Law Reference — For similar provisions, see RSMo. § 90.520.
 2. State Law Reference — For similar provisions, see RSMo. § 90.530.
 3. State Law Reference — For similar provisions, see RSMo. § 70.540.
 4. State Law Reference — For similar provisions, see RSMo. § 90.550.

SECTION 19-18. Annual Report. ⁵

The Board of Directors shall make, on or before the second Monday in June, an annual report to the City Council stating the condition of their trust on the first day of May of that year, the various sums of money received from the Park Fund and other sources, and how much monies have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit.

SECTION 19-19. Private Donations. ⁶

Any person desiring to make donations of money, personal property or real estate for the benefit of such park shall have a right to vest the title to the money or real estate so donated in the Board of Directors created under this Article to be held and controlled by such Board when accepted according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board shall be held and considered to be the special trustees.

SECTION 19-20. through SECTION 19-25. (Reserved)

ARTICLE III
Community Park Lake

SECTION 19-26. Intent. [Ord. No. 95-30 § 1, 11-28-1995]

- A. It is the purpose of this Article to limit, except as otherwise provided herein the processing of building permit applications for construction of structures on the water's edge of Lexington Community Park Lake in anticipation of adoption of permanent regulations governing the establishment and location of Community Park Lake land uses, to promote the public health, safety and general welfare of the citizens of the City of Lexington. It is not the intent of this Article to deny development rights protected by Statute or Constitution.
- B. It is further intent of the City of Lexington to enact new regulations governing the establishment and location of Community Park Lake land uses in the most expeditious manner, and to consider any appeals to construct on the Community Park Lake for the duration of this Article on the basis of criteria contained herein.

SECTION 19-27. Limitation on Processing of Applications. [Ord. No. 95-30 § 2, 11-28-1995]

- A. Except as otherwise provided herein, no City employee, officer, agent, bureau, department or commission of the City shall accept for filing any building permit for the construction of structures on the water's edge of the Community Park Lake nor take any action to process such applications, including but not limited to acceptance of fees, review or evaluation of the application, scheduling for public review or hearing, formulation of conditions or issuance of preliminary or final approvals of such applications, except as hereinafter may be provided for.

5. State Law Reference — For similar provisions, see RSMo. § 90.560.

6. State Law Reference — For similar provisions, see RSMo. § 90.570.

- B. The City Clerk, Building Official or other City Official responsible under City regulations for reviewing the building permit application shall first determine whether the building permit application is for the construction of structure on the Community Park Lake for which no exemption is provided pursuant to this Article. In the event that the application is for construction of a structure on the Community Park Lake for which no exemption is provided pursuant to this Article, the official shall take no further action on the permit application and shall return the application, together with any proffered application fee, to the applicant with notification that the application will not be accepted for filing or further processing for the duration of this Article.

SECTION 19-28. Appeals. [Ord. No. 95-30 § 4, 11-28-1995]

- A. An applicant for a building permit subject to this Article, who is aggrieved by the City's decision not to accept for filing or further process such application, may appeal for relief to the City Council. The appeal shall be in writing and shall be transmitted to the City Clerk within ten (10) days of the date of notification that the permit application will not be accepted for filing or be processed for the duration of this Article.
- B. The appeal shall be considered by the City Council within twenty (20) days of the date the appeal is received in the office of the City Clerk. The City Council shall not release the applicant from the requirements of this Article, unless the applicant first presents credible evidence from which the City Council can reasonably conclude that the delay in processing his application for a building permit under this Article is likely to substantially deprive the applicant of property rights protected by Statute or Constitution considering the nature of the use of the land proposed, other authorized uses permitted outright or conditionally under the zoning designation, whether the applicant has a vested property right in development of the land and the likelihood that such factors will not be adequately addressed in subsequently enacted zoning regulations. If the applicant makes such showing, the City Council may reasonably condition authorization to proceed with the application considering:
 - 1. Whether the construction on the Community Park Lake in the absence of standards and criteria contained in the new proposed regulations governing the establishment and location of such land uses jeopardizes the City's interest in preventing the improper land uses;
 - 2. The effect of the land use on the surrounding Lexington Community Park.
- C. The City Council may take the following actions:
 - 1. Deny the appeal, in which case the application shall not be accepted or further processed;
 - 2. Grant the appeal, and direct that the Planning and Zoning Commission, Building Official or other official responsible for reviewing the application accept the application for filing;
 - 3. Grant the appeal subject to conditions consistent with the criteria set forth in this Section, and direct that the Planning and Zoning Commission, Building Official or other official responsible for reviewing the application accept the application for

filing.

SECTION 19-29. Exemption. [Ord. No. 95-30 § 6, 11-28-1995]

This Article shall not apply to the following applications:

1. Any application for a building permit, subject to this Article, that was accepted for filing by the City prior to November 28, 1995.
2. Any subsequent application for a building permit, subject to this Article, following approval of an initial application for a building permit that was accepted for filing by the City prior to November 28, 1995.
3. Any amendment to a building permit, subject to this Article, existing on November 28, 1995.