

TITLE 20: MISCELLANEOUS

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CHAPTER 1: MAPLEVIEW CEMETERY

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' 20-101 PRICE OF GRAVESITES.

The price for which the town will charge for each gravesite at Mapleview Cemetery shall be determined by the fee schedule adopted in accordance with the annual budget ordinance.
(2007 Code, ' 20-101) (Ord. 02-20, passed 7- -2002)

' 20-102 PAYMENT FOR GRAVESITES.

(1) No payment plan shall be permitted for the purchase of a gravesite, except in the event where the gravesite will be used immediately.

(2) In such cases, the purchaser shall be given a period of up to 120 days to pay the balance in full and shall be required to execute any agreements and/or documents necessary to evidence such obligations.
(2007 Code, ' 20-102) (Ord. 02-20, passed 7- -2002)

' 20-103 PERPETUAL CARE FUND.

A perpetual care fund for the Mapleview Cemetery was established on July 1, 2000. A portion of the funds from the sale of each gravesite made after July 1, 2000, shall be deposited into said fund. This amount shall be determined by the fee schedule adopted in accordance with the annual budget ordinance.

(2007 Code, ' 20-103) (Ord. 02-20, passed 7- -2002)

' 20-104 INTERMENTS.

For all interments at Mapleview Cemetery, there shall be a permanent outer container for adult interments, said container to be approved by town officials for Mapleview Cemetery. Infant interments shall be exempt from this requirement.

(2007 Code, ' 20-104) (Ord. 02-20, passed 7- -2002)

' 20-105 HEADSTONES, MARKERS, AND STATUES.

(1) The purchaser and/or owner of any gravesite is allowed to place headstones, markers, and/or statues on such gravesite, provided that any such headstones, markers, and/or statues are kept within the dimensions of such individual gravesite. The purchaser and/or owner of each gravesite is required to contact the Mapleview Cemetery office before placing any headstones, markers, and/or statues on any gravesite. A 48-hour notice is required so the gravesite can be marked for proper placement. The town and/or its agents shall not be held liable for any damage to, and/or any loss, of any such item. Decorative items such as garden stakes, shepherd=s hooks, trellises, arches, crosses, boxes, mailboxes, and other such devices can be a safety hazard to visitors and staff. These items can either be placed on the marker or within six inches of the marker. To help prevent trip hazards for visitors and staff, all other decorations must be kept on the headstone or the footstone of the grave, not on top of the gravesite (except funeral flowers). No glass containers for cut flowers for watering purposes shall be permitted on any gravesite as they can be a hazard to visitors and staff. If not properly maintained or within six inches of the marker, the town or its assigns has the right to remove and discard these items.

(2) New gravesites shall be subject to cemetery rules as stated in this title; however, until the gravesite contains a headstone or within 12 months of the interment, whichever occurs first, the gravesite may display decorative items within two feet of the grave head.

(2007 Code, ' 20-105) (Ord. 02-20, passed 7- -2002; Ord. 15-23, passed 12- -2015)

' 20-106 FLOWERS, BUSHES, AND PLANTS.

To allow visitor access and mowing maintenance, no landscaping can be planted on the gravesites. All holiday, specialty, faded, broken, or deteriorated items will be removed on a schedule set by the Mapleview Cemetery office.

(2007 Code, ' 20-106) (Ord. 02-20, passed 7- -2002; Ord. 15-23, passed 12- -2015)

' 20-107 TREES.

The planting of trees on any gravesite is prohibited unless approved in advance by the Mapleview Cemetery office.

(2007 Code, ' 20-107) (Ord. 02-20, passed 7- -2002)

' 20-108 FENCING OR ORNAMENTAL OUTLINING.

The placement of fencing on, and/or the ornamental outlining of any type of, any gravesite is prohibited. Ground cover such as stone, mulch, and/or wood chips prevents staff from properly maintaining the cemetery and is not permitted.

(2007 Code, ' 20-108) (Ord. 02-20, passed 7- -2002; Ord. 15-23, passed 12- -2015)

' 20-109 ROCK AND/OR UNSUITABLE SOILS.

The purchaser and/or owner of any gravesite is responsible for all costs involved in the removal of any rock and/or unsuitable soils from such gravesite.

(2007 Code, ' 20-109) (Ord. 02-20, passed 7- -2002)

' 20-110 MAINTENANCE OF CEMETERY GROUNDS.

The town will provide lawn care and periodically remove and discard old flowers. Funeral flowers will be removed from graves within two weeks of the service. To help ensure public safety at the cemetery, the town reserves the right to remove any floral designs, flowers, weeds, trees, shrubs, or plants of any kind from the cemetery as soon as, in the judgment of the cemetery management, they become diseased, damaged, invasive, overgrown, or if they do not conform to the cemetery=s policies. Additionally, decorations may be removed during the cemetery=s posted clean-up schedule. These schedules are posted at the Mapleview Cemetery, on the town website, and are available in the cemetery=s office.

(2007 Code, ' 20-110) (Ord. 02-20, passed 7- -2002; Ord. 15-23, passed 12- -2015)

' 20-111 PATROL OF CEMETERY.

The Mapleview Cemetery is patrolled regularly by the town=s Police Department.

(2007 Code, ' 20-111) (Ord. 02-20, passed 7- -2002)

' 20-112 BENCHES.

The purchaser and/or owner of any gravesite is allowed to place a single bench on such gravesite,

provided that any such bench is kept within the dimensions of such individual gravesite and is made of a material which will not deteriorate or rust. The town and/or its agents shall not be held liable for any damage to, and/or any loss of, any such bench. To allow visitor access and mowing maintenance, benches must be placed perpendicular to the grave for which it is intended. It must be placed at the head or the foot of the grave, not beside or within the aisles. The bench is limited to the width of the grave (four feet).

(2007 Code, ' 20-112) (Ord. 02-36, passed 9- -2002; Ord. 15-23, passed 12- -2015)

' 20-113 LIABILITY.

The town and the cemetery is not responsible for theft or damage of any kind to any personal property, including artifacts, personal effects, and the like.

(Ord. 15-23, passed 12- -2015)

' 20-114 PROHIBITED ACTIVITIES.

The possession or consumption of illegal drugs or alcoholic beverages within the cemetery is strictly forbidden.

(Ord. 15-23, passed 12- -2015)

' 20-115 AMENDMENTS TO RULES.

The cemetery hereby reserves the right, at any time or times, with or without notice to owners, to adopt new rules and regulations, or to amend, alter, and/or repeal same at any time. A copy of the rules and regulations, and any amendments thereto, shall be made available for inspection upon request at the cemetery's office.

(Ord. 15-23, passed 12- -2015)

CHAPTER 2: PARKS AND RECREATION DEPARTMENT

Section

- 20-201 Establishment
- 20-202 Director
- 20-203 Qualifications of office
- 20-204 Park Director powers and duties
- 20-205 Acquisition of land
- 20-206 Park rules and regulations
- 20-207 Naming of park facilities
- 20-208 Violation and penalty

' 20-201 ESTABLISHMENT.

There is created a Parks and Recreation Department for the purpose of providing for the proper maintenance and operation of public parks, playgrounds, and other recreation facilities belonging to or operated in whole or in part by the town and providing for the acquisition of land, structures, and other facilities for the parks and recreation programs of the town.

(2007 Code, ' 20-201)

' 20-202 DIRECTOR.

The functions of the Parks and Recreation Department are executed under the supervision and control of the Park Director. Such Director shall be appointed by the Town Manager for an indefinite term. The Director shall be subject to the personnel policies established by the town.

(2007 Code, ' 20-202)

' 20-203 QUALIFICATIONS OF OFFICE.

The Town Manager may prescribe regulations from time to time for determining the qualifications for the office of Director, and prescribing additional powers and duties.

(2007 Code, ' 20-203)

' 20-204 PARK DIRECTOR POWERS AND DUTIES.

The Park Director or his or her designee, as authorized by the Town Manager and as authorized by the laws of the state and, within the limits of the funds and purposes prescribed by ordinance, shall have the power to implement recreational or cultural programs that will employ the leisure time of the public in a constructive and wholesome manner. Without limiting the generalities of the foregoing powers, the Park Director or his or her designee shall have the authority:

(1) To control and supervise all parks, greenways, play and recreation grounds, indoor recreation facilities, or other municipally owned recreation facilities;

(2) To plan, promote, and recommend the acquisition, construction, development, maintenance, or operation of such public parks, greenways, recreation grounds, and facilities;

(3) When authorized by the Town Council, to contract in writing with any adjacent city or town, park district, school district, governmental agency, or any public organization for the purpose of acquiring recreation facilities for conducting recreation programs;

(4) To exercise control over any monuments, works of art, advertising, or signage to be displayed in public parks or recreational facilities;

(5) To solicit and receive on behalf of the Town Council, any gifts or bequests or other personal property to be applied for playgrounds, parks, or recreational purposes;

(6) To grant concessions and privileges in public parks, under such restrictions and for such compensation as may be prescribed; provided that no concession or privilege shall ever be granted for the sale of intoxicating liquors, beer, or wine in any town park;

(7) To allocate use of facilities through written annual user agreements with non-profit recreation providers that meet prescribed financial, organizational, scheduling, certification, background, and participation requirements;

(8) To administer use and scheduling policies of recreational facilities per recommendation of the Park Advisory Board;

(9) To administer fees and charges for recreational facilities as approved by Town Council per recommendation of the Park Advisory Board; and

(10) To enforce park rules and regulations as prescribed by town ordinance approved by Town Council per recommendation of the Parks Advisory Board.

(2007 Code, ' 20-204)

' **20-205 ACQUISITION OF LAND.**

The Department shall have no power to acquire land for park purposes without the approval of Town Council. This includes acquisition of property through impact fee waivers.
(2007 Code, ' 20-205)

' **20-206 PARK RULES AND REGULATIONS.**

(1) The Director as prescribed by Department=s rules and regulations as approved by the Town Manager shall have the power to limit use of the town=s recreational facilities for any user in violation of said rules and regulations and/or established codes of conduct for users, coaches, parents, players, vendors, or groups. Any sanctions issued by the Director are subject to approval of the Town Manager. The Parks and Recreation Department rules and regulations, as provided by Ord. 99-27, may be amended by the Town Council pursuant to recommendations of the Parks and Recreation Director and the Parks Advisory Board.

(2) No person shall, without permission from the Park=s Director, in any park:

(a) Distribute, display, or construct any material for advertising purposes (except for team sponsorship signs approved by the Director of Parks and Recreation);

(b) Solicit contributions for any purpose or do any vending (without permission of the Director of Parks and Recreation);

(c) Camp or erect or maintain a tent or shelter or build a campfire;

(d) Disobey the lawful and reasonable order of a park employee in the discharge of his or her duties or disobey the notices, prohibitions, instructions, or directions on any park sign;

(e) Use threatening, abusive, or insulting language;

(f) Do any obscene or indecent act;

(g) Throw, cast, or propel stones or other missiles;

(h) Interfere with, encumber, obstruct, or render dangerous any part of the park;

(i) Climb or lie upon any well, fence, shelter, monument, or other structure not meant for such;

(j) Do any act amounting to a breach of peace;

(k) Enter or leave any park facility except at established entrance ways or exits or at established times;

(l) Use or gain admittance to the facilities in the park for the use of which a charge is made

without paying the charge;

- (m) Bring in, have possession of, or partake of any alcoholic beverage;
 - (n) Engage in, instigate, or encourage a fight;
 - (o) Do, aid, abet, or assist in doing any act injurious to any person, animal, or property within the park;
 - (p) Bring into or have in his or her possession in any park any firearms, slingshots, fireworks, explosives, or dangerous weapons;
 - (q) Engage in gambling;
 - (r) Deposit any rubbish of any sort except in receptacles provided for refuse;
 - (s) Spit upon any walk, floor, building, or structure;
 - (t) Throw, cast, drop, or discharge into or leave in the waters in/or adjacent to any park any substance which may result in the pollution of such waters;
 - (u) Destroy, injure, disturb, or remove any growing thing, including but not limited to, any plant, flower, shrub, or tree;
 - (v) Injure, deface, displace, remove, fill in, raise, destroy, or tamper with any drive, walk, bridge, wall, fence, shelter, seat, monument, building, post, sign, railing, platform, telephone, recreation equipment, pipe, basin, or any property, real or personal, owned by the town;
 - (w) Park or drive in any areas other than designated parking areas;
 - (x) Create inappropriate loud noise or music that may disrupt the leisure atmosphere within the parks; or
 - (y) Violate any other town, state, or federal law or ordinance.
- (2007 Code, ' 20-206) Penalty, see ' 20-208

' 20-207 NAMING OF PARK FACILITIES.

Naming or renaming of town park facilities shall be the responsibility of the Town Council upon receiving a recommendation from the Parks and Recreation Advisory Board.
(2007 Code, ' 20-207)

' 20-208 VIOLATION AND PENALTY.

(1) Usage of public parks and participation in leagues sanctioned by the Parks and Recreation Department is not a right, but a privilege, subject to the rules and regulations of the town=s Parks and Recreation Department. Convicted felons are prohibited from coaching, umpiring, assisting, or administering youth league teams.

(2) Violators of the foregoing rules and regulations are subject to ejection from the park by any parks and recreation employee and may be subject to criminal or civil prosecution and a fine not to exceed maximum limits. Each day an offense occurs constitutes a separate violation.

(2007 Code, ' 20-208)

CHAPTER 3: COMMUNITY SERVICES DEPARTMENT

Section

- 20-301 Office established; functions
- 20-302 Director; appointment and responsibilities
- 20-303 User fees
- 20-304 Facility operation hours
- 20-305 Standard operating procedures
- 20-306 Pro shop, clubhouse, maintenance department, and food and beverage operation
- 20-307 Banquet facility
- 20-308 Violation and penalty

Cross-reference:

Boards and commissions, see Title 2

' 20-301 OFFICE ESTABLISHED; FUNCTIONS.

There is hereby created and established a community services department, which shall maintain and operate the town=s municipal golf course and town centre banquet facility and provide such other services as may be directed by the Town Manager.

(2007 Code, ' 20-301) (Ord. 02-29, passed 8- -2002)

' 20-302 DIRECTOR; APPOINTMENT AND RESPONSIBILITIES.

(1) The Town Manager shall appoint a Director of Community Services, who shall report directly to the Town Manager. The Director of Community Services shall be appointed for an indefinite term and may be removed at any time.

(2) The Director of Community Service shall direct the operations of the Golf Department, including the golf shop, the food and beverage operation, and golf course maintenance facility, for the efficient management and operation of the municipal golf course and the promotion of interest in the sport and use of the golf course.

(3) In addition, he or she shall direct the operations of the town centre for the efficient management and operation of the banquet facility and the promotion of interest in community opportunities.

(2007 Code, ' 20-302) (Ord. 02-29, passed 8- -2002)

' 20-303 USER FEES.

The Town Manager, upon the recommendation of the Director of Community Services, shall propose to the Town Council charges for the use of the municipal golf course and town centre, including, but not limited to, cart fees, greens fees and annual pass fees, room rental, and food charges. (2007 Code, ' 20-303) (Ord. 02-29, passed 8- -2002)

' 20-304 FACILITY OPERATION HOURS.

The municipal golf course and town centre shall be open to the public during designated hours established by the Director of Community Services. Any section or part of the golf course or clubhouse facility or town centre may be declared closed to the public by the Director of Community Services at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director of Community Services may deem necessary or appropriate. (2007 Code, ' 20-304) (Ord. 02-29, passed 8- -2002)

' 20-305 STANDARD OPERATING PROCEDURES.

The Director of Community Services shall create, maintain, and enforce standard operating procedures for the efficient operation of the Golf Department and town centre subject to approval by the Town Manager. These procedures shall include general rules and regulations for the course and for the public use of the course and facilities. Such rules and regulations shall be posted for the general public=s viewing and education. (2007 Code, ' 20-305) (Ord. 02-29, passed 8- -2002)

' 20-306 PRO SHOP, CLUBHOUSE, MAINTENANCE DEPARTMENT, AND FOOD AND BEVERAGE OPERATION.

The town golf course operates a pro shop, clubhouse, maintenance department, and food and beverage operation for the comfort and convenience of the town=s golfing citizens. These facilities are under the management and supervision of the Director of Community Services or his or her designee. (2007 Code, ' 20-306) (Ord. 02-29, passed 8- -2002)

' 20-307 BANQUET FACILITY.

The town operates a banquet facility for the comfort and convenience of its citizens. This facility shall be under the management and supervision of the Director of Community Services or his or her designee. (2007 Code, ' 20-307) (Ord. 02-29, passed 8- -2002)

' 20-308 VIOLATION AND PENALTY.

Violations shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.
(2007 Code, ' 20-308)

CHAPTER 4: SMOKING IN MUNICIPAL FACILITIES

Section

- 20-401 Purpose
- 20-402 Definitions
- 20-403 Prohibitions
- 20-404 Designation of smoking and non-smoking areas
- 20-405 Posting of signs
- 20-406 Enforcement; violations

' 20-401 PURPOSE.

The purpose of this chapter is to prohibit the smoking and use of tobacco, or any weed or plant, in designated non-smoking areas of public facilities.
(Ord. 07-11, passed 4- -2007)

' 20-402 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELECTRONIC/VAPOR CIGARETTES.

- (a) Battery-powered vaporizer that simulates the feeling of smoking.
- (b) Including:
 - (i) The user automatically activates the e-cigarette (also known as e-cig) by taking a puff; Other devices turn on by pressing a button manually;
 - (ii) They are often cylindrical, with many variations;
 - (iii) Their use is commonly called vaping;
 - (iv) Some e-cigarettes look like traditional cigarettes, but others do not;
 - (v) There are disposable and reusable versions;
 - (vi) Instead of cigarette smoke, the user inhales an aerosol, commonly called vapor;

(vii) E-cigarettes typically have a heating element that atomizes a liquid solution known as e-liquid;

(viii) E-liquids usually contain propylene glycol, glycerin, water, nicotine, and flavorings; and

(ix) E-liquids are also sold without propylene glycol, without nicotine, or without flavors.

MUNICIPAL FACILITY. Any enclosed area and/or facility which is owned, operated, leased, or under the control of the town to which the public is invited or in which the public is permitted, including, but not limited to, waiting rooms, lobbies and reception areas, education facilities, and areas in which town employees normally frequent during the course of employment, including , but not limited to, work areas, employee lounges, and conference rooms.

SMOKE or SMOKING. The carrying of a lighted pipe, cigar, cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind.

TOBACCO PRODUCT. Tobacco in any form, including, but not limited to, snuff, chewing tobacco, cigars, and pipe tobacco.

(Ord. 07-11, passed 4- -2007; Ord. 20-4, passed 10- -2015)

' 20-403 PROHIBITIONS.

No person shall, in or at a municipal facility, smoke or use tobacco products or vapor products in any designated non-smoking area.

(Ord. 07-11, passed 4- -2007; Ord. 20-4, passed 10- -2015) Penalty, see ' 20-406

' 20-404 DESIGNATION OF SMOKING AND NON-SMOKING AREAS.

(1) Non-smoking areas may be designated in or at municipal facilities by the Town Manager. In any area designated as a non-smoking area, the use of tobacco in any form is prohibited.

(2) Smoking areas in or at municipal facilities may be designated by the Town Manager, except in areas where smoking is prohibited by the State Fire Marshal or by other law, ordinance, or regulation. In areas where smoking is permitted, existing physical barriers and ventilation systems shall be used to minimize the effect of smoke in adjacent non-smoking areas. It shall be the responsibility of the Town Manager to provide smoke-free areas for non-smokers within existing faculties to the maximum extent possible.

(3) To the maximum extent possible, smoking shall be prohibited in areas where children under the age of 18 congregate and play.

(Ord. 07-11, passed 4- -2007)

' 20-405 POSTING OF SIGNS.

Signs which designate smoking or non-smoking areas established by this chapter shall be clearly and conspicuously posted in every room, building, or other place covered by this chapter.
(Ord. 07-11, passed 4- -2007)

' 20-406 ENFORCEMENT; VIOLATIONS.

(1) The Town Manager shall post or cause to be posted all ANo Smoking@ signs required by this chapter. Employees of the town shall be required to orally inform persons violating this chapter of the provision thereof. The duty to inform such violator shall arise when such employee becomes aware of such violation.

(2) It shall be the responsibility of the Town Manager to disseminate information concerning the provisions of this chapter to employees.

(3) Any person violating any provision of this chapter shall be guilty of a civil offense and, upon conviction, shall pay the maximum penalty allowable in accordance with the general penalty provision of this code. Each occurrence shall constitute a separate offense.
(Ord. 07-11, passed 4- -2007)

