

# CITY OF MARYVILLE, MISSOURI COUNCIL ACTION REPORT



Title: An Ordinance Amending Chapter 212: Mozingo Park Regulations of the Municipal Code of Maryville, Missouri

Council Bill No.: 2021'

Agenda Date: March 22, 2021

Presented by: Ryan Heiland, Assistant City Manager

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## **BACKGROUND:**

Chapter 212: Mozingo Park Regulations was originally approved on July 29, 1996 (Ord. 548) and established the initial regulations for Mozingo Lake Recreation Park. Chapter 212 in its current format consists of two (2) main articles. The two (2) articles are Article I: Regulations – Generally and Article II: Placement and Construction of Memorials at Mozingo Lake Park. In total, Chapter 212 currently consists of 74 individual sections and is one of the largest City Code chapters.

Since July 29, 1996 there have been several minor modifications to Chapter 212 to address new amenities or procedures. However, since that date, Chapter 212 has not had a major overhaul to comprehensively address the 25-years of growth and change at Mozingo Lake Recreation Park. Over the past year, staff has worked with the Mozingo Advisory Board to review and update Chapter 212 in a comprehensive manner in an effort to have Chapter 212 accurately reflect current conditions. While undertaking the review, staff & the Mozingo Advisory Board made a concerted effort to analyze the code sections to determine which sections needed to remain as an ordinance and which sections would be better addressed as a policy. This review resulted in a substantial decrease in overall length of Chapter 212.

While the majority of updates are minor in nature, there are a few changes that will represent a much more efficient update in operations. Provided below is a summary of the proposed changes to Chapter 212: Mozingo Park Regulations:

- General Updates:
  - Definitions: updated language & added additional definitions for clarity.
  - Updated language throughout Chapter 212 (e.g. - Mozingo Park to Mozingo Lake Recreation Park).
  - Reorganized sections: e.g. – general vehicle regulations are in the same section.
  - Updated/eliminated outdated operation processes: e.g. – require permits for horse trailers, require a Mozingo hunting permit.

Other proposed modifications to Chapter 212 are section specific and are intended to address current & future operations. Provide below is a summary of specific section changes:

- *Section 212.060.E - Golf Cars:* Over the past several years, golf cars have become common for RV park guests to utilize as a means of moving throughout the campground & the overall park. The proposed additions are intended to address common issues with golf cars in the park:
  - *Golf car operators must have a valid driver license and be over the age of sixteen (16).*
  - *Golf cars may be operated from sunrise to sunset only, unless equipped with headlights. Golf cars with headlights may not be operated between the hours of 10:00 P.M. – 7:00 A.M.*

- *Section 212.150.B.2.A - Tournament Rules & Regulations:* This past summer the Mozingo Advisory Board heard from Missouri Department of Conservation Fishery Biologist Tory Mason about the health of the Mozingo Fishery. Tory Mason recommended the shortening of fishing tournaments during the peak summer months in an effort to reduce the amount of time fish spend in a livewell and are returned to the lake, increasing survivability:

  - *Fishing tournaments may begin no earlier than thirty (30) minutes prior to sunrise and must be concluded within eight (8) hours of starting time.*
    - *A. Fishing tournaments during the period of July 1 to August 31, must be concluded no later than 1:30 p.m.*
  
- *Section 212.220 - Mozingo Lake Recreation Park Fee Structure:* Staff is recommending the elimination of the fee section as an opportunity to allow Mozingo operations to function in a more businesslike manner. The proposed language removes the fee structure from ordinance format but still requires standard fees to be publicly available through the website & brochures. The proposed language also allows Mozingo to set incentive rates in conjunction with marketing events, programs, or charity donations. Finally, the proposed language would still require any permanent change in base rates to be reviewed by the Mozingo Advisory Board and approved by City Council. The proposed rate format is similar to how Maryville Parks & Recreation fee section is presented in the Maryville City Code. The language as proposed is:

  - *The City Council of the City of Maryville shall have authority to set fees, rental rates, and expense charges for certain activities, or the use of certain park areas, amenities, facilities or equipment. Such fees will be regularly reviewed by the Mozingo Advisory Board and changes will be submitted in writing to the City Manager or his/her designee and approved by City Council.*
    - *1. Marketing events, programs, and charity donations as approved by the City Manager or his/her designee may be conducted periodically by Mozingo Lake Recreation Park to provide incentives for use of the recreational facilities and participation in recreational programs.*
  
- *Section 212.230 – Camping:* The Camping section represents the area of Chapter 212 where the most significant changes are proposed. The proposed changes are in response to the increased occupancy and expansion of the RV campground as well as this section has not been changed since its inception in 1996. The proposed changes are as follows:

  - *Section 212.230.A.2 - Time limit:* The proposed language doesn't represent a change from current language, but will serve as a clarification. The clarification is to restrict camping in the reserved RV & tent camping to no more than 14 consecutive days in a single spot. Non-reserved will continue to be allowed an unlimited stay. The reason for the time restriction is that the Reserved RV section is easier to manage as reservations are booked six (6) months in advance, allowing staff the opportunity to work with campers on relocating sites as necessary. The non-reserved section is not as predictable in terms of length of stay. The language as proposed is:
    - *Camping at one (1) or more campsites in the Reserved RV section or Tent Camping section at Mozingo Lake Recreation Park for a period in excess of fourteen (14) consecutive days is prohibited without written permission from the City Manager or his/her designee.*

- *Section 212.230.A.4 – Check Out time:* The current check-out time is 3:00P.M. and the current check-in time is also 3:00P.M. The concurrent check-in/out time has created issues in the past. The proposed language moves the check-out time to 1:00P.M. & will allow park staff to perform any necessary maintenance on a vacant site and would also allow the accommodation of any early arriving campers, if available. The check-in time will remain 3:00P.M. The language as proposed is:
  - *Check-out time. RV and primitive campsites must be vacated not later than 1:00 P.M. on the date the campsite rental period concludes.*
  
- *Section 212.230.A.5 – Payment of Camping Fees:* This section relates strictly to the Non-Reserved RV camping section. The current ordinance language allows non-reserved campers to block a site by utilizing a vehicle. The current language states: *an RV campsite may only be reserved (unattended) by placing a vehicle directly upon the campsite. As used in this Subsection, the term "vehicle" shall be understood to include an automobile, truck, motor vehicle, bus, recreational vehicle, boat or other similar vehicle.* The result of this requirement has created several negative consequences including disputes as to when a vehicle was placed on a site, delayed payment of camping fees requiring significant staff time on following up with campers, to a situation of campers staying onsite at another site blocking a site for a friend/relative for extended periods unpaid. While this system may have been the best option in 1996, the implementation of a computerized site/reservation management system has made this an untenable code requirement. As such, the proposed language requires non-reserved campers to pay camping fees upfront. Upon payment of camping fees, campers will be given a “PAID” card to place in the site post that is located on every site, without requiring the placement of a vehicle. The “PAID” card will allow campers that are looking for a site to identify any vacant sites that have already been secured through payment. Finally, in the proposed language, there are provisions for penalty of non-payment. The first fine would occur for failure of payment within 48-hours & removal from the park for non-payment after 72-hours. It would be the intent of staff to utilize the upcoming peak season as a period of education before enforcing the penalties. The proposed language is:
  - *Payment of camping fees. Upon arrival and selecting a camping site, all campers shall pay camping fees. Failure to submit payment for campsite fees within forty-eight (48) hours of arrival on-site at Mozingo Lake Recreation Park will result in a one-hundred-dollar (\$100.00) assessment. Failure to pay after seventy-two (72) hours will result in removal from Mozingo Lake Recreation Park per section 212.080.*
  
- *Section 212.230.A.6 – Blocking:* This proposed language would be new language and would prohibit the blocking of RV sites as described above. The proposed language is:
  - *Blocking of RV sites by placing a vehicle or camping unit directly upon the campsite is not permitted without prior payment.*
  
- *Section 212.250.A.1 – Wastewater:* The proposed language is an enhancement on existing language. In the past couple of years, as the RV campground has experienced longer RV stays, the issue of dumping wastewater, specifically Greywater, has become a significant issue. The dumping of greywater in an area not specifically designated or designed for wastewater is both an environmental and health concern. As a result, the proposed language presents consequences that reflect the significance of this issue. The proposed language is:
  - *No person shall dump wastewater or greywater within Mozingo Lake Recreation Park.*

- *1. Violators of the wastewater requirements will first receive a warning from park staff. Failure to cease prohibited wastewater dumping activities within 2-hours or any subsequent occurrences will result in removal from Mozingo Lake Recreation Park per Section 212.080.*
- *Section 212.630 – Memorial Program:* Staff is proposing the elimination of this section and converting it to a policy. A brochure would be created providing the details of the Memorial Tree & Bench Program. The Memorial Tree and Bench Program allows groups and individuals to donate trees or benches to commemorate special events, honor individuals or agencies, or as memorials to loved ones to be placed on City-owned park land at Mozingo Lake Recreation Park. Trees and benches purchased through the program are planted and/or placed along trails, golf courses, and playgrounds. Exact placement would be at the discretion of the City of Maryville. The result of creating this policy would be a uniform expectation from a Memorial Program and is similar to what the majority of other parks provide.

**FINANCIAL CONSIDERATIONS:**

Approval of the proposed Chapter 212 amendments would not create any significant financial considerations.

**LEGAL CONSIDERATIONS:**

The ordinance has been reviewed and approved by the City Attorney.

**COMPREHENSIVE PLAN:**

Section Three: Community Plan, Open Space & Recreation Policies (Chapter 5, p. 58)

- Recommendations: “Define and market the Maryville park and recreation system, specifically Mozingo Lake Park and Golf Course, as a signature feature of the community.” This includes making improvements to the park and its amenities.
- Parks, Recreation, and Community Wellness
  - “Continue to develop and maintain the park system.”

**RECOMMENDED ACTION:**

Approve the proposed ordinance to amend Chapter 212: Mozingo Park Regulations. Originally approved on July 29, 1996, Chapter 212 has had several minor code updates but has not had a comprehensive review to update language and ordinances to reflect current operations at Mozingo Lake Recreation Park. Approval at this time would also allow staff a period of several weeks to provide public education campaign on the changes and staff would continue education efforts throughout the peak camping season. The Mozingo Advisory Board reviewed the final proposed language at the March 15 Advisory Board meeting and recommended unanimous approval.