



LENEXA PARKS AND RECREATION USER CONDUCT POLICY

The purpose of the Lenexa Parks and Recreation User Conduct Policy (“Policy”) is to ensure a safe, secure, and enjoyable environment for all persons participating, observing, or attending (“Users”) any Lenexa Parks and Recreation Department (“LPRD”) facilities, programs, or events. This Policy governs the conduct of all Users of LPRD facilities and of any program or activity conducted or sponsored by the LPRD, including, but not limited to, special events, athletic events, and theatrical performances. This Policy sets minimum standards and expectations and is supplemental to City ordinances and other applicable laws (“Laws”). Additional conduct policies or rules (collectively “Rules”) may apply for particular facilities, programs and events including, but not limited to, the pool, childcare programs, open-gym, athletic leagues, and co-sponsored activities. The facilities, programs, and events offered by LPRD are a privilege and therefore continued enjoyment of such privileges are subject to adherence and observation of this Policy and other applicable Rules.

General Conduct Expectations

Users are responsible for reading, understanding and abiding by this Policy and other applicable Laws and Rules. Users of LPRD Facilities are expected to:

- Demonstrate common courtesy and respect towards other Users, LPRD Staff (“Staff”) and volunteers;
- Respect and follow any posted rules, as well as any lawful instructions and/or directions given by Staff or other City personnel.
- Consume food and drink in designated areas and throw away refuse in the appropriate receptacle;
- Limit cellular telephone conversations so as to not disturb or disrupt other Users;
- Wear appropriate attire at all times, including shoes and shirts or appropriate swimwear when in and around LPRD pools;
- Avoid any conduct that unreasonably deprives others of their use or enjoyment of any LPRD facility, program or event.

Inappropriate Conduct

Inappropriate conduct in violation of this Policy and/or failure to observe other applicable Rules may subject the User to discipline depending on the nature, frequency, and severity of the offense. LPRD Staff reserves the right to determine appropriate discipline, up to and including banishment of the User, for any unacceptable conduct which occurs while User is participating, observing or attending any LPRD facility, program or event, including but not limited to the following:

- Engaging in disorderly, disruptive, unsafe conduct or any conduct that interferes with the use of any facility, program or event by other Users or with the functioning of Staff. Such conduct includes, but is not limited to brawling, fighting, physical abuse, inappropriate physical contact, disruptive outbursts, use of profanity or indecent language, verbal abuse, harassment, spitting, gambling, and roughhousing.
- The use of electronic devices without headphones or any other unauthorized use of amplified sound that results in discomfort or annoyance to a reasonable person, including, but not limited to cellular telephones, radios, music players, and phone conversations;
- Destruction, damage or theft of LPRD's property, equipment or supplies or the property of other Users.
- Illegal drug use or the unauthorized drinking of alcoholic or cereal malt beverages at an LPRD facility, program or event;
- Smoking (including the use of a vapor product) inside an enclosed public place and within ten (10) feet of an access point to such enclosed public place;
- Smoking in the following outdoor public places;
 - All City-owned public outdoor courts, amphitheatres, park shelters and playground areas and within fifteen (15) feet of the perimeter of such areas;
 - All City-owned public outdoor swimming pool facilities and within fifteen (15) feet of the fence surrounding such swimming pool facilities; and
 - All City-owned public bleachers and grandstands for use by spectators at sporting and other public events and within fifteen (15) feet of such bleachers and grandstands.
- Committing any violation of law or City Code;

The examples of unacceptable conduct listed above are published for Users' information and serve as a guide for conduct when participating, observing or attending any LPRD facilities, programs and events. The list is not meant to be all-inclusive, and various other circumstances may arise requiring disciplinary action. LPRD recognizes that each problem which may arise at any facility, program or event will present a unique set of circumstances. Each situation will be addressed based on its own facts and in the context of relevant surrounding circumstances.

Disciplinary Actions

In order to provide a functional system for handling disciplinary situations, LPRD has developed discretionary guidelines for applying disciplinary action. These disciplinary guidelines do not create any property right or interest. The disciplinary guidelines include all of the following disciplinary actions which are not exclusive and are not required to be implemented in a progressive manner:

- **Verbal warning of violation:** A verbal warning is an oral notice of violation of the Policy or other applicable Rules given by Staff to the User(s).
- **Immediate ejection of User(s) from the facility, program or event:** Immediate ejection shall mean the removal of the User(s) from the facility, program or event, and banishment from any other LPRD facility, program or event for the remaining hours of operation on the day of removal.
- **Suspension of User(s) from LPRD privileges:** Suspension of LPRD privileges shall mean a temporary denial of access to the facility, program or event for a period of one (1) or more days, but less than one (1) year. The effective date and length of the User's suspension shall be determined by the Assistant Parks and Recreation Director or designee, depending upon the scope and severity of the violation. Notice of such suspension shall be made in writing.
- **Banishment of User(s) from LPRD facilities, programs or events:** Banishment from LPRD facilities, programs or events shall mean a denial of access to any LPRD facility, program or event for one (1) year or more. The effective date, scope and length of the banishment shall be determined by the Assistant Parks and Recreation Director or designee, depending upon the scope and severity of the violation. Notice of the Banishment shall be made in writing.
- **Criminal sanctions** or any other remedy available under local, state or federal laws.

The appropriate disciplinary action for any conduct in violation of this Policy or other applicable rules will be determined in the sole discretion of LPRD staff. These disciplinary actions may be applied cumulatively. Staff or other City personnel have the right to contact the Lenexa Police Department as it deems necessary.

Appealing a Disciplinary Action

Anyone who, in accordance with this Policy or other applicable Rules, has been suspended or banished from any LPRD facilities, programs or events for seven (7) or more days (the "Violator") may appeal the suspension by submitting a written request ("Appeal") to the Parks and Recreation Director ("Director") within five (5) business days of the date of the notice of any suspension or banishment ("Notice"). Appeals must be filed with the Lenexa City Clerk at Lenexa City Hall, 17101 W. 87th St. Pkwy, Lenexa, KS

66219 and must include any and all explanation and supporting documentation the (“Violator”) wants the Director to consider in making their determination.

Upon Timely receipt of an Appeal, the Director or designee shall have five (5) business days to review the Appeal and issue their decision to (i) uphold the suspension or banishment or (ii) upon a showing of good cause, the Director may modify or lift the suspension or banishment. In making their determination, the Director may contact the Violator and/or consult with Staff and other City personnel to obtain additional information or clarification, but he is not required to do so. The Director’s decision will be provided to the Violator in writing by placing it in the U.S. Mail and/or hand-delivery. The Director’s decision shall be considered final, unless a further appeal option to the City Manager is specifically provided for in the Director’s decision.

Depending upon the severity of the offense and the level of disciplinary action applied, the Director’s decision may include a right to appeal such decision to the City Manager or designee (the “City Manager”) by filing a written appeal with the Lenexa City Clerk at the Lenexa City Hall within five (5) business days following the date of the Director’s written decision. The written appeal shall include the same information set forth in the initial written appeal described above as well as the reasons the Violator believes the Director’s decision is incorrect. The City Manager shall review your written appeal and supporting documentation, the written determination of the Director, and may also consult with Staff or other City Personnel or with the Violator directly if he has additional questions or requires additional information to make their decision. The City Manager will issue a written decision within five (5) business days from receipt of the written appeal and he may (i) uphold the Director’s decision or (ii) further modify or lift the suspension or banishment. The decision of the City Manager will be provided to the Violator by placing it in the U.S. Mail and/or hand-delivery. In any event, the City Manager’s decision will be final.

During any appeal process as provided by this Policy or as provided by the Director’s decision, the suspension or banishment will remain in place unless or until it is modified or otherwise lifted.

LPRD reserves the right to modify or amend the rules and procedure provided herein at any time.

Effective July 9, 2021

Lenexa Parks and Recreation User Conduct Policy Certification

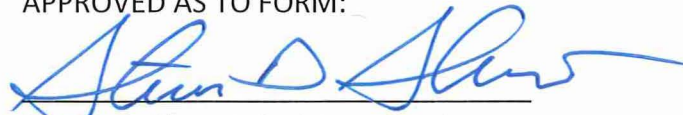
I certify that pursuant to authority granted to the Parks and Recreation Director by the City Manager, I am authorized to establish rules and policies for Parks and Recreation facilities, programs and events. I do, therefore, establish and approve the "Lenexa Parks and Recreation User Conduct Policy," attached hereto and incorporated herein by reference, and further certify that this policy will take effect on July 9, 2021.

Dated this 8th day of July, 2021



Logan Wagler, Parks and Recreation Director

APPROVED AS TO FORM:



Steven D. Shrout, Assistant City Attorney