

Hazel Ruby McQuain Park

General Rules and Regulations

The Hazel Ruby McQuain Park and Ruby Amphitheater

The Hazel Ruby McQuain Park and Ruby Amphitheater (the "Park") is located in Morgantown's Wharf District in the area bounded by Walnut Street, University Avenue, and Decker's Creek. The Park is on property owned by the City of Morgantown, and it includes a portion of the Caperton Trail rail trail, Walnut Street Landing, the historic Depot building, the Ruby Amphitheater performance venue, as well as other buildings and amenities. The Park is managed as an event venue by the City's Director of Arts and Cultural Development, but it is also part of the City park system and subject to all park rules under Article 941 of the Morgantown City Code except where specifically changed by the rules below.

Park Rules

1. The Ruby Amphitheater and Walnut Street Landing close at dusk and open at dawn for use by the public. The rail trail is open at all times for public travel. Permitted events may occur outside the general park hours.
2. Camping is not permitted at the park. The public may use the seats, benches, and tables at the park to eat, drink, and gather in small groups when there are no scheduled events.
3. No alcoholic beverages may be consumed or sold in the Park without prior written approval by the City Manager or Director of Arts and Cultural Development.
4. This is a Tobacco Free park - No tobacco products (smoking, vaping, chewing, etc.) may be used in the Park. Violators are guilty of a criminal misdemeanor and subject to a fine up to \$100.00 for each violation. Anyone using tobacco products will be directed to leave the Park.
5. No guns or firearms are permitted in the Park (except that anyone with a valid concealed handgun license may carry a concealed handgun in the parts of the Park outside the Amphitheater). The Amphitheater is a municipal recreation facility, and firearms, deadly weapons, and pepper spray are prohibited in the Amphitheater (except that a lawfully concealed firearm is permitted in the Amphitheater if it is securely stored out of view and access to others). All firearms, weapons, and pepper spray are prohibited within the municipal buildings at the Park. None of these restrictions apply to on-duty law enforcement officers (including Morgantown fire marshals), and storage of firearms or weapons in parking facilities is permitted as provided in Morgantown City Code 545.18. Signs will be posted at the Park notifying the public of these restrictions.

6. Individuals must not occupy the Amphitheater (including seats and stage) when it is reserved for events, unless they are a welcomed guest or a paying customer subject to event rules.
7. The Park is a City recreation and event space. Advertising in the Park will only be permitted at locations and on terms decided by the City. Advertising and commercial messages are only permitted with City approval.
8. No person may conduct business, make commercial solicitations, or offer products or services for sale. Vendors at the Park may be authorized by agreement with the City Manager or Director of Arts and Cultural Development.
9. Bathroom facilities may only be used for toilet use and washing hands. No bathing, sleeping, smoking, or use for non-toilet purposes.
10. No abusive or obscene language, threats of harm, racial epithets, or indecent conduct or exposure, is permitted in the Park.
11. No posters or other signs may be posted on Park property without a prior agreement from the Director of Arts and Cultural Development.
12. The limitations on obscene speech and conduct, and posting signs, do not limit the other rights of the public to engage in noncommercial speech at the Park. The City will not limit speech or speakers based on their viewpoints at the Park, but speakers may not violate general prohibitions on conduct in the Park unrelated to speech.
13. No fires.
14. Pets must be leashed at all times.
15. No commercial photography or public performance is permitted without a rental agreement. Anyone filming under a permit issued by the City of Morgantown must also complete a rental agreement.
16. The Ruby Amphitheater stage may only be used for musical, theatrical or other performances with a rental agreement.
17. The public may sit or stand on the stage during times when a permitted event is not taking place.
18. Motorized vehicles are only permitted on marked roadways and parking areas. Motor vehicles must stay off the rail trail and other Park areas unless prior written approval is obtained by the City Manager, BOPARC Director, or Director of Arts and Cultural Development.

Adopted this 11th day of November, 2020



Emily Muzzarelli

Interim City Manager

The City of Morgantown, West Virginia

Exhibit – BOPARC Rules (effective August 6, 2020)

AN ORDINANCE AMENDING ARTICLE 941 PROVIDING RULES FOR THE BOARD OF PARK AND RECREATION COMMISSIONERS

The City of Morgantown hereby ordains that Article 941 is amended as follows:

941.01 DEFINITIONS.

As used in this article:

- (a) “Board” means the Board of Park and Recreation Commissioners of Morgantown.
- (b) “Manager” means the Superintendent of Parks and Recreation, Board of Park and Recreation Commissioners of Morgantown.
- (c) “Park” means all properties and facilities controlled by or under the jurisdiction of the Board, including playgrounds or school facilities being used as part of the Board’s recreational program.
- (d) “Person” includes individuals and corporations.
- (e) “Authorized emergency vehicles” means vehicles of a fire department or police department, or ambulances.

941.02 PROTECTION OF PARK PROPERTY.

- (a) Defacement, Destruction, Removal, etc. No person shall remove, injure, deface, destroy or disturb any part of the any park or any building, sign, equipment or other property found therein, nor shall any tree, flower, shrub or other vegetation or fruit or seed thereof, or rock or mineral therein, be removed, injured, defaced, destroyed or disturbed.
- (b) Defacement of Surface. No person shall operate a motor vehicle causing the rubber tires to spin, mark and deface the any park roadway sur-face.
- (c) Trash and Debris; Storage of Materials. No person may leave trash, debris, or refuse in a park except in designated receptacles and in connection with authorized use of the park. No materials may be stored in a park without the prior approval of the Manager except for storage in areas clearly designated for such storage.
- (d) Noxious or Deleterious Material. No person shall place or permit to be placed in any body of water or drainage system that flows into or through park lands, any noxious or harmful material which may render park waters harmful or inimical to the public health, or to animals, vegetation or aquatic life, or which may prevent, limit or interfere with the use of such waters for domestic or agricultural purposes or which may lessen to an unreasonable degree the use and enjoyment of such waters for recreational or other park uses.

941.03 CARRYING WEAPONS OR HUNTING PROHIBITED.

(a) Firearms.

(i) No person may carry or possess a Firearm within a park, which is municipally owned or operated property, without a valid concealed handgun license.

(ii) Carrying or possessing a firearm

Either openly, or not lawfully concealed, is prohibited in municipally owned recreation facilities. This provision shall not prohibit a person with a valid concealed handgun permit from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during the person's time at the municipally owned recreation facility. For purposes of this paragraph, "municipally-owned recreation facilities" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program, or other similar facility where children are regularly present.

(b) Dangerous Weapons. No person shall carry or possess any dangerous weapon in any park. The term "dangerous weapon" includes, but is not limited to, any explosive, fireworks, slingshot, switchblade, hunting knife, metal knuckles, paintball gun, and projectile weapon not regulated by the Firearms provision of this section; provided, that bows and arrows may be possessed, carried, and used in areas designated in writing by the Manager and appropriately signed to warn of such use.

(c) Hunting. No person within the park shall hunt, pursue with dogs, hunt with birds, trap or in any way molest any wild bird or animal found within the park, or rob or molest any bird nest or take the eggs of any bird; except pursuant to and in accordance with City Code section 505.19 entitled "Urban Deer Management."

941.04 OTHER PROHIBITED ACTIVITIES.

(a) Advertising, Signs. No person shall distribute or place any sign, advertisement, circular, notice or other written material within any park except pursuant to a permit issued by the Manager.

(b) Sales. No person shall sell or offer for sale any article, thing, privilege, or service within any park without the written consent of the Manager, and without all applicable permits or licenses.

(c) Disturbing the Peace. No person shall disturb the peace and good order within the park by fighting, by quarreling or wrangling with loud voice or shouts, by threatening violence to the person or property of others, or by engaging in riotous clamor or tumult.

(d) Unlawful Assemblage. No person or persons shall within the park collect a group or a crowd for unlawful purposes or in riotous assemblage or with the intent to annoy, harass or inflict property damage or bodily injury upon another person or persons.

(e) Abusive Language. No person shall use obscene, profane, or abusive language within the park.

(f) Assault and Battery. No person shall willfully assault or commit bodily injury upon another while within the park, or within the park be engaged in, or abet or aid in, any fight, quarrel, or other disturbance.

(g) Gambling. No person shall gamble or play games of chance within the park, unless such games conform to all State and local laws, and operators thereof hold a permit issued by the Manager.

(h) Intoxicating Beverages, Wine. No person shall within the park sell, offer for sale, possess or consume any intoxicating liquor or wine unless the written consent of the Manager therefore is first had and obtained and unless there is full compliance with all applicable State law; and under no circumstances whatever shall any person be under the influence of any intoxicating liquor or wine within the park.

(i) Beer. No person shall sell, offer for sale, possess, or consume beer or other malt beverage within the park without the written consent there-fore of the Manager except as provided in Section 941.05.

(j) Use of Narcotics, Opiates and Hallucinogens. No person shall smoke, drink, have injected into one's self, or otherwise use, any type of narcotic drug, dangerous drug, opiate, hallucinogen or marijuana within the park, nor shall any person inhale any type of glue or commercial product containing toluene or similar chemical compounds.

(k) Entering and Use of Bathroom Facilities. Bathroom facilities may only be used for intended purposes, which include only toilet use, hand washing in sinks, and showering only where shower facilities are provided, all in accordance with posted signage. All other activities therein are prohibited including, but not limited to, the following:

(1) Bathing.

(2) Storing personal items.

(3) Sleeping or resting.

(4) Smoking.

(5) Eating or drinking

(6) Loitering.

No person shall hinder, obstruct, or prevent the movement of persons within a park toilet facility, to interfere with the right of others to the proper use of the toilet facility.

No person shall hinder, obstruct, or prevent access to a park toilet facility to interfere with the rights of others to the proper ingress and egress of the toilet facility.

(l) Indecent Conduct and Exposure. No person shall appear within the park in a state of nudity, or therein commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior and no person shall within the park make any indecent exposure of his or her person.

(m) Solicitation. No person shall within the park solicit or ask anyone to commit, perform or engage in, any unlawful lewd, lascivious, obscene, or indecent act or behavior.

(n) Boats and Water Equipment. No person shall operate any motorized boat within the waters of any park.

(o) Compliance with Police, Failure to Obey. No person shall fail or refuse to comply with any reasonable order relating to these rules and regulations or to the control of traffic or motor vehicles within the park, or with any other order lawfully given by any police officer or willfully resist, obstruct or abuse any officer or any other official in the execution of his office.

(p) Feeding Wildlife. No person shall feed any wildlife within the park.

941.05 REGULATED ACTIVITIES.

(a) Fires.

(1) No person shall start a fire within the park, except small fires for culinary purposes in park grills or privately owned grills or fires in the place or areas designated for such purpose by the Board; provided, that the Manager may at his discretion prohibit fires for limited periods at any location or for any purpose when necessary for the protection of park property.

(2) All fires within the park shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire.

(3) No person shall within the park dump hot ashes or fire onto the grass or plants.

(b) No Admittance After Park Is Closed. No person, except Board employees in the performance of their official duties, shall be permitted within any park or building within a park or any part thereof during a time when such park is closed.

(c) Camping. No person shall establish or maintain any camp or other temporary lodging or sleeping place within the park without the written consent of the Manager.

(d) Beer and Malt Beverages. Persons of legal age may have in their possession and may consume within the park beer or malt beverages in approved containers in connection with a picnic involving the consumption of food if such picnic is held at a designated picnic area and if such beer or malt beverage is possessed and consumed at such designated picnic area. Only glass and aluminum containers are permitted. Kegs are not permitted within the park.

(e) Pets. No person shall bring within any park, or permit, have or keep within the park, any dog, cat or other animal destructive to birds or other wildlife; provided, that dogs and cats shall be permitted in the park if they are controlled at all times on a leash not more than six feet long, contained in a designated dog park, or as a specific aspect of an organized BOPARC permitted activity.

(f) Horses or Horseback Riding.

(1) No person shall ride a horse within the park without prior written consent of the Manager.

(2) No person shall leave a horse unattended within the park.

(g) Swimming. Swimming within the park is permitted only in a swimming pool or pools operated by the Board, and all persons shall abide by the swimming pool rules and regulations posted by the Manager at any such pool.

(h) Ice Skating. No person shall ice skate on any area not specifically designated for ice skating activity and supervised by an employee of the Board.

(i) Professional Instruction. No person other than authorized employees of the Board shall offer professional instruction in recreational activities within the park.

(j) Use of Picnic Shelters. No person shall use a park picnic shelter, except by permit.

(k) Athletic Fields. No person shall conduct any type of tournament on any park athletic field without a permit, and upon payment of appropriate fees.

941.06 MOTOR VEHICLES.

(a) State Laws Applicable. All provisions of the West Virginia Code shall govern the operation of motor vehicles within the park except as modified by these rules.

(b) Speed Limit. No person shall operate any vehicle at a greater rate of speed than ten (10) miles per hour, except in an area where official signage clearly identifies an alternate speed limit.

(c) Motor Vehicles Prohibited on Paths. No person shall operate or cause to be operated any type of motor vehicle upon any area other than a designated public highway.

(d) Driving on Closed Roads or Drives. No person shall drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades. The Manager shall have authority to order roads or drives closed when the park is closed or during the process of construction, reconstruction or repairs, or when, in the Manager's opinion, weather conditions render travel either unsafe or unduly destructive to the road.

(e) Demonstrating, Testing, Instructing with Respect to or Learning to Operate Vehicle. No person shall use any part of the park for the purpose of demonstrating the operation of any vehicle, testing the operation of any vehicle, instructing another person to drive or operate any vehicle or learning to drive or operate any vehicle, except by written consent of the Manager.

(f) Parking. No person shall park any motor vehicle, bicycle, wagon, or other vehicle within any traveled roadway in the park or at any location where posted signs prohibit parking.

No person shall leave any vehicle in the park between posted closing time and daybreak without written permission from the Manager or his authorized representative, unless such person is attending an event approved for extension beyond the posted closing.

(g) Snowmobiles. No person shall within the park operate a motor-driven vehicle which is de-signed for the purpose of traveling on snow-covered surfaces other than in areas designated for such purpose by the Manager.

(h) Motorbikes; Motorcycles.

(1) Every person riding within the park on a motorbike or motorcycle is required to wear a crash helmet approved by either the American Motorcycle Association or the Snell Foundation.

(2) No person shall operate a motorbike or motorcycle on any park roadway without having thereon a fender covering each tire.

(3) Motorbikes or motorcycles are permitted within the park only on paved roadways normally used by motor vehicles and in parking areas for motor vehicles.

(i) Exceptions. Nothing contained in this section shall apply to authorized emergency vehicles responding for emergency work in the case of fire, accident, public disaster, impending danger or other emergency, or to a police officer in the performance of his official duties.

941.07 REVOCATION OF PERMITS.

The Manager or his authorized representative has the authority to revoke any or all permits upon the finding of violation of any park rule or regulation by any offender or offenders.

941.08 USE OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES.

(a) It shall be unlawful for any person to use tobacco in any form, or to use an electronic cigarette, in or on any property controlled by or under jurisdiction of the Morgantown Board of Park and Recreation Commissioners (BOPARC). For purposes of this section, property controlled by or under the jurisdiction of the Morgantown Board of Park and Recreation Commissioners is: White Park, Marilla Park, Krepps Park, Dorsey's Knob Park, Wiles Hill Park, Hazel Ruby McQuain Park, King Street Park, Suncrest Lake Park, Paul Preserve Park, Aspen Street Park, Jack Roberts Park, Wood-burn Park, Whitemore Park, MEA Fishing Pier, Stanley's Spot Dog Park, South U Park.

(b) Whoever violates this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

941.09 PENALTY.

(a) Fine; Jurisdiction. Whoever violates any of these rules and regulations shall be fined not more than one hundred dollars.

(b) Prosecution Under State Laws or Municipal Ordinances. The violation of any of these rules and regulations which also constitutes the violation of any State law and/or Municipal ordinance may be prosecuted as a violation of such State law or Municipal ordinance and/or as a violation of these rules and regulations.