

ORDINANCE COVER SHEET

Bill No. 2026-51

Ordinance No. 4158

“AN ORDINANCE AMENDING THE BOLIVAR MUNICIPAL CODE BY ADDING A NEW SECTION 230.070, ESTABLISHING HOURS OF OPERATION FOR THE CRIBBS FAMILY YOUTH PARK AND OTHER CITY PARKS, PROHIBITING CAMPING, LODGING, OCCUPANCY, AND THE STORAGE OF PERSONAL PROPERTY UPON PARK PROPERTY, PROHIBITING ENTRY UPON OR REMAINING WITHIN PARK PROPERTY AFTER POSTED CLOSING HOURS, PROVIDING FOR THE REMOVAL AND STORAGE OF PERSONAL PROPERTY, AND PRESCRIBING PENALTIES.”

Filed for public inspection on June 18th, 2026

First reading _____ In Full; X By Title on June 23rd, 2026.

Second reading _____ In Full; X By Title on June 23rd, 2026.

Vote by the Board of Aldermen on June 23rd, 2026:

6 Aye; _____ Nay; 2 Absent; _____ Abstain

X Approved by the Mayor on June 23rd, 2026.

_____ Vetoed by the Mayor on _____.

Board of Aldermen Vote to Override Veto on _____.

_____ Aye; _____ Nay; _____ Abstain

Bill Effective Date: June 23rd, 2026.

“AN ORDINANCE AMENDING THE BOLIVAR MUNICIPAL CODE BY ADDING A NEW SECTION 230.070, ESTABLISHING HOURS OF OPERATION FOR THE CRIBBS FAMILY YOUTH PARK AND OTHER CITY PARKS, PROHIBITING CAMPING, LODGING, OCCUPANCY, AND THE STORAGE OF PERSONAL PROPERTY UPON PARK PROPERTY, PROHIBITING ENTRY UPON OR REMAINING WITHIN PARK PROPERTY AFTER POSTED CLOSING HOURS, PROVIDING FOR THE REMOVAL AND STORAGE OF PERSONAL PROPERTY, AND PRESCRIBING PENALTIES.”

WHEREAS, the City of Bolivar, Missouri, owns and exercises care, management, and control over multiple park properties; and

WHEREAS, Sections 79.110 and 79.390 of the Revised Statutes of Missouri, together with the City’s general welfare and police powers, authorize the City to adopt ordinances for the good government of the City, the preservation of peace and good order, the protection of the public health and safety, and the regulation, management, and protection of its parks and public grounds; and

WHEREAS, the City has experienced recurring vandalism and property damage within its parks during nighttime hours, and the Board of Aldermen finds that establishing and enforcing nighttime closure hours serves the significant governmental interests of protecting public and City property, deterring crime, and promoting public safety; and

WHEREAS, the Board of Aldermen further finds that the use of park property for camping, lodging, occupancy, or the storage of personal property is incompatible with the public’s use and enjoyment of the City’s parks for their intended recreational purposes, and presents risks to the public health, sanitation, and safety, including the accumulation of waste and debris, fire and environmental hazards, and damage to park property, improvements, and natural features; and

WHEREAS, the Board of Aldermen intends that the regulations adopted herein be applied and enforced generally and uniformly with respect to all persons, without regard to housing status, and that such regulations be directed at conduct rather than the status of any person; and

WHEREAS, the City does not, by this Ordinance, assume any duty to provide shelter, housing, or accommodation to any person, and intends to preserve fully all immunities, privileges, and defenses available to it under the Constitution and laws of the State of Missouri;

NOW, THEREFORE, Be it Ordained by the Board of Aldermen of the City of Bolivar, Missouri, as follows:

Section I: The City Code for the City of Bolivar, Missouri is hereby amended by adding a new Code section, 230.070, with such new Code section to be read as follows:

“Section 230.070 – Park Hours; Camping and Occupancy Prohibited; After-Hours Trespass.

A. Definitions. As used in this Section, the following terms shall have the meanings set forth below:

- a. **“Park” or “Park property”** means the Cribbs Family Youth Park, being the real property and improvements located at 410 W. Madison St., Bolivar, Missouri, and any other park, playground, recreational area, or public grounds owned, leased, maintained, or controlled by the City, together with all associated parking lots, structures, improvements, landscaping, and natural features.
- b. **“Parking lot”** means any vehicle parking area owned, leased, or maintained by the City for use in connection with a Park, and is included within the terms “Park” and “Park property.”
- c. **“Closing hours”** means the hours during which a Park is closed to the public as established in Subsection (B) and as posted under Subsection (E).
- d. **“Dusk”** means sunset, and “dawn” means sunrise, as those times occur at the City of Bolivar, Missouri, on the date in question.
- e. **“Camp” or “camping”** means to use Park property for living accommodation or for temporary or permanent dwelling purposes, as evidenced by, among other things: pitching, erecting, placing, using, or occupying any tent, tarpaulin, lean-to, hammock, shelter, sleeping bag, bedroll, cot, mattress, or other camp facility, bedding, or sleeping equipment; sleeping or lying down with bedding, blankets, or similar materials for the purpose of, or in preparation for, sleeping overnight; making, igniting, or maintaining a fire for cooking or warmth other than at a facility or location designated and permitted by the City for that purpose; cooking or preparing meals other than at such a designated and permitted facility; or storing, keeping, or maintaining personal property for any of the foregoing purposes. “Camping” does not include lawful daytime recreational use of a Park consistent with its intended purposes during hours the Park is open, such as picnicking or a permitted event.
- f. **“Occupy”** means to remain upon, settle upon, or take up a place upon Park property in a manner described in the definition of “camping,” or to erect, place, or maintain any structure, enclosure, or personal property

upon Park property other than in connection with lawful, permitted, daytime recreational use.

- g. **“Personal property”** means any tangible personal property, including but not limited to tents, bedding, clothing, containers, furniture, and similar items.

B. Hours of Operation; Closure.

1. **Cribbs Family Youth Park.** The Cribbs Family Youth Park, 410 W. Madison Street, including its associated parking lot, shall be closed to the public, and entry upon or presence within the Park is prohibited, during the hours of 11:00 p.m. to 6:00 a.m. each day, except as provided in Subsection (D).
2. **John Playter Park.** The John Playter Park, 1700 S. Meadow Lane, shall be closed to the public and entry upon or presence within is prohibited, from dusk until dawn each day, except as provided in Subsection (D).
3. **Frisco Highline Trailhead.** The Frisco Highline Trailhead, 800 W. Jackson Street, shall be closed to the public and entry upon or presence within is prohibited, from dusk until dawn each day, except as provided in Subsection (D).
4. **Davis Park.** The Davis Park, near the 2100 block of West Broadway Street in the center of Davis Village Acres, shall be closed to the public and entry upon or presence within is prohibited, from dusk until dawn each day, except as provided in Subsection (D).
5. **Hours for Any City Park May be Altered by Board of Aldermen.** Notwithstanding the foregoing provisions, the Board of Aldermen may, by resolution, establish or modify specific opening and closing hours for any individual Park. A Schedule of Park Hours reflecting the hours applicable to specific Parks may be maintained by the City Clerk and posted as provided in Subsection (E).

- C. Camping and Occupancy Prohibited.** No person shall camp, occupy, lodge, or store personal property upon any Park property at any time, whether during or outside of a Park’s hours of operation, except as expressly authorized under Subsection (D). The prohibition in this Subsection applies at all hours and is in addition to, and independent of, the closing-hours restrictions established in Subsection (B).

D. Exceptions. The prohibition in Subsection (B) does not apply to:

- a. Law enforcement, emergency, or City personnel acting within the scope of their duties;
- b. Persons engaged in Park maintenance or operations authorized by the City; and
- c. Persons attending or participating in an event or activity for which a permit or written authorization has been issued by the City, but only to the extent of, and subject to the conditions of, that permit or written authorization.

E. Posting of Notice. The City shall post signs at each vehicular and primary pedestrian entrance to each Park, including parking lots, stating the Park's closing hours, that entry after closing hours is prohibited, and that camping, lodging, occupancy, and the storage of personal property upon Park property are prohibited, and that any such violation constitutes an ordinance violation. Signs shall be of a size, placement, and legibility reasonably calculated to come to the attention of persons entering the Park. Posting in substantial compliance with this Subsection constitutes notice to all persons for purposes of Subsections (F) and (G).

F. Removal and Storage of Personal Property.

1. Any personal property placed, stored, or left upon Park property in violation of this Section may be removed by the City.
2. Where reasonably practicable, and except in cases of exigency or where the property is hazardous, perishable, or contaminated, the City shall provide or post notice before removing personal property that reasonably appears to have apparent value and not to be abandoned.
3. Personal property removed under this Subsection that reasonably appears to have apparent value and not to be abandoned shall be stored by the City at a designated location for a period of not fewer than thirty (30) days, during which the apparent owner may reclaim it during regular business hours upon reasonable identification of the property.
4. Personal property that is hazardous, perishable, contaminated, or soiled, or that otherwise poses a risk to health or safety, and personal property that reasonably appears to be trash, debris, or abandoned, may be discarded or disposed of immediately and without storage.

5. Personal property not reclaimed within the storage period shall be deemed abandoned and may be disposed of, donated, or otherwise handled by the City as it determines appropriate.
6. The procedures set forth in this Subsection are the exclusive process for the handling of personal property removed from Park property, and the City shall not be liable for any personal property placed, stored, or left upon Park property in violation of this Section.

G. Violation; Trespass. Any person who (1) enters upon or remains within a Park during closing hours after notice has been posted in substantial compliance with Subsection (E) and without an applicable exception under Subsection (D), or (2) camps, occupies, lodges, or stores personal property upon Park property in violation of Subsection (C), is guilty of trespass and commits an ordinance violation. Each such entry, and each continued presence after a request to leave by a law enforcement officer or authorized City official, constitutes a separate offense.

H. Penalty. A violation of this Section is an ordinance violation, punishable as provided in Section 100.220 of this Code. With respect to a violation of Subsection (C), a law enforcement officer or authorized City official may, before issuing a citation, advise the person of the violation and afford a reasonable opportunity to come into compliance; provided, however, that no such warning shall be required where the person has previously been warned or cited under this Section, where exigent circumstances exist, or where the violation otherwise endangers the public health or safety.

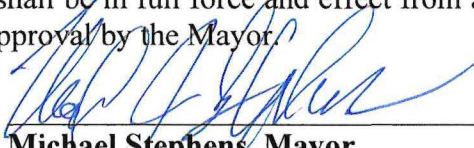
I. No Special Duty; Discretionary Enforcement; No Private Right of Action. This Section is enacted solely for the protection and benefit of the general public and the preservation of City property, and not for the benefit of any specific person or class of persons. Nothing in this Section shall be construed to create or impose any duty, special relationship, or obligation on the part of the City or its officials, employees, or agents toward any individual, nor to create any private right or cause of action against the City or its officials, employees, or agents. Enforcement of this Section is committed to the discretion of the City, and neither the existence of this Section nor any act or omission in its enforcement shall give rise to liability on the part of the City or its officials, employees, or agents.

J. Nothing in this Section shall be deemed a waiver of, or shall in any way limit, the sovereign immunity, official immunity, public-duty doctrine, or any other immunity, privilege, or defense available to the City or its officials, employees, or agents under the Constitution and laws of the State of Missouri, including Sections 537.600 to 537.610, RSMo, as amended. The City does not, by enacting this Section, consent to be sued or assume any liability it would not otherwise bear.

K. Construction. This Section shall be applied and enforced uniformly and without regard to any person's housing status, and is intended to regulate conduct rather than the status of any person. Nothing in this Section shall be construed to require the City to provide, or to assume any duty to provide, shelter, housing, or alternative accommodation to any person, or to entitle any person to camp, occupy, lodge, or remain upon Park property."

Section II: In the event that any section, sentence, clause, phrase or portion of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect, to the extent the remainder can be given effect without the invalid portion.

Section III: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.



Michael Stephens, Mayor

ATTEST:


Paula Henderson, City Clerk

CERTIFICATION

I, Paula Henderson, do hereby certify that I am the duly appointed and acting City Clerk for the City of Bolivar, Missouri; that the foregoing Ordinance No. _____ was adopted by the Board of Aldermen and thereafter approved by the Mayor and became effective on 6-23, 2026; and that said Ordinance remains in full force and effect, having never been altered, amended nor repealed.



Paula Henderson, City Clerk

