Old Business #17

COUNTY AGENDA REQUEST

Department:	Parks and Recreation	Presenter(s):	Anita Godbee
Meeting Date:	Thursday, January 23, 2014	Type of Request:	Old Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2013-17 amending Chapter 14 Recreation and Parks of the Code of Ordinances for Fayette County, Georgia. This item was tabled by Commissioner Ognio at the November 14, 2013 Board of Commissioners meeting.

Background/History/Details:

The Parks and Recreation Department recommends the amendment to put their standard operating procedures into the County Code. A public meeting to present and get public input on the proposed ordinance was held on October 28, 2013. No one from the public attended the meeting.

Two essential changes are presented in Ordinance 2013-17 for consideration:

Change #1 proposes adding a general section to the Parks and Recreation Ordinance. The current ordinance, as it stands, does not have a general section for parks and recreation as it only addresses water parks.

Change #2 is that the penalty for violation for water parks has changed, and the new proposal aligns with the penalty for all ordinances in Fayette County; as expressed in Section 1-8.

Additional changes have been made after receiving feedback at the November 14, 2013 Board of Commissioners meeting.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2013-17 amending Chapter 14 Recreation and Parks of the Code of Ordinances for Fayette County, Georgia.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, November 14, 2013
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

Floyd Jones

From: Patrick Stough <pstough81@gmail.com>
Sent: Wednesday, January 08, 2014 4:36 PM
To: Floyd Jones
Cc: Anita Godbee; Kathy Hobbs; Dennis Davenport; Steve Rapson
Subject: Revised Parks and Recreation Ordinance
Attachments: Recreation and Parks - Ordinance (revised).docx

Floyd:

Attached is a revised version of the Parks and Recreation Ordinance that was considered by the Board in November. Please place this on the agenda for the January 23 meeting. The revisions were made by staff after consideration of the comments from the Board, from the County Solicitor, and from the Sheriff. At this time, these revisions are still in draft form but it is expected that a final version will be ready by January 20. Please let me know if you have any questions.

Patrick

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Patrick A. Stough
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STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2013-17

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ENACT GENERAL PROVISIONS PERTAINING TO RECREATION AND PARKS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO RECREATION AND PARKS (CHAPTER 14), BE AMENDED AS FOLLOWS:

Section 1. By deleting Article I, pertaining to "In General", of Chapter 14, in its entirety, and by replacing it with a new Article I in Chapter 14, to be numbered and read as follows:

ARTICLE I. IN GENERAL.

Sec. 14-1. Applicability.

The provisions contained in this Article shall apply in all parks and recreational areas owned and operated by Fayette County, Georgia, with the exception of those areas

defined in this chapter as Lake Kedron, Starr's Mill, Lake Horton, and Lake McIntosh.

Sec. 14-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County means Fayette County, Georgia.

Department means the Fayette County Parks and Recreation Department, a department under the jurisdiction of the Fayette County Board of Commissioners.

Parks means all parks and all facilities located thereon, owned and/or controlled by the county and operated under the jurisdiction of the Fayette County Parks and Recreation Department.

Person means any individual, citizen, group, association, firm, corporation or other legal entity that is authorized to use and enjoy the county's parks and any structure or facility located therein.

Park and/or recreation facility means all recreation areas in parks, including land, buildings, lakes, ponds, streams, swimming pools, sports fields, cemeteries, and all other property and buildings owned, leased, or managed by the county, the department the designated agents or departments of the county or the county recreation authority, and including all recreation areas and parks in the county owned by the state or federal government and managed by the county.

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Park employee means any employee of the Fayette County Parks and Recreation Department.

Vehicle means any motor-driven or engine-driven equipment, such as an automobile, truck, motorcycle, bicycle, sled, go-cart, scooter, skateboard, ATV, child's toy vehicle, or Segway.

Weapon means firearm, rifle, pistol, revolver, paintball gun, or any weapon designed or intended to propel a shot, bullet, or other missile of any kind, or any device capable of discharging a projectile by air, spirit, gas or explosive, or any explosive substance or harmful solid, liquid and gaseous substance, or any spear, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any knife, as defined by State law, dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any bat, club or other bludgeon-type weapon, or any flailing instrument or any disk which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun, taser or similar device.

Sec. 14-3. Penalties.

(a) Any person violating any of the provisions of this chapter shall be deemed guilty of a county ordinance violation and upon conviction shall be punished in accordance with the Fayette County Code of Ordinances.

(b) Any person violating any of the provisions of this chapter may be barred or suspended by the department from using any or all parks, if in the combined discretion of

the department and law enforcement, such action is necessary to protect a park, the facilities located therein, or the public's health, safety or welfare.

(c) Any person causing a disturbance or engaging in any activity which shall unreasonably interfere with the use and enjoyment of the park by citizens/visitors or who shall violate any ordinance of the county or law of the State shall leave the park upon notification by any authorized park employee or any law enforcement officer, and he/she shall not return to such park for a period of 24 hours.

Sec. 14-4. Authority to issue citations for violations.

This chapter shall be enforced by any authorized law enforcement officer of the county. Where there has been a violation of any provisions of this chapter, the law enforcement officer in his discretion may issue a citation, warning and/or order the person to leave the park or recreation area.

Sec. 14-5. Development of recreation programs.

The authority to develop programs of recreational activities and services designed to meet the leisure time needs of all persons is hereby granted to and vested in the department. The department shall have the power to maintain and equip parks, playgrounds, recreation centers, and the facilities associated therewith, and to establish, develop, and maintain a recreational system as provided in O.C.G.A. § 36-64-1 et seq.

Sec. 14-6. Use of grounds and facilities generally.

Every person using the parks shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and the facilities located thereon in a neat and sanitary condition.

Sec. 14-7. Prohibited acts.

It shall be unlawful for any person using the parks, grounds, or facilities to either perform or permit to be performed any of the following acts:

(1) Willfully mar, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables and benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to a park or tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(3) Damage, cut, carve, transplant, or remove any tree or plant or vegetation, or any part thereof.

(4) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw

missiles at any animal, or remove or have in one's possession the eggs, nest, or young of any wild animal.

(5) Bring in, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash or debris in a park or waters in or contiguous to a park, except within public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be prohibited to take into, carry through, or put into a park, any litter generated from outside the park.

(6) Disturb the peace, or use any profane or obscene language, or inflammatory language directed to incite, and likely to incite, imminent lawless action.

(7) Commit any assault or battery, engage in fighting, or commit any other offense in violation of federal, state or county law.

(8) Endanger the safety of any person by any conduct or act.

(9) Prevent any person from using a park, or any of its facilities, or interfere with such use in contravention of the provisions of this chapter and rules applicable thereto.

(10) Apply any chemical or fertilizer to any lawn, athletic field, soil, structure

or facility of a park, unless so authorized by the department.

(11) Introduce any plant material, seed, sod, tree, or shrub to any lawn, athletic field, forest or soil of a park, unless so authorized by the department.

(12) Construct any new facility, paint any facility or make changes in present facilities without written approval of the department.

(13) Vend, sell, peddle, or offer for sale any commodity or article within a park, unless such activity is authorized in writing by the department.

(14) Possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics, except in conjunction with a written permit issued by the department.

(15) Use any of the county parks and recreation facilities for fundraising activities and/or any political rallies or events, except in conjunction with a written permit issued by the department.

(16) Operate any sound amplification device including radios, television sets, stereos, public address systems, musical instruments, CD players and the like in such a manner as to unreasonably annoy, disturb, injure or endanger other persons, or to otherwise destroy the comfort, repose, peace or safety of other persons in a park unless authorized by the department.

(17) Erect or use any temporary carnival or amusement ride or inflatables in a park unless authorized by the department.

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(18) Launch hot air balloons and hobby rockets from a park unless approved by written permit by the department.

(19) Set up a tent, shack, or any other temporary shelter for the purpose of overnight stay, or leave in a park after closing hours any movable structure or vehicle to be used or that could be used for overnight stay, such as a house trailer, camp trailer, wagon, or the like, unless authorized by the department.

(20) Violate any posted rule or regulation promulgated by the department relative to the use of a park.

Sec. 14-8. Hours of operation.

All parks shall be open daily to the general public between the hours of sunrise to sunset, as designated by the U.S. Weather Service, unless authorized by the department. It shall be unlawful for any person other than county personnel conducting county business therein to come onto or be present in a park during any other hours. A park or section of a park may be closed to the public by the department at any time and for any length of time, either temporarily or at regular or stated intervals.

Sec. 14-9. Group activity.

Whenever any group or organization desires to use a park to host an event for more than five (5) people, such as a picnic, party, sports event or theatrical or other entertainment performance, a representative of such group shall first obtain a permit from

the department for such purpose, unless the group is sponsored by the department as one of its scheduled programs. The department shall grant the application for a permit if it appears that the group will not interfere with the general use of the park by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

Sec. 14-10. Games.

It shall be unlawful for any person to endanger the general public in a park by taking part in or abetting the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes in such a way as to disregard the safety of those in the immediate vicinity of the playing of said games. The playing of rough or potentially dangerous games such as football, baseball, and soccer is prohibited except on the fields, courts, or areas provided therefor. Park areas other than those designated as golf clubs or driving ranges may not be used for golf practice, driving ranges, or putting greens.

Sec. 14-11. Swimming.

It shall be unlawful for any person to swim, bathe, or wade in any waters or

waterways in or adjacent to a park except in such waters and at such locations as are designated therefor and so posted. Such swimming activity shall be in compliance with regulations pertaining thereto as set forth in this chapter or hereafter adopted.

Sec. 14-12. Boats and rafts.

It shall be unlawful for any person to use a boat or raft or other flotation device on any waterway, stream, lake or pond in a park unless written authorization allowing such activity is received by the department or as otherwise authorized in this chapter.

Sec. 14-13. Fires restricted.

It shall be unlawful for any person to build or maintain a fire in a park or recreation facility except in designated areas which are clearly marked by signs or defined with fire rings, fireplaces, grills or other facilities designated for the purpose of safely maintaining a fire, except by written permit by the department. Fires shall be confined to those areas so designated, shall not be left unattended and must be completely extinguished prior to departure.

Sec. 14-14. Animals.

(a) It shall be unlawful for any person to bring a dangerous animal into a park; to permit a dog to be in a park unless such dog is on a leash of not more than six feet in length; to bring any animal onto an athletic or sports field/court within a park; to ride, graze or walk a horse or other type of hoofed animal within a park without obtaining

written authorization from the department, unless the park is specifically designated for such use; to fail to immediately remove from the park and dispose in a sanitary manner excrement deposited by an animal in the person's possession and control while in a park; to fail to have in such person's possession, having possession and control of an animal, a device or equipment for the collection and removal of animal excrement. The provisions of this section shall not apply to a person having possession or control of an animal aiding the handicapped (i.e., guide dog) or to police or rescue personnel.

(b) It shall be the duty of every animal owner or custodian of such animal in a park to immediately remove from such park such animal upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to, barking, growling, bearing of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.

Sec. 14-15. Automobiles and off-road vehicles; parking restrictions.

(a) It shall be unlawful for any person to drive or park any automobile or off-road vehicle except on a street, driveway, or parking lot in a park. Law enforcement or other public safety officials, and county employees whose duties require them to drive vehicles and equipment in other areas of a park shall be exempt from the limitations set forth in this section.

(b) The speed limit for all vehicles shall be 10 miles per hour within all parks.

(c) It shall be unlawful to park a vehicle or trailer in a park or recreation facility

except in those areas designated by the appropriate signs as vehicle parking areas or in marked parking spaces. It shall be unlawful to leave a vehicle or trailer standing or parked in a park or recreation facility during hours when the park or recreation facility is closed. It is unlawful for any person to park a vehicle or trailer in a parking space or location designated for handicapped parking unless the vehicle properly displays a handicapped parking permit. It shall be prohibited for any person to park in a recreation area if the owner of the vehicle or trailer is not utilizing the park unless authorized by the department. In all such instances in which a parked vehicle or trailer violates any provisions of this section, the vehicle or trailer may be towed and impounded from the park or recreation facility at the owner's expense.

(d) It shall be prohibited for persons to congregate within a parking area of a park so as to disrupt traffic or other persons, or so as to create a safety hazard.

Sec. 14-16. Alcoholic beverages and tobacco products.

(a) It shall be unlawful for any person to sell, possess or consume alcoholic beverages within a park except as provided in Chapter 3 of the Fayette County Code of Ordinances.

(b) It shall be a violation of this article for persons to smoke or use tobacco products in enclosed buildings in all parks or recreation facilities, and in all other areas of a park or recreation facility, unless otherwise posted. Persons under 18 years of age in possession of tobacco products can and will be charged under State law

(c) No person shall possess or use any drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in any park.

Sec. 14-17. Signs.

It shall be unlawful for any person to paste, glue, tack, post, erect or cause to be erected any sign, placard, advertisement, or inscription whatsoever within a park or highway or street adjacent to a park. This provision shall not apply to any properly authorized government official in pursuit of his official duty or by a person having received written authorization from the department. Any sign, placard, advertisement, or inscription authorized to be erected shall be in compliance with the county's sign ordinance and other applicable county regulations.

Sec. 14-18. Fees.

A user fee shall be charged for any special or sports event, or other extraordinary program or activity as may be hereafter established by the department.

Sec. 14-19. Weapons.

(a) It shall be unlawful for any person to discharge any weapon or similar device in a park or recreation facility, unless said discharge was made in the protection of a person's life or property.

(b) It shall be unlawful for any person to take into a park or recreation facility a weapon, or to use, carry or employ any weapon or similar device in a park or recreation facility, except as otherwise provided by applicable law. This subsection (b) shall not apply to firearms as defined by O.C.G.A. § 16-11-171(3) or to knives as defined by

O.C.G.A. § 16-11-125.1.

Sec. 14-20. Guidelines for issuance of special permits.

Permits for special events in a park or recreation facility shall be obtained by application to the director of the department or employees under the direction of the director. Guidelines for the issuance of permits by the director include:

(1) That the proposed activity or use of the park or recreation facility will not unreasonably interfere with or detract from the enjoyment of the park or recreation facility;

(2) That the proposed activity or use of the park or recreation facility will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation of a park or recreation facility;

(3) That the proposed activity or use of the park or recreation facility is not reasonably anticipated to incite violence, crime, or disorderly conduct;

(4) That the proposed activity or use of the park or recreation facility will not entail unusual, extraordinary, or burdensome expenses or policy operation by the county;

(5) That the proposed activity or use of the park or recreation facility will not conflict with existing parks and recreation services;

(6) That the proposed activity or use of the park or recreation facility desired has not been reserved for other use;

(7) That the permitting person or persons will abide by all other state, county

and parks and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued;

(8) That the director or the director's agent shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown; and

(9) Persons may apply for a permit for a proposed activity or use of the park or recreation facility under the following categories: picnicking, fund-raising, special event, food service for approved activities, and park or recreation facility rentals.

Sec. 14-21. Improper personal conduct.

It shall be unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be detrimental to the enjoyment of the park by the general public, or that could cause injury to other persons while in a park, which conduct may include, but is not limited to, loitering, fighting, throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness. No person shall upon or in connection with a park by act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into the structures designated for the use of a certain person or persons to the

exclusion of others by written permit of the department.

Secs. 14-22--14-25. Reserved.

Section 2. By deleting Section 14-30, pertaining to "Penalty for violations", from Article II of Chapter 14, in its entirety.

Section 3. By deleting Section 14-44, pertaining to "Penalty for violations", from Article III of Chapter 14, in its entirety.

Section 4. By deleting Section 14-64, pertaining to "Penalty for violations", from Article IV of Chapter 14, in its entirety.

Section 5. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 6. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of

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this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this _____ day of _____, 2014.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
Interim County Attorney

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