

## **CHAPTER 42 – PARKS AND RECREATION**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 42-1. - 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:

*Athletic field* means areas within parks designed and used specifically for active play of a team game.

*Green space* means open, undeveloped land, either in public or private ownership. Usually used in connection with property that has the potential of being developed for parks or other public usage.

*Greenway* means a linear park, usually including a trail or series of trails. It generally has relative development. The greenway is often used as an attempt to preserve green space in a very urban area, such as under a power line easement.

*Indoor facility* means any facility designed and utilized for indoor recreation activities. Includes community center, recreation center, aquatic facility, racquet courts, cultural arts center, performing arts center, arts and crafts center, museum, etc.

*Park* means a publicly owned outdoor land set aside for the use of the public for recreation. Parks may be active, which include play fields, athletic fields, golf courses, and similar facilities designed for active play; and passive, which include picnic areas, arboretums, nature centers, flower gardens, waterfront areas with sitting areas, and similar types of facilities designed for gathering or for contemplation. A park must be of size or complexity to be used or visited. Simple landscaping, or a single piece of sculpture would not be considered a park without being part of a larger coordinated landscape area, or series of sculpture. The park is the backbone of any recreation and park system.

*Playground* means an active area within a park consisting of equipment designed for children to use in an interactive play environment.

*Trail* means a path or narrow transportation-oriented corridor for the primary purpose of biking, running, walking, or other non-motorized use. It may be of impervious surface, such as asphalt, or may be left in its natural state, or may be composed of wood chips, cinders, or other types of natural material. Trails usually have a beginning and ending point and ideally have at least one such trailhead.

#### **Sec. 42-2. - Department of recreation and parks.**

- (a) *Created.* There is hereby created a department of recreation and parks.
- (b) *Purpose.* It is the purpose of the department to:
  - (1) *Needs.* Study and research the recreation and park needs of the citizens of the city, and create and manage a comprehensive recreation and park system of programs and facilities to meet those needs;
  - (2) *Standards.* Establish and promote recreation and parks standards;
  - (3) *Management.* Cooperate with state, federal, commercial and voluntary agencies in the management of the recreation and parks system; implement and support policies of the mayor, city council and city manager; and formulate day-to-day operating policies for the efficient administration of the department.

#### **Sec. 42-3. - Duties of recreation and parks director.**

The recreation and parks director shall:

- (1) Implement and support the policies of the mayor and city council as legislated by the mayor and city council.
- (2) Develop, direct, and implement the recreation and parks master plan at the direction of the city.
- (3) Determine, prioritize, establish, conduct, construct, and maintain a recreation and parks system for the city that meets the leisure needs of the citizens, including but not limited to parks, playgrounds, trails, indoor recreation centers, programs, activities, and the maintenance and repair of such facilities as required.

- (4) Recommend the setting aside, leasing, or acquisition of lands or buildings within the city limits for use as parks, playgrounds, recreation centers, or for other recreational purposes, and to provide for the maintenance and improvement of these areas.
- (5) Recommend, enforce and collect fees and charges s legislated by the mayor and city council for all recreation programs, classes, events, and facility rentals and shall publish this schedule on an annual basis.
- (6) Otherwise assist in the operation and enforcement of this chapter.

**Secs. 42-4—42-24. - Reserved.**

**ARTICLE II. - PUBLIC CONDUCT IN PARKS**

**Sec. 42-25. - Applicability.**

This article shall apply to all designated municipal public parks, which are defined for purposes of this article as any park, playground, green space, or place limits to which the general public has access and a right to frequent, for business, entertainment, or for other lawful purposes, and which has been either deeded to or dedicated to public use or ownership. Municipal public parks shall also include the sidewalks abutting any park, playground, or place above described.

**Sec. 42-26. - Violations.**

Any person violating any provision of this article and/or concealing a violation of, or harboring, assisting or protecting a person charged with or convicted of a violation of this article is shall be punished as provided in section 1-10.

**Sec. 42-27. - Additional rules.**

- (a) The director of recreation and parks shall have the authority to make and post rules and regulations as necessary to ensure the orderly management and administration of the recreation and parks department.
- (b) Any organization that has a lease or user agreement with the city to manage a city-owned park or recreation facility shall devise and post those operating procedures and rules consistent with the facility which is under the lease agreement, and shall provide copies of those rules to the director of recreation and parks; provided that no posted procedure or rule may supersede any ordinance as described herein.

**Sec. 42-28. - Permitted park activities.**

- (a) Permit required. It is unlawful for any person to engage in any activity in city parks which requires a permit and/or a ticket without first obtaining such permit and/or ticket.
- (b) The city manager may recommend a permit application procedure to the city council.
- (c) The recreation and parks director shall implement guidelines as established by the mayor and city council.
- (d) The city's recreation and parks department shall schedule the use of all city parks for organized activities, programs, assemblages, gatherings or games.
- (e) No individual or group shall erect any booth or stand or sell any article within the limits of any city park without the written consent of the director of recreation and parks or his authorized representative.

**Sec. 42-29. - Park hours.**

All city parks are open, provided, however, no person under the age of 18 is authorized to be on the premises or property of any city park, between the hours of 12:00 midnight and 6:00 a.m., unless they are accompanied by a supervisory adult.

**Sec. 42-30. - Disobeying orders.**

No person shall disobey the lawful and reasonable order of a park employee, or employee contracted by the recreation and parks department for the purposes of safeguarding the park system in the discharge of his duties, or disobey or disregard the notices, prohibitions, instructions, rules or regulations on any park sign.

**Sec. 42-31. - Unauthorized use.**

No person shall erect any structure, stand, or platform, run or conduct any race, or hold any athletic contest in any park or recreation area with the written agreement of the director of recreation and parks and without first securing all necessary permits.

**Sec. 42-32. - Obstruction.**

Interfering with, encumbering, obstructing or rendering dangerous any part of a park is prohibited.

**Sec. 42-33. - Concessions.**

Any concessionaire which through contractual agreement with the department operates any concession shall supply and provide the required permits for such operation.

**Sec. 42-34. - Selling.**

Flea markets, garage sales, rummage sales, and all other such sales by a person, persons, or organizations for either private or nonprofit purposes are prohibited in park and recreation areas, except in accordance with the provisions of a permit, contract, or other written agreement with the city recreation and parks department is prohibited.

**Sec. 42-35. - Soliciting.**

Engaging in or soliciting any businesses in a park area except in accordance with the provisions of a permit, contract, or other written agreement with the city recreation and parks department is prohibited.

**Sec. 42-36. - Rental structures.**

Cultural, historical, recreation, park and special use structures may be reserved and rented based on the rental and reservation policies of each facility in place at the time of reservation.

**Sec. 42-37. - Construction.**

Construction of any building, structure, utility or any other entity upon, across, over, through, or under any park area, except in accordance with the provisions of a valid permit and contract and with the written approval of the recreation and parks director is prohibited.

**Sec. 42-38. - Alcoholic beverages.**

It is unlawful for any person to possess and/or consume any alcoholic beverage, or be under the influence of any alcoholic, malt and/or vinous beverage, within any public park and/or within any building under the supervision of the city recreation and parks department unless such usage is expressly permitted by signage or published rules of the particular park or recreation building.

**Sec. 42-39. - Animals.**

- (a) *Horses.* Horses and other equines are prohibited within any city parks.
- (b) *Killing wildlife.* It is unlawful for any person to hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the above to any animal or wildlife within any parks without the written permission of the city council.
- (c) *Pets.* All pets must be on a leash, have current vaccination tags, and the owner is responsible for disposal of pet waste. All pets are prohibited on athletic fields, unless written permission for such has been authorized by the city manager or the director of recreation and parks.
- (d) *Exception.* Service animals such as guide dogs for the blind may be allowed on athletic fields at any time while accompanying their owner.

**Sec. 42-40. - Reserved.**

**Sec. 42-41. - Firearms.**

- (a) It shall be unlawful for any person to possess any explosive substance (including fireworks) in any of the city parks, unless written permission for such has been authorized by the mayor and city council.
- (b) It shall be unlawful for any person to discharge any firearm within city parks unless expressly authorized by the mayor and city council. Pursuant to O.C.G.A. § 16-11-127, it is unlawful to carry a firearm to a public gathering, as defined in O.C.G.A. § 16-11-127, within the city.

**Sec. 42-42. - Fires.**

The creation of any fire in any park outside a specifically designed picnic grill, fireplace or other similarly designed enclosure is prohibited without the written permission of the recreation and parks director.

**Sec. 42-43. - Smoking.**

It is unlawful to smoke in the park.

**Sec. 42-44. - Fireworks.**

It is unlawful for any individual to shoot, explode, or launch any fireworks in any park in the city, or into any park in the city from outside the park confines, unless such fireworks are part of a commercial fireworks display sponsored by the city and conducted by a licensed and bonded fireworks specialist.

State law reference— Fireworks, O.C.G.A. § 25-10-1 et seq.

**Sec. 42-45. - Meetings and assemblies.**

Persons, corporations, or organizations conducting public meetings, assemblies, worship services, entertainment, demonstrations, or political rallies, within the general confines of a park or municipal area without a permit issued by the city clerk, and without written permission of the director, is prohibited.

**Sec. 42-46. - Motor vehicles and traffic; abandoned property.**

- (a) *Vehicles in parks.* Generally it is unlawful for any person to drive, operate, and/or park any motor vehicle, mini-bike, or motorcycle within any city park, except in areas designated for such use. This section does not apply to city employees when municipal duties require them to drive over said park and/or to park their vehicles or equipment in order to perform city business. All operators of motorcycles, trail bikes, off-road vehicles and other motorized vehicles must conform to the same rules and regulations as those of any other motor vehicle. No person shall grease, lubricate, or make repairs to any vehicle, except those of a minor nature, and then only in case of emergency.
- (b) *Abandonment.* Leaving any vehicle or other personal property for longer than 24 hours, without prior permission of the recreation and parks director, is prohibited and any property so left is impounded. In the event unattended property interferes with a safe and orderly management of the park area, it may be impounded immediately.
- (c) *Speed limit.* It is unlawful for any person to operate a motorized vehicle upon any road within a park in the city at a greater speed than 15 miles per hour.
- (d) *Skateboards.* It is unlawful for any person to operate a skateboard on any street, lane, way, road, sidewalk, and/or any parking lot in any park in the city unless otherwise designated by signage or published rules.

**Sec. 42-47. - Natural products.**

The gathering or collecting of natural products of a renewable living resource such as plant material for personal use or for commercial sale is prohibited. The destroying, digging, cutting, removing, or possession of any tree, shrub, or other plant is prohibited without a permit granted by the recreation and parks director.

**Sec. 42-48. - Noise.**

- (a) *Prohibited.* It is unlawful for any person to make any loud noises that would disturb a reasonable person of ordinary sensibilities, engage in noisy disputes or conversation, that would disturb a reasonable person of ordinary sensibilities engage in any loud acts of behavior that would disturb a reasonable person of ordinary sensibilities, or in any other manner disturb the public peace, quiet, and order in any of the city parks.
- (b) *Public address system.* The operation or use of public address systems, whether fixed, portable, or vehicle-mounted, is prohibited except when such use or operation is in connection with public gatherings or special events which have been approved by the recreation and parks director.

**Sec. 42-49. - Polluting water in parks.**

It is unlawful for any person to pollute or disturb any spring, branch, pond, fountain, or other water owned by or leased to the city.

**Sec. 42-50. - Posting signs; disposal of trash and refuse.**

It is unlawful for any person to affix any bill, sign, or notice on any tree, building, or fixture in any of the parks. It is unlawful for any person to place any paper, books, refuse, or trash of any kind in any of the public parks, except in containers provided for such.

**Sec. 42-51. - Swimming in lakes or ponds.**

It is unlawful for any person to swim in or enter any lake or pond at any park in the city for the purpose of swimming or wading unless a permit for such has been issued by the city recreation and parks department or an authorized representative, or such person or persons are conducting recreation and parks department business.

**Sec. 42-52. - Urban camping.**

It is unlawful to reside or to store personal property in any park owned by the city. Furthermore, it is unlawful to use any public place, including city parks, for living accommodation purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.

**Secs. 42-53—42-90. - Reserved.**

**ARTICLE III. - COMMERCIAL USE POLICY**

**Sec. 42-91. - Application of article.**

This article shall apply to all of the city's parks and park facilities.

**Sec. 42-92. - Prohibition of independent commercial activities at parks and park facilities.**

- (a) Only commercial activities which are authorized or controlled by concession or contract or are part of any city-sponsored program shall be allowed in the city's parks and park facilities.
- (b) Except as may be authorized under subsection (a) of this section, there shall be no independent commercial activity undertaken at any city park or park facility by any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group, organization, or combination acting as a unit.
- (c) Any person who violates this article shall, upon conviction, be guilty of a violation of this Code and shall be punishable in accordance with section 1-10.