

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DAWSON COUNTY TO ENACT AND ENFORCE RULES AND REGULATIONS OF THE PARK AND RECREATION AREAS OF DAWSON COUNTY; TO PROVIDE PENALTIES FOR VIOLATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEAEAS, the Board of Commissioners of Dawson County approved an ordinance regarding the Parks and Recreation Department on October 27, 1998 that established certain rules and regulations; and

WHEREAS, the Board of Commissioners of Dawson County deem appropriate updating such rules and regulations.

Now, therefore, the Board of Commissioners of Dawson County adopt this ordinance as follows:

SECTION I. TITLE.

This ordinance shall be known and may be referred to as the "Dawson County Parks and Recreation Ordinance."

SECTION II. DEFINITIONS.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning.

Director means the Director of the Dawson County Parks and Recreation Department.

Director's agent means employees and agents of the Dawson County Parks and Recreation Department.

Litter means garbage, refuse, paper, debris, trash and all other waste material whether natural or artificial.

Park or recreation facility means all Dawson County public parks and recreation areas in such parks including the land, buildings, lakes, ponds, streams, swimming pools, and all other property and buildings owned, leased, or managed by Dawson County and the Dawson County Parks and Recreation Department.

Vehicle means any motor-driven equipment, automobile, truck, motorcycle, four-wheeler, or scooter.

SECTION III. ENFORCEMENT OF ORDINANCE.

This ordinance may be enforced by any authorized law enforcement officer of Dawson County including the Dawson County Marshal's Office. If a violation of any provision of this ordinance occurs, then the law enforcement officer in such officer's discretion may issue a citation, warning and/or order the person to leave the park or recreation facility. Nothing contained herein shall prohibit any law enforcement officer from making a custodial arrest for any felony or misdemeanor committed in the officer's presence or within the officer's immediate knowledge.

SECTION IV. PENALTIES FOR VIOLATION OF ORDINANCE.

(a) Any person violating any provision of this ordinance shall be punished by fine not exceeding \$1,000.00.

(b) Any person who violates any provision of this ordinance may further be denied permission to use the facilities of any park or recreation facility for a period of sixty (60) days following the determination that such violation occurred.

SECTION V. LITTERING PROHIBITED.

It shall be a violation of this ordinance for any person to throw or deposit litter on the grounds, streets, sidewalks, fountains, lakes, ponds, swimming pools, streams or other body of water in any county park or recreation facility, 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 or the park or recreation facility. If public receptacles are not provided, then all such litter shall be carried away from the park or recreation facility by the person responsible for the presence of such litter and such litter shall be properly disposed of elsewhere.

SECTION VI. IMPROPER USE OF SOUND PRODUCING DEVICES.

No person shall operate or use any sound producing or motorized equipment including, but not limited to, generators and vehicles or play or operate any sound amplification devices including, but not limited to, radios, television sets, stereos, musical instruments, public address systems and the like in such a manner as to unreasonably annoy, disturb, injure, or endanger other persons or otherwise destroy the comfort, repose, peace or safety of other persons in a park or recreation facility. This section is not applicable to organized programs, parades, activities, or other events authorized or conducted by the Parks and Recreation Department of Dawson County.

SECTION VII. IMPROPER PERSONAL CONDUCT.

No person shall engage in any violent, abusive, lewd, profane, vulgar, or obscene speech or conduct that disturbs or annoys other persons or that could cause injury to other persons while in a park or recreation facility; such 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.

SECTION VIII. FIRES RESTRICTED.

No person shall build or maintain a fire in a park or recreation facility except in designated areas marked by signs, fireplaces, grills, or other facilities designated for the purpose of safely maintaining a fire. Fires shall be confined to those areas so designated, shall not be left unattended and shall be completely extinguished prior to departure. The burning of materials that produce toxic or noxious fumes including, but not limited to, tires, plastics, flotation materials, any solid wastes, and treated wood products is prohibited.

SECTION IX. VEHICLES RESTRICTED.

No person shall operate any vehicle in a park or recreation facility except upon roadways designated and maintained for vehicular traffic, except that law enforcement, code enforcement and parks and recreation employees whose duties require the operation of maintenance vehicle and equipment shall be exempt from such operation limitation. All persons operating any vehicle in a park or recreation facility upon roadways designated and maintained for vehicular traffic shall operate such vehicle in a safe manner and shall obey posted speed limits and traffic signs. No person shall operate any vehicle in a park or recreation facility at an excessive speed, in a reckless or unsafe manner, or in violation of posted traffic signs.

SECTION X. PARKING RESTRICTED.

(a) No person shall park a vehicle in a park or recreation facility except in those areas designated by proper signs as vehicle parking areas or in marked parking spaces.

(b) No person shall park a vehicle in a park or recreation facility if the person is not utilizing the park or recreation facility.

(c) No person shall leave a vehicle standing or parked in a park or recreation facility during hours when the park or recreation facility is closed, except for overnight campers who are within officially designated overnight

camping areas, unless otherwise authorized by the Director or the Director's agent.

(d) No person shall park a vehicle in violation of posted restrictions and regulations or in such a manner as to obstruct or impede normal or emergency traffic movement or where the parking of such vehicle creates a safety hazard or endangers any person, property or environmental feature.

(e) No person shall park a vehicle in a parking space or location designated for handicapped parking unless such vehicle properly displays a handicapped parking permit.

(f) In addition to a citation for violating of this section, any vehicle that is left unattended and parked in violation of this ordinance may be towed from the park or recreation facility at the owner's expense by Dawson County or by a private towing company to a private impound lot. The vehicle owner shall be responsible for all towing expenses and charges incurred in towing the vehicle and all accrued daily impoundment storage fees.

SECTION XI. ANIMALS RESTRICTED.

(a) Other than seeing-eye dogs as necessary, or unless authorized by permit, no person with an animal shall access areas of a park or recreation facility that are restricted to such animals.

(b) In all locations within a park or recreation facility where animals are permitted, the animal owner or custodian of an animal shall maintain physical control of the animal by leash or lead line no longer than ten feet at all times.

(c) In locations within a park or recreation facility where animals are permitted, the animal owner or custodian of an animal shall immediately and properly dispose of waste deposited by the animal.

(d) The animal owner or custodian of the animal in a park or recreation facility shall possess current rabies vaccination for the animal.

(e) The animal owner or custodian of an animal in a park or recreation facility shall immediately remove from such park or recreation facility an animal if the animal exhibits aggressive behavior toward any person or toward any other domesticated animal. For purposes of this subsection, aggressive behavior includes, but is not limited to, barking, growling, baring 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.

SECTION XII. USE OR POSSESSION OF ALCOHOL AND OR CONTROLLED SUBSTANCES.

No person shall possess or use any alcoholic beverage, drug or any other controlled substance, as defined by the laws of this state, except as permitted by the laws of this state, in any park or recreation facility. Further, no intoxicated person shall enter or remain within any park or recreational area.

SECTION XIII. HOURS OPEN TO PUBLIC.

Unless authorized by permit, no person or vehicle shall enter or be within a park or recreation facility outside of the posted hours of operation.

SECTION XIV. COMMERCIAL ACTIVITY PROHIBITED.

Unless properly authorized, no person shall advertise, sell or offer for sale any merchandise nor operate or attempt to operate a concession nor engage in any commercial activity within any park or recreation facility, without obtaining a proper permit for any such activity.

SECTION XV. DAMAGING OR REMOVAL OF PARK PROPERTY.

No person shall deface, harm or damage any park buildings, wildlife, property, equipment or signs, or dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, historical artifacts or other vegetation in a park or recreation facility.

SECTION XVI. OPERATION OF BICYCLES, SCOOTERS, SKATEBOARDS, AND ROLLER BLADES RESTRICTED; GOLFING RESTRICTED.

(a) No person shall operate a bicycle, scooter, skateboard or roller blade within a park or recreation facility, except in areas designated for such operation. No person under the age of 16 years shall operate or be a passenger on a bicycle within a park or recreation facility unless such person is wearing a bicycle helmet which meets or exceeds the impact standards for bicycle helmets under Georgia law.

(b) No person shall drive, throw or otherwise project golf balls within any park or recreational facility except in areas designated for such activities.

SECTION XVII. ATHLETIC FIELDS RESTRICTED.

Organized sports or athletic teams must first obtain approval from the Director or the Director's agent to use the athletic fields or a park or recreation

facility to conduct organized games or practices. Additionally, instructors seeking use of an athletic field in a park or recreation facility to instruct, coach, teach, conduct private lessons, or to conduct a camp or clinic must obtain prior approval from the Director or the Director's agent. No person shall enter or travel upon any athletic field of a park or recreation facility if such field has been designated as "Closed".

SECTION XVIII. TENNIS COURTS RESTRICTED.

Organized sports or athletic teams must first obtain approval from the Director or the Director's agent to use the tennis courts of a park or recreation facility to conduct tennis matches or to conduct organized practices. Additionally, instructors seeking use of a tennis court in a park or recreation facility to instruct, coach, teach, conduct private lessons, or to conduct a camp or clinic shall obtain prior approval from the Director or the Director's agent.

SECTION XIX. SOCCER FIELDS RESTRICTED.

Organized sports or athletic teams shall first obtain approval from the Director or the Director's agent to use the soccer field of a park or recreation facility to conduct soccer matches or to conduct organized practices. Additionally, instructors seeking use of a soccer field in a park or recreation facility to instruct, coach, teach, conduct private lessons, or to conduct a camp or clinic shall obtain prior approval from the Director or the Director's agent.

SECTION XX. APPLICATION AND ISSUANCE OF PERMITS.

(a) Permits for restricted uses or activities in a park or recreation facility shall be obtained by applying for a facility use permit to the Parks and Recreation Board of Dawson County ("Park Board"). Upon examination of the application and all other relevant factors, the Park Board shall approve and issue or deny the permit. Guidelines for the issuance of permits by the Park Board are as follows:

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

- (4) the proposed activity or use of the park or recreation facility will not cause unusual, extraordinary, or burdensome expense for the county;
- (5) the proposed activity or use of the park or recreation facility will not conflict with existing park and recreation programs and services;
- (6) the area of the proposed activity or use of the park or recreation facility has not been reserved for other use; and
- (7) the person or persons obtaining the permit will abide by all state and county laws, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person because of negligence or intentional misconduct of the person or persons to whom such permit shall have been issued.

(b) The Director or the Director's agent shall have the authority to revoke any permit upon finding a violation of any law, ordinance, rule or regulation, or condition or term of the permit, or upon good cause shown.

SECTION XXI. UNAUTHORIZED USE OF PARK OR RECREATION FACILITIES.

No person shall engage in any activity within a park or recreation facility that is unauthorized or restricted from such use, that has been posted as a prohibited activity within the park or recreation facility, or within a specified area of the park or recreation facility, that violates the rules and regulations of the park or recreation facility, that will impede the use and enjoyment of the park or recreation facility by other persons, or that could cause injury to other persons within the park or recreation facility. No person shall break, force, tamper with, or otherwise disturb a lock, gate, door, or other obstruction designed to control or prevent access to any area.

SECTION XXII. HOUSEHOLD OR COMMERCIAL GARBAGE PROHIBITED.

(a) Garbage, trash, rubbish, litter, or other waste material or waste liquid generated within a park or recreation facility and incidental to authorized activities or use of a park or recreation facility shall either be removed from the park or recreation facility or deposited in receptacles provided for that purpose.

(b) No person shall bring into a park or recreation facility any household or commercial garbage, trash, rubbish, litter, or other waste material of any kind for disposal or dumping without permission from the Director or the Director's agent.

(c) Campers, picnickers, and all other persons using a park or recreation facility shall keep sites free of trash and litter during their period of occupancy and shall immediately remove all personal equipment and clean their sites upon departure.

SECTION XXIII. CAMPING.

No person shall camp in parks or recreation facilities, except at sites or areas specifically designated for camping within the park or recreation facility and after obtaining a permit or daily occupancy authorization to camp in the park or recreation facility from the Director, the Director's agent or via the honor box system. Camping for a period of more than 14 consecutive days is prohibited in designated campgrounds.

SECTION XXIV. SMOKING IN PROHIBITED AREAS.

No person shall smoke in an enclosed building in any park or recreation facility. Smoking shall be prohibited in all outdoor areas where signs are posted restricting the activity. Open areas not posted shall be considered smoking areas.

SECTION XXV. INTERFERENCE WITH ANY MEMBER OF DAWSON COUNTY SHERIFF'S OFFICE, DAWSON COUNTY MARSHAL'S OFFICE, PARK OFFICIAL OR EMPLOYEE.

No person shall impede, intimidate, violate, forcibly resist, or interfere with any member of the Dawson County Sheriff's Office, Dawson County Marshal's Office, park official or employee of a Dawson County park or recreation facility engaged in the performance of official duties or because of the performance of official duties. The failure to comply with a lawful order issued by a law enforcement officer, park official or employee of a Dawson County park or recreation facility engaged in the performance of official duties shall be deemed as resistance or interference with a member of the Dawson County Sheriff's Office, Dawson County Marshal's Officer, park official or employee of a Dawson County park or recreation facility.

SECTION XXVI. FAILURE OR REFUSAL TO PAY RECREATION USE FEES.

No person shall fail, refuse, or attempt to avoid paying any designated parking or recreational use fees in any park or recreational facility.

SECTION XXVII. FIREWORKS EXPLOSIVES, AND PROJECTILES PROHIBITED.

No person shall use, light, shoot off, launch, fly, discharge, detonate or explode explosives or explosive devices, or projectiles of any kind in any park or recreation facility, including fireworks or other pyrotechnics of any kind, rockets, and model planes, unless written permission has been received from the Director or the Director's agents or has been posted at such park or recreation facility.

SECTION XXVIII. SWIMMING AND DIVING RESTRICTED.

No person shall swim or dive in any area within a park or recreation facility where swimming or diving is prohibited including, but not limited to, boat docking areas, launching sites, and mooring points. Diving, jumping, or swinging from trees, bridges, boat docking areas, and launching sites is expressly prohibited and shall be a violation of this article.

SECTION XXIX. OPERATION OF VESSELS AND WATERCRAFTS.

No person shall operate any vessel or other watercraft including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, and other such equipment capable of navigation on water in areas restricted from such use or in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature within a park or recreation facility.

SECTION XXX. HUNTING AND TRAPPING PROHIBITED.

No person shall hunt or trap animals or attempt to hunt or trap animals within a park or recreation facility, unless written permission is received from the Director and the County Manager.

SECTION XXXI. SEVERABILITY.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the ordinance not held to be invalid or the application of the resolution to other circumstances not held to be invalid. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

SECTION XXXII. REPEALER.

All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed, but it is hereby

provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

Approved, this 20th day of August, 2009.

DAWSON COUNTY
Board of Commissioners

ATTEST:

By: Mike Berg
Mike Berg, Chairman

David Simpson
David Simpson, County Clerk

Dates of Advertisement:

Dates of Public Hearings:

Vote: Yes 4
No 0