

CITY ORDINANCES

ARTICLE IV. CONDUCT IN PUBLIC PARKS AND RECREATION AREAS*

***Editor's note:** Ord. No. 93-7-1, §§ II--XXVI, adopted July 6, 1993, did not specifically amend the Code; hence, inclusion herein as Art. IV, §§ 15-131--15-155, was at the discretion of the editor.

Sec. 15-131. Purpose.

The purpose of this article is to provide rules and regulations for the use of, and conduct in, the public parks and recreation areas ("recreation facilities" or "recreation facility") of the city.
(Ord. No. 93-7-1, § II, 7-6-93; Ord. No. 94-4-1, § I, 4-4-94)

Sec. 15-132. Applicability.

This article shall apply in all recreation facilities within the corporate limits of the city.
(Ord. No. 93-7-1, § III, 7-6-93)

Sec. 15-133. Enforcement.

This article shall be enforced by any authorized law enforcement officer of the city or by recreation facilities employees.
(Ord. No. 93-7-1, § IV, 7-6-93)

Sec. 15-134. Compliance with rules and regulations.

- (a) It shall be unlawful for any person to violate any rules or regulations relating to the use of recreation facilities where such rules and regulations have been approved and adopted.
- (b) It shall be unlawful for any person to use or attempt to use any of the property or equipment within a recreation facility except during the hours and in accordance with the rules and regulations governing same.
(Ord. No. 93-7-1, § V, 7-6-93)

Sec. 15-135. Littering.

It shall be unlawful for any person to throw or deposit litter on the grounds, streets, sidewalks, fountains, ponds, lakes, swimming pools, streams or other bodies of water in any 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 of a recreation facility. Where public receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and shall be properly disposed of elsewhere.
(Ord. No. 93-7-1, § VI, 7-6-93)

Sec. 15-136. Weapons.

Except for the possession of firearms as may be allowed by state law, it shall be unlawful for any person to bring into, or have in such person's possession in, any recreation facility any weapon; or to shoot, use, carry or employ any weapon or similar device in a recreation facility. Official starters, at authorized track and field events, are excepted from this restriction.
(Ord. No. 93-7-1, § VII, 7-6-93; Ord. No. 2007-10-8, § I, 10-15-07)

Sec. 15-137. Explosives and fireworks.

It shall be unlawful for any person to have in such person's possession, or set off, any fireworks. Permission may be given for conducting properly supervised fireworks at designated park areas provided such person first obtains a permit from the city and complies with all applicable state laws.

(Ord. No. 93-7-1, § VIII, 7-6-93)

Sec. 15-138. Throwing objects.

It shall be unlawful for any person to throw or propel any stone or missile at any person or at any public or private building or equipment in a recreation facility.

(Ord. No. 93-7-1, § IX, 7-6-93)

Sec. 15-139. Annoying noise.

It shall be unlawful for any person to whistle, hiss or holler at another person in a boisterous unbecoming or erring manner or make any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, peace or safety of other persons in a recreation facility.

(Ord. No. 93-7-1, § X, 7-6-93)

Sec. 15-140. Profanity; disorderly conduct.

It shall be unlawful for any person to use profanity or profane language, engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace in a recreation facility.

(Ord. No. 93-7-1, § XI, 7-6-93)

Sec. 15-141. Fires.

It shall be unlawful for any person to build a fire in a recreation facility except in designated areas which are clearly marked. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall allow the flame(s) of a fire to exceed five feet in height from the ground.

(Ord. No. 93-7-1, § XII, 7-6-93)

Sec. 15-142. Damaging vegetation.

It shall be unlawful for person to cut trees, tree limbs, shrubbery, flowers or other vegetation or dig up or damage trees, flowers, shrubbery or other vegetation in a recreation facility.

(Ord. No. 93-7-1, § XIII, 7-6-93)

Sec. 15-143. Damaging structures.

It shall be unlawful for any person to mark, deface, disfigure, damage, displace or remove any building, tables, benches, grills, water lines, signs, markers, equipment or other property whatsoever in a recreation facility.

(Ord. No. 93-7-1, § XIV, 7-6-93)

Sec. 15-144. Alcoholic beverages and controlled dangerous substances.

(a) It shall be unlawful for any person to use or drink alcoholic beverages in any recreation facility, except in accordance with section 14-3(3) of this Code.

(b) It shall be unlawful for any person to bring any controlled dangerous substance, or use the same at any time, or be under the influence of any controlled dangerous substance at any recreation facility.

(Ord. No. 93-7-1, § XV, 7-6-93)

Sec. 15-145. Vehicle use--Generally.

It shall be unlawful for any person to drive any vehicle in a recreation facility except on roadways or paths constructed, designated and maintained for vehicular traffic. It shall also be unlawful for any person to operate a motor vehicle in areas designated as "restricted." Recreation facility employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section.

(Ord. No. 93-7-1, § XVI, 7-6-93)

Sec. 15-146. Same--Bicycles.

In a recreational facility, it shall be unlawful to ride a bicycle in densely occupied public areas or without reasonable regard to the safety of others.

(Ord. No. 93-7-1, § XVII, 7-6-93)

Sec. 15-147. Same--Parking.

(a) It shall be unlawful to park a vehicle in a recreation facility except in those areas designated by appropriate signs as vehicle parking areas.

(b) It shall be unlawful for any person to park in a recreation area if the owner of the vehicle is not utilizing the recreation facility.

(Ord. No. 93-7-1, § XVIII, 7-6-93)

Sec. 15-148. Same--Hours restricted.

It shall be unlawful for any person to drive a vehicle in or on a recreation facility or park or attempt to park a vehicle on any of the streets, avenues or parking areas or at any location within a recreation facility between the hours of 8:00 p.m. and 6:00 a.m. during November through March, or between the hours of 10:00 p.m. and 6:00 a.m. during the months of April through October, unless specifically authorized by the city.

(Ord. No. 93-7-1, § XIX, 7-6-93; Ord. No. 94-4-1, § II, 4-4-94)

Sec. 15-149. Hours open to public.

It shall be unlawful for any person, unless attending or participating in organized and permitted activities, to enter or be within a recreation facility (except the Barron Stadium Complex and the boat ramps at Heritage Park) between the hours of 8:00 p.m. and 6:00 a.m. during the months of November through March, or between the hours of 10:00 p.m. and 6:00 a.m. during the months of April through October.

(Ord. No. 93-7-1, § XX, 7-6-93; Ord. No. 94-4-1, § III, 4-4-94)

Sec. 15-150. Commercial activity restricted.

It shall be unlawful for any person to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial activity in a recreation facility without written authorization.

(Ord. No. 93-7-1, § XXI, 7-6-93)

Sec. 15-151. Picnics.

It shall be unlawful for any person or group of persons to hold a picnic in a recreation facility except in areas set aside or specifically designated as picnic areas. A permit must be secured for any picnic with more than 20 participants.

(Ord. No. 93-7-1, § XXII, 7-6-93)

Sec. 15-152. Swimming regulated.

(a) It shall be unlawful for any person not to leave a swimming area when so directed by a lifeguard on duty or not to cease any activity which would be hazardous to others when so directed by a lifeguard or other official.

(b) It shall be unlawful for any person to engage in any activity within a swimming area that could cause injury to any person in or near the swimming facility.

(Ord. No. 93-7-1, § XXIII, 7-6-93)

Sec. 15-153. Interference with use.

(a) The public parks and recreation areas of the city are public forums generally open for assembly, communication, and debate.

(b) It shall be unlawful for any person using a park during a permitted outdoor festival, a permitted assembly, a special event, or during normal park use to do any of the following acts:

(1) Disrupt or intentionally interfere with the operation of a festival, an assembly, special event, or normal park use.

(2) Block the ingress or egress to the designated area of a festival, an assembly, a special event, or block ingress or egress to or from a park.

(3) Unreasonably block the view of attendees of a festival, an assembly, a special event, or normal park use.

(4) Engage in any activity within a public park or recreation facility that could reasonably cause injury or violence to other persons.

(c) The expression of public opinion, as well as assembly, communication, and debate for that purpose, not in contravention with other laws, shall not be deemed to interfere with the use of the recreation facility by other persons.

(Ord. No. 93-7-1, § XXIV, 7-6-93; Ord. No. 03-7-2, § I, 7-7-03; Ord. No. 05-6-1, § I, 6-6-05)

Sec. 15-154. Ejection from recreation facility of persons causing disturbances [who] are violating the law.

Any person causing a disturbance or engaging in any activity which shall unreasonably interfere with the use and enjoyment of the recreation facility by citizens or any person violating any ordinance of the city or law of the state shall leave the recreation facility upon notification by any authorized recreation employee or law enforcement officer, and shall not return to such recreation area for a period of at least 24 hours, or as directed by the city.

(Ord. No. 93-7-1, § XXV, 7-6-93)

Sec. 15-155. Penalty.

(a) Any person violating any provision of this article shall be punished as provided in section 1-9, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

(b) If a person does all of the following, the penalties for the underlying violation may be increased by the municipal court to the limits of the jurisdiction thereof:

- (1) Violates a provision hereof relating to "weapons," "explosives and fireworks," "throwing objects," "annoying noise," "profanity, disorderly conduct," or "interference with use."
- (2) Intentionally selects the person against whom the violation under subsection (1) is committed or selects the property which is damaged or otherwise affected by the violation under subsection (1) because of the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property.
- (3) This section provides for the enhancement of the penalties applicable for the underlying violation, and the court must specifically make a finding as to all the issues specified in subsection (b).

COUNTY ORDINANCES

Chapter 2-13 PARKS AND RECREATION

Sec. 2-13-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Alcoholic beverages: All intoxicating beverages, malt beverages, wine or any other beverages containing any alcohol whatsoever.

Authority: The Rome-Floyd County Recreation Authority.

Building: Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind. The word "building" includes the word "structure."

Destination park: An outdoor recreational area owned by the county providing opportunities for fishing, camping, hiking, boating, picnicking and nature study, but excluding any organized athletic leagues or similar youth-oriented activities.

Firearm: Any armament that is designed to or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of any such armament, any firearm muffler or firearm silencer, or any disruptive device as defined in 18 U.S.C. Section 921(a)(3).

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

Recreation facilities: All recreation areas and parks, including land, buildings, lakes, swimming pools, and all other property and buildings owned, leased or managed by the county or the authority or their designated agents or departments.

Vehicle: Any motor-driven equipment, automobile, truck, motorcycle, bicycle or sled.

Weapon: Any hatchet, ax, bb-gun, air gun, slingshot, bow, or other similar device.

(Code 1979, § 4-3004; Ord. of 8-28-84, § 2; Ord. of 7-23-85; Ord. No. 2007-006A, §§ I--II, 10-9-07)

Sec. 2-13-2. Joint city-county recreation authority.

The county does hereby jointly and in concert with the city authorize the creation of the city-county parks and recreation authority to be composed of nine (9) members and an additional two (2) nonvoting members, the basic terms of which shall be five (5) years each. In order to establish staggered terms, the initial appointment by the city shall be one (1) person for a four-year term and two (2) persons for five-year terms; the initial appointment by the county shall be two (2) persons for four-year terms and four (4) persons for five-year terms. Thereafter, all terms will be for five (5) years. No member of the recreation authority may serve more than two (2) consecutive complete terms in office.

(1) The county board of commissioners and the city shall appoint the original board of the parks and recreation authority as follows:

- a. Six (6) members appointed by the county, one (1) of whom shall be nominated by the City Council of Cave Spring, Georgia and approved by the county. If the county fails to approve the individual nominated by the City Council of Cave Spring, then the City Council of Cave Spring shall submit a new nominee and the process shall continue until such a nominee is approved by the county. The city shall appoint three (3) members.
- b. The city school board shall appoint one (1) nonvoting member;
- c. The county school board shall appoint one (1) nonvoting member;
- d. The city-county parks and recreation authority board may submit recommendations for appointment, but the appointments are in the sole discretion of the county board of commissioners and/or the city;
- e. The county board of commissioners may appoint only one (1) county commissioner to serve on said board and said county commissioner may not serve as chairperson;
- f. Except for the exceptions stated herein, the county board of commissioners will appoint replacements for their appointments and will fill vacancies as they occur, and so shall the city as to their appointments;
- g. A member shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties; and

h. A member of the city-county parks and recreation authority may be removed by the appointing body for failure to abide by the attendance requirements as may be set by the appointing body, malfeasance in office, indictment for a crime involving moral turpitude or unanimous recommendation of all other members of the authority board.

- (2) The parks and recreation authority shall be vested with the responsibility and duty to maintain, operate and administer the recreation program for the city and the county, with fairness and equity to both areas, to the end that the recreation program in the city and county shall be the best program possible, and open to all citizens of the county.
- (3) The authority shall elect one (1) of its members as chairman, and such other officers as shall be necessary, yearly.
- (4) The members of the authority shall serve until their successors are appointed and qualified.
- (5) The authority shall prepare each year a budget for the operation, maintenance and administration of the recreation areas and shall submit the budget to the governing authorities of the city and county, for their approval. After the city shall no longer be liable for financing any part of the recreation program, the budget shall be submitted for information and as a courtesy to the city, for any comments which it may have upon the same.
- (6) The authority shall not take title to any of the capital improvements or lands connected with the recreation program, the title to the capital improvements and lands remaining in the respective governmental subdivisions, but its duty shall be to administer, operate and maintain the land and capital improvements and to provide a proper recreation program for all of the citizens as aforesaid, with each subdivision being responsible for capital improvements to its respective properties.
- (7) The parks and recreation authority shall be vested, except as restricted herein, with all rights, duties and responsibilities granted and given under O.C.G.A. sections 36-64-1 through 36-64-14.
(Code 1979, § 1-5022; Ord. of 3-28-89, § I; Amend. of 6-23-98, §§ 1, 2; Amend. No. 2004-001A, § 1, 3-23-04)

Sec. 2-13-3. Purpose.

The purpose of this chapter is to provide rules, procedures and regulations for the use and conduct in the public parks and recreation areas of the county.
(Code 1979, § 4-3001; Ord. of 8-28-84, § 2)

Sec. 2-13-4. Applicability.

This chapter shall apply in all parks and recreation areas under the jurisdiction of the county, the authority of the designated agents or departments of either, unless expressly exempted.
(Code 1979, § 4-3002; Ord. of 8-28-84, § 2)

Sec. 2-13-5. Enforcement.

This chapter shall be enforced by any authorized law enforcement officer of the county or by the recreation facility employees.
(Code 1979, § 4-3028; Ord. of 8-28-84, § 2)

Sec. 2-13-6. Compliance with rules and regulations.

- (a) It shall be unlawful for any person to violate any rules or regulations relating to the use of the recreation area as established by the authority where such rules and regulations have been approved and adopted.
- (b) It shall be unlawful for any person to use or attempt to use any of the facilities within a recreation facility except during the hours and in accordance with the rules and regulations established by the authority.
(Code 1979, §§ 4-3024, 4-3027; Ord. of 8-28-84, § 2)

Sec. 2-13-7. Littering.

It shall be unlawful for any person to throw or deposit litter on the grounds, streets, sidewalks, fountains, ponds, lakes, swimming pools, streams or other bodies of water in any 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 of the

recreation facility. Where public receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and shall be properly disposed of elsewhere.
(Code 1979, § 4-3005; Ord. of 8-28-84, § 2)

Sec. 2-13-8. Weapons and firearms.

It shall be unlawful for any person to:

- (1) Bring into, or have in such person's possession in, any recreation facility any weapon;
- (2) To discharge a firearm in a recreation facility; or
- (3) To discharge, shoot, use, carry, or employ any weapon or similar device in a recreation facility.

Official starters at authorized track and field events and law enforcement officers while in the discharge of official duties are excepted from these restrictions.

(Code 1979, § 4-3006; Ord. of 8-28-84, § 2; Ord. No. 2007-066A, § III, 10-9-07)

Sec. 2-13-9. Explosives and fireworks.

It shall be unlawful for any person to have in such person's possession, or set off, any fireworks. Permits may be given for conducting properly supervised fireworks in designated park areas provided such person first obtains a permit from the judge of the probate court and complies with all applicable state laws.

(Code 1979, § 4-3007; Ord. of 8-28-84, § 2)

Sec. 2-13-10. Throwing objects.

It shall be unlawful for any person to throw any stone or missile at any person or at any public or private building in a recreation facility.

(Code 1979, § 4-3008; Ord. of 8-28-84, § 2)

Sec. 2-13-11. Annoying noise.

It shall be unlawful for any person to whistle, hiss or holler at another person in a boisterous, unbecoming or erring manner or make any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, peace or safety of other persons in a recreation facility.

(Code 1979, § 4-3009; Ord. of 8-28-84, § 2)

Sec. 2-13-12. Profanity; disorderly conduct.

It shall be unlawful for any person to use profanity or profane language, engage in threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace in a recreation facility.

(Code 1979, § 4-3010; Ord. of 8-28-84, § 2)

Sec. 2-13-13. Fires.

It shall be unlawful for any person to build or maintain a fire in a recreation facility except in designated areas which are clearly marked by signs. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.

(Code 1979, § 4-3012; Ord. of 8-28-84, § 2)

Sec. 2-13-14. Damaging vegetation.

It shall be unlawful for any person to cut trees, tree limbs, shrubbery, flowers or other vegetation or dig up or damage trees, flowers, shrubbery or other vegetation in a recreation facility.

(Code 1979, § 4-3013; Ord. of 8-28-84, § 2)

Sec. 2-13-15. Damaging structures.

It shall be unlawful for any person to mark, deface, disfigure, damage, displace or remove any buildings, tables, benches, grills, water lines, signs, markers, equipment or other property whatsoever in a recreation facility.

(Code 1979, § 4-3014; Ord. of 8-28-84, § 2)

Sec. 2-13-16. Alcoholic beverages and controlled dangerous substances.

(a) It shall be unlawful for any person to bring alcoholic beverages, drink or use the same at any time, at any recreation facility, or for any person to be under the influence of intoxicating beverages at any recreation facility.

(b) It shall be unlawful for any person to bring any controlled dangerous substance, or use the same at any time, or be under the influence of any controlled dangerous substance at any recreation facility or destination park.

(Code 1979, § 4-3015; Ord. of 8-28-84, § 2; Ord. of 7-23-85; Ord. of 8-13-85)

Sec. 2-13-17. Vehicle use--Generally.

It shall be unlawful for any person to drive any vehicle in a recreation facility except upon roadways and paths constructed, designated and maintained for vehicular traffic. It shall also be unlawful for any person to operate a motor vehicle in areas designated as "Restricted." Recreation facility employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section.

(Code 1979, § 4-3016; Ord. of 8-28-84, § 2)

Sec. 2-13-18. Same--Bicycles.

It shall be unlawful to ride a bicycle without reasonable regard to the safety of others. The riding of bicycles in highly used public areas is prohibited in a recreation facility.

(Code 1979, § 4-3017; Ord. of 8-28-84, § 2)

Sec. 2-13-19. Same--Parking.

(a) It shall be unlawful to park a vehicle in a recreation facility except in those areas designated by appropriate signs as vehicle parking areas.

(b) It shall be unlawful for any person to park in a recreation area if the owner of the vehicle is not utilizing the recreation facility.

(Code 1979, §§ 4-3018, 4-3019; Ord. of 8-28-84, § 2)

Sec. 2-13-20. Same--Hours restricted.

It shall be unlawful for any person to drive a vehicle in or on a recreation facility or park or attempt to park a vehicle on any of the streets, avenues, or parking areas or at any location within a recreation facility between the hours of 11:00 p.m. and 7:00 a.m. daily, with the exception of authorized recreation facility personnel.

(Code 1979, § 4-3023; Ord. of 8-28-84, § 2)

Sec. 2-13-21. Hours open to public.

It shall be unlawful for any person to enter or be within a recreation facility between the hours of 11:00 p.m. and 7:00 a.m. daily except authorized recreation facility personnel.

(Code 1979, § 4-3022; Ord. of 8-28-84, § 2)

Sec. 2-13-22. Commercial activity restricted.

It shall be unlawful for any person to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial activity in a recreation facility without written authorization of the board of commissioners or the authority.

(Code 1979, § 4-3020; Ord. of 8-28-84, § 2)

Sec. 2-13-23. Picnics.

It shall be unlawful for any person or group of persons to hold a picnic in any recreation facility, except in areas set aside or specifically designated as picnic areas. A permit must be secured for any picnic with more than twenty (20) participants.

(Code 1979, § 4-3021; Ord. of 8-28-84, § 2)

Sec. 2-13-24. Swimming regulated.

(a) It shall be unlawful for any person not to leave a swimming area when so directed by a lifeguard on duty or not to cease any activity which would be hazardous to others when so directed by a lifeguard.

(b) It is unlawful for any person to engage in any activity within a swimming area that could cause injury or damage to any person using the swimming facility.

(c) It shall be unlawful for any person to swim, bathe, or waste in any body of water or portion thereof owned by the county or subject to the supervision of the authority unless designated for such use, during specified hours of the day.

(Code 1979, § 4-3025; Ord. of 8-28-84, § 2)

Sec. 2-13-25. Interference with use.

It shall be unlawful for any person to engage in any activity within a recreation facility that could cause injury to other persons or interfere with the use and enjoyment of the recreation facility by other persons.

(Code 1979, § 4-3026; Ord. of 8-28-84, § 2)

Sec. 2-13-26. Ejection from recreation facility of persons causing disturbances or violating law.

Any person causing a disturbance or engaging in any activity which shall unreasonably interfere with the use and enjoyment of the recreation facility by citizens or who shall violate any ordinance of the county or law of the state shall leave the recreation facility upon notification by any authorized recreation employee or any law enforcement officer, and shall not return to said recreation area for a period of twenty-four (24) hours.

(Code 1979, § 4-3011; Ord. of 8-28-84, § 2)

Sec. 2-13-27. Penalty.

Any person violating any provision of this chapter shall be punished as provided in section 2-1-8 and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Jurisdiction over violations of this chapter shall be in the magistrate's court.

(Code 1979, § 4-3029; Ord. of 8-28-84, § 2)