

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 Parks and 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."

City: The City of Rome, Georgia.

County: Floyd County, Georgia.

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.

Director: The appointed person selected by the city and county managers as the executive of the authority.

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. § 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; Ord. No. 2015-002A, § I, 4-28-15)

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

(a) The Rome-Floyd County Parks and Recreation Authority is hereby created and established by and between the city and the county, as authorized by O.C.G.A. § 36-64-1 et seq. The authority shall be organized and empowered as set out in this section. The authority shall consist of seven (7) appointed voting members. Others may serve on the authority as ex-officio, non-voting members. The appointed voting members' terms shall begin July 1, 2015. Except for the initial appointees, all terms will be for five (5) years.

(1) The city shall appoint three (3) voting members and the county shall appoint four (4) voting members. The Cave Spring City Council, the Rome City Schools and Floyd County Schools shall each have one (1) appointment to serve as an ex-officio, non-voting member. Each governmental entity may use its own selection and appointing methodology. In addition to the Floyd County and Rome City Managers, the county and the city may each appoint one (1) of their respective commissioners to each serve as an ex-officio non-voting member to the authority board.

- (2) In order that the terms of the members shall be staggered, the initial appointment by the city shall be one (1) person for a five-year term, one (1) person for a four-year term and one (1) person for two-year term; the initial appointment by the county shall be two (2) persons for three-year terms, one (1) person for a five-year term, and one (1) person for one-year term. The members shall serve until their successors are duly appointed and qualified. Members of the authority may serve up to two (2) consecutive five-year terms.
 - (3) All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.
 - (4) Members of the authority may be involuntarily removed by the appointing body which originally appointed such member only for failure to abide by meeting attendance requirements, malfeasance in office, and indictment for a crime involving moral turpitude or unanimous recommendation of the other members of the authority.
 - (5) Any vacancy in membership shall be filled for the unexpired term by the governing body whose appointee vacates the position.
 - (6) The absence of any member for three (3) consecutive regular meetings without leave except when such absence is made necessary by sickness or other similar causes will declare vacant the seat of such member, in which the vacancy thus created shall be filled by the appropriate appointing governing body.
 - (7) All authority members are expected to attend an orientation session upon joining the authority. Additionally, it is expected that all members be present for at least seventy-five (75) percent of regularly scheduled meetings each calendar year.
- (b) The authority shall elect its chairperson and vice chairman from among its appointed voting members, provided one (1) shall be a county appointee and the other a city appointee. The terms of the chairperson and such other officers shall be one (1) year, or until their successors are duly elected and qualified. No elected official or city and/or county manager may serve as chairperson.
- (1) In the event of the resignation of any officer, the members shall elect a successor in accordance with subsection (b) above. The department shall designate staff members to serve in the capacity of secretary. The secretary is responsible for distributing meeting agendas, minutes, and other relevant information to authority members. The parks and recreation director is the primary point of contact in the department for the authority officers and members.
 - (2) The authority shall make its own rules of procedure, consistent with the law of the state and with the authority granted it by this article, the resolution of the county and the agreement between the city and the county referred to in this article. Any amendments or modifications to this article must be approved by the city and the county.
 - (3) The chairperson of the authority shall preside at all meetings of the authority and shall perform such other duties as may be determined by the authority. The vice chairperson shall assume the duties of the chairperson in his or her absence.
 - (4) The director of parks and recreation is responsible for the general administration of the department and for carrying out the policies recommended by the authority when approved by the appropriate governing body. In conjunction with the county and city managers, the parks and recreation director shall be the agent of the Rome Floyd Parks and Recreation Authority and to that end shall supervise the operation of all the department's activities. The director shall submit a detailed report of activities and administration of the programs of the parks and recreation department to the city and county managers and to the authority at each regular meeting for the month prior to the meeting.
 - (5) The board secretary is responsible for notifying authority members and the public of all meetings. The secretary is responsible for keeping minutes of each meeting and for distributing meeting agendas, minutes, and other relevant information to authority members, department staff, and the public.

- (6) The authority shall make recommendations affecting recreation policies, programs, finances, developing or closing a park facility and land acquisition related to the department's programs and policies. Such recommendations shall be forwarded to and approved by the appropriate governing body. The authority's recommendations are advisory in nature. The authority shall be responsive to the concerns and needs of the community and shall support the department to ensure that the community's needs are met. The authority shall study, review, and formulate solutions to alleviate problems concerning recreational activities. They shall enlist the cooperation of community, religious, professional, civic, labor and business organizations and other identifiable groups (i.e., YMCA, Boys and Girls Club, among others) within the county in programs and campaigns devoted to the improvement of recreational opportunities. Formal recommendations of the authority shall be communicated with city and county commissions by and through the parks and recreation director.
- (7) The authority shall work with the director each calendar year to establish an operating budget to be approved by the Floyd County Commission and accompanying capital budgets to be approved by the appropriate governing body. The authority shall annually establish program participation and facility rental fees that seek to meet the overall objectives of the county and the city as well as furthering the overall mission of the authority. Within the annual budget, the authority shall endeavor to establish and manage a comprehensive scholarship program that serves to increase youth participation in all sports.
- (8) The authority shall periodically report to the governing bodies the condition of the respective lands and capital improvements thereof and shall immediately notify such bodies of any damage thereto or condition requiring repair and make recommendations concerning such condition and/or required repairs.
- (9) Nothing in this article shall prevent the authority from contracting with the city to perform work in the recreation areas, but performance by the city shall be the subject of separate charges and shall not be considered participation by the city.
- (10) The authority is empowered to solicit corporate financial assistance and create public foundations and friends groups to further develop parks and recreation services. All such foundations and/or other groups must be fully disclosed to and approved by the city and county before formally established by the authority board. The foundations and/or fundraising groups shall be created and operated as required by Georgia law.
- (11) Meetings:
 - a. Regular monthly meetings of the Rome-Floyd Parks and Recreation Authority shall be held at a time and place agreed upon by the majority of the membership and shall not conflict with city or county meeting schedules.
 - b. Special meetings may be called by the chairperson or upon written request from a majority of the body with a minimum forty-eight-hour public notice, but such meetings may not conflict with city or county commission meeting schedules.
 - c. A majority (four (4) of the seven (7) voting members) of the members constitute a quorum.
 - d. In case of an expected absence from a meeting, the authority member should notify the secretary and director.
 - e. The process for conducting meetings will adhere to Roberts Rules of Order. The authority chairperson and the director shall endeavor to create a meeting agenda and distribute it in advance to all authority members, at least twenty-four (24) hours prior to the meeting. Requests for changes or additions to the agenda should be submitted to the chairperson and/or the director.
 - f. All meetings are open to the public.
 - g. A joint meeting with both governing authorities shall be held no less than once annually.

(12) Committees:

- a. The chairperson may appoint such committees, standing or special, as may be authorized by the authority.
 - b. The chairperson and the director of parks and recreation shall be ex-officio members of all committees and, as such, shall be notified of all meetings.
 - c. An executive committee consisting of the chairperson, vice chairperson, and one (1) other authority member appointed by the members, shall meet with the department director and other staff as needed to manage logistics, responsibilities, and general activities of the authority.
- (c) The city and county managers shall appoint the parks and recreation director, but the salary thereof shall be within and consistent with the budget established and approved. The duties of the director shall be to plan, organize, direct and control a county wide parks and recreation program, pursuant to the policy established by this agreement and the authority and within the budget submitted to and approved by the governing bodies of the city and county. The director shall prepare and present to the authority a suggested budget showing anticipated revenues and required expenditures. The authority's director is prohibited from serving as a voting member of any citizen foundation or fundraising group, but may serve as staff support and administrative secretary to such groups.
- (d) The city and county shall, and do, respectively retain title to all their respective lands, and capital improvements connected with, and used in and by, the parks and recreation system, and the authority shall protect and maintain said properties. The recreation buildings and park lands will be owned by the city and county either independently or jointly. Further capital improvements on real property will remain the responsibility of the respective land owner/owners.
- (1) Since the year 1983 and for all succeeding years, the county shall finance the operating budget, and the city shall not be required to contribute. No matter which governmental entity is responsible for operation or maintenance of a particular facility, in no event shall the rights of the city or the county and their residents be abridged in any manner in the operation of the recreation program.
 - (2) Certain future projects such as CDBG projects may be procured and administered by the city or the county, in consultation with the authority.
 - (3) The authority will seek and administer grants and private assistance for capital projects. Any such capital improvement will inure to the benefit of the owner of that facility.
 - (4) Prior to the city's adding any new recreation facilities or parks which will be operated and maintained by the authority, the city shall consult with the authority and the county regarding the construction of such facility and concurrence must be granted by same in order for the project to be included in the authority's capital improvement plan. The city may add facilities unilaterally so long as the city pays the entire operating and maintenance cost of the unilaterally added facility.

(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; Ord. No. 2015-002A, § I, 4-28-15)

Sec. 2-13-3. - Purpose.

The purpose of the authority is to serve as a citizen board to advise the Floyd County Commission and Rome City Commission, the Floyd County and Rome City Managers, and the director of the authority, on various matters pertaining to the operation of park facilities and recreation programs within Rome and Floyd County, to make policy recommendations to Floyd County and the City of Rome, and to carry out duties as may be assigned to them by the respective county and city commissions. This purpose is to assist in the developing, maintaining and operating a comprehensive parks and recreation service system for the city and the county without duplication of services and expense, and with fairness and equity to both political subdivisions. Facilities shall be open to all citizens of the city and of the county. The goal of the authority shall be to assure that operation and maintenance of all facilities, whether titled in the city or county, will continue at a level equal to, or better than, in prior years.

(Code 1979, § 4-3001; Ord. of 8-28-84, § 2; Ord. No. 2015-002A, § I, 4-28-15)

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, or to drink or use the same at any time, at any recreation facility, except when the entire recreation facility has been contracted for a special event with written approval from the executive director of the authority in compliance with the authority's alcohol use policy and guidelines. Periods of alcohol consumption shall not overlap with regularly scheduled facility hours for the general public. Notwithstanding anything contained in this Code section to the contrary, it shall be unlawful 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; Ord. No. 2012-003A, § 1, 3-27-12)

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)