



ORDINANCE No. 2007-07

AN ORDINANCE TO PROVIDE
RULES AND REGULATIONS FOR PARKS AND RECREATION AREAS

BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF FORT PAYNE, ALABAMA, AS FOLLOWS:

SECTION 1. Applicability. This ordinance shall apply in all parks and recreation areas under the jurisdiction of the City of Fort Payne, Alabama. General administration of the ordinance shall be performed by the PARKS AND RECREATION DEPARTMENT.

However, there are certain activities that may, because of the possible scale of participation or nature of the assembly, concern the health and safety of the public and, therefore, may require additional services provided by the City (i.e., law enforcement, traffic control, refuse collection, street blockages, etc.). Such events require a special permit issued by the City Council pursuant to *Ordinance No. 95-22*, as amended. These events include unlimited public assemblages, demonstrations, special events, exhibitions, runs, walks, and parades. If an event of this nature is identified by the PARKS AND RECREATION DEPARTMENT through application or inquiry, the person applying or inquiring shall be referred to the OFFICE OF THE CITY CLERK for further processing and presentation of the application to the City Council.

As used in this ordinance, the term "*person*" includes natural persons, firms, and corporations.

SECTION 2. Structures, facilities, plants, trees, trash. It shall be unlawful for any person in a public park or recreation area to:

1. Deposit any rubbish, refuse, garbage, trash or debris other than in trash receptacles provided therefore, or take into, carry through, or put into any park or recreation area any rubbish, refuse, garbage, trash or debris. Where receptacles are not provided, all such materials shall be carried away from the park or recreation area by the person responsible for its presence and properly disposed of elsewhere. Persons reserving park or recreation facilities shall leave the area in a clean and uncluttered condition after the use.
2. Bring any animal to any park or recreational facility; except leashed animals, only, may be brought to the "Alabama Walking Park" and "Spring Grove Park." Said leash shall be no longer than six feet, and animals shall not be tied or hitched to any tree or plant. The owner or person having custody of said animal shall be responsible for control of the animal and removal of any animal solid waste.
3. Use any athletic fields by any formally organized group or entity for any purpose, including practice, regular season scheduled event, tournament, or special event, without prior registration with the PARKS AND RECREATION DEPARTMENT, which will keep a log identifying the group, field, and date and hour the field will be used. Registration will be recorded on a first come, first served basis. Cancellation of reservation will be automatic if another request for the field is received by the Department and the original registrant, or his representative, has not arrived within 30 minutes of

the scheduled time.

4. Plant or remove any flowers, trees, shrubs, or other plants without prior written approval from the PARKS AND RECREATION DEPARTMENT; or damage, cut, carve, mark, or transplant any tree or plant, or injure the bark or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any park or recreation area.
5. Construct, erect, alter, perform maintenance upon, or repair any structure or facility, permanent or temporary, without prior written approval from the PARKS AND RECREATION DEPARTMENT.
6. Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities, or park or recreation property whatsoever, either real or personal.
7. 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 any park or recreation area, or in any 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 said waters.

SECTION 3. Vehicles. It shall be unlawful for any person in a public park or recreation area to:

1. Operate any motorized vehicle in excess of 15 miles per hour.
2. Park any vehicle in any area other than specifically designated parking areas, and then only during the times such areas are open for public use.
3. Operate any motorcycle, motorbike, bicycle, skateboard, or skates on any walking track, athletic field, parking lot, or other area not specifically designated for such purpose, except to park a vehicle in an approved parking area.
4. Ride a bicycle or skateboard without reasonable regard to the safety of others.

SECTION 4. Weapons, firearms, explosives, fireworks. It shall be unlawful for any person in a public park or recreation area to possess or carry any weapon, firearm, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring, or air; fireworks or explosives; except that:

- (a) law enforcement officers may possess their weapons,
- (b) official starters at authorized track and field events may use starter guns with blanks.
- (c) fireworks displays may be officially conducted or specifically authorized by the City of Fort Payne.

SECTION 5. Solicitation, advertising, sales. It shall be unlawful for any person in a public park or recreation area to do any of the following without a permit from the PARKS AND RECREATION DEPARTMENT:

1. Solicit alms or monetary or other donations or sales.
2. Post, paint, affix, distribute, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular, or other advertising paper.

3. Display any advertising signs, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.
4. Operate for advertising purposes any musical instrument, soundtrack, or drum.
5. Expose or offer for sale or trade any article or service in any park or recreation area.

SECTION 6. Alcoholic beverages, controlled substances, gambling. It shall be unlawful for any person in a public park or recreation area to:

1. Use, solicit, possess, or distribute any controlled substance as defined in the *Code of Alabama*.
2. Possess, consume, or distribute any alcoholic beverage, except at events permitted and sanctioned by the City of Fort Payne.
3. Be under the influence of alcoholic beverage or controlled substance.
4. Play any game of chance or possess any instrument or device for gambling.
5. Play, engage or take part in any game or competitive sport for money or other thing of value, without prior written permission from the PARKS AND RECREATION DEPARTMENT.

SECTION 7. Miscellaneous conduct. It shall be unlawful for any person in a public park or recreation area to:

1. Remain after 10:00 p.m. or the conclusion of a scheduled event which commenced prior to 10:00 p.m., whichever is later, without written approval of the PARKS AND RECREATION DEPARTMENT, provided that some walking tracks may remain open up to 24 hours per day. If a park facility is closed, it shall reopen at 6:00 a.m.
2. Engage in threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior tending to breach the peace.
3. Bring any glass container into any park or recreation area.
4. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.
5. Climb any tree, or walk, climb, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
6. Play football, baseball, basketball, or soccer, or practice or play golf except in areas that are intended for that game or sport.
7. Enter an area posted as closed to the public.
8. Fail to produce and exhibit any permit he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
9. Erect or occupy any tent, stand or other structure in any park or playground, or see or give away from any such tent, stand or other structure any food, drink or other thing, without a permit from the PARKS AND RECREATION DEPARTMENT.
10. Play radios, compact disc players, tape players, televisions, or any other devices which play recorded,

transcribed, or broadcast music, news, play music either amplified or not, speak or sing through amplifiers, or emit other audio matter at a volume which interferes with the enjoyment of the facilities by others.

11. Camp or stay overnight without prior written approval from the PARKS AND RECREATION DEPARTMENT.
12. Hold a picnic with more than 25 participants without prior registration with the PARKS AND RECREATION DEPARTMENT, which will keep a log identifying the group, facility, and date and hour the facility will be used. Registration will be recorded on a first come, first served basis. Cancellation will be automatic if another request for the facility is received by the PARKS AND RECREATION DEPARTMENT and the original registrant or his representative has not arrived within 30 minutes of the scheduled time.

SECTION 8. Approvals and permits, insurance, reservations.

- (a) All approvals and permits required under this ordinance shall be obtained in writing by application to the PARKS AND RECREATION DEPARTMENT on forms provided for that purpose. An applicant may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of permitted activities in such amounts as may be from time to time determined prior to commencement of any activity or issuance of any permit.
- (b) No reservation of park or recreation facilities shall be made for any organization known to the PARKS AND RECREATION DEPARTMENT to discriminate against persons on account of sex, skin color, race or national origin.
- (c) Applicants seeking to reserve park or recreation facilities may be required to pay a usage fee for certain facilities as established by the PARKS AND RECREATION DEPARTMENT for use, and may be required to deposit a cleanup fee in an amount as established by the PARKS AND RECREATION DEPARTMENT, which deposit is to be returned if the area is clean and uncluttered after the use. Usage fees shall be deposited in a special fund to be used only for maintenance, repair, improvement, purchase, or construction of park and recreation facilities or property.
- (d) Written public records shall be kept of all reservations. Public notices shall be posted of the scheduling policy and of the telephone number to call to make reservation of any area.
- (e) No one institution, group or league shall have exclusive use of any park area or facility during any season.

SECTION 9. Severability. If any section, sentence, clause, phrase, word, or part of this ordinance is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentences, clauses, phrases, words, or parts of this ordinance.

SECTION 10. Penalty. Any person violating any provisions of this ordinance may be barred from the public parks and recreation areas of the City, and may, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than \$1.00 nor more than \$500.00.

DONE this 18th day of September, 2007.

CITY OF FORT PAYNE BY:

ATTEST:

Johnny Eberhart
Council President

James C. McGee, CMC
City Clerk

[Seal]

TRANSMITTED TO THE MAYOR of the City of Fort Payne on the 19th day of September, 2007.

James C. McGee, CMC
City Clerk

APPROVED:

ATTEST:

William H. Jordan
Mayor

James C. McGee, CMC
City Clerk

Date of Mayor's approval: _____