

ORDINANCE 2018-06

**ORDINANCE TO AMEND CHAPTER 70 “PARKS AND RECREATION,”
ARTICLE I “IN GENERAL,” SECTIONS 70-1 AND 70-2 OF THE CODE OF
ORDINANCES OF THE CITY OF SMYRNA**

Sec. 70-1. - Closing hours of parks.

It shall be unlawful for any person to be within the bounds of any city park during that park’s closed hours. In the event that a sign does not designate the closed hours, it shall be assumed that the park is closed between dusk and dawn; provided, however, that nothing contained in this section shall be deemed to apply to anyone engaged in any kind of organized activity, such as participating in sports, either as a player, coach or official, and shall also include being a spectator at any such activity.

(Code 1977, § 16-1)

Sec. 70-2. - Regulation of conduct in city parks.

(a) **Alcoholic malt or vinous beverages.** No alcoholic beverages may be sold, possessed, or consumed by any person in any city park except at a closed function as defined in [section 6-2](#) or city sanctioned event as defined herein, and only at the locations specified in the definitions.

City sanctioned event means a public event which is either sanctioned, sponsored or managed by the city and which is held either at Taylor-Brawner Park or within the Smyrna Market Village— Green area, and only at the locations specified in the definitions.

(b) **Powers of park rangers and police.** Within the city, park rangers shall have the powers of arrest, concurrent with the powers of the department of police for violations of any ordinance of the city or state laws and, in addition, shall have the powers to eject any citizen or park participant from the park or public facility for violation of any law, rule or regulation of the city parks and recreation department.

(c) **Vehicles and parking.** *Vehicle* means any motor-driven equipment, such as an automobile, truck, motorcycle, bicycle, sled, go-cart, scooter, skateboard, ATV, child’s toy vehicle, or Segway.

(1) It shall be unlawful for any person to drive any vehicle upon or across any part of any public park of the city, except upon roadways laid out and maintained for vehicular travel. This section shall not apply to public safety nor park employees whose duties require them to drive park maintenance equipment over the park.

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(2) The parking of automobiles by users of a park shall be permitted in approved parking areas in the public parks of the city, as long as such parking is in accordance with traffic laws, rules and regulations of the park department, and provided the occupants of automobiles do not violate any law or ordinance of the city or the state.

(3) It shall be unlawful for any vehicle to be parked on any of the drives, avenues or parking lots in any public park between closing and opening hours. Hours of operation are determined by the Parks and Recreation Department.

(4) It shall be unlawful for any person to park any vehicle upon any of the drives, avenues, or parking lots or at any other place within any park, except by an authorized park user during the period of such person's use of the park.

(5) Unless otherwise posted, It shall be unlawful for any person operating a motor vehicle upon any road within any of the city parks to exceed the speed of 15 miles per hour.

(d) **Penalty.** Violation of this section shall be punishable according to section 1-8 of the Smyrna Code of Ordinances in the municipal court and, in addition to the penalties therein imposed, a report of each conviction under this section shall be given to the director of the parks and recreation department of the city, who shall have the power, after taking all facts and circumstances into consideration, to suspend use of the facilities of the parks and recreation department for a period not to exceed one year for each offense.

(e) **Removal from parks.** Any person who shall interfere with the use of a park or violate any ordinance of the city, park rules or regulations, or state law may be required to immediately leave the park by any authorized park employee, park ranger or law enforcement officer, and thereafter such offender shall not return to the park or use park facilities for a period of 24 hours. Refusal to obey such lawful order, or if such offender shall return within 24 hours to the park, shall be unlawful and punishable as a misdemeanor. In addition to removal for violating laws, violations of the following rules may result in removal from parks:

(1) **Disturbances.** No person visiting a park may create or maintain a nuisance or disturbance or engaging in any activity which, because of noise, use of vile language or danger to the health, or safety of the citizens of the city or users of a city park, interferes with the use and enjoyment of a park.

(2) **Animal waste.** No person visiting a park may permit an animal to leave animal waste in a city park without its safe removal.

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(3) **Littering** No person visiting a park may 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.

(4) (5) (6) **Fires.** No person visiting a park may 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.

(7) **Damaging vegetation.** No person visiting a park may cut trees, tree limbs, shrubbery, flowers or other vegetation or dig up, damage or remove trees, flowers, shrubbery, other vegetation or landscaping material in a recreation facility.

(8) **Damaging structures.** No person visiting a park may 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.

(9) **Commercial activity restricted.** No person visiting a park may sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial activity in a park or recreation facility without written authorization.

(10) **Swimming regulated.**

(1) All persons visiting a park shall 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.

(2) No person visiting a park may engage in any activity within a swimming area that could cause injury to any person in or near the swimming facility.

(11) **Killing wildlife.** No park visitor shall 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 of the city parks without the written permission of city officials.

(12) **Detection devices in parks and historic properties.** The use of metal detectors shall not be allowed in any city park or historic property unless authorized by the director of Smyrna Parks and Recreation.

(13) **Use of cameras and recording devices.**

No person shall use any type of camera or similar device to record or produce a visual image in any park restroom, locker room, bath house, shower facility or other area used for dressing or changing clothes.

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(14) **Abandoned property.**

No person shall abandon a vehicle or other personal property in any park. Abandoned property shall be removed, impounded and sold in conformance applicable laws.

(v) **Personal risk in natural areas.**

Personal risks associated with the natural environment are inherent in parks. Native wild animals, poisonous plants, rough terrain and other natural conditions are considered a part of the visitor's experience. Park staff will make reasonable efforts to forewarn users of natural areas where assumed risks might exist; however, park users are responsible for their own health and welfare regarding natural elements and other environmental conditions when they elect to enter such areas.

(15) **Permit required.** No park visitor may engage in any activity in city parks which requires a permit and/or a ticket without first obtaining such permit and/or ticket.

(16) **Polluting water in parks.** No park visitor may pollute or disturb any spring, branch, pond, fountain or other water owned by or leased to the city within a park facility.

(17) **Posting signs.** No park visitor may affix any bill, sign or notice on any tree, building or fixture, or handouts to another person in any of the parks. It shall be 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.

(18) **Urban camping.** No park visitor may reside or store personal property in any park operated by the city. Furthermore, no person may 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.

(19) **Access to bodies of water regulated.** No park visitor may launch or travel in watercraft, swim, bathe or wade in any body of water in a recreation facility unless designated for such use and then only in accordance with the rules, regulations and restrictions promulgated and posted at the recreation area.

(20) **Recreation facility restrictions.** No park visitor may enter locked or closed (by field closed signage) any sport field for recreational use unless approved by permit, by the director or the director's designee.

(Code 1977, § 16-2; Ord. No. 93-10, § 16-2, 11-1-93; Ord. No. 99-03, 3-1-99; Ord. No. 2010-10, 9-20-10; [Ord. No. 2014-04](#), 3-17-14)

Cross reference— Alcoholic beverages, [ch. 6](#).

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This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the _____ day of February 2018.

Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney