

AN ORDINANCE OF  
THE WHITFIELD COUNTY BOARD OF COMMISSIONERS  
AMENDING CHAPTER 11 OF THE *CODE OF ORDINANCES*,  
*WHITFIELD COUNTY, GEORGIA*, RELATING TO PARKS AND  
RECREATION BY REPEALING AND REPLACING THE ENTIRE  
EXISTING CHAPTER 11 AND REPLACING WITH A NEW  
COMPREHENSIVE CHAPTER 11; AND FOR OTHER PURPOSES

**Ordinance 2016- \_\_\_\_\_**

To amend Chapter 11 of the *Code of Ordinances, Whitfield County, Georgia*, captioned *Parks and Recreation* by repealing the entire existing Chapter 11 and replacing with a new Chapter 11, still captioned *Parks and Recreation*; and for other purposes.

**BE IT ORDAINED** by the Board of Commissioners of Whitfield County and by the authority of same, **IT IS HEREBY ORDAINED** as follows:

1. Repeal entire existing Chapter 11 of the *Code of Ordinances, Whitfield County, Georgia*, captioned *Parks and Recreation*, and replace therewith a new Chapter 11, still captioned *Parks and Recreation*, providing as follows:

**Chapter 11 – Parks and Recreation.**

Sec. 11-1. Applicability.

The provisions contained in this Chapter shall apply in all parks and recreational areas owned and operated by Whitfield County.

Sec. 11-2. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **Barbed hook** shall mean any fishing hook with more than one point that has the effect of making it more difficult to remove from the mouth of a fish or poses additional risk of injury to the fish at removal.
- (b) **Department** shall mean the Whitfield County Parks and Recreation Department, a department under the jurisdiction of the Whitfield County Board of Commissioners.
- (c) **Park** and/or **Recreation Facility** shall mean all recreation areas in parks, including land, buildings, lakes, ponds, walking tracks, sports fields, camping areas, and all other property and buildings owned, leased, or

- managed by Whitfield County or the Department, and including all recreation areas and parks in the county owned by the state or federal government and managed by the county.
- (d) **Person** shall mean any individual, citizen, group, association, firm, corporation or other legal entity that is authorized to use and enjoy the county's parks and any structure or facility located therein.
  - (e) **Vehicle** shall mean any motor driven or engine driven equipment, such as an automobile, truck, motorcycle, bicycle, sled, go-cart, scooter, skateboard, ATV, or Segway.
  - (f) **Weapon** shall mean firearm, rifle, pistol, revolver, paintball gun, or any instrument designed or intended to propel a shot, bullet, or other missile of any kind, or any device capable of discharging a projectile by air, spirit, gas or explosive, or any explosive substance or harmful solid, liquid and gaseous substance, or any spear, arrow, bow and arrow, slingshot, crossbow, spear gun, or any knife, as defined by state law, dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any club or other bludgeon-type weapon, or any flailing instrument or any disk which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun, Taser or similar device.

#### Sec. 11-3. Penalties.

- (a) Any person violating any of the provisions of this Chapter shall be guilty of a county ordinance violation and, upon conviction, shall be punished in accordance with the *Code of Ordinances, Whitfield County, Georgia*.
- (b) Any person violating any of the provisions of this Chapter may be barred or suspended by the Department from using any or all parks, if in the combined discretion of the Department and the Whitfield County Sheriff, such action is necessary to protect a park, the facilities located therein, or the public's health, safety or welfare.
- (c) Any person causing a disturbance or engaging in any activity which shall unreasonably interfere with the use and enjoyment of the park by persons at the park shall leave the park upon notification by any authorized Department employee or any law enforcement officer, and shall not return to such park for a period of not less than twenty-four (24) hours.

#### Sec. 11-4. - Authority to issue citations for violations.

This Chapter shall be enforced by any authorized law enforcement officer or

code enforcement officer of Whitfield County. Where there has been a violation of any provisions hereof, the officer may issue a citation, warning and/or order the person to leave the park or recreation area immediately.

Sec. 11-5. Development of recreation programs.

The authority to develop programs of recreational activities and services designed to meet the recreational or leisure time needs of all persons is hereby granted to and vested in the Department. The Department, pursuant to the direction of the Whitfield County Board of Commissioners, shall maintain and equip parks, playgrounds, recreation centers, and the facilities associated therewith, and to establish, develop, and maintain a recreational system as provided in **OCGA § 36-64-1 et seq.** Team sports will be governed by local league rules as may be promulgated from time to time by the Department.

Sec. 11-6. - Use of grounds and facilities generally.

Every person using parks shall clean up all debris, extinguish all permitted fires, and leave all premises in good order and the facilities located thereon in a neat and sanitary condition.

Sec. 11-7. - Prohibited acts.

It shall be unlawful for any person using the parks, grounds, or facilities either to perform or permit to be performed any of the following acts:

- (a) Willfully damage, deface, tamper with or remove any buildings, bridges, tables and benches, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (b) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, or other body of water, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
- (c) Damage, cut, carve, or remove any tree, plant, or vegetation, or any part thereof.
- (d) Hunt, kill, trap, chase, tease, shoot, or throw any materials at any animal, or remove or have in one's possession the eggs, nest, or young of any wild animal.
- (e) Bring in, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash or debris

in a park or waters in or contiguous to a park, except within appropriate trash receptacles and in such a manner that the litter will be prevented from being carried by the elements upon any part of the park. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be prohibited to take into, carry through, or put into a park, any litter generated from outside the park.

- (f) Disturb the peace, use any profane or obscene language, or speak inflammatory language likely to incite imminent lawless or disorderly action. This prohibition shall include, but not be limited to, the use of any language intended to intimidate or any profane, aggressive, or opprobrious language directed at any game official, umpire, referee, or any employee of the Department acting in that capacity.
- (g) Commit any assault or battery, engage in fighting, or commit any other offense in violation of federal, state or county law.
- (h) Endanger the safety of any person by any conduct or act.
- (i) Prevent any person from using a park, or any of its facilities, or interfere with the reasonable enjoyment thereof by other persons in violation of the provisions of this Chapter.
- (j) Apply any chemical or fertilizer to any lawn, athletic field, soil, structure or facility of a park, unless so authorized by the Department.
- (k) Introduce any plant material, seed, sod, tree, or shrub to any lawn, athletic field, forest or soil of a park, unless so authorized by the Department.
- (l) Construct any new facility, paint any facility or make changes in present facilities.
- (m) Sell, peddle, or offer for sale any commodity or article within a park, unless such activity is authorized in writing in advance by the Department.
- (n) Possess, display, use, or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics, except in conjunction with a written permit issued by the Department.
- (o) Use any of the county parks and recreation facilities for fundraising activities and/or any political rallies or events, except in conjunction with a written permit issued either by the Whitfield County Board of Commissioners or the Whitfield County Sheriff.
- (p) Operate any sound amplification device, including radios, television sets, stereos, public address systems, musical instruments, CD players and the like in such a manner as unreasonably to annoy, disturb, injure or endanger other persons, or otherwise to destroy the enjoyment, peace, or safety of other persons in a park unless authorized by the Department.
- (q) Erect or use any temporary carnival or amusement ride or inflatables in a

park unless authorized by the Department.

- (r) Launch hot air balloons, radio controlled flying devices, drones, hobby rockets, and the like, from a park unless approved by written permit by the Department.
- (s) Set up a tent or any other temporary shelter for the purpose of overnight stay, or leave in a park after closing hours any movable structure or vehicle to be used or that could be used for overnight stay, such as a house trailer, camp trailer, or the like, unless located within an authorized camping area designated by the Department.
- (t) Collect any artifacts, use any metal detector or similar device, or dig around or otherwise disturb any archaeological sites, including, but not limited to, any Civil War entrenchments or breastworks. Included in this prohibition is any activity which would be prohibited by any conservation easement placed upon any park.
- (u) Use any type of camera to record any visual image in any park restroom, locker room, or other area in which persons change clothes.
- (v) Violate any posted rule or regulation promulgated by the Department relative to the use of a park.

#### Sec. 11-8. Hours of operation.

All parks shall be open daily between 7:00 a.m. and 11:00 p.m., unless separately and clearly designated by signage authorized by the Department. It shall be unlawful for any person other than county personnel conducting county business therein to be present in a park during any other hours. A park or section of a park may be closed to the public by the Department at any time and for any length of time, either temporarily or at regular or stated intervals, for reasons of public safety or maintenance or other county purpose.

#### Sec. 11-9. Group activity.

Whenever any group or organization desires to use a park to host an event for more than fifteen (15) people, such as a picnic, party, or family reunion, a representative of such group shall first obtain a permit from the Department for such purpose. The Department shall grant the application for a permit if it appears that the group will not interfere with the general use of the park by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage. Additionally, one or more pavilions may be rented by Groups at rates set by the Department based upon a first-come, first-serve reservation system.

Sec. 11-10. Games.

It shall be unlawful for any person to endanger the general public in a park by taking part in any games involving thrown or otherwise propelled objects, such as balls, stones, javelins, and the like in such a way as endangers the safety of those in the immediate vicinity. The playing of potentially dangerous games or contact sports, such as football, baseball, or soccer is prohibited except on the fields, courts, or areas provided therefor. Park areas may not be used for golf practice or driving ranges except with permission of the Department in advance.

Sec. 11-11. Swimming.

It shall be unlawful for any person to swim, bathe, or wade in any waters or waterways in or adjacent to a park except in such waters and at such locations as are designated therefor and so posted. Such swimming activity shall be in compliance with regulations pertaining thereto as set forth in this Chapter or hereafter adopted.

Sec. 11-12. Boats and rafts.

It shall be unlawful for any person to use a boat or raft or other flotation device on any lake or pond in a park unless written authorization allowing such activity is received from the Department.

Sec. 11-13. Fishing.

- (a) Fishing in any lake, pond, or other body of water located within any park or recreational facility by persons with valid fishing licenses or otherwise exempt from such requirement by state or federal law shall be generally permitted in accordance with any posted rules and in accordance with the requirements set forth herein.
- (b) All caught fish shall be removed from the hook immediately and returned to the water as quickly as practicable.
- (c) No person shall use a barbed hook while fishing in any lake, pond, or other body of water located within any park or recreational facility.

Sec. 11-14. Fires restricted.

It shall be unlawful for any person to build or maintain a fire in a park or recreation facility except in designated areas marked by signs or defined with fire rings, grills, or other facilities designated for the purpose of safely maintaining a fire, except by written permit by the Department. Fires shall be confined to those

areas so designated, shall not be left unattended and must be completely extinguished prior to departure.

Sec. 11-15. Animals.

- (a) It shall be unlawful for any person to bring any dangerous or non-domestic animal into a park; to permit a dog to be in a park unless such dog is on a leash of not more than six (6) feet in length; to bring any cat into a park; to bring any snake into a park; to bring any animal onto an athletic or sports field/court within a park; to ride, graze or walk a horse or other type of hoofed animal within a park without obtaining written authorization from the department, unless the park is specifically designated for such use; to fail immediately to remove from the park and dispose in a sanitary manner excrement deposited by an animal in the person's possession and control while in a park; to fail to have in such person's possession, having possession and control of an animal, a device or equipment for the collection and removal of animal excrement. The provisions of this section shall not apply to a person having possession or control of an animal aiding the handicapped (i.e., guide dog) or to police or rescue personnel.
- (b) It shall be the duty of every animal owner or custodian of such animal in a park immediately to remove from such park such animal upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to, barking, growling, bearing of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to intimidate any person or other domesticated animal.

Sec. 11-16. Automobiles and off-road vehicles; parking restrictions.

- (a) It shall be unlawful for any person to drive or park any automobile or motorcycle except on a road, driveway, or parking lot within a park. Law enforcement or other public safety officials, and county employees whose duties require them to drive vehicles and equipment in other areas of a park shall be exempt from the limitations set forth in this section.
- (b) The speed limit for all vehicles shall be ten miles per hour (10 m.p.h.) within all parks.
- (c) No off-road vehicles, four wheelers, ATVs, golf carts, go-carts, and the like shall be permitted within any park.
- (d) It shall be unlawful to park a vehicle or trailer in a park or recreation facility except in those areas designated by the appropriate signs as vehicle parking areas or in marked parking spaces. It shall be unlawful to leave a vehicle or trailer standing or parked in a park or recreation facility during hours when the park or recreation facility is closed. It is unlawful for any person to park a vehicle or trailer in a parking space or location designated for handicapped

parking unless the vehicle properly displays a handicapped parking permit. It shall be prohibited for any person to park in a recreation area if the owner of the vehicle or trailer is not utilizing the park unless authorized by the department. In all such instances in which a parked vehicle or trailer violates any provisions of this section, the vehicle or trailer may be towed and impounded from the park or recreation facility at the owner's expense.

- (e) It shall be prohibited for persons to congregate within a parking area of a park so as to disrupt traffic or other persons, or so as to create a safety hazard.

Sec. 11-17. Alcoholic beverages, tobacco products, controlled substances.

- (a) It shall be unlawful for any person to sell, possess, or consume alcoholic beverages within a park.
- (b) It shall be a violation of this article for persons to smoke or use tobacco products in all parks or recreation facilities, and in all other areas of a park or recreation facility, unless within a designated and posted smoking area. Persons under twenty-one (21) years of age in possession of tobacco products may be charged under state law.
- (c) No person shall possess or use any illegal drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in any park.

Sec. 11-18. Signs.

It shall be unlawful for any person to paste, glue, tack, post, erect or cause to be erected any sign, placard, advertisement, or inscription whatsoever within a park or road adjacent to a park. This provision shall not apply to any properly authorized government official in pursuit of official duty or by a person having received written authorization from the Department. Any sign, placard, advertisement, or inscription authorized to be erected shall be in compliance with the Whitfield County sign ordinance and other applicable county regulations.

Sec. 11-19. Fees.

A user fee may be charged for the private reservation and use of pavilions, or for any special or sports event or other program or activity, as may be established from time to time by the Department.

Sec. 11-20. Weapons.

- (a) It shall be unlawful for any person to discharge any weapon or similar device

in a park or recreation facility, unless in the lawful protection of a person's life or property.

- (b) It shall be unlawful for any person to take into a park or recreation facility a weapon, or to use, carry or employ any weapon or similar device in a park or recreation facility, except as otherwise provided by applicable law. This subsection (b) shall not apply to firearms as defined by O.C.G.A. § 16-11-171(3) or to knives as defined by O.C.G.A. § 16-11-125.1.

#### Sec. 11-21. Guidelines for issuance of special permits.

- (a) Permits for special events in a park or recreation facility shall be obtained by application to the Director of the Department or employees under the direction of the director. Guidelines for the issuance of permits by the director include:
  - (1) That 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) That 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 a park or recreation facility;
  - (3) That the proposed activity or use of the park or recreation facility is not reasonably anticipated to incite violence or disorderly conduct;
  - (4) That the proposed activity or use of the park or recreation facility will not entail unusual, extraordinary, or burdensome expenses or policy operation by the county;
  - (5) That the proposed activity or use of the park or recreation facility will not conflict with existing parks and recreation services;
  - (6) That the proposed activity or use of the park or recreation facility desired has not been reserved for other use;
  - (7) That the permitting person or persons will abide by all other state, county and parks and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued; and
  - (8) That the director or the director's agent shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.
- (b) Persons may apply for a permit for a proposed activity or use of the park or recreation facility under the following categories: picnicking, fundraising, special event, food service for approved activities, and park or recreation facility rentals.

Sec. 11-22. Improper personal conduct.

It shall be unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be detrimental to the enjoyment of the park by the general public, or that could cause injury to other persons while in a park, which 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. No person shall upon or in connection with a park by act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into the structures designated for the use of a certain person or persons to the exclusion of others by written permit of the Department.

2. These amendments shall become effective immediately following enactment by the Board of Commissioners of Whitfield County, Georgia, the public health, safety, and welfare requiring it.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. It is hereby declared to be the intention of the Board of Commissioners of Whitfield County that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mike Babb, Chairman

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Harold Brooker, Vice Chairman

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R. Lynette Laughter

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Roger Crossen

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Barry W. Robbins

Attest:

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Blanca Cardona, Whitfield County Clerk  
(SEAL)