

ARTICLE I. - IN GENERAL

Sec. 1. - Definitions.

Sec. 2. - Enforcement of article.

Sec. 3. - Penalties for violation of article.

Sec. 4. - Littering prohibited.

Sec. 5. - Weapons prohibited.

Sec. 6. - Improper use of sound producing devices.

Sec. 7. - Improper personal conduct.

Sec. 8. - Fires restricted.

Sec. 9. - Vehicles restricted.

Sec. 10. - Parking restricted.

Sec. 11. - Animals restricted.

Sec. 12. - Use or possession of controlled substances.

Sec. 13. - Hours open to public.

Sec. 14. - Commercial activity prohibited.

Sec. 15. - Damaging or removal of park property.

Sec. 16. - Operation of bicycles, scooters, skateboards, and roller blades restricted; golfing restricted.

Sec. 17. - Athletic fields restricted.

Sec. 18. - Application and issuance of permits.

Sec. 19. - Unauthorized use of park or recreation facilities.

Sec. 20. - Household or commercial garbage prohibited.

Sec. 21. - Camping.

Sec. 22. - Smoking in prohibited areas.

Sec. 23. - Interference with park ranger, park official or employee.

Sec. 24. - Failure or refusal to pay recreation use fees.

Sec. 25. - Fireworks, explosives, and projectiles prohibited.

Sec. 26. - Swimming and diving restricted.

Sec. 27. - Hunting and trapping prohibited.

Sec. 28 – Enforcement.

Sec. 1. - Definitions.

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

Director means the director of the Fannin County Parks and Recreation Department.

Director's agent means employees and agents of the Fannin County Parks and Recreation Department.

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

Park or recreation facility means all Fannin County public parks and recreation areas in such parks, including the land, buildings, lakes, ponds, streams, swimming pools, and all other property and buildings owned, leased, or managed by Fannin County and the Fannin County Parks and Recreation Department.

Vehicle means any motor-driven equipment, automobile, truck, motorcycle, four-wheeler, or scooter.

Weapon means firearm, rifle, pistol, revolver, or any weapon designated 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 or gaseous substance, or any spear, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any knife, straight-edged razor, spring stick, metal knuckles, blackjack, 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 stun gun, taser or similar device.

Sec. 2. - Enforcement of article.

This article may be enforced by any authorized law enforcement officer of Fannin County, the Fannin County Board of Commissioners or their designee. Where there has been a violation of any provision of this chapter, the law enforcement officer in his discretion may issue a citation, warning and/or order the person to leave the park or recreation facility.

Sec. 3. - Penalties for violation of article.

(a) Any person found to have violated any provision of this article shall be punished by a fine and/or imprisonment in accord with the maximum limits established in O.C.G.A. § 36-1-20.

(b) Any person convicted of a violation of this article may further be denied any park permit or other permission to utilize the facilities of any park or recreation facility for a period of 60 days following such conviction.

Sec. 4. - Littering prohibited.

It shall be a violation of this article for any person to throw or deposit litter on the grounds, streets, sidewalks, fountains, lakes, ponds, swimming pools, streams or other body of water in any county park or 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 park or recreation facility. Where public receptacles are not provided, all such litter shall be carried away from the park or recreation facility by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be unlawful to take into, carry through, or put into a park or recreation facility, any litter generated outside of the park or recreation facility.

Sec. 5. - Weapons prohibited.

The following shall be posted at the entrance to every Fannin County owned or operated park:

It shall be a violation of law for any person to carry to or possess while at a public gathering any explosive compound, firearm, or knife designed for the purpose of offense and defense. O.C.G.A. §

16-11-127.

Sec. 6. - Improper use of sound producing devices.

It shall be a violation of this article for any person to operate or use any sound producing or motorized equipment, including but not limited to generators and vehicles, or play or operate any sound amplification devices, including but not limited to radios, television sets, stereos, musical instruments, public address systems and the like, in such a manner as to unreasonably annoy, disturb, injure, or endanger other persons, or to otherwise destroy the comfort, repose, peace or safety of other persons in a park or recreation facility. Nothing contained herein shall be deemed to prohibit the use of any any sound producing or motorized equipment, including but not limited to generators and vehicles, or play or operate any sound amplification devices, including but not limited to radios, television sets, stereos, musical instruments, public address systems and the like, in such a manner as would normally be associated with permitted rallies, events, or programs.

Sec. 7. - Improper personal conduct.

It shall be a violation of this article 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 disturbing or annoying to other persons, or that could cause injury to other persons while in a park or recreation facility, 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.

Sec. 8. - Fires restricted.

It shall be a violation of this article for any person to build or maintain a fire in a park or recreation facility except in designated areas marked by signs, fireplaces, grills, or other facilities designated for the purpose of safely maintaining a fire. Fires shall be confined to those areas so designated, shall not be left unattended and must be completely extinguished prior to departure. The burning of materials which produce toxic or noxious fumes, including, but not limited to, tires, plastics, floatation materials, and treated wood products is prohibited.

Sec. 9. - Vehicles restricted.

It shall be a violation of this article for any person to operate any vehicle in a park or recreation facility except upon roadways designated and maintained for vehicular traffic, except that law enforcement and parks and recreation employees whose duties require then to operate maintenance vehicles and equipment shall be exempt from such operation limitations. All persons operating any vehicle in a park or recreation facility upon roadways designated and maintained for vehicular traffic must operate such vehicle in a safe manner, and must obey all posted speed limits and traffic signs. It shall be a violation of this article for any person to operate any vehicle in a park or recreation facility at an excessive speed, in a reckless and unsafe manner, or in violation of posted traffic signs. It shall be a violation of this article for any person to operate any commercial vehicle in a part or recreation facility for the purpose of delivering or obtaining tubes, canoes, kayaks, or such other flotation devices. Specific designated areas for the drop off and retrieval of such tubes, canoes, kayaks, or such other flotation devices has been provided as is feasible, desirable and practicable outside and adjacent to park facilities. Specifically no

commercial vehicle is to be within the boundaries of the Ron Henry /Horse Shoe Bend Park for the purpose of delivering or obtaining tubes, canoes, kayaks, or such other flotation devices.

Sec. 10. - Parking restricted.

(a) It shall be a violation of this article to park a vehicle in a park or recreation facility except in those areas designated by official signage as vehicle parking areas or in marked parking spaces.

(b) It shall be a violation of this article for any person to park a vehicle in a park or recreation facility if the person is not utilizing the park or recreation facility.

(c) It shall be a violation of this article to leave a vehicle standing or parked in a park or recreation facility during hours when the park or recreation facility is closed, unless otherwise authorized by the director or the director's agent.

(d) It shall be a violation of this article to park a vehicle in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement, or where the parking of such vehicle creates a safety hazard, or endangers any person, property or environmental feature.

(e) It shall be a violation of this article for any person to park a vehicle in a parking space or location designated for handicapped parking unless such vehicle properly displays a handicapped parking permit.

(f) In addition to a citation for violation of this article, any vehicle that is left unattended and parked in violation of this article may be towed from the park or recreation facility at the owner's expense by Fannin County or by a private towing company to a private impound lot. The vehicle owner shall be responsible for all towing expenses and charges incurred in towing the vehicle and all accrued daily impoundment storage fees.

(g) In addition to a citation for violation of this article, the director or the director's agent is hereby authorized to place or direct the placing of boots or wheel locks on any vehicle which is left unattended and parked in violation of this article.

Sec. 11. - Animals restricted.

(a) Other than seeing-eye dogs as necessary, or unless authorized by permit, it shall be a violation of this article for any person with an animal to access areas of a park or recreation facility which are restricted to such animals.

(b) Except in specified areas within a park or recreation facility where animals are expressly permitted to be off of a leash or lead line, in all locations within a park or recreation facility where animals are permitted, it shall be the duty of every animal owner or custodian of such animal to have physical control of the animal by leash or lead line no longer than ten feet at all times.

(c) In locations within a park or recreation facility where animals are permitted, it shall be the duty of every animal owner or custodian of such animal to immediately and properly dispose of waste deposited by the animal.

(d) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to have in his or her possession proof of current rabies vaccination for the animal.

(e) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to immediately remove from such park or recreation facility 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, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.

Sec. 12. - Use or possession of controlled substances.

No person shall possess or use any 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 or recreation facility.

Sec. 13. - Hours open to public.

Unless authorized by permit, it shall be a violation of this article for any person or vehicle to enter or be within a park or recreation facility outside of the posted hours of operation.

Sec. 14. - Commercial activity prohibited.

Unless authorized by permit, it shall be a violation of this article 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 park or recreation facility.

Sec. 15. - Damaging or removal of park property.

It shall be a violation of this article for any person to deface, harm or damage any park buildings, wildlife, property, equipment or signs, or to dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, historical artifacts or other vegetation in a park or recreation facility.

Sec. 16. - Operation of bicycles, scooters, skateboards, and roller blades restricted; golfing restricted.

(a) No person shall operate a bicycle, scooter, skateboard or roller blade within a park or recreation facility, except in areas designated for such operation. No person under the age of 16 years shall operate or be a passenger on a bicycle within a park or recreation facility unless such person is wearing a bicycle helmet which meets or exceeds the impact standards for bicycle helmets under Georgia law.

(b) No person shall drive, throw or otherwise project golf balls within any park or recreational facility.

Sec. 17. - Athletic fields restricted.

Organized sports or athletic teams must first obtain approval by written permit from the director or the director's agent to use the athletic fields of a park or recreation facility to conduct organized games or to conduct two or more organized practices. Additionally, instructors seeking use of an athletic field in a park or recreation facility to instruct, coach, teach, conduct private lessons, or to conduct a camp or clinic, must obtain prior approval from the director or the director's agent. No person shall enter or travel

upon any athletic field of a park or recreation facility when such field has been designated by conspicuous signage as "Closed."

Sec. 18. - Application and issuance of permits.

(a) Permits for restricted uses or activities in a park or recreation facility shall be obtained by application to the director or the director's agent. Upon examination of the application and all other relevant factors, the director or the director's agent shall approve and issue or deny the permit. Guidelines for the issuance of permits by the director or the director's agents 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 the park or recreation facility;
- (3) That the proposed activity or use of the park or recreation facility is not reasonably anticipated to incite violence, crime, 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 of 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; and
- (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.

(b) 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.

Sec. 19. - Unauthorized use of park or recreation facilities.

It shall be a violation of this article for any person to engage in any activity within a park or recreation facility that is unauthorized or restricted from such use, that has been posted as a prohibited activity within the park or recreation facility, or within a specified area of the park or recreation facility, that violates the rules and regulations of the park or recreation facility, that will impede the use and enjoyment of the park or recreation facility by other persons, or that could cause injury to other persons within the park or recreation facility.

Sec. 20. - Household or commercial garbage prohibited.

(a) Garbage, trash, rubbish, litter, or other waste material or waste liquid generated within a park or

recreation facility and incidental to authorized activities or use of a park or recreation facility shall be either removed from the park or recreation facility or deposited in receptacles provided for that purpose.

(b) It shall be a violation to bring into a park or recreation facility any household or commercial garbage, trash, rubbish, litter, or other waste material of any kind for disposal or dumping without permission from the director or the director's agent.

(c) Day campers, picnickers, and all other persons using a park or recreation facility shall keep their sites free of trash and litter during their period of occupancy, and shall immediately remove all personal equipment and clean their sites upon departure.

Sec. 21. - Camping.

It shall be a violation of this article for persons to camp in parks or recreation facilities.

Sec. 22. - Smoking in prohibited areas.

It shall be a violation of this article for persons to smoke in enclosed buildings in all parks or recreation facilities, and in areas posted within a park or recreation facility to restrict smoking in such areas.

Sec. 23. - Interference with park ranger, park official or employee.

It shall be a violation of this article for any person to impede, intimidate, violate, forcibly resist, or interfere with any park ranger, park official or employee of a Fannin County park or recreation facility engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Failure to comply with a lawful order issued by a park ranger, park official or employee of a Fannin County park or recreation facility engaged in the performance of his or her official duties shall be deemed as resistance or interference with a park ranger, park official or employee of a Fannin County park or recreation facility.

Sec. 24. - Failure or refusal to pay recreation use fees.

It shall be a violation of this article for any person to fail, refuse, or attempt to avoid paying any designated parking or recreational use fees in any park or recreational facility.

Sec. 25. - Fireworks, explosives, and projectiles prohibited.

It shall be a violation of this article for any person to use, light, shoot off, launch, fly, discharge, detonate or explode explosives or explosive devices, or projectiles of any kind in any park or recreation facility, including fireworks or other pyrotechnics of any kind, rockets, and model planes, unless written permission has been received from the director or the director's agents or has been posted at such park or recreation facility.

Sec. 26. - Swimming and diving restricted.

It shall be a violation of this article for any person to swim or dive in any area within a park or recreation facility where swimming or diving is prohibited by posted notice.

Sec. 27. - Hunting and trapping prohibited.

It shall be a violation of this article for any person to hunt or trap animals, or attempt to hunt or trap animals, within a park or recreation facility.

Sec. 28 Enforcement

(a) Whenever in this Code or in any other ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision shall be punishable by the imposition of a fine not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance.

(b) Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense.

(c) Each violation of this Code on the same day or on different days shall constitute a separate offense.

(d) All violations of this Code shall be and are returnable to the Magistrate Court for Fannin County.

Adopted by vote of the Fannin County Board of Commissioners on August 23, 2011 subsequent to notice and public hearings held on August 11, & 23, 2011.