



MEMORANDUM

To: Mayor and City Council
From: Brent Walker, Parks Manager
Date: January 10, 2011
Subject **Ordinance Adopting Chapter 25 of the City of Dunwoody Code of Ordinances Entitled Parks and Recreation**

ITEM DESCRIPTION

Staff recommends the adoption of Chapter 25 of the City of Dunwoody Code of Ordinances Entitled Parks and Recreation.

BACKGROUND

With the acquisitions of seven park properties from DeKalb County in 2010, the City has a need for ordinances that specifically address usage of City recreation facilities. Animal control, littering, noise, park hours, and damage to park property are some of the items addressed by the parks ordinance.

RECOMMENDED ACTION

Staff respectfully requests that Council adopt Chapter 25 entitled Parks and Recreation into the City of Dunwoody's Code of Ordinance and authorize staff to enforce these codes as written.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

**AN ORDINANCE ADOPTING CHAPTER 25 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES ENTITLED PARKS AND RECREATION**

WHEREAS, the City of Dunwoody has the responsibility to preserve the health, safety and welfare of the citizens of the City; and

WHEREAS, DeKalb County previously administered the park properties within the geographic boundaries of the City of Dunwoody; and

WHEREAS, the City recently purchased several park and recreation properties from DeKalb County, including Brook Run Park, Winwood Hollow Park, Dunwoody Nature Center, Dunwoody Park, Perimeter Center East Park, Donaldson Bannister Farm, Vernon Springs Park, North DeKalb Cultural Arts Center and intends to create future parks and recreation facilities in the future; and

WHEREAS, due to the City’s ownership and administration of the City’s parks and recreation facilities, the City Council desires to pass specific regulatory measures in order to better preserve the environment and sustainability of the parks as well as preserve the health, safety and welfare of the citizens of the City.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: It is hereby created and adopted Chapter 25 of the City of Dunwoody Code of Ordinances, to be titled “Parks and Recreation,” and to read as follows:

CHAPTER 25: PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 25-1. 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:

Alcoholic beverage means intoxicating beverage, malt beverage, wine or any other beverage containing any alcohol whatsoever.

Building means 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.

Hobby Rocket means a small rocket constructed of paper, wood, plastic and other lightweight material that is able to be launched by anybody, to generally low altitudes and recovered by a variety of means.

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

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

Recreation facilities means all recreation areas in parks, including land, buildings, lakes, swimming pools, sports fields, cemeteries, and all other property and buildings owned, leased, or managed by the City, the City Parks and Recreation Department, the designated agents or departments of the City or the City Parks and Recreation Department, and including all recreation areas and parks in the City owned by the United States government.

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.

Weapon means firearm, rifle, pistol, revolver, paintball gun, or any weapon 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 or spear gun, or any dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any bat, 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. 25-2. Enforcement of chapter.

This Chapter shall be enforced by any authorized law or code enforcement officer of the City. Where there has been a violation of any provisions of this Chapter, the law or code enforcement officer in his discretion may issue a citation, warning and/or order the person to leave the park or recreation area.

Sec. 25-3. Penalties for violation of Chapter.

Any person violating any provision of this Chapter shall be penalized pursuant to Section 1-6.

Sec. 25-4. Parks and Recreation Director; powers and duties.

The Director of Parks and Recreation or employees under the direction of the Director shall:

- (1) Establish, conduct, and maintain a recreation system for the City in such a way as to employ the leisure of the people in a wholesome and constructive manner;
- (2) Provide for, conduct, and supervise public playgrounds, indoor recreation centers, and other recreational facilities owned or controlled by the City;
- (3) Recommend the setting aside, leasing or acquisition of lands or buildings within the City limits for use as parks, playgrounds, recreation centers or for other recreational purposes, and to provide for the maintenance and improvement of these areas;
- (4) Cooperate with the local school board in the establishment, conduct and maintenance of a recreation system;

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

(5) Otherwise assist in the operation and enforcement of this Chapter.

Sec. 25-5 – 25-25. Reserved.

ARTICLE II. USE OF RECREATION FACILITIES.

Sec. 25-26. Littering Prohibited.

It shall be unlawful for any person to throw or deposit litter on the grounds, streets, sidewalks, fountain, pond, lake, swimming pool, stream or other body 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 carried away from the 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 recreation facility, any litter generated outside the recreation facility.

Sec. 25-27. Noises

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 noises that would disturb a reasonable person of ordinary sensibilities, engage in any noise dispute or conversation that would disturb a reasonable person of ordinary sensibilities, or display, play or operate any sound amplification device including radios, television sets, public address systems, musical instruments, CD players and the like in such a way which either annoys, disturbs, injures or endangers the comfort, repose, peace or safety of a reasonable person of ordinary sensibility in a recreation facility. Amplified sound devices used during a special event or rental event are allowed pursuant to a written permit by the Director or the Director's designee.

Sec. 25-28. Personal Conduct

It shall be unlawful for any person to engage in any violent, abusive, loud, boisterous, vulgar, wanton, obscene or otherwise disorderly conduct that would disturb a reasonable person of ordinary sensibilities, or engage in any activity that could cause injury to other persons while on or in connection with a recreation facility. No person shall upon or in connection with a recreation facility 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 Director.

Sec. 25-29. Fires Restricted.

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 or defined with fire rings or grills placed by or under the direction of the Director or by written permit for propane gas or other grills by the Director or the Director's agent.

Sec. 25-30. Smoking Prohibited.

It shall be unlawful to smoke in any recreational facility, whether indoors or outdoors. For the purposes of this Section, smoking shall include cigarettes and other legal and illegal substances, any controlled substances, and smoking in any manner, including

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

any pipes and materials, whether organic or inorganic, utilized for lighting and inhaling thereof.

Sec. 25-31. Damaging or removal of any park property or vegetation prohibited.

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

Sec. 25-32. Possession, use or consumption of alcoholic beverages.

It shall be unlawful for any person to possess, use, consume or be under the influence of any alcoholic beverage in a recreation facility, other than during a permitted rental event or permitted special event, or as otherwise permitted under this Code.

Sec. 25-33. Vehicles restricted.

It shall be unlawful for any person to drive any motorized or electric vehicle in a recreation facility except upon roadways designated and maintained for vehicular traffic, and except upon walkways when permitted and approved by the Director. Law enforcement and City officials whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section.

Sec. 25-34. Parking restricted.

- (a) It shall be unlawful to park any motorized or electric vehicle in a 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 standing or parked in a recreation facility during hours when the recreation facility is closed, unless otherwise permitted to do so by the Director or designee. In such instances, the vehicle may be towed from the recreation facility at the owner's expense.
- (b) It shall be unlawful for any person to park in a recreation area or facility if the owner of the vehicle is not utilizing the recreation facility unless authorized by the Director or the Director's agent. It shall be unlawful for persons to congregate within a parking area of a recreation facility so as to disrupt traffic or other persons, or so as to create a safety hazard.

Sec. 25-35. Commercial activity restricted.

It shall be unlawful for any person, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group, organization or combination acting as a unit to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial or charitable activity in a recreation facility unless approved by permit, by the Director or the Director's agent.

Sec. 25-36. Hours of Operation

- (a) It shall be unlawful for any person or vehicle to enter or be within a recreation facility outside of the posted hours of operation unless approved by permit, by the Director

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

or unless such person is participating in authorized and scheduled programs, classes, special events or meetings.

- (b) Park hours of operation are 6:00 a.m. until 11:00 p.m., unless posted otherwise as authorized by the Director.

Sec. 25-37. Access to bodies of water regulated.

It shall be unlawful for any person to 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.

Sec. 25-38. Animals restricted.

- (a) It shall be the duty of every animal owner or custodian whose animal is in a recreation facility to have physical control of the animal by leash or lead line at all times unless in designated dog park areas where off leash is permitted or approved, by permit, by the Director or the Director's agent. It shall be unlawful for any person with an animal, other than seeing eye dogs, as necessary, to access areas of a recreation facility which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to immediately and properly dispose of waste deposited by the animal.
- (b) It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to have in their possession proof of current registration and a current rabies vaccination for their animal.

Sec. 25-39. Pyrotechnics restricted.

It shall be unlawful for any person to possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics, unless approved by written permit by the Director or the Director's agent.

Sec. 25-40. Engine powered models, toys and hobby rockets restricted.

- (a) It shall be unlawful for any person to start, fly or use any fuel powered engine, jet-type or electric powered model aircraft, boat or rocket or like powered toy or model, except at those areas designated by the Director for such use and then only in accordance with such rules, regulations and restrictions promulgated by the Director or the Director's designee.
- (b) It shall be unlawful for any person to launch hobby rockets from a recreation facility unless approved by written permit by the Director or the Director's designee.

Sec. 25-41. Miscellaneous prohibitions.

- (a) *Killing Wildlife.* It shall be for any person to 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 recreation facilities without the written permission of the Director, unless threatened with bodily injury or death.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

- (b) *Polluting water.* It shall be unlawful for any person to pollute or disturb any spring, branch, pond, fountain, or other water owned by or leased to the City within a recreation facility.
- (c) *Posting signs.* It shall be unlawful for any person to affix any bill, sign or notice on any tree, building or fixture, or handouts to any other person in any of the recreation facilities unless authorized by the Director or designee. 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.
- (d) *Skateboards.* It shall be unlawful for any person to operate a skateboard on any street, lane, way, road and/or any parking lot in any recreation facility in the City unless otherwise designated by signage posted by the Director or designee or published rules.
- (e) *Urban camping.* It shall be unlawful to reside or to store personal property in any recreation facility owned by the City. Furthermore, it shall be unlawful to use any public place, including City recreation facilities, for living accommodations purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.

Sec. 25-42. Permit required.

It shall be unlawful for any person to engage in any activity in City recreation facilities which requires a permit and/or a ticket without first obtaining such permit and/or a ticket.

Sec. 25-43 Signage regulated.

It shall be unlawful for any person to post signage in recreation facilities unless it is in conjunction with a permitted rental or permitted special event, or as otherwise approved by the Director. Temporary signage will be limited to the numbers established in the City of Dunwoody Administrative Guidelines for Special Event Signage and Advertising or as otherwise approved by the City Council.

Sec. 25-44. Recreation facility restrictions.

It shall be unlawful for anyone to 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.

Sec. 25-45. Violation of facility regulations.

It shall be unlawful for any person to violate any rules or regulations relating to the use of the recreation facility as established by the Director or by the City Council.

Section 2: This Ordinance shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-01-XX

SO ORDAINED, this 24th day of January, 2011.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

(Seal)

Brian Anderson, City Attorney