

DRAFT

AMHERST COUNTY

ARTICLE III. REGULATIONS GOVERNING CONDUCT IN PUBLIC PARKS AND RECREATIONAL FACILITIES

Sec. 12-20. Title.

This article shall be known and may be cited as the "Ordinance Regulating Conduct in Public Parks of Amherst County."

Sec. 12-21. Intent.

It is the intention for the Amherst County Department of Parks and Recreation to offer park facilities and other amenities to the public for safe, wholesome, and enjoyable activities. The following policies, rules, and regulations will assist in implementing this intent and in ensuring the benefits to be enjoyed by all.

Sec. 12-22. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. For simplicity reasons, the masculine "he" or "his" has been used throughout this article. This pronoun shall be deemed to be feminine as well.

Closed hours means the hours each day that a park is closed in accordance with section 12-29(a) of this article until 6:00 a.m. the following day.

County is the County of Amherst, Virginia.

Department when used hereinafter is defined as the department of parks and recreation for the county.

Director means the director of the department of parks and recreation, and includes any person whom the director designates to act for the director hereunder.

Park and other areas, now or in the future operated and maintained by the county department of parks and recreation are defined to mean parks, public lands, playgrounds, recreation fields and facilities, museums, buildings, lakes, streams, lagoons, water areas, and submerged lands, and all public service facilities located on or in grounds, waters, buildings, and structures in the county which are under the control of or assigned for upkeep, maintenance, or operation by the county department of parks and recreation and including property of the Amherst County School Board.

Park attendants means all full-time employees of the department of parks and recreation and any part-time or temporary employees of the department specifically authorized in writing by the director to enforce the requirements of this article.

Parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Permit is any written license issued by or under the authority of the director permitting the performance of a specified act or acts.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

Sheriff's Deputy means all deputies/officers of the county sheriff's department, including the sheriff, and all properly trained and deputized law enforcement officers of the county sheriff's department and any law enforcement officer legally empowered to issue warrants of arrest or summons within the county.

Special event means a program, tournament, or other event scheduled for specified hours or days involving the participation of the department or written approval of the director.

Vehicle means every device in, upon, or by which any person or property may be transported upon a highway, except devices other than bicycles moved by human power.

Waters means any river, stream, lake, pond, swimming pool, or other body of water, whether flowing or still, in or contiguous to any park as defined in this article.

Sec. 12-23. Park property.

No person in a park shall:

(1) *Property:*

a. *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridges, tables, benches, fireplace, railings, tree guards, paving, or paving material, public utilities, signs, notices, or placards (either temporary or permanent), monuments, stakes, posts, boundary markers, or other structures, equipment, facilities, or park property or parts thereof, either real or personal.

b. *Restrooms and washrooms.* Fail to maintain restrooms and washrooms in as neat and sanitary a condition as prior to such person's use, nor shall any person over the age of five (5) years use the restrooms and washrooms designated for the opposite sex, except a child in the company of a parent or other custodial individual. Use any device or equipment for taking any photographic image or likeness in any restroom, locker room, or washroom.

c. *Removal of natural resources.* Dig or remove any sand, soil, rock, stones, water, trees, shrubs, or plants, downed timber, or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

d. *Erection of structures.* Construct or erect any building structure or utility service of whatever kind, whether permanent or temporary in character, in any park except by specific written permit issued hereunder.

(2) *Trees, shrubbery, lawns.*

a. *Injury and removal.* Damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant; nor attach any rope, wire, or other contrivance to any tree or plant; or dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

b. *Climbing trees, etc.* Climb any tree or walk, stand, sit, or attach any rope or cable or other contrivance upon monuments, vases, fountains, railings, fences, or upon any other property not designated or customarily used for such purposes.

(3) *Wild animals, birds, etc.*

a. *Hunting.* Hunt, molest, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile or bird; nor shall any person remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

b. *Feeding.* Give or offer, or attempt to give, to any animal or bird any tobacco, alcohol, or other known noxious substance.

Sec. 12-24. Sanitation.

No person in a park shall:

(1) *Pollution of waters.* Throw, discharge, place or cause to be placed, in the waters of any fountain, pond, lake, stream, bay, or other body of water in or adjacent to any park, or in any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, whether liquid or solid, which produces, or may result in, the pollution or littering of said waters.

(2) *Rubbish, litter, and refuse matter.* Bring in or dump, lay, cast, drop, discharge, deposit or leave any bottles, broken glass, ashes, cinders, paper, boxes, cans, dirt, rubbish, waste, garbage, litter, refuse, or any other trash. No such rubbish, litter, or refuse materials shall be placed in any water in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; at locations where receptacles are not so provided, all such rubbish, litter, or refuse materials shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Sec. 12-25. Traffic.

No person in a park shall:

(1) *Motor vehicle laws apply.* Fail to comply with all applicable provisions of the state and county motor vehicle traffic laws in regard to equipment and operation of vehicles together with such requirements as are contained in this and other ordinances.

(2) *Enforcement of traffic requirements and regulations.* Fail to obey any sheriff's officer and park attendants who are hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these requirements and such supplementary regulations as may be issued subsequently by the director.

(3) *Obey traffic signs.* Fail to observe all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for property control and to safeguard life and property.

(4) *Speed of vehicles.* Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such park roads as the county may designate, by posted signs, for other speed limits.

(5) *Operation confined to roads.* Drive any vehicle on any area except the paved park roads, parking areas, or such other areas as may be specifically designated as temporary parking areas by the director.

(6) *ATVs, etc.* Operate in any park or recreation area snowmobiles, hovercraft, minibikes, pocketbikes, motorcycles, go-carts, ATVs, golf carts, mopeds, or any other vehicles, except in areas specifically designated by the director for such use.

(7) *Trucks and commercial vehicles.* Shall operate in or through any park, any trucks or commercial vehicles with a gross weight in excess of five (5) tons, except for the delivery of the load thereon for use in such parks as expressly approved by the director.

(8) *Parking.*

a. *Designated areas.* Park a vehicle in other than an established or designated area, except as shall be in accordance with the instructions of any park attendant or sheriff's deputy who may be present.

b. *Prohibited activities.* Park a vehicle in a park for the expressed or apparent purpose of washing, repairing, or maintaining the same.

c. *Double parking.* Double park any vehicle on any road or parkway unless directed by a park attendant or sheriff's deputy.

(9) *Bicycles.*

a. *Confined to roads.* Ride a bicycle in a park or recreation area other than on the right hand side of the road paving, path or trail, as close as conditions permit, and bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, yield the right-of-way to pedestrians, signal all turns, pass to the left of any vehicle they are overtaking, pass to the right of any vehicle they are meeting, and otherwise comply in all respects with applicable motor vehicle regulations of the Commonwealth.

b. Ride or park a bicycle in such a way as to constitute a hazard to any person or property, including domestic animals.

c. Engage in any bicycle race.

d. *Designated racks.* Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

Sec. 12-26. Prohibited uses of parks.

No person in a park shall:

(1) *Distribution or display.* Post, paint, affix, distribute, handout, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular, or advertisement; display any flag, banner, transparency, target, sign, placard, or any other matter for advertising or promotional purposes; operate any musical instrument for advertising or promotional purposes or for the purpose of attracting attention to any exhibit, show, performance, or other display, unless expressly authorized through permit by the director.

(2) *Contributions.* Solicit contributions for any purpose.

(3) *Bathing and swimming.*

a. Swim, bathe, or wade in any waters or waterways in or adjacent to any park.

b. *Bath houses.* Dress or undress in any vehicle, toilet, or other place, except in such bathing houses or structures as may be provided for that purpose.

(4) *Boating.*

a. *Designated areas.* Operate or occupy any boat, raft or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the director. Such activity shall be in accordance with applicable regulations adopted by the department.

b. *Operation of boats.* Navigate, operate, direct, or handle any boat in violation of federal, state, or local laws pertaining to the operation of boats.

c. *Prohibition during closing hours.* Launch, dock, operate, or remain on or in any boat of any kind on any waters during the closed hours or except during such hours as shall be designated by the director for such purpose.

d. *Boating restrictions.* Moor, tie, beach or otherwise secure a boat to any structure, dock, beach, tower, dam, or bank except those areas or structures allowed for this purpose by the director.

e. *Aquatic safety.* Use any boat without wearing a life jacket, preserver, or other approved flotation device, or operate any boat in an unsafe manner.

f. *Enforcement by the Virginia Department of Game and Inland Fisheries.* Virginia Department of Game and Inland Fisheries officers, and their agents or designees, shall be empowered and expressly permitted by the county to enforce any and all regulations, rules, and ordinances in this section, including but not limited to, boating.

(5) *Fishing.*

a. *Commercial fishing.* Commercial fishing, buying, or selling of fish caught in any park waters is forbidden.

b. *Designated areas.* Fish in any park waters, whether by the use of hook-and-line, net trap, spear, gig, or other device, except in such waters thereof as have been designated by the director for that use and under such regulations and restrictions as have been prescribed by said director.

c. *Fishing permits.* It shall be unlawful for any person to fish in or on the lands or inland water of the park without first obtaining a state license or permit. Any person issued a license or permit to fish within the park shall conform any fishing to the rules and regulations published by the state commission of game and inland fisheries and the posted rules and regulations of the park. Fishing within the park shall be confined only to those areas designated by the director. Every person of whom a license is required must carry such license and shall show the same immediately upon demand of any officer whose duty it is to enforce the game and inland fish laws. Failure to exhibit such license upon demand of any game warden or other officer shall be *prima facie* evidence that such person is fishing without a license. It shall be unlawful for any person to make a false statement in order to secure a license or to alter, change or lend a license.

(6) *Hunting.* Hunt, trap, or pursue wildlife at any time. Trapping may be authorized, by permit, when it is deemed by the director that said activity is in the best interest of public health, safety and/or welfare.

(7) *Firearms, knives, and weapons.*

(a) It shall be unlawful for any person to discharge in any park any pistol, revolver, shotgun, BB gun, air gun, slingshot, bow and arrow, dart device, or other weapon in which the propelling force is gunpowder, a spring or air, except as may be carried by a duly authorized law enforcement officer.

(b) It shall be unlawful for any person to use, carry or have in his possession any knife with a blade of more than three (3) inches except where such knife is necessary for preparation of food within any park.

(c) Any person who has a permit to carry a concealed handgun which is valid in the commonwealth and who has on his person that valid permit may possess a concealed handgun in a park.

(d) Shooting into park areas from beyond park property boundaries is forbidden.

(e) The director may permit authorization for the use of a firearm or other potentially dangerous instrument, to be used in a park for a special event or county-managed activity.

(7) *Picnic areas and use.*

a. *Regulated.* Picnic in a place other than those designated for that purpose. Park attendants shall have the authority to regulate picnic activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. No visitor shall fail to comply with any directions given by park attendants to achieve this end.

b. *Availability.* Fail to observe the policy that use of the individual fireplaces as well as tables and benches shall follow the rule of "first come, first served."

c. *Duty of picnicker.* Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, all refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

d. *Nonexclusive.* Use any portion of the park areas or of any of the buildings or structures therein without a permit issued by the director, for the purpose of holding activities to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

e. *Reservations.* Reservations for shelters only may be obtained by paying a fee, as determined by the department of parks, recreation and tourism for exclusive use during said time period. Permits will be issued upon payment of fee and must be in the possession of users to be valid. No person or group occupying a shelter shall fail to

relinquish the shelter to a party or group holding a reservation permit from the department of parks, recreation and tourism.

(8) *Athletic fields.* Use any county owned or maintained ball field until first securing a field rental contract for field use from the department. This requirement applies to all sanctioned or non-sanctioned teams or organized groups. Field rental contracts may cover league teams for a specific sport and may include multiple fields; however, copies of such contracts shall be in the possession of a responsible individual for each non-sanctioned team or organized group using any such ball field.

(9) *Camping.* Set up tents, shacks, or any other temporary shelter for the purpose of camping. During closed hours, no person shall leave any equipment, structure or vehicle to be used, or that could be used, for such purposes, such as a house trailer, camp trailer, camp wagon or the like. During closed hours, no person shall camp in any public park without the express written permission of the director.

(10) *Games.* Take part in or organize any recreational activity or the playing of any games, including but not limited to golf, except in areas set apart therefore.

(11) *Horseback riding.* Ride, drive, or lead a horse except on park drives or trails, as designated by the director. Where permitted, horses shall be thoroughly broken and properly restrained, ridden with due care, and shall not be allowed to graze or go unattended, nor be hitched to any rock, tree, and shrub. No hoofed animals will be allowed on turf areas.

(12) *Missiles, fireworks, and explosives.* Carry, shoot, fire, explode, discharge, or throw any fireworks, firecrackers, rockets, torpedoes, explosives, or missiles of any kind in any park without a permit from the director.

(13) *Photography.* Make still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of professional models without prior written authorization by the director; said written permission may be issued only when such activities will permit normal use of park facilities by other visitors. However, the provisions of this section do not in any way restrict the ordinary use of cameras by amateur photographers.

(14) *Remote control planes.* Operate a remote control plane, glider, or motor propelled aircraft in any park without a permit from the director.

Sec. 12-27. Meetings and concessions.

No person shall:

(1) Hold or take part in any public meeting or event, religious, political, charitable or otherwise, including picnic parties and entertainment for charitable or religious purposes, in any public park without first obtaining written permission from the director. Such

assemblages shall be conducted in a lawful and orderly manner, and shall occupy such grounds and facilities as may be assigned to or reserved for them.

(2) Sell or offer for sale any food, beverage, refreshment, or any article or service whatsoever in any park except by concessionaires under contract with the county or by nonprofit, charitable or religious groups, authorized by permit from the director.

Sec. 12-28. Behavior.

No person in any park shall:

(1) *Intoxication.* Enter upon or be in or remain in a park while under the influence of alcoholic beverages or any controlled substance or narcotic as defined by the Drug Control Act of the Code of Virginia.

(2) *Taking a drink or tendering same.* Take a drink of any alcoholic beverage or tender a drink thereof to any other person, whether accepted or not, except as permitted by Section 4.1-308(C) of the Code of Virginia, 1950, as amended.

(3) *Domestic animals.* Be responsible for the entry of a dog or other domestic animal into a park unless carried, led by a chain, strap, or rope, or kept in a wagon, automobile, or other vehicle by chain, rope, or strap. Dogs, cats, or other domestic animals shall not be permitted to enter any lake, pond, fountain, swimming pool, stream, all special event areas and tournaments, ball fields, or food and beverage concession area within any park or recreation area. Service dogs shall be excluded from the provisions of this regulation. All domestic animal waste must be disposed of in a proper manner (*i.e.* scooper or plastic baggie) by owner.

No non-working animal or pet shall be allowed at special events in county parks. Non-working animals or pets include, but are not limited to, dogs, cats, horses, reptiles, or other animals that are present at a special event other than for the express purpose of assisting an individual with a disability. Also excluded are those animals or pets which are an attraction and/or a part of the special event.

(4) *Fires, smoking.* Kindle, build, use, or maintain a fire in or upon any park, except in places and receptacles provided and designated for such purposes; kindle, build, use, or maintain a fire when such fire is banned by proper authority. Any such fire shall be supervised continuously by an adult from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other material within or against any building, boat or vehicle, or under any tree or underbrush or in any place other than a proper receptacle for said material. No person shall smoke any cigar, cigarette, tobacco or other substance in any posted area designated as a "No Smoking" area by the director.

(5) *Closed areas.* Enter an area posted as "Closed to the Public" or "No Trespassing" or otherwise "closed" in accordance with section 12-29(b) of this article. No person shall use or abet the use of any area in violation of posted notices.

(6) *Going onto ice.* Go onto ice on any of the waters except such areas designated as skating areas and posted as such.

(7) *Disorderly conduct and disturbing the peace.* Cause inconvenience, annoyance, or alarm to another by doing any of the following:

a. Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

b. Disturbing the peace, or using an offensively coarse utterance, gesture, or display, or communicating unwarranted and grossly abusive language to any person;

c. Insulting, taunting, or challenging another under circumstances in which such conduct is likely to provoke a violent response;

d. Hindering or preventing the movement of persons on a public street, road or right-of-way, or to, from, within or upon public property, so as to interfere with the rights of others and by any act which serves no lawful and reasonable purpose of the offender.

e. Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful or reasonable purpose of the offender.

f. Disobeying a lawful order of a game warden, sheriff's deputy, or parks and recreation employee.

g. Using any loudspeakers, electric noise devices, noisemaking equipment, radio, tape recorder, record player, or other sound-producing device in such a way as to create excessive noise which disturbs other persons.

(8) *Exhibit permits.* Fail to produce and exhibit any permits from the director upon request of any police officer or park attendant who shall request to inspect the same.

(9) *Interference with permittees.* Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, permitted by a permit.

Sec. 12-29. Park operating policy.

(a) *Hours of operation.* The director shall determine the hours when any park operated by the county shall be open to the public. Such hours shall be posted prominently at the entrance to the park, and it shall be unlawful for any person or persons to be present in the park during any hours when the park is not open to the public, except:

- (1) Employees or agents of the county, engaged in the conduct of official business.
- (2) When any persons are engaged either as participants or spectators in any county-sponsored activity or event, when such activity or event extends beyond the posted hours of the park.
- (3) When special required written permission from the director has been granted to persons to remain in any park area outside regular open hours.

(b) *Closed areas.* Any section of any park may be declared closed to the public by the director at any time or for any interval of time, either temporarily or at regular and stated intervals and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(c) *Permit.* A permit shall be obtained from the director before participating in a park activity prohibited by these rules:

(1) *Application.* A person seeking issuance of a permit hereunder shall file an application with the director. The application shall state: the name and address of the applicant; the name and address of the person, persons, corporation, or association sponsoring the activity, if any; the name, address and effective contact information for a responsible individual for such permit; the day and hours for which the permit is desired; an estimate of the anticipated attendance; any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) *Standards of issuance.* The director may issue a permit hereunder when he finds: that the proposed activity or use of the park will not unreasonably interfere or detract from the general public enjoyment of the park; that the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety or recreation; that the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct; that the proposed activity will not entail unusual, extraordinary or burdensome expense or allocation of manpower resources by the county police department or other operation by the county; that the facilities desired have not been reserved for other use at the day and hour required in the application.

(3) *Appeal.* Within seven (7) days after receipt of an application, the director shall either issue a permit or apprise an applicant in writing of his reasons for refusing a permit. Any aggrieved person shall have the right to appeal in writing within five (5) days to the county administrator, or his designee, who shall consider the application under the standards set forth in subsection (2) hereof and sustain or overrule the director's decision within fifteen (15) days. The decision of the county administrator, or his designee, shall be final.

(4) *Effect of permit.* A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(5) *Liability of permittee.* The person or persons to whom a permit is issued shall be liable for any loss, damage, or injuries sustained by any person whatsoever, by reason of the negligence of the person or persons to whom such permits shall have been issued and shall indemnify and hold the county, its officers, employees and agents harmless from any claim, judgment, or award for damages or other legal relief of any nature whether as a result of legal or administrative action.

(6) *Revocation.* The director shall have the authority to revoke, or modify, a permit upon finding a violation of any rule or ordinance, or upon good cause shown. Reasonable efforts shall be made by the department to promptly notify the holder of the revoked permit of the director's actions.

Sec. 12-30. Fines and penalties.

(a) Any violation of section 12-26(5)(c) (fishing permits) shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and by revocation or suspension of the license on such terms as the court may prescribe. The purchase of the license subsequent to an arrest, or notice of summons to appear in court for fishing without a license shall not operate to relieve such person from the penalties herein provided

(b) Unless a more severe punishment is specifically provided for under state law, which shall then be applicable to a violation of this article, a violation of any provision of this article shall constitute a class 2 misdemeanor; provided that nothing herein contained shall limit the authority of the court to order restitution for the benefit of the county as a result of any damage or abuse to property subject to this article.

(c) In addition to the foregoing, the director may seek such other remedies by way of injunction, abatement, or other similar relief as in his discretion may seem necessary.

(d) That any provision of the County Code not specifically amended or repealed above shall remain in full force and effect as adopted.

(e) This article shall be in full force and effect from and after its passage.

Sec. 12-31. Exemptions and waivers.

Except as otherwise prohibited by law, the director may grant a waiver to any all provisions contained in this article to an person employed by the department of parks and recreation in the conduct of his employment. Except as otherwise prohibited by law, the director may also grant a waiver to any and all provisions contained in this article to any public or private civic, educational, law enforcement, or safety agency for purposes of conducting training or education within the public parks of this county.

Sec. 12-32. Severability.

The provisions of this article are severable. In the event that a court declares or finds the invalidity of any provision or section hereof, such declaration or finding shall not affect the validity of any other provision or section hereof.