



**Amherst County Board of Supervisors
County Ordinance No. 2019-0006**

AN ORDINANCE, NO. 2019-0006

Amending § 12-26 – Prohibited uses of parks of Chapter 12, Article I – In General, to the Code of the County of Amherst to allow swimming, boating or fishing in designated swim areas.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, June 18, 2019
PUBLIC HEARING: Board of Supervisors, July 16, 2019**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Section 12-26 Prohibited uses of parks - of Chapter 12, Article I – In General to the Code of the County of Amherst be and hereby is amended as follows:

Sec. 12-26. - Prohibited uses of parks.

A. General prohibitions. Persons entering and occupying county parks shall not:

(1) 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, nor, except where authorized in writing by the director, shall any person operate any musical instrument for advertising or promotional purposes or for the purpose of attracting attention to any exhibit, show, performance, or other display.

(2) Solicit contributions for any purpose.

(3) Swim, bathe, or wade in any waters or waterways in or contiguous to any park, except at Mill Creek Lake Park and except as required to launch a watercraft, including inner tubes, or while fishing.

(4) Boating or fishing in designated swimming areas.

(45) Navigate, operate, direct, or handle any watercraft, whether motor powered or not in violation of applicable federal, state, or local laws or regulations, or in an unsafe or reckless manner.

(56) Bring into the park or launch from park property any watercraft equipped with wake-enhancing devices, including ballast tanks, wedges, hydrofoils, or other mechanical devices, nor shall any person employ in watercraft launched from park property tactics intended to manipulate bow height, including distributing persons or gear in an uneven manner within the boat.

(67) Launch, dock, operate, or remain on or in any boat of any kind on any park waters after the park has closed, except where such action is done attendant to night fishing pursuant to a valid license or permit.

(78) Moor, tie, beach, or otherwise secure a boat to any structure, dock, beach, tower, dam, or bank not designated by the director for that purpose.

(89) Use a boat ramp for any purpose other than launching a watercraft or retrieving it from the water, or make any other use of a boat ramp in such a manner as to unreasonably bar access by others.

(910) Set up tents, shacks, or any other temporary shelter for the purpose of camping, nor shall any person leave any equipment, structure or vehicle that could be used for camping in the park after closing.

(1011) Take part in or organize any recreational activity or game, including but not limited to golf, except in areas designated for such recreational activity or game.

(1112) Ride, drive, or lead a horse except on park drives or trails designated by the director, or allow a horse to graze or go unattended, or hitch a horse to any rock, tree, or shrub.

(1213) Carry, shoot, fire, explode, discharge, or throw any fireworks, firecrackers, rockets, torpedoes, explosives, or missiles without prior written authorization from the director.

(1314) 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 from the director.

(1415) Operate a remote-control plane, glider, or motor-propelled aircraft in any park without prior written authorization from the director.

B. Fishing and hunting.

(1) The purchase or sale of fish caught in any park waters is prohibited.

(2) Park visitors may fish in any park waters if they hold a valid state fishing license. Any person fishing within a park (i) shall conform to the rules and regulations published by the Virginia Department of Game and Inland Fisheries and the posted rules and regulations of the park and (ii) shall carry on his person his valid state fishing license and shall show the same immediately upon demand of any law enforcement officer. Failure to exhibit such license upon demand of any law-enforcement officer shall be prima facie evidence that such person is fishing without a license.

(3) Park visitors shall not hunt, trap, or pursue wildlife while within the park. The director may authorize hunting and trapping of wildlife in writing prior to the hunting or trapping if the director determines that to be in the best interest of public health, safety or welfare.

C. Weapons. Due to the presence of children and in light of the expectation of safety that county citizens and others have upon entering parks for entertainment and recreational activities, the use or carrying of weapons in county parks is limited as follows:

(1) Only law enforcement officers engaged in professional duties may 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.

(2) No person while in a park shall 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 the park or is being used in connection with any other lawful purpose in the park.

(3) 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 carry a concealed handgun in a park.

(4) Shooting into park areas from beyond park property boundaries is prohibited.

(5) The director may authorize in writing the use of a firearm or other potentially dangerous instrument within a county park.

D. Picnic areas and athletic fields.

(1) Park visitors may picnic in areas 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.

(2) Fireplaces, tables, and benches cannot be reserved and are available to the park visitors who first secure them. Visitors shall not make unreasonable use of such facilities, or of any park area or picnic shelters, when others are awaiting their turn.

(3) Park visitors shall ensure before leaving a picnic area that the fire is completely extinguished and 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 removed from the park area by the picnicker.

(4) Park visitors shall not make exclusive use of a park area or picnic shelter except pursuant to a written reservation issued by the director. Such written reservation may be issued upon payment of a fee and must be in the possession of users to be valid. Reservations for shelters shall be made and held on a "first come, first served basis." Any person or group occupying a shelter without a written reservation shall relinquish the shelter to a party or group holding a written reservation. Pursuant to restrictions contained in Amherst County's lease with Appalachian Power Company for Monacan Park, no fee or license will be charged by Amherst County for use by the public of any of the dedicated facilities in Monacan Park.

(5) Athletic facilities not reserved for exclusive use shall be generally available to park visitors.

E. Enforcement by the Virginia Department of Game and Inland Fisheries. The county authorizes and expressly permits officers of the Virginia Department of Game and Inland Fisheries to enforce the provisions of this section relating to hunting, fishing, and boating.

(Ord. of 12-15-09; Ord. No. 2011-0002, § 1, 12-20-11)


§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 16th day of July, 2019.



L. J. Ayers III, Chairman
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 4

Nays 1

Abstentions Ø