



PART II - CODE OF ORDINANCES
TITLE 12 - PUBLIC PLACES
CHAPTER 12.12 PARK USE REGULATIONS

CHAPTER 12.12 PARK USE REGULATIONS¹

PART I: IN GENERAL

12.12.010 Definitions.

For the purposes of this chapter, the following words and phrases, shall have the meanings as shown:

Amplified sound means any sound projected or transmitted by artificial means, including, but not limited to, loudspeakers, amplifiers, powered megaphones or any similar devices.

Camping means the overnight lodging or sleeping of a person or persons within a park, including camping in the open on the ground or in a sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, or in any other structure or facility erected, parked, or placed within the park.

City means the City of McDonough, Georgia.

County means Henry County, Georgia.

Department means the Henry County Parks and Recreation Department.

Motor vehicle means any vehicle that is self-propelled by any means whatsoever, including all devices in, upon, or by which any person or property may be transported or drawn, excluding wheelchairs or other ambulatory assistance devices or device moved exclusively by human power.

Outdoor event or festival means a privately sponsored outdoor celebration or gathering, that includes any one (1) or more of the following entertainment: Amusement rides, dancing, music, dramatic productions, art exhibition, or other exhibits or displays, selling of merchandise or services, or food and beverages.

Park means any park, recreational facility, or related improvement, owned, improved, maintained, operated and otherwise controlled by the City of McDonough, for recreation or natural resource preservation purposes.

Parking or parked means any standing vehicle, whether occupied or not, when not loading or unloading.

Parking area or parking lot means any off-street area, whether paved or not, which is designed for the parking of motor vehicles.

Permit means the written authority and permission for use of specific park property or facilities issued pursuant to this chapter.

Person means any individual, firm, partnership, association, corporation, company, organization or any group or gathering of individuals.

¹Editor's note(s)—Ord. No. 20-10-19(A) , adopted October 19, 2020, amended Ch. 12.12 in its entirety to read as herein set out. Former Ch. 12.12 pertained to the same subject matter, consisted of §§ 12.12.010—12.12.050, and derived from Ord. No. 14.06.05 , adopted June 15, 2014.

Rules and regulations means the written rules and regulations, and any subsequent amendments, concerning the use and maintenance of City of McDonough parks and park property.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.020 Purpose of chapter; scope.

- A. *Purpose.* The purpose of this chapter is to establish reasonable rules and regulations for the public use of city parks owned and controlled by the city based upon:
- The purpose for which the park was established;
 - The safety of those using the park;
 - The safety of the City employees and public; and
 - The safety and maintenance of park property.
- B. *Scope.* Unless expressly exempted, these rules and regulations shall apply to all parks, as defined above, owned and controlled by the City of McDonough; however, these rules shall not apply to parks which are operated and maintained by Henry County, Georgia.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.030 Administration.

- A. The city administrator shall be responsible for administering the provisions of this chapter, including enforcement of park rules/regulations and use restrictions, and the general operation of all parks.
- B. The city administrator is authorized to determine appropriate uses for any park, and to adopt such additional rules and regulations as may be necessary to ensure members of the public have safe and equitable access to the city's parks, as well as to protect and maintain City's parks from potential damage from overuse and misuse.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.040 Reserved use of parks; permits.

- A. *Reservations; in general.* Members of the public may reserve park pavilions and other specified facilities, as may be identified by the city administrator, for temporary, private use by submitting the required application and fee(s) to the city. A list of available facilities, and corresponding rental fees, shall be available at City Hall, and shall be maintained on the city's website. Reservations shall be subject to availability, and on a first come, first serve basis.
- B. *Sanitation bond.* A refundable sanitation bond of one hundred dollars (\$100.00) will be charged in connection with the reservation of any pavilion, payable two (2) weeks in advance of the reserved date.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.050 Media productions.

A permit, pursuant to city Code Chapter 5.45, shall be required for use of a city park or recreation facility in connection with a media production. For the purposes of this chapter, media production includes, but is not limited to all movies, television or video series, pilots, feature films and documentaries, commercials, music videos,

photo shoots, infomercials and public service announcements, whether the final product is intended for commercial use or not.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.060 Outdoor events; parades; public assembly.

- A. *Outdoor events; separate permit required.* Outdoor events, festivals, and/or special events held in a city park by any individual or agency, whether commercial or noncommercial, public/governmental or private, are subject to the permit requirements, and other rules and regulations set out in City of McDonough Code of Ordinances, Chapter 12.08, "parades and public assemblies."
- B. *Event coordinator; scheduling.* The city administrator may designate an "event coordinator" for the city who shall be responsible for coordinating the scheduling and permitting of all outdoor events. Provided, however, the city shall not plan events, or partner with non-city agencies to plan events. The scheduling of all events shall be on a first come, first served basis, subject to the discretion of the city administrator.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

PART II: REGULATIONS GOVERNING PUBLIC USE

12.12.070 Hours of use.

- A. Except as otherwise provided, daily hours for all general-use parks shall be 7:00 a.m. until sunset; lighted parks shall remain open until 11:00 p.m.
- B. It shall be unlawful for any person to enter, loiter, or remain in a park, without a permit, after it has been closed to the public.
- C. Opening and closing hours shall be clearly posted for each park, along with the specific rules and regulations for its use.
- D. The city administrator may declare any section or any part of any park closed to the public at any time, without prior notice. Closures may be temporary, or may be at regular and stated intervals, and either entirely or for certain uses, subject to the sole discretion of the city administrator.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.080 Rules of conduct.

- A. It shall be unlawful for any person in a park to:
 - 1. Climb or lie upon any tree, shrub, fence, statue, monument or fountain.
 - 2. Enter or leave any park except through established entrances or exits and within established time periods.
 - 3. Gain or attempt to gain admittance to any park where a charge is made, without paying that charge.
 - 4. Use any area for changing clothing, other than an area designated for that purpose.
 - 5. Disregard the notices, prohibitions or directions on any park sign.
 - 6. Disobey the lawful order of a police officer.

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7. Play, practice or otherwise participate in any game, sport or other recreational activity that is destructive to the lawn, plants, walls, road, or other infrastructure of a park, except at or upon places designated for that game, sport or recreational activity. By way of example, these activities include, but are not limited to: Wearing sneakers with cleats, playing rugby or volleyball, or skateboarding on/off park walls, structures, or seating.
 8. Destroy or damage the lawn, plants, walls, road, or other infrastructure of a park, whether knowingly, or as the result of reckless behavior.
 9. Drive stakes, posts, poles, or any other device, or dig holes for the purpose of securing stakes, posts, poles or any other device for any reason, including erecting a tent, stage or other structure.
 10. Bring in or erect any inflatable amusements, amusements requiring water, or any amusements requiring an independent power source, except during permitted events and festivals. A two million million dollar (\$2,000,000.00) liability policy is required by Henry County, Georgia.
 11. Erect a tent or canopy with a finished dimension greater than ten (10) feet by ten (10) feet, or be in possession of an erected tent or canopy with the same dimensions, without receiving the written permission of the city administrator, as well as all other applicable permits required by this chapter.
 12. Bring in, carry, or possess any glass container into any park or recreation area.
 13. Abandon any animal in a park including, but not limited to: cats, ducks, raccoons, opossums, and dogs.
 14. Use a playscape, play-set or park bench for other than its intended use and/or purpose.
 15. Dispose of charcoals anywhere inside of a park other than in city-provided receptacles that are clearly marked for charcoal disposal.
 16. Hang any sign, banner, or any other item from a tree located in the park.
 17. Lay any of the following items on any permeable surface in a park: plywood, a non-permeable tarp, or any other item used as a ground covering that is made of a material that does not allow water to penetrate to the ground below. This provision shall not apply to events holding valid permits pursuant to Chapter 12.08, and if consistent with the terms established in the permit.
 18. Urinate or defecate in any park or public place, regardless of whether the location is in public view, including without limitation in or upon any park building, monument or structure, except in permanent restrooms or portable lavatories open to the public. This rule shall not apply to individuals wearing diapers or who accidentally soil themselves. Soiled diapers must be wrapped tightly so that no waste can escape, and must either be removed from the park or disposed of in a trashcan.
 19. Spit or expectorate in or upon any park or public building, monument or structure.
 20. Use any public water fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water contained in a park for the purpose of bathing, or cleaning clothing or other personal belongings, except in park bathrooms and showers.
 21. Use any athletic field or court for other than its intended purpose, including without limitation: baseball fields; football fields; volleyball courts; and tennis courts. Where a sports field is designated for a particular sport, this provision does not prohibit the field's use for a different sport, provided that the alternative use is compatible with the type of field and unlikely to cause damage, and provided that no one is using or waiting to use the field to play the sport for which it is intended.
 22. Enter or attempt to enter to any portion of a park that is closed to the public, unless providing city services as a city employee, contractor or subcontractor.
 23. Enter or attempt to enter any portion of a park that is reserved for private use without express permission from the reservation holder, which may be provided in the form of a ticket.

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- 24. Leave personal effects unattended in any park. For the purposes of this provision, "personal effects" shall include, but shall not be limited to: clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, but shall not include parking a bicycle or other mode of transportation.
 - 25. Bring in any collection of livestock, farm animals or docile wild animals to be fed and pet
 - 26. Use metal detectors other than for surface metal detection; digging or other damage to park grounds in connection with the use of metal detectors is expressly prohibited.
 - 27. Use or operate off-road vehicles, including all terrain vehicles and motorcycles, in parks, trails and/or green spaces unless performing maintenance to parks.
- B. These prohibitions shall not apply to activities and conduct expressly authorized or permitted by the city administrator or his designee.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.090 Smoking.

Smoking of cigarettes, cigars, pipes, or other tobacco is expressly prohibited in, on, and around all playgrounds, pavilions, parks, buildings, and/or other recreation facilities owned or operated by the city.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.100 Sales of goods, articles, or services.

No person shall sell goods, articles, or services of any nature in any park without first obtaining a written permit from the city administrator; provided, however, that the sale of alcoholic beverages in any park, or recreation area or facility is expressly prohibited.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.110 Vehicles.

- A. No person shall operate or park motor vehicles of any kind, including motorcycles, in or on any area in any park, except designated roads and parking areas. Off-road vehicles and all terrain vehicles (ATVs) are not permitted in parks unless for performing maintenance on the fields.
- B. No person shall leave, or cause to be left, any motor vehicle upon park property when the park is closed. City of McDonough police officers are authorized to remove any such motor vehicle at the owner's expense except for attending organized sporting events.
- C. Motor vehicles shall be operated at all times with reasonable regard to the safety of others, and at a maximum speed of ten (10) miles per hour, unless otherwise posted. Motor vehicles shall be parked in designated areas when left unattended except for maintenance vehicles.
- D. It shall be unlawful to repair or wash a motor vehicle in any park, except for emergency repairs.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.120 Firearms; explosives; fireworks.

- A. Except as provided in part (B) of this section, it shall be unlawful for any person to possess or use any firearm, bows and arrows, explosives, fireworks (as defined in O.C.G.A. § 25-10-1(a)(1)), slingshots, fishing spears or any device that discharges projectiles by any means, in any park, historic site, or recreation facility.
- B. Any person with a valid "weapons-carry license", issued by the State of Georgia, pursuant O.C.G.A. § 16-11-129, may carry a weapon in all parks, historic sites, and recreational areas; no person shall carry a handgun into a place where it is prohibited by federal law.
- C. Shooting into park property from beyond park boundaries is prohibited.
- D. These restrictions shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.130 Alcohol and controlled substances.

- A. *Alcoholic beverages.* No person shall use, possess, consume, give away, or sell any alcoholic beverage in or on any park or recreation facility, except pursuant to, and in accord with, a city-issued permit.
- B. *Controlled substances.* Use, manufacture, possess, sell, give away, barter, exchange, distribute or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed to prescribe and administer controlled substance.
- C. *Intoxicated persons prohibited.* No intoxicated person shall enter into or remain in any park or recreation facility.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.140 Camping; tents.

- A. No person shall camp, or stay overnight, in any park, or any other public area, not designated for that purpose, including camping or staying overnight in vehicles or trailers except for organized sporting events.
- B. Tents. In addition to any other requirements established by the City Code of Ordinances, and other applicable law, any tent or canopy erected in a park must meet the following criteria:
 - 1. The structure may have no more than two (2) opaque sides. The non-opaque sides must remain visually unobstructed. Said sides may be made of netting or mesh, provided that said netting or mesh does not materially impede visibility into the structure from the outside.
 - 2. Tents with more than two (2) opaque sides are acceptable provided if: a) the opaque sides (other than two (2)) can be opened such that at least two-thirds ($\frac{2}{3}$) of each side becomes non-opaque; and b) the opaque sides (other than two (2)) are opened to the greatest extent possible and fastened in a manner that does not materially impede visibility into the structure from the outside.
 - 3. The structure may not have a floor.
 - 4. Tents must have a distance between them of no less than twelve (12) feet.
 - 5. Tents may be erected for shade only during sporting events and may be secured only with cinder blocks.

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- C. The following items may not be located inside of any tent or canopy absent all required permits and licenses, including without limitation a permit from the City of McDonough Fire Department only for organized sporting events:

1. Generators, heaters and/or stoves powered by gasoline, kerosene, propane, or other flammable substance.
2. Flammable gases, liquids or accelerants of any kind, including, but not limited to, gasoline, propane, and kerosene.
3. A flame/flames from any source, whether open or enclosed, including, but not limited to, candles, lanterns, and torches.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.150 Fires.

- A. No person shall willfully set, or cause to be set on fire, any tree, woodland, brush land, grassland or meadow within park property.
- B. No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other materials that could cause fire in a park.
- C. No person shall build, light, or kindle any fire within park property except in designated grills, firepits, receptacles or open space areas designated for such purposes, and, where required, with a city burn permit.
- D. Fires within park property shall not be left unattended. All fires shall be extinguished prior to leaving the immediate vicinity.
- E. Fires within park property are subject to the conditions and restrictions of the City of McDonough Open Burn Ordinance.
- F. The requirements in this section shall not prevent planned and controlled prairie burns when necessary, when conducted by the city fire department or local emergency services authority or another authorized person or agency, with a burn permit.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.160 Wildlife.

It should be unlawful to:

- A. Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, or have in possession any species of wildlife found within the confines of any park, except that fishing may be permitted in designated areas subject to the laws and regulations as established by the State of Georgia.
- B. Remove any animal, living or dead, from a park without written authorization from the city administrator. Any animal so removed or taken contrary to the provisions of this chapter or laws of the State of Georgia shall be contraband and subject to seizure and confiscation.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.170 Encroachment; appropriation of park property.

- A. *Encroachment.* It shall be unlawful for any person to encroach on any park property with such items as fences, gardens, other personal property, or to disturb the natural landscape, vegetation or structures on park property or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to a park or recreation facility as they would against property adjacent to private property.
- B. *Appropriation or encumbrance of property.* No person shall enter upon any of the public land belonging to the city and dig up the earth or deposit any earth, rock or other substances, nor shall any person erect or attempt to erect any structures of any kind, or in any other manner attempt to appropriate or encumber any portion of the real estate belonging to the city, unless such person shall have first obtained proper authority to do so.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.180 Boating and swimming.

No person shall engage in any boating, swimming, or any like activity on any lake, pond, or other water within any park owned or operated by the city. However, this section shall not apply to any city employee while in the performance of assigned duties or to any person assisting in or carrying out rescue work.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.190 Pets in parks.

It shall be unlawful for any person to:

- A. Cause or allow any pet to roam or be at large in any park.
- B. Permit a pet to enter any athletic field or any other unauthorized area of a park.
- C. Fail to restrain a pet with a leash of six (6) feet in length, or less and display current vaccination tag.
- D. Permit a pet to disturb, harass or interfere with any park visitor, park visitor's property or park employee.
- E. Tether any animal to a tree, plant, building or park equipment.
- F. Have custody or control of any pet in a park without possessing and using an appropriate device for cleaning up pet feces and disposing of the feces in a sanitary manner.
- G. Permit any pet or domestic animal to graze or browse in any park.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

PART III: SPECIAL PROVISIONS

12.12.200 Dog Park at Alexander Park; unleashed dogs permitted.

Unleashed dogs shall be allowed only within the fenced area at Alexander Park that is designated as a dog park or "Bark Park." Animals running at large in Alexander Park, and unleashed dogs within the dog park in violation of the rules and regulations contained in Section 12.12.210, below, are prohibited.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

12.12.210 Same; park rules.

Use of the park is subject to the following rules and regulations:

1. Hours are 8:00 a.m. until dusk.
2. Use of the dog park is at your own risk.
3. Only dogs with current rabies vaccinations and all other vaccinations required by law shall be allowed to use the dog park. All dogs must wear a vaccination tag.
4. Children under twelve (12) years of age must be accompanied by an adult.
5. Food, alcohol, tobacco, illegal drugs, and glass containers are prohibited.
6. Unattended dogs are prohibited; all dogs must be supervised by persons of at least sixteen (16) years of age.
7. Dogs under four (4) months of age are prohibited.
8. Female dogs in heat are prohibited.
9. Leashes, pinch collars, or choke chains must be removed once dogs have entered the dog park.
10. No more than three (3) dogs per person are permitted at any time.
11. Unleashed dogs are restricted to the area designated for their weight class.
12. Owners are required to clean up after their dog(s); deposit all litter in trash receptacles provided.
13. The dog park gate(s) must remain closed at all times.
14. All dogs must be leashed when preparing to enter and exit the dog park.
15. Agility equipment is for dog use only; children are not permitted to climb or play on the equipment
16. Bicycles, inline skates, roller skates, skateboards, strollers and/or motorized carts and vehicles are prohibited.
17. Dogs must be under the control of an adult and in view of their handler at all times; aggressive behavior is prohibited.
18. Dog-training classes are prohibited.
19. Dog owners are responsible for repairing any holes or other damage created by their pets.
20. Any dog or owner creating a disturbance shall be required to leave park property upon request of a city employee, animal control, police or park director.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)

PART IV: ENFORCEMENT AND PENALTIES

12.12.220 Penalties.

- A. The violation of any rule and regulation governing the use of any park shall be deemed a violation of this Code of Ordinances and shall be punished as provided in Section 1.08.010, thereof.

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- B. In addition to the general sanctions provided in that Code section, in the event that a person's violation of any park rule or regulation results in damage to a park, including, but not limited to, its infrastructure or plants, the person also shall be responsible for reimbursing the city for the cost of repairing the damage, or replacing the damaged item(s) if the city finds that replacement is necessary.

(Ord. No. 20-10-19(A) , § 1, 10-19-2020)