

BOARD OF COMMISSIONERS OF
HENRY COUNTY, GA

ORDINANCE NO. 19- 02

AN ORDINANCE
AMENDING SECTION 3-13-4(a)(6)(a)
OF THE HENRY COUNTY CODE OF HENRY COUNTY, GEORGIA
BY ADDING AN ALLOWABLE PARK/VENUE FOR THE PURPOSE OF ALLOWING
THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE)

WHEREAS, Section 3-13-14(a)(6)(a) of the Code of Henry County outlines that the sale and consumption of alcoholic beverages (beer and wine only) shall be permissible in certain county-owned locations; and

WHEREAS, specifically, Section 3-13-14(a)(6)(a) of the Code of Henry County provides as follows:

The sale and consumption of alcoholic beverages (beer and wine only) shall be permissible at the following county-owned locations only: Nash Farm Park, Heritage Park Arena and Building area only, Locust Grove Event Center, and shall meet the following conditions:

- i. *Written approval from the Henry County Recreation Commission (aka, recreation board) for each proposed event.*
- ii. *Meet all applicable local jurisdictional requirements (Locust Grove, McDonough).*
- iii. *Meet requirements of Henry County Code section 3-14-22.*
- iv. *The individual or company responsible for the sale dispensing of the beer and wine must possess a valid alcohol license, issued through the Georgia Department of Revenue, as well as a valid alcohol license from a Georgia municipality (city or county), which allows them to sell and/or dispense alcoholic beverages by the drink, off licensed premises.*
- v. *A police officer must be present for duration of event, at the applicant's expense.*
- vi. *Any other stipulations imposed by the recreation commission (aka, recreation board).*

WHEREAS, the Henry County Board of Commissioners has authorized the sale and consumption of alcoholic beverages at parks/venues in which the use of the facilities can be rented for events, including, but not limited to weddings, birthday parties, corporate events and music in the park/concerts; and

WHEREAS, with the opening of Village Park there has been a high demand for the use of the park, pavilions and community room and most recently a request to allow a concert in the park series, which would include the sale and consumption of alcohol; and

WHEREAS, Village Park is frequented by citizens from Henry County and surrounding counties as a destination park, with the potential to grow in terms of activity; and

WHEREAS, Staff has determined that the park will continue to be an economic draw and engine, because of its location, size and available offerings; and

WHEREAS, it is in the best interest of the County to add this park to the listing of approved parks and venues, that will allow alcohol sale and consumption, so long as certain requirements are met and adhered to; and

WHEREAS, towards that end, it is in the best interest of the County and its Citizens that Section 3-13-4(a)(6)(a) be amended to achieve such purpose.

NOW, THEREFORE, BE IT ORDAINED the Board of Commissioner of Henry County that Section 3-13-14 (a)(6)(a) of the Code of Henry County be amended by adding an additional park/venue to read as follows:

*The sale and consumption of alcoholic beverages (beer and wine only) shall be permissible at the following county-owned locations only: Nash Farm Park, Heritage Park Arena and Building area only, Locust Grove Event Center and **Village Park**.*

BE IT FURTHER ORDAINED, that all Ordinances and Resolutions in conflict herewith, and all portions of any Ordinances or Resolutions in conflict herewith are likewise repealed. The Chair is hereby authorized to execute all documents necessary to accomplish the purposes set forth herein.

So ORDAINED, this 5th day of March, 2019

HENRY COUNTY BOARD OF COMMISSIONERS

BY: June Wood

June Wood, Chair

ATTEST.

Stephanie Braun

Stephanie Braun, County Clerk

Sec. 3-13-4. - Parks—Prohibited acts.

- (a) As used in this section, the term "park" or "recreational area" means a park or recreational area which is under the custody or control of Henry County, Georgia, whether owned or leased by Henry County, and which is used for recreation by the general public.
- (1) It shall be unlawful for any person, in any manner, to mark on, deface, injure, displace, dig, excavate, remove, or construct on any real or personal property in any park or recreational area, except when done with special written permission granted by the board of commissioners of Henry County.
 - (2) It shall be unlawful for any person to drive a vehicle on any roads in a park or recreational area in excess of twenty-five (25) miles per hour. It shall also be unlawful for any person to drive a vehicle in excess of fifteen (15) miles per hour within two hundred (200) feet of an intensive-use area in a park or recreational area. As used in this subsection, the term "vehicle" means any wheeled conveyance for the transportation of persons or materials. As used in this subsection, the term "intensive-use area" means a picnic area, a beach or pool area, a check-in station, a ball or sporting event field, or a camping or cabin area.
 - (3) It shall be unlawful to fish commercially or to buy or sell fish caught in the waters of any park or recreational area.
 - (4) It shall be unlawful to fish with any device other than a pole and line or rod and reel in the waters of any park or recreational area.
 - (5) It shall be unlawful to hunt, trap, or otherwise pursue or catch any wildlife in any park or recreational area. It shall also be unlawful to shoot into a park or recreational area from beyond the boundaries of such park or recreational area.
 - (6) It shall be unlawful for any intoxicated person to enter or remain in any park or recreational area. It shall also be unlawful for any person to consume or use alcoholic beverages or intoxicants in any park or recreational area.
 - a. The sale and consumption of alcoholic beverages (beer and wine only) shall be permissible at the following county-owned locations only: Nash Farm Park, Heritage Park Arena and Building area only, Locust Grove Event Center, and shall meet the following conditions:
 - i. Written approval from the Henry County Recreation Commission (aka, recreation board) for each proposed event.
 - ii. Meet all applicable local jurisdictional requirements (Locust Grove, McDonough).
 - iii. Meet requirements of Henry County Code section 3-14-22.
 - iv. The individual or company responsible for the sale dispensing of the beer and wine must possess a valid alcohol license, issued through the Georgia Department of Revenue, as well as a valid alcohol license from a Georgia municipality (city or county), which allows them to sell and/or dispense alcoholic beverages by the drink, off licensed premises.
 - v. A police officer must be present for duration of event, at the applicant's expense.
 - vi. Any other stipulations imposed by the recreation commission (aka, recreation board).
 - b. Notwithstanding anything to the contrary in this section 3-13-4, the sale and consumption of beer and wine shall be permitted at the Cotton Fields Golf Course, subject to such rules and regulations as are, from time to time, adopted by the Henry County Board of Commissioners and/or the Henry County Recreation Commission (a.k.a. the Henry County Recreation Board).
 - (7) It shall be unlawful for any person to use in any park or recreational area any electronic device for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting.

- (8) It shall be unlawful for any person:
- a. To use or possess in any park or recreational area any fireworks, explosives, or firecrackers unless such use has been approved with special written permission granted by the board of commissioners of Henry County.
 - b. To use or possess in any park or recreational area any bows and arrows, slingshots, or any other similar device which discharges projectiles by any means, unless the device is unloaded and stored so as not to be readily accessible.
 - c. To use or discharge any firearm, air rifle or spring gun or destructive device in any park or recreational area.
 - d. For purposes of subsection c., "firearm" shall mean any weapon that is designed to or may readily be converted to expel a projectile by the action of an explosive or other frame or receiver of any such weapon, any firearm muffler or firearm silencer. "Destructive device" shall mean any explosive, incendiary, or poison gas: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four (4) ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses; any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into any destructive device described herein from which a destructive device may be readily assembled.
- (9) It shall be unlawful for any person or organization to lock or otherwise secure any walk-in gates to any ball field or athletic field in any park or recreational area to prohibit public entry except for security during non-operational hours.
- (10) It shall be unlawful to refuse to leave a park or recreational area after violating any of the laws or regulations established by this article after being directed to leave by any law enforcement officer or any authorized representative of Henry County.
- (11) It shall be unlawful for any person to park any vehicles overnight in any park or recreational area without the prior written approval of the board of commissioners of Henry County.
- (12) It shall be unlawful for any person to park a vehicle at any place within any park or recreational area where signs placed by Henry County or its official designee prohibit parking or condition the privilege of parking upon the purchase and display of a parking permit.
- (13) a. It shall be unlawful for any person to inhale, exhale, burn or carry any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form on any public park owned or operated by Henry County.
- b. Notwithstanding anything to the contrary in this section 3-13-4, the sale and use of tobacco products, including cigars, cigarettes and pipes shall be permitted at the Cotton Fields Golf Course, subject to such rules and regulations as are, from time to time, adopted by the Henry County Board of Commissioners and/or the Henry County Recreation Commission (a.k.a. Henry County Recreation Board).
- (14) It shall be unlawful for any person to collect, retrieve, remove, excavate or disturb any historical artifact or relic on any property owned by the county without the prior written consent of the board of commissioners of Henry County, Georgia.
- (15) It shall be unlawful for anyone age eighteen (18) and older to participate in any recreational activity in any public park, and any specific areas (fields, etc.), where such has been designated for youth recreational activities only; other than those engaged in coaching youth.
- (b) The penalty(ies) for the violation of any of the above-referenced Code provisions shall be as set forth in section 3-13-5 of this article.

(Ord. No. 00-01, § 2, 1-18-00; Ord. No. 06-14, § I, 12-18-06; Ord. No. 07-01, § I, 1-25-07; Ord. No. 10-02, § 1, 1-5-10; Ord. No. 12-22, 12-17-12; [Ord. No. 16-02, 7-19-16](#); [Ord. No. 16-03, 7-19-16](#))

State Law reference— Similar provision, O.C.G.A. § 16-11-171.)

Sec. 3-13-5. - Same—Penalties for violation.

Any person violating the provisions of this article, shall, upon conviction in the Magistrate Court of Henry County, Georgia, or upon plea of guilty or nolo contendere, be punished by a fine as provided for in O.C.G.A. Section 15-10-60 as hereafter may be amended. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Henry County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 91-04, 7-16-91; Ord. No. 00-01, § 1, 1-18-00)

BOARD OF COMMISSIONERS MEETING

Meeting Date:

March 5, 2019

Department Requesting Agenda Item:

County Manager

Action Type:

☒

Action requested by BOC

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For informational purposes only

Attachments/Exhibits for Agenda Item:

-Resolution
-Code of Ordinance, Section 3-13-4. Parks

Presenter:

Cheri Matthews, County Manager

Agenda Item:

**AN ORDINANCE
AMENDING SECTION 3-13-4(a)(6)(a)
OF THE HENRY COUNTY CODE OF HENRY COUNTY, GEORGIA
BY ADDING AN ALLOWABLE PARK/VENUE FOR THE PURPOSE OF
ALLOWING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
(BEER AND WINE)**

Background/Summary:

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With the opening of Village Park there has been a high demand for the use of the park, pavilions and community room and most recently a request to allow a concert in the park series, which would include the sale and consumption of alcohol.

Village Park is frequented by citizens from Henry County and surrounding counties as a destination park, with the potential to grow in terms of activity and has demonstrated by the ability to become an economic draw and engine, because of its location, size and available offerings.

Financial Implications/Considerations:

THIS IS AN ORDINANCE AMENDMENT-NO IMPACT ON THE BUDGET

Additional Comments / Recommendation:

Staff recommends approval of this Ordinance amendment.



**HENRY COUNTY
BOARD OF COMMISSIONERS**

Approval Sheet for Agenda Items

DEPARTMENT: COUNTY MANAGER

MEETING DATE: MARCH 5, 2019

AGENDA ITEM:

AN ORDINANCE AMENDING SECTION 3-13-4(A)(6)(A) OF THE HENRY COUNTY CODE OF ORDINANCES, BY ADDING AN ALLOWABLE PARK/VENUE FOR THE PURPOSE OF ALLOWING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE)

Department Director Signature: [Signature] DATE: 2/22/19
Comments:

Grants (If Applicable): _____ DATE: _____

Budget Director (If Applicable): _____ DATE: _____
Comments:

Purchasing Director (If Applicable): _____ DATE: _____
Comments:

County Attorney Signature: [Signature] DATE: _____
Comments:

County Manager Signature: [Signature] DATE: 2/22/19
Comments:

Received in County Clerk's Office by: _____ Date: _____