

**STATE OF GEORGIA
CITY OF MCDONOUGH**

ORDINANCE NO. 14-06-05

AN ORDINANCE AMENDING TITLE 12 OF THE CODE OF ORDINANCES, CITY OF MCDONOUGH, GEORGIA, CHAPTER 12.12 "PARK USE REGULATIONS"; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION I.

Title 12 of the Code of Ordinances of the City of McDonough, Georgia is hereby amended by deleting the existing Chapter 12.12 in its entirety, and inserting the following new Chapter 12.12 "Park Use Regulations," in its place, to read as follows:

PART 1. IN GENERAL.

Sec. 12.12.010–Purpose and Scope.

The purpose of this Chapter is to establish reasonable rules and regulations for the use of the parks and recreational facilities under the City's jurisdiction and control based on the following:

The

- purpose for which the park was established;
- safety of those using the park;
- safety of City employees and the public;
- safety and maintenance of park property;
- need and availability of supervisory personnel; and the
- maximum number of people who can safely use the park or facility at one time.

Sec. 12.12.020–Definition.

For the purposes of this Chapter, the following words, terms and phrases shall have the meaning set forth in this section.

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

City means the City of McDonough, Georgia.

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.

Permit means the written authority and permission for assembly, parade, or use of public facilities issued pursuant to McDonough Code of Ordinances § 12.08.

Public assembly means any meeting, demonstration, picket line, rally or gathering of 30 or more persons for a common purpose as a result of prior planning that affects or may reasonably be expected to affect the normal flow or regulation of vehicular or pedestrian traffic upon the streets, parks, or other public grounds, or occupies any public facility or public area in a place open to the general public.

Public facility means a building, structure, park, place or other location or area that a person may seek to utilize for purposes other than the normal and usual governmental operations of the City.

Recreational facility, see *public facility*.

Vehicle means any wheeled conveyance for the transportation of persons or materials.

Sec. 12.12.030–Use of parks.

A. *Recreational and athletic purposes.* Except as otherwise expressly provided herein, all parks and park facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the park and/or facility and the safety of the public and park property.

B. *Prohibited acts.*

1. No person shall commit a violation of local, state or federal law while on park property.
2. Smoking of cigarettes, cigars, pipes or other tobacco is prohibited in playgrounds, pavilions, and other recreational buildings owned or operated by the City.

3. No alcoholic beverages shall be sold, brought within, given away, delivered or consumed on park property, except pursuant to a written permit or concession issued by the City.
4. No person shall mark on, deface, injure, displace, dig, excavate, remove, or construct on any real or personal property in any park or recreational area.
5. The speed limit for park roads is 25 miles per hour; however, no person shall drive in excess of 15 miles per hour within 200 feet of an intensive use area, such as a picnic area, ball or sporting field, etc.
6. No person shall fish commercially or to buy or sell fish caught in any park or recreational area.
7. Fishing with any device other than a pole and line or rod and reel in the waters of any park or recreational area is prohibited.
8. No person shall hunt, trap, or otherwise pursue or catch any wildlife in any park or recreational area, or shoot into a park or recreational area from beyond the boundaries of such park or recreational area.
9. No intoxicated person shall enter into or remain in any park or recreational area.
10. Electronic devices for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting are prohibited.
11. No fireworks, explosives, or firecrackers shall be used or brought within a City park except pursuant to a written permit or concession issued by the City.
12. The use or possession of bows and arrows, spring guns, air rifles, slingshots, or any similar device (unless unloaded and stored so as not to be readily accessible) is prohibited; provided, however, this prohibition shall not apply to "firearms," as defined by O.C.G.A. § 16-11-171.
13. No person shall 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.
14. No person shall refuse to leave a park or recreational area after violating any of the laws or regulations established by this Section

after being directed to leave by any law enforcement officer or any authorized employee or representative of the City of McDonough.

15. Overnight parking, without the prior written approval of the City, is prohibited.
16. Parking is prohibited except in designated parking areas; vehicles parked in areas designated "permit parking only," must clearly display the required permit or identification card on the dashboard of the parked vehicle.
17. Except as expressly authorized in this Chapter, no person shall allow any dog, cat, fowl, or animal of any kind, whether domesticated or undomesticated, to enter, wander, and/or be present within a park or recreational area without being secured or restrained by a leash or lead attached to a collar.
18. No animal shall be permitted in any park or recreational area during any supervised or organized sporting event or game; provided, however, nothing in this section shall prohibit a service animal from assisting a person with a disability from entering or remaining at any park or recreational area or facility.

**PART 2. USE OF SPECIFIC PARKS AND FACILITIES:
Dog Park at Alexander Park**

Sec. 12.12.040—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 12.12.050, below, are prohibited.

Sec. 12.12.050—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 visible license.
4. Children under 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 16 years of age.
7. Dogs under 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.

SECTION 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence,

clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 3.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4.

This ordinance shall become effective immediately upon adoption.

So ordained this 5th day of June, 2014.

CITY OF MCDONOUGH, GEORGIA

(Signature)
BILLY COPELAND, MAYOR

ATTEST:

APPROVED AS TO FORM:

(Signature)
JANIS PRICE, CITY CLERK

(Signature)
LEIGH HANCHER, CITY ATTORNEY