

# O-22-0035



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## LEGISLATIVE SPONSORS

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|------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> MAYOR LESTER M. MILLER | <input type="checkbox"/> MAYOR PRO TEMPORE SETH CLARK       |
| <input type="checkbox"/> COMMISSIONER VALERIE WYNN         | <input type="checkbox"/> COMMISSIONER PAUL BRONSON          |
| <input type="checkbox"/> COMMISSIONER ELAINE LUCAS         | <input type="checkbox"/> COMMISSIONER MALLORY C. JONES, III |
| <input type="checkbox"/> COMMISSIONER RAYMOND WILDER       | <input type="checkbox"/> COMMISSIONER BILL HOWELL           |
| <input type="checkbox"/> COMMISSIONER VIRGIL WATKINS, JR.  | <input type="checkbox"/> COMMISSIONER AL TILLMAN            |
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## COMMITTEE OF THE WHOLE AMENDMENT

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE III OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO GRANT THE DIRECTOR THE AUTHORITY TO PROMULGATE RULES RELATED TO SAFETY; TO AMEND THE PENALTY FOR VIOLATIONS; TO ADD AN ADDITIONAL RULE RELATED TO UNSUPERVISED MINORS AT THE TOBESOFKEE RECREATION AREA; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, recent events at Lake Tobesofkee have caused the County to review the rules and regulations in place at the Tobesofkee Recreation Area; and

**WHEREAS**, Sec. 17-51 of the Macon-Bibb County Code of Ordinances currently does not give the Director of the Tobesofkee Recreation Area the authority to promulgate rules related to safety of visitors to the Recreation Area; and

**WHEREAS**, Sec. 17-53 of the Macon-Bibb County Code of Ordinances provides:

Any person who does any act prohibited by this article or who fails to do any act required by this article shall be deemed guilty of an offense and punished by a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this article.

**WHEREAS**, Sec. 17-60 of the Macon-Bibb County Code of Ordinances currently does not include any rule or regulation related to unaccompanied minors swimming or entering into the water; and

**WHEREAS**, the Macon-Bibb County Commission wishes to increase safety at the Tobesofkee Recreation area by amending Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances and thereby enabling the Director to promulgate rules related to safety, allow for more robust enforcement of the rules and regulations at the Recreation Area by creating additional penalties for violations of the rules and regulations, and by adding a rule that prohibits children under the age of 14 from entering the water at the Tobesofkee Recreation Area without adult supervision; and

**WHEREAS**, a document reflecting the changes to the Macon-Bibb County Code of Ordinances proposed by this Ordinance is attached hereto at Exhibit A, and incorporated herein by reference; and

**WHEREAS**, the Macon-Bibb County Commission finds that these amendments are in the best interests of the citizens of Macon-Bibb County;

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

**Section 1.**

Section 17-51 of Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

**Chapter 17 – PARKS AND RECREATION**

**ARTICLE III. TOBESOFKEE RECREATION AREA**

**Sec. 17-51. – Director.**

There shall be a Director of the Tobesofkee Recreation Area, who shall be known as the "Lake Tobesofkee Director". The Director shall be a representative of the governing authority of Macon-Bibb County to operate, maintain and supervise the Tobesofkee Recreation Area, and to enforce the regulations hereby enacted, together with such other regulations as may hereafter be adopted. The Director shall serve at the pleasure of the Mayor, and shall have such compensation and other emoluments as from time to time shall be fixed. He or she shall make statistical and progress reports to the governing authority as it shall direct with respect to the operation of the Tobesofkee Recreation Area, and shall account to the governing authority for all sums collected as fees or charges as well as for other public funds coming into his or her hands, at such intervals and in such manner as the governing authority may from time to time determine. He or she and his or her assistants and employees who handle public funds shall give such bond payable to Macon-Bibb County as from time to time shall be required. He or she may from time to time delegate duties to rangers and other recreation area personnel as he or she may determine. He or she may, only after consulting with the County Attorney's Office and receiving approval from the County Manager, promulgate rules and regulations related to

the safety of visitors at the Tobesofkee Recreation Area and such rules and regulations shall have the same force and effect as those specifically enumerated in this article.

### **Section 2.**

Section 17-53 of Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

#### **Chapter 17 – PARKS AND RECREATION**

#### **ARTICLE III. TOBESOFKEE RECREATION AREA**

##### **Sec. 17-53. – Penalty for violations.**

Any person who does any act prohibited by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area or who fails to do any act required by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area shall be deemed guilty of an offense. Offenses are punishable any or all of the following methods: verbal reprimand, immediate removal from the Tobesofkee Recreation Area, and the issuance of a notice of violation. Any or all of these penalties are in the discretion of the Director of the Tobesofkee Recreation Area or his or her designee.

Notices of violations issued for offenses at the Tobesofkee Recreation Area subject the person guilty of the offense to a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this article.

### **Section 3.**

Section 17-60 of Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

#### **Chapter 17 – PARKS AND RECREATION**

#### **ARTICLE III. TOBESOFKEE RECREATION AREA**

##### **Sec. 17-60. – Rules and regulations.**

(a) The rules and regulations applicable to the Lake Tobesofkee Recreation Area, exclusive of those promulgated by the Director of the Tobesofkee Recreation Area, are as follows:

##### ***General.***

(1) The cardinal rule of conduct for all persons utilizing the Lake Tobesofkee Recreation Area ("the area") is that of common courtesy and respect for the rights of others. Most problems can be avoided if this rule is recognized.

- (2) No person may be admitted to or use the facilities of Lake Tobesofkee without payment of the appropriate fee. Evidence of fee payment shall be retained by every person admitted on a daily basis and shall be produced upon request of area personnel or other authorized individual.
- (3) All persons using the Tobesofkee Recreation Area are expected to comply with all of the laws of the state regulating parks, recreation areas, camping, boating, skiing and fishing, as well as with the applicable rules of the state department of natural resources and of Macon-Bibb County.
- (4) All children under 14 years of age must be supervised by an adult while in or upon any body of water within the Tobesofkee Recreation Area.
- (5) Hunting, trapping or otherwise pursuing or catching any wildlife within the Tobesofkee Recreation Area is strictly prohibited.
- (6) Persons having boats in the water at the marina and at the apartment complexes on the lake must possess a current valid annual permit. All boats entering the marina for the purpose of boating will be required to purchase tickets at a gate house prior to entry, or must be the holder of a current annual permit.
- (7) All children under 16 years of age must wear a helmet when riding a bicycle anywhere inside parks.
- (8) Claystone and Arrowhead Parks open at 6:00 a.m. and close at 9:30 p.m. throughout the year. Sandy Beach Park hours vary from time to time according to the season. Area office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Sandy Beach Waterpark shall operate 8:00 a.m. to 9:00 p.m. Monday through Sunday during the water park season which shall be from Memorial Day weekend through Labor Day weekend.
- (9) Off-road vehicles (ATVs, dirt bikes, go carts, motorized scooters, etc.) are prohibited. Golf carts are likewise prohibited with the exception of those utilized by disabled individuals and displaying a valid handicap sticker.
- (10) The possession or consumption of alcoholic beverages within the Tobesofkee Recreation Area is prohibited, except under special circumstances approved by the commission and within areas designated by the Manager.
- (11) Discharge of any firearm within the Tobesofkee Recreation Area shall be unlawful, unless express written permission for such has been authorized by the commission.
- (12) Possession of any explosive substance, including fireworks, within the Tobesofkee Recreation Area shall be unlawful unless express written permission for such has been authorized by the commission.

- (13) Motorized vehicles may be operated only upon designated roadways and shall be parked only in officially designated areas.
- (14) No person shall drive any motor vehicle of any character on the roadways of the Tobesofkee Recreation Area at a speed greater than 15 miles per hour.
- (15) Pets are not permitted within the Tobesofkee Recreation Area unless on a leash. Under no circumstances are pets permitted on beach areas.
- (16) The Macon-Bibb County boat ramp docks are to be used only for assistance in launching or removing boats from the water. Use of the boat ramp dock for sunbathing and the placing thereon of lawn chairs and other equipment are prohibited.
- (17) No person, firm or corporation shall deposit within the Tobesofkee Recreation Area in any of the parks below the 369-foot contour line any dirt, rock, debris or waste matter whether it is solid waste matter, garbage, human waste or other material, which might contaminate the ground or the lake. All waste matter shall be disposed of in approved facilities.
- (18) Every person shall at all times obey and comply with directions given by all official regulatory signs posted within the area.
- (19) Utilization of the Tobesofkee Recreation Area and its facilities is at the risk of the user. Macon-Bibb County assumes no responsibility for injury to persons or property arising from the utilization of the Tobesofkee Recreation Area.
- (20) Persons wishing to utilize a picnic shelter may reserve a shelter in advance by contacting the area office and paying a reservation fee. Shelters not reserved in advance are available on a first come, first serve basis. Payment of a shelter reservation fee does not entitle anyone to enter the park free of charge. Each person desiring to enter the park shall pay the regular admission fee.

*Camping.*

- (21) Campsites may be reserved by contacting the area office.
- (22) Camping in areas other than designated camping areas is prohibited unless express, written authorization of the Manager is obtained.
- (23) Payment of camping fees entitles the authorized persons to make use of campsites, beaches, and other facilities not requiring any other additional fees. Payment of camping fees covers admission to other site parks in addition to the one in which the paying parties are camping.
- (24) Persons desiring to camp must pay camping fees in advance and obtain a permit from the gate stations; however, campers entering after 10:00 p.m. and prior to 6:00 a.m. may camp for the night, provided camping and other fees are paid not later than 9:00 am. on the morning immediately following entry.

- (25) Check out time for camping is 12:00 noon. Campers remaining after 12:00 noon on any day will be charged for an additional day's camping.
- (26) Camping is limited to 14 consecutive nights at any one site. After 14 consecutive nights, campers and the unit (RV, camper, trailer, etc.) must move to another site designated by the Manager (Waterfront sites in Arrowhead Park and the pull-through sites in Claystone Park are not included). Campers may stay a total of seven nights within a 30-night period at the waterfront sites in Arrowhead Park and pull-through sites at Claystone Park. After a total of seven nights during any 30-night period, campers and the unit (RV, camper, trailer, etc.) must vacate these sites for 30 consecutive nights before re-occupying any one of these sites.
- (27) Campers who bring boats must pay the daily boat fee regardless of whether the boat is in the water or at a designated parking area. Boats and boat trailers shall not be parked at the campsites.
- (28) Visitors to any occupied campsite must pay the general admission fee required of all persons. Issuance of a camping permit does not entitle visitors to enter the park area free of charge.
- (29) Tent camping is permitted in RV sites. Camping occupancy is limited to one camping unit; (RV, pop-up, trailer or family tent) and one additional small tent per campsite. Each campsite is permitted two additional vehicles. Tent camping is not permitted in pull-through and sewer access sites.
- (30) The use of major electrical appliances such as, but not limited to, refrigerators, washing machines, ice makers, and so forth is not permitted outside any camping unit (RV, pop-up, trailer, or tent).
- (31) Camp fires are permitted only in designated areas and only when supervised by adults.
- (32) Persons desiring to arrange for group camping should consult the area office in advance of applicable rules.
- (33) Loud, boisterous conduct, including playing radios or other sound-producing devices at loud levels, is prohibited. Disorderly conduct, drunkenness, or obscene language is prohibited.
- (34) Oversized vehicles such as tractor trailer trucks, automotive wreckers, etc., shall not be parked at camp sites. This prohibition does not apply to motor homes used for camping.
- (35) Persons registering to camp must be 21 years of age or older.
- (36) After 9:00 p.m. all children under 16 years of age must be accompanied by an adult unless they are at their campsite. Parents shall be responsible for the actions of their children.
- (37) Pets are allowed in the campground if kept on a leash and attended at all times. Unleashed pets and those whose behavior disturbs other campers must be removed from the park by the owner. Under no circumstances are pets permitted on beach areas.

*Fishing, boating and skiing.*

- (38) Except as provided in subsection (43), fishing, boating and skiing are authorized only for those people who hold a current day's ticket or a current annual permit in their possession.
- (39) Fishermen, boaters, and skiers are cautioned to comply with all state and local regulations respecting those activities.
- (40) Persons desiring to night fish after park hours must purchase tickets before park gates close, or have a current annual permit.
- (41) Fishing is prohibited in swimming areas when the lake is open to swimmers.
- (42) Fishing from public boat docks when boats are present is prohibited.
- (43) Skiers and operators of boats towing skiers must exercise due care for the safety and welfare of others. Skiing in lake coves is specifically prohibited.
- (44) Persons 65 years of age or older may fish without payment of an admission fee, provided they have obtained a senior citizen's pass at the area office.
- (45) For the present, no limitation is placed upon the horsepower of motors. However, Macon-Bibb County reserves the right to place limits on the size of motorboat motors should the commission determine that to be in the public interest.
- (46) All fishermen must carry licenses, as required by the state.
- (47) No trout lines, set hooks, baskets, nets, jugs, or any type of commercial fishing gear shall be permitted. Cast nets and landing nets may be used in compliance with state laws.
- (48) Fishing from bridges, right-of-way of roads and boat ramp docks is prohibited.
- (49) No vessel, including sail boards, shall be permitted to enter any swimming area or any area designated as a no boat area.

*Swimming.*

- (50) Swimming at all park sites must be confined to areas designated for that purpose.
- (51) Diving or jumping from public docks and bridges is prohibited.
- (52) Swimming is permitted during daylight hours only. Persons choosing to swim when lifeguards are not on duty do so at their own risk.
- (53) Scuba diving in Lake Tobesofkee is prohibited unless the express written permission of the Manager is obtained.
- (b) Official copies of these rules and regulations, and those promulgated by the Director of the Tobesofkee Recreation Area, are to be maintained in the office of the Clerk of Commission and the office of the Manager of the Tobesofkee Recreation Area.

(c) If any provision of this section or any rule or regulation promulgated by the Director of the Tobesofkee Recreation Area is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

**Section 4.**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance 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 phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**Section 5.**

All Ordinances and Resolutions, or parts thereof, in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 6.**

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Ordinance and are hereby incorporated by reference into this provision.

**Section 7.**

In the event scrivener's errors shall be discovered in this Ordinance or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

**Section 8.**

The Commission hereby grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Ordinance.

**Section 9.**

In the event that this Ordinance or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of resolution by the Macon-Bibb County Commission, it is the intent of this Commission that this Ordinance or such portion thereof shall be considered to have been adopted as a resolution of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Ordinance calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Ordinance satisfy such requirement, and that this Ordinance be construed accordingly.



**Section 10.**

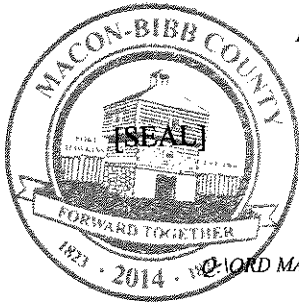
This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

SO ORDERED AND ORDAINED this 19 day of July, 2022.

  
LESTER M. MILLER, MAYOR

ATTEST:

  
JANICE S. ROSS, CLERK OF COMMISSION



# **EXHIBIT A**

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## Chapter 17 – PARKS AND RECREATION

### ARTICLE III. TOBESOFKEE RECREATION AREA

#### Sec. 17-51. – Director.

There shall be a Director of the Tobesofkee Recreation Area, who shall be known as the "Lake Tobesofkee Director". The Director shall be a representative of the governing authority of Macon-Bibb County to operate, maintain and supervise the Tobesofkee Recreation Area, and to enforce the regulations hereby enacted, together with such other regulations as may hereafter be adopted. The Director shall serve at the pleasure of the Mayor, and shall have such compensation and other emoluments as from time to time shall be fixed. He or she shall make statistical and progress reports to the governing authority as it shall direct with respect to the operation of the Tobesofkee Recreation Area, and shall account to the governing authority for all sums collected as fees or charges as well as for other public funds coming into his or her hands, at such intervals and in such manner as the governing authority may from time to time determine. He or she and his or her assistants and employees who handle public funds shall give such bond payable to Macon-Bibb County as from time to time shall be required. He or she may from time to time delegate duties to rangers and other recreation area personnel as he or she may determine. He or she may, only after consulting with the County Attorney's Office and receiving approval from the County Manager, promulgate rules and regulations related to the safety of visitors at the Tobesofkee Recreation Area and such rules and regulations shall have the same force and effect as those specifically enumerated in this article.

## Chapter 17 – PARKS AND RECREATION

### ARTICLE III. TOBESOFKEE RECREATION AREA

#### Sec. 17-53. – Penalty for violations.

Any person who does any act prohibited by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area or who fails to do any act required by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area shall be deemed guilty of an offense. Offenses are punishable by any or all of the following methods: verbal reprimand, immediate removal from the Tobesofkee Recreation Area, and the issuance of a notice of violation. Any or all of these penalties are in the discretion of the Director of the Tobesofkee Recreation Area or his or her designee.

Notices of violations issued for offenses at the Tobesofkee Recreation Area subject the person guilty of the offense and punished by to a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this article.

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Chapter 17 – PARKS AND RECREATION

ARTICLE III. TOBESOFKEE RECREATION AREA

Sec. 17-60. – Rules and regulations.

- (a) The rules and regulations applicable to the Lake Tobesofkee Recreation Area exclusive of those promulgated by the Director of the Tobesofkee Recreation Area, are as follows:

*General.*

- (1) The cardinal rule of conduct for all persons utilizing the Lake Tobesofkee Recreation Area ("the area") is that of common courtesy and respect for the rights of others. Most problems can be avoided if this rule is recognized.
  - (2) No person may be admitted to or use the facilities of Lake Tobesofkee without payment of the appropriate fee. Evidence of fee payment shall be retained by every person admitted on a daily basis and shall be produced upon request of area personnel or other authorized individual.
  - (3) All persons using the Tobesofkee Recreation Area are expected to comply with all of the laws of the state regulating parks, recreation areas, camping, boating, skiing and fishing, as well as with the applicable rules of the state department of natural resources and of Macon-Bibb County.
  - (4) All children under 14 years of age must be supervised by an adult while in or upon any body of water within the Tobesofkee Recreation Area.
  - (~~5~~4) Hunting, trapping or otherwise pursuing or catching any wildlife within the Tobesofkee Recreation Area is strictly prohibited.
  - (~~6~~5) Persons having boats in the water at the marina and at the apartment complexes on the lake must possess a current valid annual permit. All boats entering the marina for the purpose of boating will be required to purchase tickets at a gate house prior to entry, or must be the holder of a current annual permit.
  - (~~7~~6) All children under 16 years of age must wear a helmet when riding a bicycle anywhere inside parks.
  - (~~8~~7) Claystone and Arrowhead Parks open at 6:00 a.m. and close at 9:30 p.m. throughout the year. Sandy Beach Park hours vary from time to time according to the season. Area office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Sandy Beach Waterpark shall operate 8:00 a.m. to 9:00 p.m. Monday through Sunday during the water park season which shall be from Memorial Day weekend through Labor Day weekend.
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- (98) Off-road vehicles (ATVs, dirt bikes, go carts, motorized scooters, etc.) are prohibited. Golf carts are likewise prohibited with the exception of those utilized by disabled individuals and displaying a valid handicap sticker.
- (109) The possession or consumption of alcoholic beverages within the Tobesofkee Recreation Area is prohibited, except under special circumstances approved by the commission and within areas designated by the Manager.
- (110) Discharge of any firearm within the Tobesofkee Recreation Area shall be unlawful, unless express written permission for such has been authorized by the commission.
- (124) Possession of any explosive substance, including fireworks, within the Tobesofkee Recreation Area shall be unlawful unless express written permission for such has been authorized by the commission.
- (132) Motorized vehicles may be operated only upon designated roadways and shall be parked only in officially designated areas.
- (143) No person shall drive any motor vehicle of any character on the roadways of the Tobesofkee Recreation Area at a speed greater than 15 miles per hour.
- (154) Pets are not permitted within the Tobesofkee Recreation Area unless on a leash. Under no circumstances are pets permitted on beach areas.
- (165) The Macon-Bibb County boat ramp docks are to be used only for assistance in launching or removing boats from the water. Use of the boat ramp dock for sunbathing and the placing thereon of lawn chairs and other equipment are prohibited.
- (176) No person, firm or corporation shall deposit within the Tobesofkee Recreation Area in any of the parks below the 369-foot contour line any dirt, rock, debris or waste matter whether it is solid waste matter, garbage, human waste or other material, which might contaminate the ground or the lake. All waste matter shall be disposed of in approved facilities.
- (187) Every person shall at all times obey and comply with directions given by all official regulatory signs posted within the area.
- (198) Utilization of the Tobesofkee Recreation Area and its facilities is at the risk of the user. Macon-Bibb County assumes no responsibility for injury to persons or property arising from the utilization of the Tobesofkee Recreation Area.
- (2049) Persons wishing to utilize a picnic shelter may reserve a shelter in advance by contacting the area office and paying a reservation fee. Shelters not reserved in advance are available on a first come, first serve basis. Payment of a shelter reservation fee does not entitle anyone to enter the park free of charge. Each person desiring to enter the park shall pay the regular admission fee.
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*Camping.*

- (219) Campsites may be reserved by contacting the area office.
  - (22+) Camping in areas other than designated camping areas is prohibited unless express, written authorization of the Manager is obtained.
  - (232) Payment of camping fees entitles the authorized persons to make use of campsites, beaches, and other facilities not requiring any other additional fees. Payment of camping fees covers admission to other site parks in addition to the one in which the paying parties are camping.
  - (243) Persons desiring to camp must pay camping fees in advance and obtain a permit from the gate stations; however, campers entering after 10:00 p.m. and prior to 6:00 a.m. may camp for the night, provided camping and other fees are paid not later than 9:00 am. on the morning immediately following entry.
  - (254) Check out time for camping is 12:00 noon. Campers remaining after 12:00 noon on any day will be charged for an additional day's camping.
  - (265) Camping is limited to 14 consecutive nights at any one site. After 14 consecutive nights, campers and the unit (RV, camper, trailer, etc.) must move to another site designated by the Manager (Waterfront sites in Arrowhead Park and the pull-through sites in Claystone Park are not included). Campers may stay a total of seven nights within a 30-night period at the waterfront sites in Arrowhead Park and pull-through sites at Claystone Park. After a total of seven nights during any 30-night period, campers and the unit (RV, camper, trailer, etc.) must vacate these sites for 30 consecutive nights before re-occupying any one of these sites.
  - (276) Campers who bring boats must pay the daily boat fee regardless of whether the boat is in the water or at a designated parking area. Boats and boat trailers shall not be parked at the campsites.
  - (287) Visitors to any occupied campsite must pay the general admission fee required of all persons. Issuance of a camping permit does not entitle visitors to enter the park area free of charge.
  - (298) Tent camping is permitted in RV sites. Camping occupancy is limited to one camping unit; (RV, pop-up, trailer or family tent) and one additional small tent per campsite. Each campsite is permitted two additional vehicles. Tent camping is not permitted in pull-through and sewer access sites.
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- (310) Camp fires are permitted only in designated areas and only when supervised by adults.
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- (365) After 9:00 p.m. all children under 16 years of age must be accompanied by an adult unless they are at their campsite. Parents shall be responsible for the actions of their children.
- (376) Pets are allowed in the campground if kept on a leash and attended at all times. Unleashed pets and those whose behavior disturbs other campers must be removed from the park by the owner. Under no circumstances are pets permitted on beach areas.

*Fishing, boating and skiing.*

- (387) Except as provided in subsection (43), fishing, boating and skiing are authorized only for those people who hold a current day's ticket or a current annual permit in their possession.
- (398) Fishermen, boaters, and skiers are cautioned to comply with all state and local regulations respecting those activities.
- (4039) Persons desiring to night fish after park hours must purchase tickets before park gates close, or have a current annual permit.
- (410) Fishing is prohibited in swimming areas when the lake is open to swimmers.
- (424) Fishing from public boat docks when boats are present is prohibited.
- (432) Skiers and operators of boats towing skiers must exercise due care for the safety and welfare of others. Skiing in lake coves is specifically prohibited.
- (443) Persons 65 years of age or older may fish without payment of an admission fee, provided they have obtained a senior citizen's pass at the area office.
- (454) For the present, no limitation is placed upon the horsepower of motors. However, Macon-Bibb County reserves the right to place limits on the size of motorboat motors should the commission determine that to be in the public interest.
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(465) All fishermen must carry licenses, as required by the state.

(476) No trout lines, set hooks, baskets, nets, jugs, or any type of commercial fishing gear shall be permitted. Cast nets and landing nets may be used in compliance with state laws.

(487) Fishing from bridges, right-of-way of roads and boat ramp docks is prohibited.

(498) No vessel, including sail boards, shall be permitted to enter any swimming area or any area designated as a no boat area.

*Swimming.*

(5049) Swimming at all park sites must be confined to areas designated for that purpose.

(510) Diving or jumping from public docks and bridges is prohibited.

(524) Swimming is permitted during daylight hours only. Persons choosing to swim when lifeguards are not on duty do so at their own risk.

(532) Scuba diving in Lake Tobesofkee is prohibited unless the express written permission of the Manager is obtained.

(b) Official copies of these rules and regulations, and those promulgated by the Director of the Tobesofkee Recreation Area, are to be maintained in the office of the Clerk of Commission and the office of the Manager of the Tobesofkee Recreation Area.

(c) If any provision of this section or any rule or regulation promulgated by the Director of the Tobesofkee Recreation Area is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

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**Routing/File Form**

Document Type: ☐ Contract ☐ Deed ☒ Ordinance ☐ Resolution ☐ Grant ☐ Other  
 (Check one of the above document types)

**PURPOSE: COMMITTEE OF THE WHOLE AMENDMENT  
 AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE  
 III OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO  
 GRANT THE DIRECTOR THE AUTHORITY TO PROMULGATE RULES RELATED TO  
 SAFETY; TO AMEND THE PENALTY FOR VIOLATIONS; TO ADD AN ADDITIONAL  
 RULE RELATED TO UNSUPERVISED MINORS AT THE TOBESOFKEE RECREATION  
 AREA; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

Annual Cost: \_\_\_\_\_

Total Contract Amount: \_\_\_\_\_

Administering Department or Officer: \_\_\_\_\_

Contractor(s): \_\_\_\_\_

Contract Start Date: \_\_\_\_\_ Contract End Date: \_\_\_\_\_

Funding Source(s): \_\_\_\_\_

Automatic Renewals: \_\_\_\_\_ yes \_\_\_\_\_ no  
 Number of Renewals: \_\_\_\_\_ Final Expiration Date: \_\_\_\_\_

<u>Ordinance/Resolution</u>			<u>Contracts/Other</u>	
<u>Reviewed By:</u>	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Assistant County Attorney	SDD	7 / 14 / 22		
Sr. Assistant / Cnty. Attorney	ASA			
Grant Administrator				
Finance Director				
County Manager				
Mayor				
Clerk of Commission				
Commission Approval				

Additional comments, instructions, etc.: \_\_\_\_\_

**ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE  
 CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.**

K:\Atty\TEMPLATES 2014\Template Routing Sheet, 10-02-18.doc



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**LEGISLATIVE SPONSORS**

- |                                                                   |                                                                    |
|-------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>MAYOR LESTER M. MILLER</b> | <input type="checkbox"/> <b>MAYOR PRO TEMPORE SETH CLARK</b>       |
| <input type="checkbox"/> <b>COMMISSIONER VALERIE WYNN</b>         | <input type="checkbox"/> <b>COMMISSIONER PAUL BRONSON</b>          |
| <input type="checkbox"/> <b>COMMISSIONER ELAINE LUCAS</b>         | <input type="checkbox"/> <b>COMMISSIONER MALLORY C. JONES, III</b> |
| <input type="checkbox"/> <b>COMMISSIONER RAYMOND WILDER</b>       | <input type="checkbox"/> <b>COMMISSIONER BILL HOWELL</b>           |
| <input type="checkbox"/> <b>COMMISSIONER VIRGIL WATKINS, JR.</b>  | <input type="checkbox"/> <b>COMMISSIONER AL TILLMAN</b>            |
- 

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE III OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO GRANT THE DIRECTOR THE AUTHORITY TO PROMULGATE RULES RELATED TO SAFETY; TO AMEND THE PENALTY FOR VIOLATIONS; TO ADD AN ADDITIONAL RULE RELATED TO UNSUPERVISED MINORS AT THE TOBESOFKEE RECREATION AREA; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, recent events at Lake Tobesofkee have caused the County to review the rules and regulations in place at the Tobesofkee Recreation Area; and

**WHEREAS**, Sec. 17-51 of the Macon-Bibb County Code of Ordinances currently does not give the Director of the Tobesofkee Recreation Area the authority to promulgate rules related to safety of visitors to the Recreation Area; and

**WHEREAS**, Sec. 17-53 of the Macon-Bibb County Code of Ordinances provides:

Any person who does any act prohibited by this article or who fails to do any act required by this article shall be deemed guilty of an offense and punished by a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this article.

**WHEREAS**, Sec. 17-60 of the Macon-Bibb County Code of Ordinances currently does not include any rule or regulation related to unaccompanied minors swimming or entering into the water; and

**WHEREAS**, the Macon-Bibb County Commission wishes to increase safety at the Tobesofkee Recreation area by amending Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances

and thereby enabling the Director to promulgate rules related to safety, allow for more robust enforcement of the rules and regulations at the Recreation Area by creating additional penalties for violations of the rules and regulations, and by adding a rule that prohibits children under the age of 14 from entering the water at the Tobesofkee Recreation Area without adult supervision; and

**WHEREAS**, a document reflecting the changes to the Macon-Bibb County Code of Ordinances proposed by this Ordinance is attached hereto at Exhibit A, and incorporated herein by reference; and

**WHEREAS**, the Macon-Bibb County Commission finds that these amendments are in the best interests of the citizens of Macon-Bibb County;

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

#### **Section 1.**

Section 17-51 of Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

#### **Chapter 17 – PARKS AND RECREATION**

#### **ARTICLE III. TOBESOFKEE RECREATION AREA**

##### **Sec. 17-51. – Director.**

There shall be a Director of the Tobesofkee Recreation Area, who shall be known as the "Lake Tobesofkee Director". The Director shall be a representative of the governing authority of Macon-Bibb County to operate, maintain and supervise the Tobesofkee Recreation Area, and to enforce the regulations hereby enacted, together with such other regulations as may hereafter be adopted. The Director shall serve at the pleasure of the Mayor, and shall have such compensation and other emoluments as from time to time shall be fixed. He or she shall make statistical and progress reports to the governing authority as it shall direct with respect to the operation of the Tobesofkee Recreation Area, and shall account to the governing authority for all sums collected as fees or charges as well as for other public funds coming into his or her hands, at such intervals and in such manner as the governing authority may from time to time determine. He or she and his or her assistants and employees who handle public funds shall give such bond payable to Macon-Bibb County as from time to time shall be required. He or she may from time to time delegate duties to rangers and other recreation area personnel as he or she may determine. He or she may from time to time promulgate rules and regulations related to the safety of visitors at the Tobesofkee Recreation Area and such rules and regulations shall have the same force and effect as those specifically enumerated in this article.

## **Section 2.**

Section 17-53 of Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

### **Chapter 17 – PARKS AND RECREATION**

#### **ARTICLE III. TOBESOFKEE RECREATION AREA**

##### **Sec. 17-53. – Penalty for violations.**

Any person who does any act prohibited by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area or who fails to do any act required by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area shall be deemed guilty of an offense. Offenses are punishable any or all of the following methods: verbal reprimand, immediate removal from the Tobesofkee Recreation Area, and the issuance of a notice of violation. Any or all of these penalties are in the discretion of the Director of the Tobesofkee Recreation Area or his or her designee.

Notices of violations issued for offenses at the Tobesofkee Recreation Area subject the person guilty of the offense to a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this article.

## **Section 3.**

Section 17-60 of Article III of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

### **Chapter 17 – PARKS AND RECREATION**

#### **ARTICLE III. TOBESOFKEE RECREATION AREA**

##### **Sec. 17-60. – Rules and regulations.**

(a) The rules and regulations applicable to the Lake Tobesofkee Recreation Area, exclusive of those promulgated by the Director of the Tobesofkee Recreation Area, are as follows:

##### *General.*

(1) The cardinal rule of conduct for all persons utilizing the Lake Tobesofkee Recreation Area ("the area") is that of common courtesy and respect for the rights of others. Most problems can be avoided if this rule is recognized.

- (2) No person may be admitted to or use the facilities of Lake Tobesofkee without payment of the appropriate fee. Evidence of fee payment shall be retained by every person admitted on a daily basis and shall be produced upon request of area personnel or other authorized individual.
- (3) All persons using the Tobesofkee Recreation Area are expected to comply with all of the laws of the state regulating parks, recreation areas, camping, boating, skiing and fishing, as well as with the applicable rules of the state department of natural resources and of Macon-Bibb County.
- (4) All children under 14 years of age must be supervised by an adult while in or upon any body of water within the Tobesofkee Recreation Area.
- (5) Hunting, trapping or otherwise pursuing or catching any wildlife within the Tobesofkee Recreation Area is strictly prohibited.
- (6) Persons having boats in the water at the marina and at the apartment complexes on the lake must possess a current valid annual permit. All boats entering the marina for the purpose of boating will be required to purchase tickets at a gate house prior to entry, or must be the holder of a current annual permit.
- (7) All children under 16 years of age must wear a helmet when riding a bicycle anywhere inside parks.
- (8) Claystone and Arrowhead Parks open at 6:00 a.m. and close at 9:30 p.m. throughout the year. Sandy Beach Park hours vary from time to time according to the season. Area office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Sandy Beach Waterpark shall operate 8:00 a.m. to 9:00 p.m. Monday through Sunday during the water park season which shall be from Memorial Day weekend through Labor Day weekend.
- (9) Off-road vehicles (ATVs, dirt bikes, go carts, motorized scooters, etc.) are prohibited. Golf carts are likewise prohibited with the exception of those utilized by disabled individuals and displaying a valid handicap sticker.
- (10) The possession or consumption of alcoholic beverages within the Tobesofkee Recreation Area is prohibited, except under special circumstances approved by the commission and within areas designated by the Manager.
- (11) Discharge of any firearm within the Tobesofkee Recreation Area shall be unlawful, unless express written permission for such has been authorized by the commission.
- (12) Possession of any explosive substance, including fireworks, within the Tobesofkee Recreation Area shall be unlawful unless express written permission for such has been authorized by the commission.

- (13) Motorized vehicles may be operated only upon designated roadways and shall be parked only in officially designated areas.
- (14) No person shall drive any motor vehicle of any character on the roadways of the Tobesofkee Recreation Area at a speed greater than 15 miles per hour.
- (15) Pets are not permitted within the Tobesofkee Recreation Area unless on a leash. Under no circumstances are pets permitted on beach areas.
- (16) The Macon-Bibb County boat ramp docks are to be used only for assistance in launching or removing boats from the water. Use of the boat ramp dock for sunbathing and the placing thereon of lawn chairs and other equipment are prohibited.
- (17) No person, firm or corporation shall deposit within the Tobesofkee Recreation Area in any of the parks below the 369-foot contour line any dirt, rock, debris or waste matter whether it is solid waste matter, garbage, human waste or other material, which might contaminate the ground or the lake. All waste matter shall be disposed of in approved facilities.
- (18) Every person shall at all times obey and comply with directions given by all official regulatory signs posted within the area.
- (19) Utilization of the Tobesofkee Recreation Area and its facilities is at the risk of the user. Macon-Bibb County assumes no responsibility for injury to persons or property arising from the utilization of the Tobesofkee Recreation Area.
- (20) Persons wishing to utilize a picnic shelter may reserve a shelter in advance by contacting the area office and paying a reservation fee. Shelters not reserved in advance are available on a first come, first serve basis. Payment of a shelter reservation fee does not entitle anyone to enter the park free of charge. Each person desiring to enter the park shall pay the regular admission fee.

*Camping.*

- (21) Campsites may be reserved by contacting the area office.
- (22) Camping in areas other than designated camping areas is prohibited unless express, written authorization of the Manager is obtained.
- (23) Payment of camping fees entitles the authorized persons to make use of campsites, beaches, and other facilities not requiring any other additional fees. Payment of camping fees covers admission to other site parks in addition to the one in which the paying parties are camping.
- (24) Persons desiring to camp must pay camping fees in advance and obtain a permit from the gate stations; however, campers entering after 10:00 p.m. and prior to 6:00 a.m. may camp for the night, provided camping and other fees are paid not later than 9:00 am. on the morning immediately following entry.

- (25) Check out time for camping is 12:00 noon. Campers remaining after 12:00 noon on any day will be charged for an additional day's camping.
- (26) Camping is limited to 14 consecutive nights at any one site. After 14 consecutive nights, campers and the unit (RV, camper, trailer, etc.) must move to another site designated by the Manager (Waterfront sites in Arrowhead Park and the pull-through sites in Claystone Park are not included). Campers may stay a total of seven nights within a 30-night period at the waterfront sites in Arrowhead Park and pull-through sites at Claystone Park. After a total of seven nights during any 30-night period, campers and the unit (RV, camper, trailer, etc.) must vacate these sites for 30 consecutive nights before re-occupying any one of these sites.
- (27) Campers who bring boats must pay the daily boat fee regardless of whether the boat is in the water or at a designated parking area. Boats and boat trailers shall not be parked at the campsites.
- (28) Visitors to any occupied campsite must pay the general admission fee required of all persons. Issuance of a camping permit does not entitle visitors to enter the park area free of charge.
- (29) Tent camping is permitted in RV sites. Camping occupancy is limited to one camping unit; (RV, pop-up, trailer or family tent) and one additional small tent per campsite. Each campsite is permitted two additional vehicles. Tent camping is not permitted in pull-through and sewer access sites.
- (30) The use of major electrical appliances such as, but not limited to, refrigerators, washing machines, ice makers, and so forth is not permitted outside any camping unit (RV, pop-up, trailer, or tent).
- (31) Camp fires are permitted only in designated areas and only when supervised by adults.
- (32) Persons desiring to arrange for group camping should consult the area office in advance of applicable rules.
- (33) Loud, boisterous conduct, including playing radios or other sound-producing devices at loud levels, is prohibited. Disorderly conduct, drunkenness, or obscene language is prohibited.
- (34) Oversized vehicles such as tractor trailer trucks, automotive wreckers, etc., shall not be parked at camp sites. This prohibition does not apply to motor homes used for camping.
- (35) Persons registering to camp must be 21 years of age or older.
- (36) After 9:00 p.m. all children under 16 years of age must be accompanied by an adult unless they are at their campsite. Parents shall be responsible for the actions of their children.
- (37) Pets are allowed in the campground if kept on a leash and attended at all times. Unleashed pets and those whose behavior disturbs other campers must be removed from the park by the owner. Under no circumstances are pets permitted on beach areas.

*Fishing, boating and skiing.*

- (38) Except as provided in subsection (43), fishing, boating and skiing are authorized only for those people who hold a current day's ticket or a current annual permit in their possession.
- (39) Fishermen, boaters, and skiers are cautioned to comply with all state and local regulations respecting those activities.
- (40) Persons desiring to night fish after park hours must purchase tickets before park gates close, or have a current annual permit.
- (41) Fishing is prohibited in swimming areas when the lake is open to swimmers.
- (42) Fishing from public boat docks when boats are present is prohibited.
- (43) Skiers and operators of boats towing skiers must exercise due care for the safety and welfare of others. Skiing in lake coves is specifically prohibited.
- (44) Persons 65 years of age or older may fish without payment of an admission fee, provided they have obtained a senior citizen's pass at the area office.
- (45) For the present, no limitation is placed upon the horsepower of motors. However, Macon-Bibb County reserves the right to place limits on the size of motorboat motors should the commission determine that to be in the public interest.
- (46) All fishermen must carry licenses, as required by the state.
- (47) No trout lines, set hooks, baskets, nets, jugs, or any type of commercial fishing gear shall be permitted. Cast nets and landing nets may be used in compliance with state laws.
- (48) Fishing from bridges, right-of-way of roads and boat ramp docks is prohibited.
- (49) No vessel, including sail boards, shall be permitted to enter any swimming area or any area designated as a no boat area.

*Swimming.*

- (50) Swimming at all park sites must be confined to areas designated for that purpose.
- (51) Diving or jumping from public docks and bridges is prohibited.
- (52) Swimming is permitted during daylight hours only. Persons choosing to swim when lifeguards are not on duty do so at their own risk.
- (53) Scuba diving in Lake Tobesofkee is prohibited unless the express written permission of the Manager is obtained.
- (b) Official copies of these rules and regulations, and those promulgated by the Director of the Tobesofkee Recreation Area, are to be maintained in the office of the Clerk of Commission and the office of the Manager of the Tobesofkee Recreation Area.



(c) If any provision of this section or any rule or regulation promulgated by the Director of the Tobesofkee Recreation Area is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

#### **Section 4.**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance 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 phrases, clauses, sentences, paragraphs and sections of this Ordinance.

#### **Section 5.**

All Ordinances and Resolutions, or parts thereof, in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

#### **Section 6.**

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Ordinance and are hereby incorporated by reference into this provision.

#### **Section 7.**

In the event scrivener's errors shall be discovered in this Ordinance or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

#### **Section 8.**

The Commission hereby grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Ordinance.

#### **Section 9.**

In the event that this Ordinance or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of resolution by the Macon-Bibb County Commission, it is the intent of this Commission that this Ordinance or such portion thereof shall be considered to have been adopted as a resolution of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Ordinance calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Ordinance satisfy such requirement, and that this Ordinance be construed accordingly.

**Section 10.**

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

SO ORDERED AND ORDAINED this 19 day of July, 2022.

\_\_\_\_\_  
LESTER M. MILLER, MAYOR

ATTEST:

\_\_\_\_\_  
JANICE S. ROSS, CLERK OF COMMISSION

[SEAL]

# **EXHIBIT A**

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## Chapter 17 – PARKS AND RECREATION

### ARTICLE III. TOBESOFKEE RECREATION AREA

#### Sec. 17-51. – Director.

There shall be a Director of the Tobesofkee Recreation Area, who shall be known as the "Lake Tobesofkee Director". The Director shall be a representative of the governing authority of Macon-Bibb County to operate, maintain and supervise the Tobesofkee Recreation Area, and to enforce the regulations hereby enacted, together with such other regulations as may hereafter be adopted. The Director shall serve at the pleasure of the Mayor, and shall have such compensation and other emoluments as from time to time shall be fixed. He or she shall make statistical and progress reports to the governing authority as it shall direct with respect to the operation of the Tobesofkee Recreation Area, and shall account to the governing authority for all sums collected as fees or charges as well as for other public funds coming into his or her hands, at such intervals and in such manner as the governing authority may from time to time determine. He or she and his or her assistants and employees who handle public funds shall give such bond payable to Macon-Bibb County as from time to time shall be required. He or she may from time to time delegate duties to rangers and other recreation area personnel as he or she may determine. He or she may from time to time promulgate rules and regulations related to the safety of visitors at the Tobesofkee Recreation Area and such rules and regulations shall have the same force and effect as those specifically enumerated in this article.

## Chapter 17 – PARKS AND RECREATION

### ARTICLE III. TOBESOFKEE RECREATION AREA

#### Sec. 17-53. – Penalty for violations.

Any person who does any act prohibited by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area or who fails to do any act required by this article or by the rules and regulations promulgated by the Director of the Tobesofkee Recreation Area shall be deemed guilty of an offense. Offenses are punishable by any or all of the following methods: verbal reprimand, immediate removal from the Tobesofkee Recreation Area, and the issuance of a notice of violation. Any or all of these penalties are in the discretion of the Director of the Tobesofkee Recreation Area or his or her designee.

Notices of violations issued for offenses at the Tobesofkee Recreation Area subject the person guilty of the offense and punished by to a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this article.

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Chapter 17 – PARKS AND RECREATION

ARTICLE III. TOBESOFKEE RECREATION AREA

Sec. 17-60. – Rules and regulations.

- (a) The rules and regulations applicable to the Lake Tobesofkee Recreation Area, exclusive of those promulgated by the Director of the Tobesofkee Recreation Area, are as follows:

*General.*

- (1) The cardinal rule of conduct for all persons utilizing the Lake Tobesofkee Recreation Area ("the area") is that of common courtesy and respect for the rights of others. Most problems can be avoided if this rule is recognized.
  - (2) No person may be admitted to or use the facilities of Lake Tobesofkee without payment of the appropriate fee. Evidence of fee payment shall be retained by every person admitted on a daily basis and shall be produced upon request of area personnel or other authorized individual.
  - (3) All persons using the Tobesofkee Recreation Area are expected to comply with all of the laws of the state regulating parks, recreation areas, camping, boating, skiing and fishing, as well as with the applicable rules of the state department of natural resources and of Macon-Bibb County.
  - (4) All children under 14 years of age must be supervised by an adult while in or upon any body of water within the Tobesofkee Recreation Area.
  - (54) Hunting, trapping or otherwise pursuing or catching any wildlife within the Tobesofkee Recreation Area is strictly prohibited.
  - (65) Persons having boats in the water at the marina and at the apartment complexes on the lake must possess a current valid annual permit. All boats entering the marina for the purpose of boating will be required to purchase tickets at a gate house prior to entry, or must be the holder of a current annual permit.
  - (76) All children under 16 years of age must wear a helmet when riding a bicycle anywhere inside parks.
  - (87) Claystone and Arrowhead Parks open at 6:00 a.m. and close at 9:30 p.m. throughout the year. Sandy Beach Park hours vary from time to time according to the season. Area office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Sandy Beach Waterpark shall operate 8:00 a.m. to 9:00 p.m. Monday through Sunday during the water park season which shall be from Memorial Day weekend through Labor Day weekend.
  - (98) Off-road vehicles (ATVs, dirt bikes, go carts, motorized scooters, etc.) are prohibited. Golf carts are likewise prohibited with the exception of those utilized by disabled individuals and displaying a valid handicap sticker.
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- (109) The possession or consumption of alcoholic beverages within the Tobesofkee Recreation Area is prohibited, except under special circumstances approved by the commission and within areas designated by the Manager.
- (110) Discharge of any firearm within the Tobesofkee Recreation Area shall be unlawful, unless express written permission for such has been authorized by the commission.
- (124) Possession of any explosive substance, including fireworks, within the Tobesofkee Recreation Area shall be unlawful unless express written permission for such has been authorized by the commission.
- (132) Motorized vehicles may be operated only upon designated roadways and shall be parked only in officially designated areas.
- (143) No person shall drive any motor vehicle of any character on the roadways of the Tobesofkee Recreation Area at a speed greater than 15 miles per hour.
- (154) Pets are not permitted within the Tobesofkee Recreation Area unless on a leash. Under no circumstances are pets permitted on beach areas.
- (165) The Macon-Bibb County boat ramp docks are to be used only for assistance in launching or removing boats from the water. Use of the boat ramp dock for sunbathing and the placing thereon of lawn chairs and other equipment are prohibited.
- (176) No person, firm or corporation shall deposit within the Tobesofkee Recreation Area in any of the parks below the 369-foot contour line any dirt, rock, debris or waste matter whether it is solid waste matter, garbage, human waste or other material, which might contaminate the ground or the lake. All waste matter shall be disposed of in approved facilities.
- (187) Every person shall at all times obey and comply with directions given by all official regulatory signs posted within the area.
- (198) Utilization of the Tobesofkee Recreation Area and its facilities is at the risk of the user. Macon-Bibb County assumes no responsibility for injury to persons or property arising from the utilization of the Tobesofkee Recreation Area.
- (2049) Persons wishing to utilize a picnic shelter may reserve a shelter in advance by contacting the area office and paying a reservation fee. Shelters not reserved in advance are available on a first come, first serve basis. Payment of a shelter reservation fee does not entitle anyone to enter the park free of charge. Each person desiring to enter the park shall pay the regular admission fee.

*Camping.*

- (210) Campsites may be reserved by contacting the area office.
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- (22+) Camping in areas other than designated camping areas is prohibited unless express, written authorization of the Manager is obtained.
- (232) Payment of camping fees entitles the authorized persons to make use of campsites, beaches, and other facilities not requiring any other additional fees. Payment of camping fees covers admission to other site parks in addition to the one in which the paying parties are camping.
- (243) Persons desiring to camp must pay camping fees in advance and obtain a permit from the gate stations; however, campers entering after 10:00 p.m. and prior to 6:00 a.m. may camp for the night, provided camping and other fees are paid not later than 9:00 am. on the morning immediately following entry.
- (254) Check out time for camping is 12:00 noon. Campers remaining after 12:00 noon on any day will be charged for an additional day's camping.
- (265) Camping is limited to 14 consecutive nights at any one site. After 14 consecutive nights, campers and the unit (RV, camper, trailer, etc.) must move to another site designated by the Manager (Waterfront sites in Arrowhead Park and the pull-through sites in Claystone Park are not included). Campers may stay a total of seven nights within a 30-night period at the waterfront sites in Arrowhead Park and pull-through sites at Claystone Park. After a total of seven nights during any 30-night period, campers and the unit (RV, camper, trailer, etc.) must vacate these sites for 30 consecutive nights before re-occupying any one of these sites.
- (276) Campers who bring boats must pay the daily boat fee regardless of whether the boat is in the water or at a designated parking area. Boats and boat trailers shall not be parked at the campsites.
- (287) Visitors to any occupied campsite must pay the general admission fee required of all persons. Issuance of a camping permit does not entitle visitors to enter the park area free of charge.
- (298) Tent camping is permitted in RV sites. Camping occupancy is limited to one camping unit; (RV, pop-up, trailer or family tent) and one additional small tent per campsite. Each campsite is permitted two additional vehicles. Tent camping is not permitted in pull-through and sewer access sites.
- (3029) The use of major electrical appliances such as, but not limited to, refrigerators, washing machines, ice makers, and so forth is not permitted outside any camping unit (RV, pop-up, trailer, or tent).
- (310) Camp fires are permitted only in designated areas and only when supervised by adults.
- (32+) Persons desiring to arrange for group camping should consult the area office in advance of applicable rules.
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- (332) Loud, boisterous conduct, including playing radios or other sound-producing devices at loud levels, is prohibited. Disorderly conduct, drunkenness, or obscene language is prohibited.
- (343) Oversized vehicles such as tractor trailer trucks, automotive wreckers, etc., shall not be parked at camp sites. This prohibition does not apply to motor homes used for camping.
- (354) Persons registering to camp must be 21 years of age or older.
- (365) After 9:00 p.m. all children under 16 years of age must be accompanied by an adult unless they are at their campsite. Parents shall be responsible for the actions of their children.
- (376) Pets are allowed in the campground if kept on a leash and attended at all times. Unleashed pets and those whose behavior disturbs other campers must be removed from the park by the owner. Under no circumstances are pets permitted on beach areas.

*Fishing, boating and skiing.*

- (387) Except as provided in subsection (43), fishing, boating and skiing are authorized only for those people who hold a current day's ticket or a current annual permit in their possession.
- (398) Fishermen, boaters, and skiers are cautioned to comply with all state and local regulations respecting those activities.
- (4039) Persons desiring to night fish after park hours must purchase tickets before park gates close, or have a current annual permit.
- (410) Fishing is prohibited in swimming areas when the lake is open to swimmers.
- (421) Fishing from public boat docks when boats are present is prohibited.
- (432) Skiers and operators of boats towing skiers must exercise due care for the safety and welfare of others. Skiing in lake coves is specifically prohibited.
- (443) Persons 65 years of age or older may fish without payment of an admission fee, provided they have obtained a senior citizen's pass at the area office.
- (454) For the present, no limitation is placed upon the horsepower of motors. However, Macon-Bibb County reserves the right to place limits on the size of motorboat motors should the commission determine that to be in the public interest.
- (465) All fishermen must carry licenses, as required by the state.
- (476) No trout lines, set hooks, baskets, nets, jugs, or any type of commercial fishing gear shall be permitted. Cast nets and landing nets may be used in compliance with state laws.
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(487) Fishing from bridges, right-of-way of roads and boat ramp docks is prohibited.

(498) No vessel, including sail boards, shall be permitted to enter any swimming area or any area designated as a no boat area.

*Swimming.*

(5049) Swimming at all park sites must be confined to areas designated for that purpose.

(510) Diving or jumping from public docks and bridges is prohibited.

(524) Swimming is permitted during daylight hours only. Persons choosing to swim when lifeguards are not on duty do so at their own risk.

(532) Scuba diving in Lake Tobesofkee is prohibited unless the express written permission of the Manager is obtained.

(b) Official copies of these rules and regulations, and those promulgated by the Director of the Tobesofkee Recreation Area, are to be maintained in the office of the Clerk of Commission and the office of the Manager of the Tobesofkee Recreation Area.

(c) If any provision of this section or any rule or regulation promulgated by the Director of the Tobesofkee Recreation Area is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

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**Routing/File Form**

**Document Type:** ☐ Contract ☐ Deed ☒ Ordinance ☐ Resolution ☐ Grant ☐ Other  
 (Check one of the above document types)

**PURPOSE: AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE III OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO GRANT THE DIRECTOR THE AUTHORITY TO PROMULGATE RULES RELATED TO SAFETY; TO AMEND THE PENALTY FOR VIOLATIONS; TO ADD AN ADDITIONAL RULE RELATED TO UNSUPERVISED MINORS AT THE TOBESOFKEE RECREATION AREA; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**Annual Cost:** \_\_\_\_\_

**Total Contract Amount:** \_\_\_\_\_

**Administering Department or Officer:** \_\_\_\_\_

**Contractor(s):** \_\_\_\_\_  
 \_\_\_\_\_

**Contract Start Date:** \_\_\_\_\_ **Contract End Date:** \_\_\_\_\_

**Funding Source(s):** \_\_\_\_\_

**Automatic Renewals:** \_\_\_\_\_ **yes** \_\_\_\_\_ **no**  
**Number of Renewals:** \_\_\_\_\_ **Final Expiration Date:** \_\_\_\_\_

	<u>Ordinance/Resolution</u>		<u>Contracts/Other</u>	
<u>Reviewed By:</u>	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Assistant County Attorney	SDP	7 / 7 / 22		
Sr. Assistant / Cnty. Attorney	PSA	___ / ___ / ___		
Grant Administrator		___ / ___ / ___		
Finance Director		___ / ___ / ___		
County Manager	km	7 / 8 / 22		
Mayor		7 / 8 / 22		
Clerk of Commission		___ / ___ / ___		
<b>Commission Approval</b>		___ / ___ / ___		

**Additional comments, instructions, etc.:** \_\_\_\_\_

**ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.**

SPONSORED BY:

- ☒ MAYOR LESTER M. MILLER  
☐ MAYOR PRO TEMPORE SETH CLARK  
☐ COMMISSIONER VALERIE WYNN  
☐ COMMISSIONER PAUL BRONSON  
☐ COMMISSIONER ELAINE LUCAS  
☐ COMMISSIONER MALLORY C. JONES, III  
☐ COMMISSIONER RAYMOND WILDER  
☐ COMMISSIONER BILL HOWELL  
☐ COMMISSIONER VIRGIL WATKINS, JR.  
☐ COMMISSIONER AL TILLMAN

COMMITTEE ACTION TAKEN AND DATE:

RECOMMEND: \_\_\_\_\_

(Approved/Disapproved/Approved as Amended)

Date \_\_\_\_\_

APPROVED AS TO FORM BY COUNTY ATTORNEY

  
 Sara D. Davis  
 Assistant County Attorney

COMMITTEE OF THE WHOLE  
 AMENDMENT  
 AN ORDINANCE OF THE MACON-BIBB  
 COUNTY COMMISSION TO AMEND  
 ARTICLE III OF CHAPTER 17 OF THE  
 MACON-BIBB COUNTY CODE OF  
 ORDINANCES TO GRANT THE  
 DIRECTOR THE AUTHORITY TO  
 PROMULGATE RULES RELATED TO  
 SAFETY; TO AMEND THE PENALTY  
 FOR VIOLATIONS; TO ADD AN  
 ADDITIONAL RULE RELATED TO  
 UNSUPERVISED MINORS AT THE  
 TOBESOFKEE RECREATION AREA;  
 AND TO PROVIDE FOR OTHER  
 LAWFUL PURPOSES.

Referred to the Committee on \_\_\_\_\_

Date: \_\_\_\_\_

REPORT

Rendered July 19, 2002  
 and approved



VOTE

	Yes	No	Abstain	Absent
Wynn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bronson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Howell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tillman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total:</b>				