



**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 19 (PARKS AND RECREATION) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City and to acquire and hold properties to effectuate same; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens to provide recreational facilities for use by the general public and provide for regulation of same; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 19 (Parks and Recreation).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as “Chapter 19. Parks and Recreation” to read and be codified as follows:

CHAPTER 19. PARKS AND RECREATION.

ARTICLE I. - IN GENERAL

Sec. 19-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means intoxicating beverage, malt beverage, wine or any other beverage containing any alcohol whatsoever.

Building means any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

33 *Hobby rocket* means a small rocket constructed of paper, wood, plastic and other
34 lightweight material that is able to be launched by anybody, to generally low
35 altitudes and recovered by a variety of means.

36 *Litter* means garbage, refuse, paper, rubbish, debris, trash and all other waste
37 material whether natural or artificial.

38 *Recreation facilities* means all recreation areas in parks, including land,
39 buildings, lakes, swimming pools, sports fields, cemeteries, and all other
40 property and buildings owned, leased, or managed by the City, the City Parks
41 and Recreation Department, the designated agents or departments of the City or
42 the City Parks and Recreation Department, and including all recreation areas
43 and parks in the City owned by the United States government, the State of
44 Georgia or DeKalb County.

45 *Vehicle* means any motor-driven equipment, such as an automobile, truck,
46 motorcycle, bicycle, sled, go-cart, scooter, skateboard, ATV, child's toy vehicle,
47 or Segway.

48 *Weapon* means firearm, rifle, pistol, revolver, paintball gun, or any weapon
49 designed or intended to propel a shot, bullet, or other missile of any kind, or any
50 device capable of discharging a projectile by air, spirit, gas or explosive, or any
51 explosive substance or harmful solid, liquid and gaseous substance, or any
52 spear, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any
53 dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-
54 edged razor, spring stick, metal knuckles, blackjack, any bat unless otherwise
55 used in a sporting event, club or other bludgeon-type weapon, or any flailing

56 instrument or any disk which is designed to be thrown or propelled and which
57 may be known as a throwing star or oriental dart, or any weapon of like kind,
58 and any stun gun, taser or similar device.

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60 **Sec. 19-2. Enforcement of Chapter.**

61 This chapter shall be enforced by any authorized law or code enforcement
62 officer of the City. Where there has been a violation of any provisions of this
63 Chapter, the law or code enforcement officer in his discretion may issue a
64 citation, warning and/or order the person to leave the park or recreation area.

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66 **Sec. 19-3. Penalties for Violation of Chapter.**

67 Any person violating any provision of this Chapter shall be penalized pursuant
68 to Chapter 1 of this Code.

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70 **Sec. 19-4. Parks and Recreation Director; Powers and Duties.**

71 The Director of Parks and Recreation or employees under the direction of
72 the Director shall:

73 (1) Establish, conduct, and maintain a recreation system for the City
74 in such a way as to employ the leisure of the people in a
75 wholesome and constructive manner;

76 (2) Provide for, conduct, and supervise public playgrounds, indoor
77 recreation centers, and other recreational facilities owned or
78 controlled by the City;

79 (3) Recommend the setting aside, leasing or acquisition of lands or
80 buildings within the City limits for use as parks, playgrounds,
81 recreation centers or for other recreational purposes, and to
82 provide for the maintenance and improvement of these areas;

- 83 (4) Cooperate with the local school board in the establishment,
84 conduct and maintenance of a recreation system;
85 (5) Otherwise assist in the operation and enforcement of this Chapter.
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87 **Sec. 19-5. Through 19-25. Reserved.**

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89 **ARTICLE II. PARKS AND RECREATIONAL FACILITY RULES**

90 **Sec. 19-26. Hours of Operation.**

91 (a) It shall be unlawful for any person or vehicle to enter or be within a
92 recreation facility outside of the posted hours of operation unless
93 approved by permit, by the Director or unless such person is
94 participating in authorized and scheduled programs, classes, special
95 events or meetings.

96 (b) Parks and Recreation facilities are open at 7:00 a.m., and shall close at
97 sunset, except that parks containing lighting for night use shall close at
98 11:00 p.m. or as otherwise posted and authorized by the Director. Only
99 those areas of park and recreation facilities which are illuminated and in
100 use at night shall be interpreted as being open after sunset. All other
101 portions of the facilities if not illuminated are considered to be closed.
102 Applicable closing signs shall be conspicuously posted at all park and
103 recreation facilities and any deviation from these times must be approved
104 by the Director.

105

106 **Sec. 19-27. Using Parks for Golf Practice, Putting Greens, Driving Ranges.**

107 No person shall use any park or other area owned or operated by the City for
108 recreation purposes as a field for golf practice, putting green or driving range,
109 except those areas specifically designated as golf clubs for such purposes.

110

111 **Sec. 19-28. Motor Vehicles Restricted.**

112 (a) No person shall operate a motorized vehicle of any kind or nature in or
113 on any city park, bicycle path, or other area owned or operated by the
114 City for recreational purposes except upon roadways designated and
115 maintained for vehicular traffic at the speed limit as posted by the
116 Director of designee, and except upon walkways when permitted and
117 approved by the Director. This section does not prohibit persons with
118 disabilities from using a wheelchair as an auxiliary aid in or on any City
119 park, bicycle path, or other area owned or operated by the City for
120 recreational purposes.

121 (b) Law enforcement and City officials whose duties require them to drive
122 maintenance vehicles and equipment shall be exempt from the
123 limitations set forth in this Section.

124

125 **Sec. 19-29. Reservation of Park Facilities; Violations**

126 (a) *Fees.* The use of a City park area or picnic shelter may be reserved for a
127 reasonable period of time for the purpose of group activities through
128 application to the City and upon payment of a reservation fee in
129 accordance with the schedule established by action of the City Council, a
130 copy of which is on file in the office of the City Clerk.

131 (b) *Application.* All persons desiring to reserve a park area or picnic shelter
132 shall make application to the Parks and Recreation Department, on a
133 form prescribed by the City.

134 (c) *Fund-raisers at picnic shelters.* Any person/group wishing to hold a
135 fund-raiser at a City picnic shelter must follow procedures for reserving
136 picnic shelters and provide verification of current registration with the
137 secretary of state.

138 (d) *Refusal or revocation permit.* The Parks and Recreation Department
139 reserves the right to refuse or revoke permits. Such a determination shall

140 be based on health, safety and welfare of the public and protection of
141 City property.

142 (e) It shall be unlawful for any person to engage in any activity in City
143 recreation facilities which requires a reservation fee, permit and/or a
144 ticket without first paying said fee and obtaining a permit or ticket.

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146 **Sec. 19-30. Alcoholic Beverages.**

147 (a) *Prohibited; exception.* No person shall serve, consume or transport in
148 open containers any alcoholic beverage within a City park or recreation
149 facility, except at a group function for which a permit has been issued by
150 the Parks and Recreation Department, or as may be otherwise provided
151 by this Code.

152 (b) *Application for permit.* All persons desiring to obtain a permit to serve or
153 consume alcoholic beverages on City park property shall make
154 application to the City Manager or designee on a form prescribed by the
155 Parks and Recreation Department, and shall pay a permit fee in the
156 amount established by action of the City Council, a copy of which is on
157 file in the office of the City Clerk.

158 (c) *Locations where permitted.* Permits may be issued by the Parks and
159 Recreation Department Director for the consumption of alcoholic
160 beverages at specified City parks and locations within said parks as
161 approved by Mayor and City Council.

162 (d) *Refusal and revocation of permits.* The Parks and Recreation Department
163 Director, or designee, shall have the right to refuse and revoke permits
164 for failure to comply with any provisions of this Chapter or applicable
165 provisions in other parts of this Code.

166

167 **Sec. 19-31. Special Prohibitions.**

- 168 (a) *Paint.* It shall be unlawful for any unauthorized person to possess paint,
169 in any form, in or on any park or other area owned or operated by the
170 City for recreation purposes.
- 171 (b) *Glass containers.* No person shall possess a glass container in or on any
172 park or other area owned or operated by the City for recreation purposes.
- 173 (c) *Bicycles on athletic fields.* No person shall ride or walk a bicycle or other
174 non-motorized vehicle in or on any athletic field owned or operated by
175 the City for recreational purposes. This section does not prohibit persons
176 with disabilities from using a wheelchair as defined in section 19-28 as
177 an auxiliary aid on such fields.
- 178 (d) *Bicycles on park trails and paths.*
- 179 (1) No person shall ride, carry, push or otherwise manually transport
180 a one-, two- or three-wheeled cycle on or through any trails
181 owned or operated by the City and designed solely for pedestrian
182 use.
- 183 (2) This subsection (d) does not prohibit the use of such cycles on
184 trails or paths specifically designated for bicycling or multi-uses
185 that include cycling. No person shall operate a one-, two- or
186 three-wheeled cycle or a trailer attached to a cycle on trails
187 specifically designated for bicycling or multi-uses that include
188 cycling, if the width of the trailer or cycle exceeds 36 inches as
189 measured from the outer rim of the back tires.
- 190 (3) This section does not prohibit persons with disabilities from using
191 a wheelchair as defined in section 19-28 as an auxiliary aid on
192 city-owned or city-operated trails and paths.
- 193 (e) *Killing Wildlife.* It shall be unlawful for any person to hunt, trap, shoot,
194 maim or kill any animal or wildlife, or attempt to do any of the above to
195 any animal or wildlife within any of the City recreation facilities without
196 the written permission of the Director, unless threatened with bodily
197 injury or death.

- 198 (f) *Polluting Water.* It shall be unlawful for any person to pollute or disturb
199 any spring, branch, pond, fountain, or other water owned by or leased to
200 the City within a recreation facility.
- 201 (g) *Posting Signs.* It shall be unlawful for any person to affix any bill, sign
202 or notice on any tree, building or fixture, or handouts to any other person
203 in any of the recreation facilities unless authorized by the Director or
204 designee. It shall be unlawful for any person to place any paper, books,
205 refuse, or trash of any kind in any of the public parks, except in
206 containers provided for such.
- 207 (h) *Skateboards.* It shall be unlawful for any person to operate a skateboard
208 on any street, lane, way, road and/or any parking lot in any recreation
209 facility in the City, with the exception of pedestrian sidewalks, unless
210 otherwise designated by signage posted by the Director or designee or
211 published rules.
- 212 (i) *Urban Camping.* It shall be unlawful to reside or to store personal
213 property in any recreation facility owned by the City. Furthermore, it
214 shall be unlawful to use any public place, including City recreation
215 facilities, for living accommodations purposes or camping, except in
216 areas specifically designated for such use or specifically authorized by
217 permit.

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219 **Sec. 19-32. Littering.**

220 It shall be unlawful for any person to throw, dump, or deposit litter on
221 the grounds, streets, sidewalks, ponds, lakes, swimming pools or other body of
222 water in any City park or recreation facility, except within public receptacles
223 and in such a manner that the litter will be prevented from being carried or
224 deposited by the elements upon any part of the recreation facility.. Where public
225 receptacles are not provided, all such litter shall be carried away from the
226 recreation facility by the person responsible for its presence and shall be
227 properly disposed of elsewhere.

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Sec. 19-33. Closing Ballfields.

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Sec. 19-34. Noises.

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Sec. 19-35. Weapons; Pyrotechnics.

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(a) Weapons include, but are not limited to, firearms; knives; air guns; paintball guns; archery equipment; explosives; slingshots; fishing spears; any device designed to launch a projectile by physical strength, compressed gas/compressed air or a fuel source; and other devices designed for the purpose of offense or defense.

(b) It shall be unlawful for any person other than law enforcement officers to shoot, use, discharge, or employ any weapon or similar device in any park or other area owned or operated by the City for recreational purposes.

257 (c) It shall be unlawful for any person other than law enforcement officers to
258 discharge any firearm in any park or other area owned or operated by the
259 City for recreational purposes.

260 (d) The Director of the Parks Department or designee may issue a permit for
261 a time-limited use of weapons other than firearms, and the permit shall
262 set forth specific conditions for use and handling of such weapons.

263 (e) It shall be unlawful for any person to possess, display, use, set off or
264 attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black
265 powder guns or other pyrotechnics, unless approved by written permit by
266 the Director or the Director's agent.

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268 **Sec. 19-36. Fires.**

269 (a) It shall be unlawful for any person to build or maintain a fire in any park
270 or other area owned or operated by the City for recreational purposes
271 except in designated areas clearly marked by signs or defined by the
272 existence of city-approved fire rings.

273 (b) Permanently mounted grills may be used and personal grills may be used
274 in designated authorized areas.

275 (c) Camp fires may be allowed with written authorization from the Director
276 of the Parks and Recreation Department or his designee for organized
277 groups allowed in any park or other area owned or operated by the City
278 for recreational purposes after closing time. The written authorization
279 must be on site with the event organizer or designee and available for
280 inspection at the time of the camp fire.

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282 **Sec. 19-37. Swimming.**

283 (a) It shall be unlawful for any person to swim, bathe or wade in any body of
284 water in a recreation facility unless designated for such use and then only
285 in accordance with the rules, regulations and restrictions promulgated
286 and posted at the recreation area.

287 (b) Entering and using any body of water located in any park or other area
288 owned or operated by the City for recreational purposes for bathing or
289 excretory functions is unlawful.

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291 **Sec. 19-38. Watercraft.**

292 (a) Lakes and streams located in City parks or other areas owned or operated
293 by the City for recreational purposes may be used for boating.

294 (b) Boats, canoes, rubber rafts or other floating watercraft may not be used
295 in any park or other area owned or operated by the City for recreational
296 purposes if such equipment is powered by more than 12-volt electric
297 motors.

298 (c) It shall be unlawful for any person to operate a watercraft with a
299 petroleum-based, fuel-burning engine in any park or other area owned or
300 operated by the City for recreational purposes.

301 (d) All watercraft must be carried by hand to the water's edge for launching.
302 Watercraft shall not be permitted to be towed by vehicle to the edge of
303 any body of water in any park or other area owned or operated by the
304 City for recreational purposes.

305 (e) This section shall not apply to official use of watercraft by law
306 enforcement, fire and rescue personnel, or by city crews for maintenance
307 and inspection.

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309 **Sec. 19-39. Damage or Removal of Park Property or Vegetation.**

310 (a) It shall be unlawful for any person to dig up, cut, damage or remove any
311 tree, tree limb, shrubbery, flowers, rock, mulch or other
312 vegetation/natural fixture located in any park or other area owned or
313 operated by the City for recreational purposes.

314 (b) It shall be unlawful for any person to deface, graffiti, harm or damage
315 any recreation facility buildings, wildlife, property, equipment or signs.

316 (c) This section shall not apply to personnel employed or engaged by the
317 City to maintain city parks and recreational areas or an authorized group
318 of volunteers involved in a City-approved project for the enhancement of
319 a park or other area owned or operated by the City for recreational
320 purposes.

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322 **Sec. 19-40. Artifact or Treasure Hunting.**

323 (a) It shall be unlawful for any person to search any park or other area
324 owned or operated by the City for recreational purposes for historic
325 artifacts or for the purpose of locating lost or abandoned personal
326 property of another, unless such person specifically is authorized by the
327 owner of that personal property to make such search on the owner's
328 behalf.

329 (b) It shall be unlawful for any person to remove any historic artifacts or lost
330 or abandoned personal property of another from any park or other area
331 owned or operated by the City for recreational purposes unless such
332 person specifically is authorized by the owner of that personal property
333 to recover such personal property on the owner's behalf.

334 (c) It shall be unlawful for any person to dig in or otherwise disturb the
335 ground in a park or other area owned by the City for recreational
336 purposes, except under the circumstances permitted in section 19-40(c).

337 (d) This section does not prohibit a person from visually searching for and
338 reclaiming his own lost property in any park or other area owned or
339 operated by the City for recreational purposes, either by himself or by
340 someone specifically authorized by the owner of the lost personal
341 property to act on his behalf.

342 (e) The prohibitions of this section shall not apply to law enforcement
343 personnel engaged in the lawful execution of their duties or to persons
344 employed or engaged by the City when performing their duties in any

345 park or other area owned or operated by the City for recreational
346 purposes.

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348 **Sec. 19-41. Commercial Activity.**

349 Unless approved by prior written permit issued by the Director of the Parks and
350 Recreation Department or designee, it shall be unlawful for any person, firm,
351 partnership, cooperative, nonprofit membership corporation, joint venture,
352 association, company, corporation, agency, syndicate, estate, trust, business
353 trust, receiver, fiduciary, or other group, organization or combination acting as a
354 unit in any City park to:

- 355 (1) Sell or offer for sale any merchandise;
356 (2) Operate or attempt to operate a concession; or
357 (3) Engage in any commercial or charitable activity in a City park.

358 The written permit must be on site with the event organizer or designee and
359 available for inspection at the time the activity regulated in this section is
360 occurring.

361

362 **Sec. 19-42. Native Wildlife.**

- 363 (a) It shall be unlawful to remove or disturb any living or dead native
364 creatures in City parks, including mammals, birds, fish, amphibians, and
365 reptiles, or the parts or progeny thereof, such as nests, eggs, or antlers.
366 (b) Fishing activities in City park lakes or streams shall be allowed from the
367 shore of a body of water or from watercraft, if the location is designated
368 by a City sign as allowing fishing at that particular location.

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370 **Sec. 19-43. Personal Conduct.**

371 It shall be unlawful for any person to engage in any violent, abusive, loud,
372 boisterous, vulgar, wanton, obscene or otherwise disorderly conduct that would
373 disturb a reasonable person of ordinary sensibilities, or engage in any activity
374 that could cause injury to other persons while on or in connection with a

375 recreation facility. No person shall upon or in connection with a recreation
376 facility by act or speech willfully or unreasonably hinder, interrupt or interfere
377 with any duly permitted activity or unreasonably or willfully intrude on any
378 areas or into the structures designated for the use of a certain person or persons
379 to the exclusion of others by written permit of the Director.

380

381 **Sec. 19-44. Smoking Prohibited.**

382 It shall be unlawful to smoke in any recreational facility, whether indoors or
383 outdoors. For the purposes of this section, smoking shall include cigarettes and
384 other legal and illegal substances, any controlled substances, and smoking in
385 any manner, including any pipes and materials, including e-cigarettes, whether
386 organic or inorganic, utilized for lighting and inhaling thereof.

387

388 **Sec. 19-45. Parking Restricted.**

389 (a) It shall be unlawful to park any motorized or electric vehicle in a
390 recreation facility except in those areas designated by the appropriate
391 signs as vehicle parking areas or in marked parking spaces. It shall be
392 unlawful to leave a vehicle standing or parked in a recreation facility
393 during hours when the recreation facility is closed, unless otherwise
394 permitted to do so by the Director or designee. In such instances, the
395 vehicle may be towed from the recreation facility at the owner's expense.

396 (b) It shall be unlawful for any person to park in a recreation area or facility
397 if the owner of the vehicle is not utilizing the recreation facility unless
398 authorized by the Director or designee. It shall be unlawful for persons to
399 congregate within a parking area of a recreation facility so as to disrupt
400 traffic or other persons, or so as to create a safety hazard.

401

402 **Sec. 19-46. Animals Restricted.**

403 (a) It shall be the duty of every animal owner or custodian whose animal is
404 in a recreation facility to have physical control of the animal by leash or

405 lead line at all times unless in designated dog park areas where off leash
406 is permitted or approved, by permit, by the Director or designee. It shall
407 be unlawful for any person with an animal, other than service dogs, as
408 necessary, to access areas of a recreation facility which are restricted to
409 animals. It shall be the duty of every animal owner or custodian of any
410 animal whose animal is in a recreation facility to immediately and
411 properly dispose of waste deposited by the animal.

412 (b) It shall be the duty of every animal owner or custodian of any animal
413 whose animal is in a recreation facility to have in their possession proof
414 of current registration and a current rabies vaccination for their animal.

415

416 **Sec. 19-47. Engine Powered Models, Toys and Hobby Rockets Restricted.**

417 (a) It shall be unlawful for any person to start, fly or use any fuel powered
418 engine, jet-type or electric powered model aircraft, boat or rocket or like
419 powered toy or model, except at those areas designated by the Director
420 for such use and then only in accordance with such rules, regulations and
421 restrictions promulgated by the Director or designee.

422 (b) It shall be unlawful for any person to launch hobby rockets from a
423 recreation facility unless done so at locations specifically designated for
424 said purpose by the Director or otherwise approved by written permit by
425 the Director or designee.

426

427 **Sec. 19-48. Signage Regulated.**

428 It shall be unlawful for any person to post signage in recreation facilities unless
429 it is in conjunction with a permitted rental or permitted special event, or as
430 otherwise approved by the Director. Temporary signage will be limited to the
431 numbers established in the City of Stonecrest Administrative Guidelines for
432 Special Event Signage and Advertising or as otherwise approved by the City
433 council.

434

435 **Sec. 19-49. Violation of Facility Regulations.**

436 It shall be unlawful for any person to violate any rules or regulations relating to
437 the use of the recreation facility as established by the Director or by the City
438 Council.

439

440 **Section 2:**

441

442 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
443 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
444 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
445 constitutional.

446

447 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
448 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
449 phrase of this Ordinance is severable from every other section, paragraph, sentence,
450 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
451 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
452 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
453 section, paragraph, sentence, clause or phrase of this Ordinance.

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455 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
456 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
457 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
458 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
459 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
460 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
461 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
462 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
463 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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465 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
466 are hereby expressly repealed.

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468 5. The within ordinance shall become effective upon its adoption.

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470 6. The provisions of this Ordinance shall become and be made part of The Code of the City
471 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
472 accomplish such intention.

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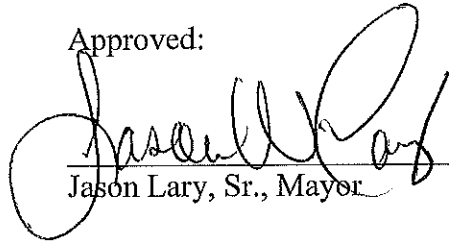
474 **SO ORDAINED AND EFFECTIVE** this the 15 day of October, 2018.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE 2018-_____

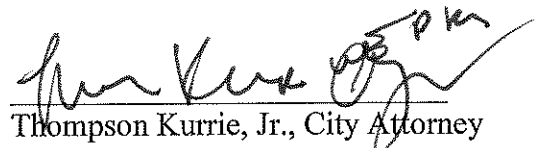
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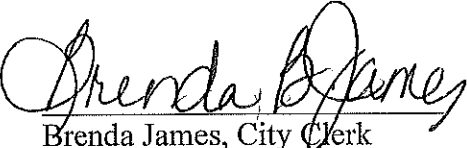
Jason Lary, Sr., Mayor

As to form:



Thompson Kurrie, Jr., City Attorney

Attest:



Brenda James, City Clerk