

Ordinance Number: 08-05-06-425
AN ORDINANCE TO ADOPT REGULATIONS AND RESERVATION
GUIDELINES FOR THE PARKS AND RECREATIONAL FACILITIES WITHIN
THE CITY OF CHELSEA

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA,
ALABAMA AS FOLLOWS:**

§1 - Definitions:

Whenever used in this Ordinance, unless otherwise indicated, the following words and phrases shall have the following meanings:

ALCOHOLIC BEVERAGES: any beverage containing more than one-half of one percent of alcohol by volume. This includes, but is not limited to, beer, wine, whiskey, or gin.

ARM: See definition for weapon.

MAYOR: the elected head of the government of the City of Chelsea or his/her designee.

PARK: the playground, ball fields and all other land and easements owned by the City of Chelsea, which, by ordinance, resolution, encroachment, permit, regulation, or agreement, are dedicated to or operated by the city for purposes of sports and public recreation. The term shall include the buildings, parking lots, streets and sidewalks within the territorial boundaries establishing the park.

PET: any dog, cat, reptile, or other domestic or exotic animal.

PROMULGATE: to make known by public declaration.

RECREATION AREA: land and easements owned or leased by the City of Chelsea, which by ordinance, resolution, regulation or agreement, is dedicated to or operated by the city for purposes of sports, special events and public recreation.

WEAPON: including, but not limited to, any fixed-blade knife, hunting knife, pocket knife, switchblade knife, bayonet, machete, firearm, chain, club, bat, stick, or cane, blackjack, sling shots, and metal knuckles.

§2 – Hours of Operation:

A. It is unlawful to remain upon the grounds of any city park, or any part thereof, except between the hours of 8 a.m. to 9 p.m., unless the sport fields are in use, in which case the park will close at 11 p.m. The jogging track has no restriction on use. The playground will be open from 8 a.m. until sundown. The mayor is authorized to alter the park closing hours stated herein when determined necessary to protect public health, safety, or welfare. Any change in park hours shall be posted at each affected park site. Any alteration in park hours shall be based solely on threats to the health, safety and welfare of park users.

B. The mayor shall promulgate hours of operation for the city-owned facilities as well as fees and charges for the use of said facilities which shall be effective from the time they are approved by resolution of the city council.

§3 – Defacing of Structures, Monuments, or Vegetation:

- A. Except when authorized by the mayor, it shall be unlawful to dig up vegetation or excavate any soil within any city park or recreation area.
- B. Except when authorized by the mayor, it shall be unlawful to cut, break, injure, deface or disturb any tree, shrub, plant or other vegetation, rock, building, fence, bench, table, street, sidewalk, parking lot or other structure, apparatus or property within any city park or recreation area.
- C. It shall be unlawful to mark or write upon, paint or deface in any manner any tree, rock, building, monument, fence, bench, wall, street, sidewalk, parking lot, apparatus or other structure within a city park or recreation area. No decorations, banners, streamers, etc. are allowed on walls, fences, or support structures using staples, wire or nails. Tape, plastic ties and rope are permitted. All decorations, banners, streamers, etc. must be removed at the conclusion of the event and placed in the park trash cans or taken from the premises. Balloons are permitted inside the pavilions.
- D. Current sponsor signs affixed to the fence at the city sports fields shall be exempt from the provisions in §3 C until June, 2008.

§4 – Smoking, Alcoholic Beverages, Drug Consumption and Drug Possession:

- A. Smoking on city property, except in designated areas, is prohibited by Ordinance Number 06-02-07-302.
- B. It shall be unlawful to consume or possess an alcoholic beverage or drugs within any city park's rest room, playground, parking lot, ball field, or public street contiguous to or immediately adjoining the territorial boundary of those parks.

§5 – Glass Bottles, and Littering:

- A. The use of glass bottles is prohibited.
- B. Littering in a city park or recreation area is prohibited. All trash should be deposited in the provided trash receptacles.

§6 – Toilets and Rest Rooms:

- A. It shall be unlawful for any person over eight years of age to enter or use any toilets or restrooms designated by signage for persons of the opposite gender.
- B. It shall be unlawful to use a sink in any public park or recreation building to launder clothing or to bathe or wash any part of the body other than the hands or face, or both. Notwithstanding the forgoing, any person may wash their person or clothing stained or soiled as a result of using park grounds or facilities.

§7 – Posting of Handbills and Other Papers:

A. It shall be unlawful to post, within any city park or recreation area, or affix upon any tree, car, fence, structure or building located within any city park or recreation area, any handbills, circulars, pamphlets, tracts, papers or advertisements.

B. With the permission of the mayor, announcements may be posted upon community service bulletin boards located within recreation facilities advising persons of local, non-commercial or non-sectarian recreational, non-profit or civic events in the Chelsea community.

§8 - Motor Vehicles:

A. It shall be unlawful for any automobile, motorcycle or other motor vehicle to be in any park, excepting at such place or places as are provided for and designated as places for the parking of automobiles, motorcycles or other motor vehicles.

B. It shall be unlawful to clean, wash or polish, or to make, other than emergency repairs, upon any automobile, motorcycle or self-driven vehicle within any city park or at any recreation area.

C. It shall be unlawful for any person to willfully obstruct vehicular or pedestrian traffic or circulation within or upon any of the sidewalks or streets of a city park or recreation area.

D. It shall be unlawful to operate a go-cart or ATV within any city park or recreation area. Further, it shall be unlawful to engage in any inherently dangerous activity within any city park or recreation area. This provision shall not apply to handicapped scooters.

E. It is unlawful to leave a vehicle in the park or recreation area for more than 48 hours unless the city is notified of the problem that prevents the vehicle from being removed. Vehicles may be towed at owner's expense.

F. The speed limit in all parks and recreation areas is 10 miles per hour.

§9 – Fires:

It is unlawful to ignite and/or maintain a fire in any city park except in picnic stoves provided by the city for that purpose or as part of a city authorized event.

§10 – Pets:

A. No pets of any kind shall be permitted in the play area and sports fields.

B. This prohibition does not apply to the walking track or seeing eye dogs and other special service animals used by special needs persons.

§11 – Animals:

No person shall trap, kill, wound, or maltreat any wild or domesticated bird or animal, and no person shall permit any pet to pursue, trap, kill, wound, or catch any wild

or domesticated bird or animal in any city park or recreation area. Nothing herein shall prevent the acts of public officers, employees or agents from performing acts in furtherance of their duties.

§12 – Children and Use of the Playground:

It shall be unlawful to permit any child under the age of twelve (12) years to play in any city park or recreation area unless such child is attended by an adult.

§13 - Games and Sports.

A. It shall be unlawful to practice or play any team sports within a city park unless the area is clearly designated for such use and permission has been obtained from the mayor's office.

B. Golf and archery practice are strictly prohibited.

§ 14 - Vendors and/or Entertainment:

A. It shall be unlawful for a vendor to set up a display to sell items without permission and a city license.

B. It shall be unlawful to set up, maintain or give any exhibition, show, performance, lecture, or concert without a permit.

§15 – Amplified Noise:

Except when authorized pursuant to a permit issued by the mayor's office, it shall be unlawful in any city park or recreation area to operate a radio, television, stereo or any similar electronic or mechanical device capable of producing or emitting sound at a volume where the sound is audible at a distance greater than 30 feet from the point of emission for pedestrians and 20 feet from another vehicle as set forth by Ordinance 05-05-17-271.

§16 – Disturbing of Meetings and Gatherings:

It shall be unlawful to disturb in any manner any picnic, meeting, services, concert, exercises, exhibition, athletic events, special events or, or to indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane or indecent language in any city park or recreation area.

§17 – Camping and Other Overnight Activities:

Except when authorized pursuant to a permit issued by the mayor's office, it shall be unlawful to camp, lodge, or sleep for any period of time within a city park or recreation area. Usage of the parks and recreation areas also shall be subject to loitering, soliciting and storage of personal property restrictions.

§18 – Discharge of Fireworks and Firearms:

- A. It shall be unlawful to discharge any firearm, firecracker, bomb, torpedo, rocket, archery equipment or other fireworks within any city park or recreation area.
- B. Licensed pyrotechnic displays are permitted with permission from the mayor's office.

§19 - Carrying of Arms and Weapons:

Except for police officers, it shall be unlawful to carry, convey, maintain, or provide any arm or weapon, or any other object or device, whether normally designed for such use or not, which is intended to be used or which can be used in a dangerous or offensive manner to inflict bodily harm upon the person of another, or property damage upon the property real and personal, or the trees, shrubs, vegetation or lawn owned by or in the custody of the city, or any other person upon his person, or in a vehicle, whether concealed or not, within any public park, or other recreational area in the city, or in or upon any of the walks, lots or avenues of any park or recreational area.

§20 - Reservations Rules and Regulations.

- A. All groups desiring to make reservations for picnic shelters and/or to use the sports fields shall complete a park reservation request form (which must be on site at the time of the activity). Costs of lighting the sport fields will be assessed at the rate of _____per hour.
- B. At the conclusion of the group's use, a city staff member will inspect the area to determine if it has been cleaned and to ensure that no damage has occurred. If the area is left in an unsatisfactory condition, the city will cause the area to be cleaned and/or repaired with the actual cost of the cleanup/repair being invoiced to the responsible party.
- C. All groups will confine themselves to their assigned areas, unless they are involved with recreational activities. No picnic tables, benches, grills, stoves or other park equipment will be moved from any other area without express permission from the mayor's office. Groups may change assigned picnic areas if it does not conflict with another reservation.

§21 – Issuance of Park Permits:

Upon application, the mayor's office will issue a permit (which must be on site during the time specified by the permit) for activities regulated within this ordinance. The permit process described in this ordinance shall be governed by Section 23 of this ordinance. A permit shall not be issued if the mayor's office finds that the event or activity will violate or cause any of the following conditions to occur:

1. Violate law;
2. Exceed the capacity of the city park or recreation area for the safe conduct of the event;

3. Present a clear and present danger to the health, safety or welfare of the public or other park users;
4. Conflict with the terms or conditions of a valid prior-issued permit;
5. Involve the use of machinery or equipment which can damage park or recreation property;
6. Involve activity, equipment or a number of persons, or a combination thereof, which in the opinion of the mayor, is or constitutes a threat to public health and safety.

§22 – Penalty:

Any person who knowingly or willingly violates any of this ordinance shall be denied the right to use the park facilities for such period as the city council may determine, be liable for the amount of the damage caused, and be fined an amount not exceeding \$100.00 for each offense.

§23- Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

§24 - Effective date:

This ordinance shall become effective on and after _____

ADOPTED this ____ day of _____, 2008

S. Earl Niven, Mayor

James V. Ferguson, Councilmember

Donald E. King, Councilmember

Jeffrey M. Denton, Councilmember

Anthony Picklesimer, Councilmember

Juanita Champion, Councilmember

ATTEST:

Becky Landers - City Clerk

I, Becky Landers, Clerk of the City of Chelsea, Alabama, hereby certify that the above Ordinance was duly adopted by the Council of the City of Chelsea, Alabama at a regular meeting held on the _____ day of _____, 2008, and that same has been published in accordance with the law, on the _____ day of _____, 2008.

City Clerk