

## ORDINANCE NO. 1772

AN ORDINANCE RELATING TO THE USE OF ALL MUNICIPAL PARKS AND ATHLETIC FIELDS BELONGING TO THE CITY OF TALLADEGA, ALABAMA; AND REPEALING ALL ORDINANCES OR RESOLUTIONS INCONSISTENT THEREWITH, SPECIFICALLY ORDINANCES NUMBER 872, 1222, AND 1406.

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WHEREAS, the City of Talladega, Alabama, owns and operates several parks and athletic fields (hereinafter collectively referred to as *Apark*) in the City dedicated for use by the general public for recreational activities; and,

WHEREAS, the City Council of the City of Talladega has determined that it is in the best interest of the City to adopt this Ordinance to provide for a uniform set of rules relative to the use of the parks in order to protect and preserve these valuable assets of the City and to promote and protect the health and well being of the Citizens of the City of Talladega;

NOW, THEREFORE, be it ordained by the City Council of the City of Talladega, Alabama, as follows:

### SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, the following terms shall have the respective meanings ascribed to them:

*Bicycle*: Unless otherwise specified, shall include motorbike or motorscooter, and shall mean any two- or three- wheeled vehicle whether motor-powered or self-propelled. (Note: it is not intended by the addition of this subsection to remove *Abicycle*, *Amotorbike*, or *Amotorscooter* from the definition below as a *Avehicle*.)

*Director*: The Director of the Talladega Parks and Recreation Department.

*Park*: Any public park, playground, public recreation center, athletic complex or any other area in the jurisdiction of this article devoted to active or passive public recreation.

*Vehicle*: Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow regardless of the size or description. Provided, however, baby carriages or vehicles in the service of the Parks and Recreation Department are not included within this definition.

*Person*: The term as used herein includes natural persons and artificial persons such as business, fraternal or religious organizations and corporations.

### SECTION 2. SCOPE.

This Ordinance shall be effective within the parks of the City within the corporate limits of the City, within the police jurisdiction of the City, and within those areas owned by the City.

### SECTION 3. ENFORCEMENT.

A. The provisions of this Ordinance shall be enforced by any police officer of the City, by the Director of the Parks and Recreation Department, and by employees of the City of Talladega working in the Parks and Recreation Department under the direction of the Director (one or collectively referred to as *ADirector=s Designee*); provided, however, that none of the foregoing, except police officers, shall have the power of arrest.

B. The Director, police officers, and *ADirector=s Designee* shall have authority to direct any person to leave the park who is violating any applicable law, rule or regulation. Any person who fails or refuses to promptly leave the park after having been so directed shall be guilty of an offense against the City and shall be punished in accordance with Section 11.

#### **SECTION 4. PARK OPERATING POLICY.**

A. *Hours of Operation:* All parks, except the Ben Bruner Athletic Complex, shall be open to the public every day of the year from sunrise to 10:00 p.m., unless otherwise posted. Parks may be closed by order of the City Manager, the City Manager=s designee, or Chief of Police in the event of an emergency. It shall be unlawful for any person to use the park at any time contrary to the posted hours for use of such park.

B. *Closed Areas:* Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, as the Director shall find reasonably necessary. It shall be unlawful to use any park or any area thereof which has been posted by the Director as closed.

C. *Permit:* A permit shall be obtained from the Director before participating in the following park activities:

1. Any activity requiring or seeking exclusive use of the park or any park facility.
2. Any use of the park or park facilities by a group of persons which will exceed thirty (30) in number.
3. Any activity or use of the park or park facilities which amounts to a special event or special activity, not normal to every-day park use and activity:

(a) *Application:* A person seeking issuance of permit hereunder shall file an application with the Director. The application shall state:

- i. The name and address of the applicant and a valid photo id;
- ii. The name and address of the person sponsoring the activity;
- iii. The day and hour for which the permit is desired;
- iv. The park or portion thereof for which such permit it desired;
- v. An estimate of the anticipated attendance;
- vi. Any other information that the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(b) *Standards for Issuance:* The Director shall issue a permit hereunder when the Director finds:

- i. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- ii. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- iii. That the proposed activity or use will not lead to or incite violence, crime, or disorderly conduct;
- iv. That the proposed activity will not entail unusual, extraordinary or burdensome expense to the Parks and Recreation Department;
- v. That the facilities desired are adequate and have not been reserved for other use at the date and hour required.

(c) *Appeal:* Within seven (7) days after receipt of an application, the Director shall either grant or refuse a permit, apprising the applicant in writing of such Director=s reasons for refusing a permit. In the event such a permit is refused, any person aggrieved by such refusal shall have

the right to appeal in writing within seven (7) days to the City Council. The decision of the City Council shall be final.

(d) *Effect of Permit:* A permittee shall agree to be bound by all park rules and regulations.

(e) *Liability of Permittee:* The persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whomsoever by reason of the negligence of the persons to whom such permit shall have been issued, and insurance shall be required with proof thereof in the following events:

- i. Any user or assembly, party or event that engages in the use of an inflatable slide, bouncy house, batting cage, dunking booth or similar type device, shall provide proof of insurance for injury to person or property in connection with the use or placement of such devices in a park, the amount of insurance required shall be such amount as is required by City policies.
- ii. Any user, assembly, party, event, person or organization that holds a festival, assembly or event that contains a petting zoo, pony ride or carnival type attraction shall provide proof of insurance for injury to person or property in connection with the use or placement of such devices in a park, the amount of insurance required shall be such amount as is required by City policies.

D. *Camping, Overnight Use of Park:* No camping or overnight use of any park shall be permitted without prior written approval from the Director.

## **SECTION 5. DAMAGE OR INJURY TO IMPROVEMENTS, VEGETATION AND WILDLIFE.**

It shall be unlawful for any person in any park:

A. *Improvements Generally:* To willfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, water lines or other public utilities from parks or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property, or appurtenances, whatsoever, either real or personal.

B. *Restrooms and Washrooms:* To litter, dirty or soil restrooms and washrooms, or to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite gender.

C. *Removal of Natural Resources:* To dig or remove any soil, rock, stone, tree, shrub or plant, cut down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

D. *Erection of Structures:* To construct or erect any building or structure, of whatever kind, whether permanent or temporary in character, run or string any public utility into, upon, or across such lands, except on written permit issued by the Director.

E. *Injury to and Removal of Vegetation:* To damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any such tree or plant. To attach any rope, wire, or other contrivance to any tree or plant. To dig in, or otherwise disturb, grass areas, or in any other way to commit acts that cause injury to or impair, the natural beauty or usefulness of any area.

F. *Climbing, etc., Trees:* To climb, stand or sit upon buildings, monuments, vases, fountains, railings, fences, or any other property not provided for or customarily used for such purposes. The military tank and Vietnam Veterans Monument in Veteran=s Park are specifically designated as structures that it is unlawful to sit upon or climb.

G. *Hitching of Animals, Trees:* To tie or hitch any animal to any tree, plant, rail or fence.

H. *Injuring, etc., Animals*: To hunt, to molest, to harm, to frighten, to kill, to trap, to chase, to tease, to shoot or throw missiles at any animal, reptile or bird; to remove or have in possession the young of any wild animal, or the eggs or next or young of any reptile or bird. Provided, however, snakes which are poisonous when found on park property may be killed on site.

I. *Feeding of Animals*: To give or offer, or attempt to give, to any animal or bird, any tobacco, alcohol, or other poisonous or noxious substances.

## **SECTION 6. SANITATION.**

It shall be unlawful for any person, while in a park:

(1) *Pollution of Waters*: To throw, discharge, or otherwise place or caused to be placed, in the waters of any fountain, pond, stream, wet weather creek, or other body of water, in or adjacent to any park, or any tributary, stream, storm water drain, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) *Refuse and Trash*: To dump, deposit, throw, or leave, any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, debris or refuse or other trash, into any park area. It shall be the duty of every person to place all such trash, rubbish, waste, refuse, or garbage, in the proper receptacles where they are provided; where receptacles are not so provided all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

## **SECTION 7. VEHICLES AND TRAFFIC.**

It shall be unlawful for any person in a park:

A. To fail to comply with all applicable provisions of state laws and municipal ordinances in regard to equipment and operation of vehicles.

B. To fail to obey all traffic officers, or other persons designated by the Director, in directing traffic or specifying parking areas, in the parks, and on the highways, streets, or roads immediately adjacent thereto. Such traffic officers and other persons designated by the Director are hereby authorized to direct and control the flow of traffic and the parking of vehicles in the parks and on the highways, streets, or roads immediately adjacent thereto, in accordance with the provisions of this Ordinance, to insure safety in the use of the park area.

C. To fail to observe all traffic signs in the park or adjacent thereto, indicating speed, direction, caution, stopping or parking, and all other such signs posted for proper control of vehicles and to safeguard life and property.

D. To drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such roads as may be designated by posted signs for speed in excess of said rate.

E. To drive any vehicle on any area except the paved park roads, or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director, or designated as temporary roadways by the director.

F. To park a vehicle in other than an established or designated parking area, or to fail to enter, exit, or use such parking area in accordance with posted directions, or in accordance with the instructions of any traffic officer or person designated by the Director who may be present to direct such traffic.

G. To park on the traveled portion of the road or driveway within the park or adjacent thereto at anytime, unless directed by a traffic officer or person designated by the Director.

H. To leave any vehicle anywhere in the park with one or more wheels chained, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand. Provided this section shall not apply to the locking or securing of vehicles at places designated for the parking of such vehicles.

I. To abandon any disabled vehicle in the park or to fail to immediately notify a police officer or a Director=s Designee of an emergency in the nature of a breakdown, requiring the assistance of a tow truck, mechanic, or other persons.

J. To double-park any vehicle on any road or parkway unless directed by a traffic officer or a person designated by the Director.

K. To operate any vehicle in the park without a muffler or baffle adequate to deaden the sound of the engine in such vehicle.

L. To operate an ATV, ORV, motorcycle, minibike, go cart, golf cart, skateboard, roller skates, inline skates, bicycle or similar devices, cycles or vehicles in any park except to provide access for disabled persons. Children under ten (10) years of age may ride bicycles and tricycles on the designated walking track when accompanied by a parent or adult.

M. To leave a bicycle in a place other than a bicycle rack when such rack is provided and there is space available.

N. To leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by such bicycle.

## **SECTION 8. RECREATIONAL ACTIVITIES.**

It shall be unlawful for any person in a park:

A. *Bath Houses:* To dress or undress in any public area, or in any vehicle, toilet or other place, except in such bath houses or structures as may be provided for that purpose.

B. *Indecent exposure:* To appear in a park in a bathing suit or garment which indecently exposes the person of the wearer, or which costume does not conform to customarily accepted standards.

C. *Hunting and Firearms:* To use, carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings, slingshots, or other forms of weapons, or any device made for the purpose of launching a projectile, unless expressly permitted by the Director, or to hunt, trap, or pursue wildlife at any time in the park area. It shall be unlawful for any person to shoot into the park areas from areas beyond the boundaries thereof.

D. *Picnics in designated areas:* To picnic or lunch in a place other than those designated for that purpose. The Director or the Director=s Designee shall have the authority to regulate the activities in such area when necessary to prevent congestion and to secure the maximum use of the area for the comfort and convenience of all. Persons using the area shall comply with any directions given by the Director or the Director=s Designee to achieve this end.

E. *Availability of picnic facilities:* All individual fireplaces, tables and benches, and playground equipment in the park area are provided under the rule of *first come; first served* in the use of such facilities. It shall be unlawful for any person to violate such rule.

F. *Nonexclusive use of picnic area:* Unless a permit is obtained from the Director for the exclusive use of any of the park facilities by any group, the use of any portion of the picnic area, or the buildings or structures therein, to the exclusion of other persons, shall be unlawful and no person shall use such area and facilities for an unreasonable time if the facilities are crowded.

G. *Duty of picnicker to put out fire and clean up:* To leave a picnic area before the fire is completely extinguished to cold ash, or to leave the area without placing trash, boxes, papers, cans, bottles, garbage, and other refuse, in disposal receptacles if provided, or to fail to carry such debris away for disposal elsewhere if no such receptacles are available.

H. *Games:* To take part in the playing of any games involving throwing or propelling balls, stones, arrows, or flying objects, except in areas set apart for such form of recreation. The Director may prescribe the location and type of games to be enjoyed in the area, and it shall be unlawful for any person to engage in such games contrary to the directions of the Director or the Director=s Designee.

I. *Cooking Fire*: To start or maintain a fire except in a picnic stove or grill.

## **SECTION 9. ILLEGAL ACTS.**

It shall be unlawful for any person in a park to:

A. *Alcoholic beverage*: To sell, offer for sale, display for sale, barter, trade, consume or possess alcoholic beverages, of any kind whatsoever, unless pursuant to an alcohol license agreement with the City in connection with an event approved by the City Council as a Special Events Retail License, type 140, issued by the State of Alabama Alcoholic Beverage Control Board. The only exception to the foregoing is the designated lounge area of the main building of the Talladega Municipal Golf Course.

B. *Intoxication*: To be or remain in any area of a park while under the influence of intoxicating beverages.

C. *Fireworks and explosives*: To possess, to set off, or otherwise cause to explode, or discharge or burn, any firecrackers, torpedoes, rockets, or other explosives, of inflammable material, or discharge or throw them into such area from highways or adjacent areas. Firework displays or shows may be held only when authorized by a permit from the Director as part of a City sponsored event by a certified fireworks display vendor and by a permit from the Chief of the Fire Department.

D. *Dogs and other domesticated animals*: To bring an unleashed dog or other domesticated animal into the park area. The leash shall be no longer than six (6) feet and the dog shall not be tied or hitched to any tree or plant. The owner or person having custody of said animal shall be responsible for control of the animal and removal of any animal solid waste from the park. The leash requirement does not apply to the Police Department's K-9 Unit. Dogs and other domesticated animals are not allowed in the park areas during City-sponsored or permitted events such as July 4<sup>th</sup> celebrations. No dogs or domesticated animals are allowed at sporting events or ball fields, to include Ben E. Bruner Sports Complex, or where specifically posted as prohibited.

E. *Reserved facilities*: To occupy any seat, bench, or to enter into or loiter or remain, in any pavilion, park structure, or area or section thereof, which may be reserved by the Director and so marked.

F. *Dress*: To appear at any place in other than proper clothing. For the purpose of this subparagraph, *proper clothing* shall mean that clothing which is not offensive to, and which is generally acceptable to the public and to include shirts and footwear.

G. *Alms*: To solicit alms or contributions for any purpose whether private, public, or charitable, without prior written permission of the Director.

H. *Fires*: To build or attempt to build a fire, except in such area and under such regulations as may be designated by the Director.

I. *Closed areas*: To enter an area posted as closed or as *closed to the public* or to use any area contrary to and in violation of posted notices.

J. *Games of chance*: To gamble or to participate in any game of chance in a park.

K. *Loitering and boisterousness*: To sleep or protractedly lounge on the seats or benches, or other areas, or to engage in loud, boisterous, threatening, abusive, insulting, or indecent language, which is offensive to other persons present in the area and which tends to a breach of the public peace.

L. *Permits*: To fail to produce and exhibit any permit from the Director for inspection when requested so to do by any police officer or Director's Designee.

M. *Interference with permittees*: To disturb or interfere unreasonably with any person or party occupying an area or participating in an activity under the authority of a valid permit.

## **SECTION 10. MERCHANDISING, ADVERTISING, AND SIGNS.**

It shall be unlawful for any person in the park:

A. *Vending and peddling*: To expose or offer for sale any article or thing, or to station or place any stand, cart, or vehicle, for the transportation, sale, or display of such article or thing offered for sale. Provided, that this section shall not apply to a regularly licensed concessionaire, acting by and under the authority of a permit for such activity issued by the Director.

B. *Advertising*: To announce, advertise, or call to the public attention in any way, any article or service for sale or hire, or to engage in political advertising by posted sign or loud speaker, except under duly authorized permit for such activity issued by the Director.

C. *Signs*: To paste, glue, tack, or otherwise post, any sign, placard, advertisement, or inscription whatever, or to erect or cause to be erected, any sign whatever, on any public lands or highways or roads adjacent to a park.

#### **SECTION 11. AUTHORITY TO BAN PERSONS FROM PARKS; RE-ADMITTANCE.**

A. The Director or Director=s Designee is authorized to ban persons from parks who have been arrested or cited in a park for a criminal offense or who have been directed to leave a park pursuant to Section 3.B.

B. A ban of entry to the park by the Director or the Director=s Designee shall be for a minimum of one (1) year and sent in writing to the offender and documented as part of the Parks & Recreation Department's records. After one year, the banned person may apply in writing to the Director to be readmitted to the park. The Director shall respond to a request for re-admittance within a reasonable time not to exceed thirty (30) days.

#### **SECTION 12. PENALTIES FOR VIOLATION.**

A. Any violation of this Ordinance shall constitute a criminal misdemeanor. Any person who shall be convicted of violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not less than One and no/100 (\$1.00) Dollar, no more than Five Hundred and no/100 (\$500.00) Dollars, or by imprisonment in the City Jail for not more than one hundred eighty (180) days, or both at the discretion of the Court trying the case. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

B. Any person violating any provisions of this Ordinance may be barred from the parks and athletic fields of the City.

#### **SECTION 13. SEVERABILITY.**

All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

#### **SECTION 14. REPEAL OF INCONSISTENT ORDINANCES.**

Upon adoption of this Ordinance and its passage and publication as provided by law, all Ordinances or resolutions inconsistent with this Ordinance are hereby repealed; and specifically Ordinances Number 872, 1222 and 1406 are hereby repealed.

#### **SECTION 15. ADOPTION AND EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its passage and publication as provided by law.

ADOPTED and APPROVED this the 9th day of June, 2014.

Council President Donnie Miller

Councilman Horace Patterson

Councilman Jarvis Elston

Councilman Joe Ballow

Councilman Ricky Simpson

City Manager Brian Muenger

Attested to: Elizabeth Cheeks, City Clerk