

STATE OF GEORGIA

ORDINANCE NO. 2006-02-11

COUNTY OF FULTON

**AN ORDINANCE TO ADOPT AND APPROVE CHAPTER 8 RECREATION AND  
PARKS FOR THE INCLUSION AND IDENTIFICATION IN THE CODE OF  
ORDINANCES FOR THE CITY OF SANDY SPRINGS, GA TO BE REFERENCED IN  
THE FUTURE AS CHAPTER 8 AS ATTACHED HERETO**

**BE IT RESOLVED** by the City Council for the City of Sandy Springs, Georgia while in regular session on February 21, 2006 at 7:00 p.m. as follows:

**SECTION 1.** That the Ordinance relating to Streets and Sidewalks is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

**SECTION 2.** That this Ordinance shall be designated as Chapter 16 of the Code of Ordinances of the City of Sandy Springs, GA; and,

**SECTION 3.** That the first reading of this Ordinance will take place on February 7, 2006; and

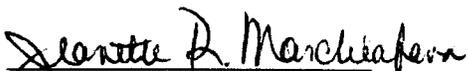
**SECTION 4.** That this Ordinance shall become effective upon its adoption.

**ORDAINED** this the 21<sup>st</sup> day of February, 2006.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Jeanette R. Marchiafava, City Clerk

(Seal)



## **Chapter 8: Recreation and Parks**

### **Article 1: Reserved.**

*Section 1: Reserved:*

*Section 2: Reserved:*

*Section 3: Reserved:*

*Section 4: Reserved:*

### **Article 2: Regulation of Public Parks.**

#### *Section 1: Applicability.*

This section shall apply to all designated municipal public parks, which are defined for purposes of this article as any park, playground, green space, or place limits of the City to which the general public has access and a right to frequent, for business, entertainment, or for other lawful purposes, and which has been either deeded to or dedicated to public use or ownership. Municipal public parks shall also include the sidewalks abutting any park, playground, or place above described.

#### *Section 2: Recreation and Parks Director.*

- (a) The City Manager may appoint a Recreation and Parks Director, or the City may contract with a third party to perform the duties of a Recreation and Parks Director.
- (b) Recreation and Parks Director's Duties. The Recreation and Parks Director shall:
  - (i) Implement and support the policies of the Mayor, City Council and City Manager;
  - (ii) Develop, direct, and implement the Recreation and Parks Master Plan at the direction of the City;
  - (iii) Determine, prioritize, establish, conduct, construct, and maintain a recreation and parks system for the City that meets the leisure needs of the citizens, including but not limited to parks, playgrounds, trails, indoor recreation centers, programs, activities, and the maintenance and repair of such facilities and grounds as required
  - (iv) Recommend the setting aside, leasing, or acquisition of land, buildings and facilities within the City limits for use as parks, playgrounds, recreation centers, or for other recreational purposes, and to provide for the maintenance and improvement of these areas;

- (v) Otherwise assist in the operation and enforcement of this Chapter

*Section 3: Permitted Park Activities.*

- (a) The City Manager may recommend a permit application policy and procedure to the Mayor and Council.
- (b) The City Manager shall establish guidelines regarding permitted uses of municipal parks and related facilities.
- (c) The Recreation and Parks Director shall implement those guidelines.
- (d) The Sandy Springs Recreation and Parks Department shall schedule the use of all city parks and facilities for organized activities, programs, assemblages, gatherings, games and similar activities. No individual or group shall erect any booth or stand or sell any article or services within the limits of any city park without the written consent of the director of recreation and parks or his authorized representative. Such consent may also be give by the City Manager, provided the recreation and parks department is made aware of the proposed use and it does not conflict with other scheduled activities.

*Section 4: Prohibited Acts in Public Parks.*

- (a) *Alcoholic beverages.* It shall be unlawful for any person to possess and/or consume any alcoholic beverage, or be under the influence of alcoholic, malt and/or vinous beverage, within any public park and/or within any building or facility under the supervision of the Sandy Springs Recreation and Parks Department unless such usage is expressly permitted by signage or published rules of the particular park or recreation building.
- (b) *Firearms.* It shall be unlawful for any person to possess any firearm, air gun or any explosive substance (including fireworks) in any of the City parks, unless written permission for such has been authorized by the Mayor and City Council.
- (c) *Horses.* Horses and other equines are prohibited within any city parks.
- (d) *Injuring public property.* It shall be unlawful for any person to cut, break, mutilate, deface, or in any other manner destroy or injure any public property, real or personal, belonging to, owned by, or leased or used by the City.
- (e) *Killing wildlife.* It shall be unlawful for any person to hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the above to any animal or wildlife within any of the City parks without the written permission of the City Manager.

- (f) *Motor vehicles.* It shall be unlawful for any person to drive, operate, and/or park any motor vehicle, mini-bike, or motorcycle within any City park, except in areas designated for such use. This section does not apply to City employees or agents of the city when municipal duties require them to drive over said park and/or to park their vehicles or equipment at such locations in order to perform City business.
- (g) *Noises.* It shall be unlawful for any person to make any unnecessary, loud noises, engage in noisy disputes or conversation, engage in any indecent or loud acts of behavior, or in any other manner disturb the public peace, quiet, and order in any of the City parks.
- (h) *Park hours.* All City parks shall be closed, and no person shall be authorized to be on the premises or property of any City park, between the hours of 12:00 midnight and 6:00 a.m., except authorized City employees or persons engaged in activities authorized by the Recreation and Parks Director, or the City Manager.
- (i) *Pets.* All pets must be on a leash and the owner is responsible for disposal of pet waste. All pets are prohibited on athletic fields, unless written permission for such has been authorized by the City Manager or the Director of Recreation and Parks.
- (j) *Permit required.* It shall be unlawful for any person to engage in any activity in City parks which requires a permit and/or a ticket without first obtaining such permit and/or ticket.
- (k) *Polluting water in parks.* It shall be unlawful for any person to pollute or disturb any spring, branch, pond, fountain, or other water owned by or leased to the City.
- (l) *Posting signs.* It shall be unlawful for any person to affix any bill, sign, or notice on any tree, building, or fixture in any of the parks. It shall be unlawful for any person to place any paper, books, refuse, or trash of any kind in any of the public parks, except in containers provided for such.
- (m) *Skateboards.* It shall be unlawful for any person to operate a skateboard on any street, lane, way, road, and/or any parking lot in any park in the City unless otherwise designated by signage or published rules.
- (n) *Smoking.* It shall be unlawful for a minor to smoke in the park.
- (o) *Speed limit.* It shall be unlawful for any person to operate a motorized vehicle upon any road within a park in the City at a greater speed than fifteen (15) miles per hour.
- (p) *Swimming in lakes.* It shall be unlawful for any person to swim in or enter any lake at any park in the City for the purpose of swimming or wading unless a permit for such has been issued by the City Recreation and Parks Department or an authorized representative, or such person or persons are conducting Recreation Department business.

- (q) *Urban camping.* It shall be unlawful to reside or to store personal property in any park owned by the City. Furthermore, it shall be unlawful to use any public place, including City parks, for living accommodations purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.

*Section 5: Enforcement.*

- (a) The Police Department shall have jurisdiction to enforce municipal and state laws in City parks.

*Section 6: Violations.*

Any person violating any provision of this section and/or concealing a violation of, or harboring, assisting or protecting a person charged with or convicted of a violation of this section shall be punished by a fine not to exceed \$1000.00, by sentence of imprisonment not exceeding twelve (12) months, and to community service for a period not exceeding ninety (90) days, either or both of such fines and imprisonment, or work on the streets, parks, or public works, in the discretion of the Municipal Court Judge.

Article 3: Special Events.

*Section 1: Special Events Defined.*

“Special event”, as used in this Article, means:

- (a) Any activity which occurs upon private or public property that will significantly affect the ordinary use of parks, or sidewalks; or access roads,
- (b) Special events include, but are not limited to fairs, tours, grand opening celebrations, , arts festivals, concerts and holiday celebrations, .
- (c) Private social gatherings which will make no use of City streets other than for lawful access and parking are not included. “Garage sales,” “lawn sales,” “rummage sales,” or any similar casual sale of tangible personal property are not included.

*Section 2: Permit Required.*

No person or organization shall conduct a special event without first having obtained a special event permit from the Recreation and Parks Director. The Council may issue permits for special events, which events would otherwise constitute a public nuisance without such permit.

*Section 3: Zoning Compliance*

Permits shall be issued in compliance with the Zoning Ordinances and Standards of the City of Sandy Springs.

*Section 4: Permit Application.*

- (a) An application for a special event permit shall be submitted to the Recreation and Parks Director with a nonrefundable payment of \$100.00 no later than sixty (60) days prior to the proposed event.
- (b) Upon written request and submittal of appropriate documentation, the City Manager may waive the \$100.00 payment for fundraising for charitable events if he or/she determines that such fee is overly burdensome to the requestor or does not promote the general welfare of the City.
- (c) The following information shall be provided on any permit:
  - (i) Purpose of the special event;
  - (ii) Name, address, and telephone number of sponsoring organization and the individual who is responsible for supervising and directing their proposed event;
  - (iii) Proposed date, location, and hours of operation;
  - (iv) Schedule of proposed events;
  - (v) Projected attendance at the event, plan for parking, plan for restroom facilities and sanitation concerns; and
  - (vi) Any other such information as the Public Works Department or another City department deems reasonably necessary to determine that the permit meets the requirements of this Article.
- (d) The permit shall not waive the requirements of complying with other sections of this Code, including, but not limited to, regulations on alcoholic beverages, business licenses, fire safety, zoning, and signs.
- (e) Waiver of Time Limit.
  - (i) The thirty (30) day time requirement of subsection (a) of this section may be waived by the City Manager upon written request and submittal of appropriate documentation that shows clear and compelling need of immediate action. Among other reasons, ignorance of the permit requirement shall not establish clear and convincing need.
  - (ii) Unless expressly provided elsewhere in this Article, no permit shall be issued for applications submitted less than three (3) days before an event.

*Section 5: Denying and Revoking Permits.*

- (a) Reasons for denial of a special event permit include, but not limited to the following:
  - (i) The event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City;
  - (ii) The application contains incomplete or false information;
  - (iii) The applicant fails to comply with all terms of this Article including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the City;
  - (iv) The event will last longer than three (3) days.
  - (v) All permits issued pursuant to this Article shall be temporary and do not vest any permanent rights. Reasons for revocation of a special events permit include:
    - (A) Application contained incomplete or false information;
    - (B) Applicant does not comply with all terms and conditions of permit;
    - (C) Applicant fails to arrange for or adequately remit all fees, deposits, insurance, or bonds to the City;
    - (D) Disaster, public calamity, change in applicable law, riot, or other emergency exists.
- (b) Revocation and denial of permits may be appealed as provided in this Article.

*Section 6: Cost Assessments.*

Unless a permit is issued pursuant to Section 4(e), the Recreation and Parks Director shall send copies of special event applications to affected departments. Each departmental activity required for the special event shall be itemized, showing hourly rate and total cost. The Public Works Department shall determine and calculate the fee. All costs shall be assessed to the permit applicant in addition to the permit fee.

*Section 7: Costs.*

- (a) *Performance Bond.*

- (i) A performance deposit of 150 percent of the total estimated costs of the special event to the City shall be remitted to the City before the special event permit is issued.
  - (ii) The requirement in subsection (a)(i) above may be waived by the City Manager, based on specific factual findings, that the performance deposit would be unduly burdensome or unnecessary given the size of the event or past history.
- (b) *Insurance.* At the City's request, the applicant may be required to obtain and present evidence of a surety indemnity bond or comprehensive liability insurance naming the City as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per occurrence, and \$100,000.00 property damage per occurrence against all claims arising from permits issued pursuant to this Article. If the event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the event and obtaining additional insurance coverage.
- (c) *Save Harmless Agreement.* The applicant is required to provide a save harmless agreement in which the applicant agrees to defend, pay, and save harmless the City, its officers, and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the special event; excepting any claims arising solely out of the negligent acts of the City, its officers, and employees.
- (d) *Cleanup.* A special event permit may be issued only after adequate waste disposal facilities, including, where necessary, portable toilets, have been identified and obtained by the applicant. The applicant will clean public property of rubbish and debris, returning it to its pre-event condition, within twenty-four (24) hours of the conclusion of the event. If the applicant fails to clean up such refuse, such clean up shall be arranged by the City and the costs charged to the applicant.
- (e) *Waivers.* Upon written request and submittal of appropriate documentation, the City Manager may waive the bond requirement if he or she determines that such fee is overly burdensome, unlawfully burdens speech, or does not promote the general welfare of the City.
- (f) *Immunities.*
  - (i) This section shall not be construed as a waiver of any immunity to which the City is entitled.
  - (ii) This Article shall not be construed as imposing upon the City or its officials or employees or agents any liability or responsibility for any injury or damage to any person in any way connected to the use for which permit has been issued. The City and its officials and employees and agents shall not be deemed to

have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of public property.

*Section 9: Violations.*

Violations of this Article shall be punishable in accordance with Chapter 1, Article 3, Section 1 of this Article.