

## Title 11 - PARKS AND RECREATION

### CHAPTER 1. - PARKS AND RECREATION

Sec. 11-1001. - Surcharge added to all fines to be allocated for specific purposes.

- (a) Except as otherwise provided by law, a surcharge of \$10.00 shall be imposed on all fines issued pursuant to this title.
- (b) This surcharge shall be deposited in an established City of South Fulton Trust Fund Account and shall be eligible for use in funding support for the maintenance of the city's parks and recreational facilities.
- (c) This section shall apply to any fines imposed for violations of ordinances addressing public parks and recreation facilities.
- (d) Notwithstanding the foregoing, this additional surcharge shall not apply to citations exempt from add-on fees by state law, nor shall the surcharge cause the total amount of fines to exceed that allowed by state law or the City Charter.

(Ord. No. 2017-032, § 1, 11-28-2017)

### CHAPTER 2. - GENERAL ADMINISTRATION

Sec. 11-2001. - Legal authority and purpose.

The city intends to provide parks on the basis of need, population density, interest, availability of land, aesthetics, financial resources and to consider the utility of facilities provided by private agencies, institutions, and commercial recreation enterprises in order to provide a well-balanced recreational program which will satisfy the needs of citizens of all ages and interests.

The city park system will be coordinated with the city's comprehensive development plans, as well as with plans of other development entities in the metropolitan area, State of Georgia, the Fulton County Board of Education, and any other recreational organization which has an interest in park facilities.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-2002. - Administrative planning, development, construction and operation of city parks.

- (a) The city manager is charged with the responsibility of executing the city's master park plan, overseeing its operation, and recommending necessary action. Within the organizational framework of the city, the department of community development services is assigned the task of developing, revising, and updating the master park plan in light of population data, existing parks, and location of potential sites. The department of community development services, in collaboration with the city manager and the department of parks and recreation, also is responsible for the design and layout of parks, unless the services of consultants are authorized, and for recommending stages and areas of park development.
- (c) The maintenance of the city park system is the responsibility of the department of parks and recreation. The city park system shall be maintained in a safe, efficient and environmentally friendly manner, which shall include the gradual elimination of the use of fertilizer containing phosphorus after existing city stockpiles of phosphorus fertilizer have been exhausted.
- (d) It is the responsibility of the city manager to receive plans and proposals for the operation of all park facilities and to recommend a program to the city council.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-2003. - Parks and recreation director.

The city manager may appoint a parks and recreation director, or the city may contract with a third party to perform the following duties:

- (1) Implement and support the policies set forth by the city council for the department of parks and recreation;
- (2) Develop, direct and implement the master park plan for the city in conjunction with the department of community development services;
- (3) 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 and activities, and the maintenance and repair of such facilities as required;
- (4) Recommend the setting aside, leasing or acquisition of lands or buildings within the city limits for use as parks, playgrounds, recreation centers or other recreational purposes, and to provide for the maintenance and improvement of these areas; and
- (5) Otherwise assist in the operation and enforcement of this title.

As provided under section 4.10 of the City Charter, the parks and recreation director is under the direction and supervision of the city manager.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-2004. - Designated parks and recreation facilities.

The city shall use the National Recreation and Park Association (NRPA) definitions for park types and service areas, which is incorporated herein. In addition to those parks and recreation facilities currently existing within city boundaries, the city may develop, purchase or accept as gifts other property to be designated as a city park or recreation facility.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-2005. - Fees.

Department of parks and recreation fees shall be paid via the city's CivicsRec online registration system (or its successor). All fees are due in advance of using the city park property and shall be paid in accordance with the city department of recreation and parks fee schedule, as it may be amended from time to time. Fees and other deposits may be assessed based upon several factors, including the number of anticipated participants and security/maintenance requirements. Government entities are encouraged to contact the city for consideration of mutually agreeable cross jurisdictional facility sharing agreements.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-2006. - Acceptance of gifts.

The city may accept any grant or devise of real estate or any gift or bequest of money or other personal property or donation which shall be deposited into the city's treasury.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-2007. - Appeals.

- (a) Any individual or organization seeking authorization to operate or hold an event within a city park or recreational facility, including but not limited to special events and athletic associations, whose application or request for authorization has been denied or revoked may request a review of this decision by the city manager.
- (b) This request must be in writing and received by the city manager within five business days of the notice of the denial or revocation.
- (c) The decision of the city manager is final and may be appealed to the city municipal court or the county superior court.

(Ord. No. 2018-025, § 1, 5-21-2018)

CHAPTER 3. - PARKS AND RECREATION ADVISORY BOARD<sup>11</sup>

Footnotes:

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**Editor's note**— Ord. No. 2019-010, § 1, adopted May 28, 2019, amended tit. 11, ch. 3 in its entirety to read as herein set out. Former tit. 11, ch. 3, §§ 11-3001—11-3004, pertained to similar subject matter, and derived from Ord. No. 2018-025, § 1, 5-21-2018.

Sec. 11-3001. - Role.

A parks and recreation advisory board ("advisory board") is created and shall act in an advisory capacity in matters of policy and programming with respect to city parks property as follows:

- (1) Provide recommendations through budget process re park priorities and funding needs;
- (2) Explore ways to improve and enhance parks and recreation programming. Parks and recreation programming under this paragraph shall not be deemed to include parks facility use agreements, special use permits and/or MOUs. Absent an emergency, the parks director shall bring all parks and recreation programming proposals before the advisory board prior to bringing such items before the city council. The advisory board shall offer a recommendation on any such programming proposals within ten days of their meeting at which it was considered, or shall be deemed to have no comment; and
- (3) Offer annual reporting on parks master plan compliance and necessary changes.

Nothing in this chapter shall prevent the city council from acting on a park related item and/or proposal that has not gone before the advisory board.

(Ord. No. 2019-010, § 1, 5-28-2019)

Sec. 11-3002. - Qualifications.

- (a) All members appointed to the advisory board must reside in the city at the time of their appointment and throughout their term. Any member who relocates out of the city during their term, or otherwise ceases to reside in the city throughout his or her term, shall cause such person's position to be declared vacant and be filled in accordance with this chapter.

- (b) No member shall miss more than three consecutive regular board meetings during any 12-month period. Any member who does not adhere to such minimum attendance requirements shall cause such person's position to be automatically declared vacant and filled in accordance with this chapter.

(Ord. No. 2019-010, § 1, 5-28-2019)

Sec. 11-3003. - Composition and appointment.

The advisory board shall consist of up to three city councilmembers and up to eight city residents, all subject to confirmation by the city council. Each member of the city council may nominate an appointee to serve. The parks and recreation director shall serve as a non-voting, ex-officio member of the advisory board. The chairperson and vice-chairperson shall be selected by the city council from the members appointed. The advisory board shall appoint a secretary from its members. No city council member shall be appointed, or selected to serve as the chairperson and/or vice-chairperson, absent their consent.

(Ord. No. 2019-010, § 1, 5-28-2019)

Sec. 11-3004. - Term and removal.

Non-city council advisory board members shall serve a two year term, commencing from the date of their appointment. City councilmembers shall serve on the advisory board for the remainder of the term of office during which they are appointed, but may resign from the advisory board at any time for any reason. The city council may remove any advisory board member at any time, with or without cause. Any non-city council advisory board member who fails to attend three consecutive regular meetings shall automatically stand removed. Should a vacancy be created, the city council member shall appoint a person to fill the remainder of the term of the vacant position, subject to confirmation by the city council.

(Ord. No. 2019-010, § 1, 5-28-2019)

Sec. 11-3005. - Meetings.

- (a) *Time.* The advisory board shall adopt a regular meeting schedule, and may hold special meetings, as they deem necessary in order to carry out their functions. Meetings may be cancelled or rescheduled by the board as circumstances require. Special meetings may be called by the park director, chairperson and vice chairperson upon 48 hours written notice to all members. The regular meetings schedule and notice of any special and/or rescheduled meetings shall be promptly provided to the city clerk, who shall notice the same in accordance with the Open Meetings Act.
- (b) *Location.* In addition to city property and/or the city council chambers, the advisory board may conduct its meetings at churches, parks, schools and libraries within the city, as such is available. The advisory board chairperson, vice-chairperson or secretary shall confirm with the city clerk the availability of city property.

(Ord. No. 2019-010, § 1, 5-28-2019)

Sec. 11-3006. - Input and assistance.

The advisory board members may seek input from city residents and businesses. Members may interact directly with the city manager, park's director, city attorney and city clerk, and may request assistance from city staff through the city manager and/or his designee.

(Ord. No. 2019-010, § 1, 5-28-2019)

Sec. 11-3007. - Quorum and governance.

Five advisory board members shall constitute a quorum. The affirmative vote of a majority of members present at a meeting shall be required to approve decisions by the advisory board. The advisory board shall be governed procedurally by Robert's Rules of Order, as it is revised from time to time, and shall conduct its meetings in accordance with all applicable local and state laws, including the Georgia Open Meetings Act.

(Ord. No. 2019-010, § 1, 5-28-2019)

CHAPTER 4. - PUBLIC CONDUCT IN PARKS

Sec. 11-4001. - Penalties.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of up to \$1,000.00 and/or imprisonment in jail for a period not to exceed 12 months.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-4002. - Prohibited and restricted acts in public parks.

- (a) *Advertising restrictions.* It shall be unlawful for any person to place advertising within city parks without the written approval of the department of parks and recreation.
- (b) *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 city park and/or within any building under the supervision of the parks and recreation director unless such usage is expressly permitted by signage or published rules of the particular park or recreation building and approved by the city council.
- (c) *Animals restricted.* It shall be the duty of every animal owner or custodian whose animal is in a city park or recreational facility to have physical control of the animal by leash or lead line at all times unless in designated dog park areas where off leash is permitted or approved otherwise, by the parks and recreation director or his/her designee. It shall be unlawful for any person with an animal, other than a service animal being used by a person with a disability, to access areas of a city park or recreation facility which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a city park or recreation facility to immediately and properly dispose of waste deposited by the animal. It shall be the duty of every animal owner or custodian of any animal whose animal is in a city park or recreation facility to have in their possession proof of a current rabies vaccination for his/her animal.
- (d) *Control of horses in park.* It shall be unlawful for any person to ride, show, or otherwise have under his control and in his possession any horse or other equine animal within any city park or recreational facility. This section shall not apply where the animal is in a trailer or other motorized vehicle suitable for the transportation of the animal, and provided the animal is being transported to or from any area where the riding, showing, or other use and enjoyment of the animal is specifically permitted. It shall be the duty of every horse owner or custodian of any horse in a city park or recreation facility to immediately and properly dispose of waste deposited by the horse.
- (e) *Commercial activity prohibited.* Unless authorized by permit, it shall be a violation of this chapter for any person to sell or offer for sale any merchandise or operate or attempt to operate a concession or engage in any commercial activity in a park or recreation facility.
- (f) *Damage to park property.* It shall be a violation of this chapter for any person to deface, harm or damage any park buildings, wildlife, property, equipment or signs, or to dig up, cut, damage or

remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, historical artifacts or other vegetation in a park or recreation facility.

- (g) *Discharge firearms.* It shall be unlawful for any person to discharge within any city park or recreational facility any firearm as defined by O.C.G.A. § 16-11-171, including but not limited to rifles, pistols, shotguns, BB guns, or pellet guns. In addition, no person shall use or possess within any city park or recreational facility any bow and arrow, slingshot, or any other device capable of throwing any projectile of any sort, including the hand throwing of rocks or stones intended to be used as weapons. This section shall not be operative in any specific area now designated or to be designated in the future as a rifle range, archery range, or any other specific area whose purpose is to allow the activities otherwise prohibited by this section.
- (h) *Drone use restricted.* Unless authorized by permit, it shall be a violation of this chapter for any person to operate a drone within the air space above a city park or recreation facility.
- (i) *Dumping on public property.* It shall be unlawful for any person to throw, deposit, place or cause to be placed on any city park or recreation facility any household furnishings, appliances or parts or components thereof, vehicle parts or components, construction debris, dirt, earth, yard waste, garbage, refuse, kitchen waste, recyclables or other similar substances, sewage, petroleum products, antifreeze; including fluids leaking from vehicles, or to any water or other fluids thereon. It is unlawful for any person to release or discharge, directly or indirectly, any illicit discharge, as defined in this chapter, into any lake, stream, creek, pond (natural or man-made), or wetland.

Refuse and recyclables generated during the proper use of a city park or recreation facility and properly disposed of in designated refuse or recyclable receptacles at the same location is not a violation of this subsection.

- (j) *Failure or refusal to pay recreation use fees.* It shall be a violation of this chapter for any person to fail, refuse, or attempt to avoid paying any designated parking or recreational use fees in any city park or recreational facility.
- (k) *Golfing regulated.* It shall be unlawful for any person to practice, play or otherwise participate in the game of golf in a city park, except at a recreation facility designated for such use and only in accordance with the rules, regulations and restrictions promulgated by the parks and recreation director or his/her designee.
- (l) *Injuring public property.* It shall be unlawful for any person to cut, break, mutilate, deface or engage in any indecent or loud acts of behavior, or in any other manner destroy or injure any public property, real or personal, belonging to, owned by, leased or used by the city.
- (m) *Interference with park official or employee.* It shall be a violation of this chapter for any person to impede, intimidate, violate, forcibly resist, or interfere with any park ranger, park official or employee of a City of South Fulton park or recreation facility engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Failure to comply with a lawful order issued by a park official or employee of a City of South Fulton Park or recreation facility engaged in the performance of his or her official duties shall be deemed as resistance or interference.
- (n) *Killing or disturbing wildlife.* It shall be unlawful for any person to remove, disturb, 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 parks and recreation director, unless threatened with bodily injury or death. No person shall remove or disturb any living or dead native creatures in city parks, including mammals, birds, fish, amphibians, and reptiles, or the parts or progeny thereof, such as eggs, or antlers or any habitat thereof, such as nests.
- (o) *Littering in city parks.* It shall be unlawful for any person to litter any city park or recreational facility with any trash, tin cans, glass bottles, garbage, rubbish, dead animals, discarded materials, sand, gravel, or slag, or otherwise similarly litter or dump upon any park or recreational facility. This section shall apply regardless of whether the person so littering or dumping is actually upon the premises of any park or recreational facility so long as the littering or dumping by the person occurs directly on any park or recreational facility.

- (p) *Merchandise for sale.* It shall be unlawful to merchandise, sale or display items for sale (unless they are otherwise approved by the parks and recreation director or his/her designee).
- (q) *Motor vehicles.* It shall be unlawful for any person to operate any motor vehicle of any kind or nature, including two-wheeled motor vehicles, in any city park or recreational facility except upon roadways laid out and maintained for such purposes. This section shall not apply to (i) vehicles used for maintenance purposes, (ii) golf carts being operated on prescribed cart paths, (iii) vehicles operated by city employees or other persons whose duties require that they operate such vehicles, or (iv) park recreational facility maintenance equipment within the park or recreational facility. Operation of motor vehicles as contemplated by this section shall include, but not be limited to, parking vehicles in areas not specifically designated as parking areas.
- (r) *Noises.* It shall be unlawful for any person to make any loud noises that would disturb a reasonable person of ordinary sensibilities, engage in noisy disputes or conversation that would disturb a reasonable person of ordinary sensibilities, engage in any indecent or loud acts of behavior that would disturb a reasonable person of ordinary sensibilities or in any other manner disturb the public peace, quiet and order in any of the city parks or recreation facilities.
- (s) *Non-motorized vehicles.* It shall be unlawful for any person to ride, carry, push or otherwise manually transport any non-motorized vehicle such as bicycles, skateboards, scooters, etc. on or through any trails, sidewalks, plazas, recreation court, pavilion etc. owned or operated by the city that are designed solely for pedestrian use with exception to persons with disabilities operating a wheelchair or persons pushing a baby in a stroller. Non-motorized vehicles shall solely be used within special designated areas.
- (t) *Park hours.* All parks and other recreational facilities located within the City of South Fulton shall close at dusk and open at dawn daily, unless posted otherwise. (Dusk is 30 minutes after sunset and dawn is 30 minutes before sunrise.) The use of park buildings and facilities for city sanctioned events shall be exempt. No person shall use or otherwise be present within any park or recreational facility when the park is closed, with the exception of city police or staff as authorized and necessary for the operation and protection of the park. City parks shall be patrolled by the city police department to enforce said hours.
- (u) *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.
- (v) *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 within a park or recreation facility.
- (w) *Posting signs.* It shall be unlawful for any person to post, paste, fasten, paint, write, draw, carve, tack, or affix any placard, bill, notice, handout, sign, advertisement, or any inscription whatsoever upon any building, city property, fixture, structure, tree, stone, fence, or ground within any city park or recreation facility, or on any public lands, highway or roads adjacent to any city park or recreation facility, except that the parks and recreation director or his/her designee may place or direct to be placed any city signs within such areas.
- (x) *Pyrotechnics restricted.* It shall be unlawful for any person to possess, display, use, light, shoot off, launch, fly, discharge, detonate or explode explosives or explosive devices to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics of any kind, rockets in a city park, unless approved by written permit by the parks and recreation director or his/her designee.
- (y) *Recreation facility restrictions.* It shall be unlawful for anyone to enter any locked or closed (by field closed signage) sport field in a city park or recreational facility unless approved by permit, by the parks and recreation director or his/her designee.
- (z) *Smoking.* It shall be unlawful to smoke in a city park. It shall be unlawful for any person to smoke or use any tobacco product that produces smoke, including, but not limited to cigarettes, cigars, pipes, hookahs, etc., of any kind, while indoor and/or outdoors on the premises of any city park or recreational facility.

- (aa) *Speed limit.* It shall be unlawful for any person to operate any motor vehicle of any nature, including two-wheeled motor vehicles, within a park in the city at a greater speed than 15 miles per hour. Signs warning motor vehicle operators shall be posted in a conspicuous manner at the entrances to parks and recreational facilities giving fair warning of the speed limit restrictions imposed by this section. If not so posted the speed limits in city parks and recreational facilities shall be consistent with the speed limit otherwise imposed by state law.
- (bb) *Swimming in lakes.* It shall be unlawful for any person to swim in or enter any lake in the city for the purpose of swimming or wading unless a permit for such has been issued by the department of parks and recreation or an authorized representative, or such person is conducting city business.
- (cc) *Swimming and diving restricted.* It shall be a violation of this chapter for any person to swim or dive in any area within a city park or recreation facility where swimming or diving is prohibited, including, but not limited to, boat docking areas, launching sites, and mooring points. Diving, jumping, or swinging from trees, bridges, boat docking areas, and launching sites is expressly prohibited and shall be a violation of this chapter.
- (dd) *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 accommodation purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.
- (ee) *Use of facilities.* It shall be unlawful for any person to permit any other person who shall then be in his custody or under his supervision to use any device, equipment, apparatus, or facility within any city park or recreational facility for any purpose other than the purpose for which the device, equipment, apparatus, or facility was reasonably intended, provided that the playing of games or sports at any park or recreational facility in such a manner as to constitute a nuisance shall be deemed a violation of this section.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-4003. - Enforcement.

The city police department and/or city code enforcement shall have jurisdiction to enforce municipal and state laws in city parks.

(Ord. No. 2018-025, § 1, 5-21-2018)

## CHAPTER 5. - SPECIAL EVENTS

Sec. 11-5001. - 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:

*Special event* means any activity which occurs upon city park property that will significantly affect the ordinary use of the park. Special events include, but are not limited to, fairs, tours, races, parades, art festivals, concerts, holiday celebrations, bicycle runs and parties.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-5002. - Special event permit.

It shall be unlawful for any person or organization to conduct a special event upon city park property that affects the ordinary use of the city park without first having obtained a special event permit from the



city. All special event permits for city parks are subject to the authorization of the parks and recreation director.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-5003. - Permit application.

- (a) An application for a special event permit shall be submitted to the parks and Recreation Director with a nonrefundable payment in the amount established by resolution by city council no later than 60 days prior to the proposed event.
- (b) Upon written request and submittal of appropriate documentation, the parks and recreation director or his or her designee may waive the payment referenced in subsection (a) of this section for fundraising for charitable events if he determines that such fee is overly burdensome to the requestor or that it is to the City's benefit to waive the fee.
- (c) The following information shall be provided on any permit:
  - (1) Purpose of the special event;
  - (2) Name, address and telephone number of sponsoring organization or individual;
  - (3) Proposed date, location and hours of operation;
  - (4) Schedule of proposed events;
  - (5) Projected attendance at the event, plan for parking, plan for restroom facilities and sanitation concerns; and
  - (6) Any other such information as the city public works department or another city department deems reasonably necessary to determine that the permit meets the requirements of this chapter.
- (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) The 60-day time requirement of subsection (a) of this section may be waived upon order from the city manager or his or her designee upon a showing of clear and compelling need of immediate action. Among other reasons, ignorance of the permit requirement shall not establish clear and convincing need. Unless expressly provided elsewhere in this chapter, no permit shall be issued for applications submitted less than three days before an event.

(Ord. No. 2018-025, § 1, 5-21-18)

Sec. 11-5004. - Denying and revoking permits.

- (a) Reasons for denial of a special event permit include:
  - (1) The event will disrupt traffic within the city beyond practical solution;
  - (2) The event will interfere with access to fire stations and fire hydrants;
  - (3) The location of the special event will cause undue hardship to adjacent businesses or residents;
  - (4) 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;
  - (5) The application contains incomplete or false information;

- (6) The applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits or failure to provide proof of insurance, bonds and a save harmless agreement to the city; or
  - (7) The event will last longer than ten days.
  - (8) The applicant is, or is working in association with, an individual barred by the city from submitting and application for a special event permit in accordance with Sec. 11-5008.
- (b) All permits issued pursuant to this chapter shall be temporary and do not vest any permanent rights. Reasons for revocation of a special events permit may include:
- (1) Application contained incomplete or false information;
  - (2) Applicant does not comply with all terms and conditions of permit;
  - (3) Applicant fails to arrange for or adequately remit all fees, deposits, insurance or bonds to the city; or
  - (4) Disaster, public calamity, change in applicable law, riot or other emergency exists.
- (c) Where an individual or entity has previously obtained a special event permit, and that individual or entity caused to happen at the event held pursuant to the special event permit any one or more of the following, through intentional act or negligence, such individual or entity shall be prohibited from seeking further special event permits as determined by the parks and recreation director:
- (1) Failure to adhere to or comply with any special or general requirement, standard, or condition of the special event permit including, but not limited to, failure to maintain or provide adequate safety for event attendees, or failure to clean up the premises upon which the special event took place, etc.;
  - (2) Habitual or repeated violations of any city ordinances or state laws;
  - (3) Damage or harm to any public property;
  - (4) Fighting, violence, or any other unruly behavior putting the safety of the public at risk.

Individuals barred or prohibited from seeking special event permits may appeal this determination in the same manner prescribed in Sec. 11-5005.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-5005. - Cost assessments.

The parks and recreation director or his or her designee 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. Costs shall only reflect those activities related to management of street use. The total street management costs to the city shall be the sum of each department's costs. The department of parks and recreation shall determine and calculate the fee accordingly.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-5006. - Performance or special events costs.

- (a) *Performance deposit.* 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. This requirement may be waived by the parks and recreation director or his or her designee if he or she determines, 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 \$1,000,000.00 personal injury per occurrence and \$500,000.00 property damage per occurrence against all claims arising from permits issued pursuant to this chapter. 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 the right-of-way or public property of rubbish and debris, returning it to its pre-event condition, within 24 hours of the conclusion of the event. If the applicant fails to clean up such refuse within 24 hours of the conclusion of the event, such cleanup shall be arranged by the city and the city may retain a portion or all of the performance deposit and apply such funds to cover costs incurred by the city for cleanup ("cleanup costs"). Should the performance deposit fail to cover all cleanup costs, the city may charge the applicant for the remainder of such cleanup costs.
  - (1) *Failure to pay outstanding cleanup costs.* Failure to pay any outstanding cleanup costs incurred by the city after an applicants' special event shall prevent the city from issuing subsequent special permits to the applicant until all cleanup costs have been paid.
- (e) *Bond waiver.* Upon written request and submittal of appropriate documentation, the parks and recreation director or his or her designee may waive the bond requirement if he determines that such fee is overly burdensome, unlawfully burdens speech or does not promote the general welfare of the city. This subsection may be appealed to the city municipal court.
- (f) *Immunities.*
  - (1) This section shall not be construed as a waiver of any immunity to which the city is entitled.
  - (2) This chapter shall not be construed as imposing upon the city or its officials or employees 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 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 the right-of-way or other public property.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-5007. - Demonstrations, parades, marches and processions.

Demonstrations, races, parades, marches and processions shall: a) be considered special events as defined in this chapter; b) include activities occurring on city streets, sidewalks and rights-of-way; and c) shall require issuance of a permit subject to the fees and conditions contained in this chapter and as specified in this section.

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Demonstration* means a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles or ten or more persons, or a combination of three or more vehicles and five or more persons, intending to convey a message to the public, the government or a corporation and significantly affecting the traffic and ordinary use of the streets, sidewalks, rights-of-way and/or parks of the city.

*Parade, march or procession means a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles or ten or more persons, or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the city and significantly affecting the traffic and ordinary use of the streets, sidewalks, rights-of-way and/or parks of the city.*

- (2) *Prohibited without permit.* It shall be unlawful for any person to be a part of or to engage in any demonstration, parade, march or procession or to demonstrate, march, parade or proceed along any park, street or sidewalk in the city as a part of or a party to such demonstration, parade, march or procession without there having been first obtained a written permit from the department of community development services for the holding of such demonstration, parade, march or procession.
- (3) *Application for permit.* Permits for a demonstration, parade, march or procession shall be secured from the city by filing a written application at least 72 hours prior to the time the proposed demonstration, parade, march or procession is desired to be held. Applications shall be filed on forms provided by the city and signed by the persons desiring to conduct such demonstration, parade, march or procession, or by the properly authorized agent of the organization, or persons who propose to conduct such demonstration, parade, march or procession. The application forms shall be filled out completely, giving all legal information as designated in such forms. This section should not be interpreted as waiving the cost requirement of section 11-5007(b) or the waiver exception in section 11-5007(e).
- (4) *Conditions for issuance of permit.* The issuance of the permit by the city for any demonstration, parade, march or procession that passes through a city park shall also be approved by the parks and recreation director. All permits shall show the time and place of beginning of the demonstration, parade, march or procession, where applicable; the route it shall follow; and the destination thereof, all of which conditions shall be decided by the department of parks and recreation giving full consideration to the conditions contained in the request of the applicant, the condition and width of the streets or sidewalks along said proposed route and the nature of traffic conditions as related to the number of participants and the number and type of vehicles to participate in the demonstration, parade, march or procession as shown on the application for such permit.
- (5) *Considerations pertinent to issuance of permit.* The city shall not arbitrarily withhold granting a permit, but shall issue a permit to parade, march, or proceed along the streets and sidewalks of the city, including city parks, giving full consideration to traffic conditions and the number of police personnel available to direct traffic; properly manage said parade, march or procession; and provide police protection to participants and the general public.
- (6) *Police vehicles.*
  - a. Police vehicles shall precede parades, marches and processions as determined by the city. All parades, marches or processions through the streets or parks of the city shall be preceded by a police vehicle where appropriate and conducted in such manner as to impede and interfere with the flow of traffic to the least possible extent.
  - b. When deemed necessary by the chief of police, police officers shall be present for demonstrations.
- (7) *Funeral processions excepted.* The terms of this section shall not apply to funeral processions.

(Ord. No. 2018-025, § 1, 5-21-2018)

#### CHAPTER 6. - MISCELLANEOUS

Sec. 11-6001. - Prohibition of independent commercial activities at parks and park facilities.

- (a) Only commercial activities which are authorized or controlled by concession or contract with the city or are part of any city-sponsored program shall be allowed in the city's parks and park facilities.
- (b) Except as may be authorized under subsection (a) of this section, there shall be no independent commercial activity undertaken at any city park or park facility by any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group, organization or combination acting as a unit.
- (c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and subject to a fine of up to \$1,000.00 and/or imprisonment in jail for a period not to exceed 12 months.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6002. - Permits for loudspeakers required.

No person shall use, operate, or permit to be played, used, or operated any loudspeaker, amplifier, radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound which is passed upon any city park or recreational facility without obtaining the prior approval of the parks and recreation director or his or her designee. The director, when requested during his or her normal business hours to grant a use permit at least 48 hours in advance of the planned use, shall not unreasonably withhold his approval of the use and shall issue a use permit on any form as he shall deem appropriate. The director shall not refuse to issue any permit unless the use of the loudspeaker sought to be approved in conjunction with the use of any other loudspeakers theretofore approved by the director for use at the same time shall, in the opinion of the director, constitute a nuisance as contemplated in this section.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6003. - Park leash law.

- (a) No person who shall have in his possession or who shall then be responsible for any dog or other canine animal, whether or not the person be the owner of that animal, shall allow the same to run at large in any city park or recreational facility, except as may otherwise be provided by law and this code section. The health regulations and all other provisions appertaining to control of domestic animals, including dogs, shall remain in full force and effect in city parks and recreational facilities. Nothing in this section shall amend or otherwise affect the penalties for violation of any law, ordinance, or regulation dealing with control of domestic animals which violation shall have occurred in areas other than within designated city parks and recreational facilities.
- (b) *Certain defined areas of selected parks shall be designated as off-leash dog areas.* The city manager or his or her designee may designate the use of any park and recreational facility for use as a dog park where dogs may run off-leash. In designating any dog park area and establishing and putting such area into operation, the city manager may use the assistance of any city department. The designated area must be completely fenced with a double-gated entrance and exit system and may be enclosed by other means to provide limited access to the area. For purposes of this code section "owner", along with its common meaning, shall also mean any handler or person authorized to be in possession of a dog or otherwise have custody and control of a dog in the dog park.
- (c) *Dog park rules.* For any area of a park designated as an off-leash dog area, the rules set forth below shall apply. All of the rules below shall be posted on a sign at each entrance to the off-leash area. Neither the city, nor any city official, agent, or employee shall be liable for any damage to any person or animal who suffers any injury arising from the use of the dog park and users of the dog park do so at his/her sole risk. All users of the dog park assume the full risk of any injury, damage or loss connected with or associated with the use of the dog park. In the event that the rules are not posted, users of the area shall still be held responsible for knowing and following the rules, and may be fined

or otherwise penalized for failure to abide by such rules. These rules may be augmented at any time by the city manager or his or her designee should he or she determine that additional rules are needed.

- (1) Enter at your own risk. All users of the off-leash area shall assume all risk and liability associated with using the dog park.
  - (2) The dog park is closed from dusk to dawn. (Dusk is 30 minutes after sunset and dawn is 30 minutes before sunrise.)
  - (3) Owners are solely liable for any injury or damage caused by their dog and fully responsible for their dog's actions.
  - (4) All dogs must wear a collar with a valid county dog license and have current vaccinations as required by law.
  - (5) There is a limit of two dogs per dog handler in the dog park at any time.
  - (6) No dog should be left unattended or unsupervised. A dog must be closely supervised and under control by voice command at all times.
  - (7) Dogs must be leashed prior to entering and upon leaving the dog park.
  - (8) Areas within the dog park designated for small dogs mean dogs less than 20 pounds.
  - (9) Dogs must be at least four months old.
  - (10) Female dogs in heat are not allowed.
  - (11) Dogs showing aggression towards people or other dogs must immediately be leashed and removed.
  - (12) No dog classified as a "dangerous dog" or "vicious dog" under the Responsible Dog Ownership Law (O.C.G.A. § 4-8-20 et seq., as it may be amended from time to time) shall be allowed in the dog park.
  - (13) Owners must stop their dog from digging and are responsible for filling any holes their dog creates.
  - (14) No food or treats (for animal or human consumption), alcoholic beverages, glass containers, strollers, bicycles, or smoking are allowed in the dog park.
  - (15) All dog waste (feces) must be removed and placed in proper trash receptacles by the handler.
  - (16) No bare feet allowed.
  - (17) To help keep the dog park clean, do not groom animals at the dog park.
  - (18) For the safety of dogs and other park visitors, choke, prong (pinch) and spike collars are strictly prohibited. They must be removed before entering the park.
  - (19) Children should refrain from running and those 12 years of age and under must be supervised by an adult.
  - (20) Failure to abide by park rules and city ordinances may result in the violator being prosecuted under applicable laws and or removal from the dog park.
  - (21) Please contact the city police department to notify the city of any misuse of the dog park.
  - (22) Dogs are the only type of animals permitted inside the dog park.
- (d) *Enforcement and penalties.* The City of South Fulton Municipal Courts shall hear cases and assess fines for violations of this code section. Any person who violates the provisions of this code section shall be guilty of a misdemeanor and subject to a fine up to \$1,000.00 and/or imprisonment in jail for a period not to exceed 12 months or both. Each and every violation of the provisions of this code section constitutes a separate offense. In addition to the foregoing, violators as to vicious dogs and

dangerous dogs may be prosecuted under any ordinance, law or regulation governing such conduct in the city.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6004. - Penalties.

The City Municipal Court shall hear cases and assess fines for violation of this chapter. The parks and recreation director shall cause signs reflecting this policy to be erected and posted in appropriate locations throughout city parks and recreational facilities, but the failure to post any such sign shall not relieve any person from the obligation to comply with the provisions of this section.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6005. - Access to wifi.

Every city park shall have wifi that covers the entire park, with sufficient capacity to accommodate regular park attendance, as may be approved by the city council, subject to budgetary limitations.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6006. - Minimum park staff.

Every park with an enclosed, indoor, facility shall have at least one staff person during regular business hours.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6007. - Council sponsored programs and initiatives.

Councilmembers may conduct and/or introduce public programs or initiatives in any park in their respective districts. Councilmembers may conduct and/or introduce public programs or initiatives in any city park outside their respective districts with city council approval. The mayor may conduct and/or introduce public programs or initiatives in any city park. All requests for funding and city resources for use at parks shall be brought by the mayor and councilmembers before the city council for approval.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-6008. - Volunteers.

Volunteers are a vital component in serving the youth and adults of the city. While volunteers are not city employees, each volunteer is responsible for carrying out her/his duties to the best of her/his abilities at all times. Volunteers are asked to treat city customers and citizens with respect and dignity. Volunteers must comply with local, state and federal law, as well as the city's organizational goals, regulations, policies, and procedures. The following behaviors have been identified as unacceptable for any city volunteer, and, in addition to harmful/unlawful conduct, are grounds for disciplinary action, including removal, termination and/or suspension from city programs:

- (1) Noncompliance with applicable local, state and/or federal rules, policies and/or laws
- (2) Consistent and/or excessive tardiness or absences
- (3) Obscene or abusive language and/or behavior directed at any person

- (4) Failure to follow supervisor instructions/insubordination
- (5) Acts or threats of physical violence
- (6) Theft
- (7) Consistent inefficiency or insufficient technical knowledge
- (8) Incompetence or inability to perform the duties required
- (9) Being intoxicated or under the influence of drugs and/or alcohol on city property
- (10) The unlawful receipt, use or sale of a controlled substance on city property, while on duty or in a city vehicle
- (11) Falsifying records or documents
- (12) Failure to meet expected standards of performance resulting in a poor quality or low volume of work
- (13) Having a personal financial interest in the profits or services rendered by the city.
- (14) The unauthorized or improper use of city facilities, materials or property
- (15) Abandonment of duties
- (16) Publishing disparaging comments about city staff, officials and/or employees
- (17) Conviction of a crime
- (18) Refusing to cooperate with an investigation
- (19) Any acts or threats involving the mistreatment of a minor

(Ord. No. 2018-025, § 1, 5-21-2018)

#### CHAPTER 7. - ATHLETIC ASSOCIATIONS

Sec. 11-7001. - Authorization required.

- (a) *Facility use agreement.* No athletic association shall utilize city park property without entering into a facility use agreement with the city. An athletic association shall be defined as a team and/or group of individuals participating in organized sports. A facility use agreement form may be obtained from the department of parks and recreation. Athletic associations are encouraged to submit their completed form at least 45 days prior to opening day of their sport season. Approval of a facility use agreement shall be subject to park property availability, city operational and public safety interests and the timing of the request. Additionally:
  - (1) Athletic associations that have utilized city park property during the previous year and have provided programming that met the recreational needs of the community shall have first refusal on such city park property for the upcoming year. If a new facility is opened in a park and is made available for association use, then athletic associations already using facilities in the park/area will have the right of first refusal.
  - (2) Where more than one athletic association has made a request for a particular facility, the city will make a determination based on which association will best meet the recreational needs of the community.
- (b) *Additional information and forms.* The parks and recreation director or his or her designee may require additional information by an athletic association to the extent deemed necessary prior to authorizing the athletic association to use the city park property. The execution of additional forms and agreements may be necessary for additional requested uses.



(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-7002. - Athletic association operational requirements.

- (a) *Composition and by-laws.* Each athletic association shall be governed by a board of directors and by-laws. The by-laws must contain:
- (1) A process for the appointment of board members. The board of directors shall have a minimum of five members who shall be city residents and consist of: a president or commissioner, vice president or vice commissioner, secretary, treasurer and certification officer.
  - (2) A grievance process. Each association's by-laws shall establish the following minimum grievance procedures:
    - a. Appointment of a three or five member athletic disciplinary panel consisting of board members and at least one designee of the department of parks and recreation.
    - b. Provisions for the scheduling of a meeting within seven calendar days of any written grievance submitted to any board member, where the accused and person making the grievance shall be afforded the opportunity to comment and present evidence.
    - c. The athletic disciplinary panel shall i) render a written recommendation within 48 hours of the grievance meeting and ii) notify the department of parks and recreation in writing of any recommendation for disciplinary action, within ten days of the original incident. The city department of parks and recreation retains the authority to make all final decisions on disciplinary matters.
  - (3) AA process for the selection of head and assistant coaches and team managers.

An athletic association's by-laws may contain a need-based scholarship program to cover participation fees for a select number of participants. Associations shall require the guardian of any scholarship applicant to provide proof of financial solvency prior to issuing need based scholarships.

A copy of the athletic associations by-laws must be submitted to the city department of parks and recreation annually before a facility use agreement may be approved.
- (b) *Meetings.* All associations must have at least one annual meeting open to all members and the city recreation and parks department at a time and public place in South Fulton fixed by the president of the association. Additionally all athletic associations are required to have a parent/guardian meeting no less than seven days prior to the start of each athletic season. All association meeting dates and times shall be submitted in writing to the department of parks and recreation at least seven days prior to the meeting date.
- (c) *Dual membership.* When an athletic association is responsible for more than one sport (baseball, softball, and football), or a park is shared by two or more associations, at least one person is required to sit on both boards to ensure a smooth transition between seasons.
- (d) *Proposed fee schedule for athletic association costs.* The city does not provide athletic associations with any funding to cover their operating expenses. Each athletic association is required to submit a proposed fee schedule, with a list of itemized costs, a minimum of 30 days prior to the start of participant registrations. The fee schedule is subject to change based upon the participant fee and other rates approved by the department of parks and recreation. The city will collect all fees and distribute to the association based upon the number of registrants and pursuant to the terms of the approved facility use agreement and approved fee schedule. All revenue received by the athletic association from the city must be used solely for the operation of the athletic association on city park property. Absolutely no admission or parking fees are to be collected at any athletic association for any purpose.

- (e) *Non-profit status.* Each athletic association must be registered with the Georgia Secretary of State as an incorporated tax-exempt non-profit entity. A copy of the incorporation papers must be supplied to the department of parks and recreation before a facility use agreement may be approved.
- (f) *Financial reports.* Each association must supply the department of parks and recreation a financial statement detailing its budget within ten days of the start of each program season, and 14 days after the completion of each program season a balance sheet with a corresponding bank statement. This financial statement must be prepared on Form D, by a certified public accountant, and signed by the association president verifying that the report is accurate. A completed financial statement is required before the issuance of a new facility use agreement.
- (g) *Insurance.* Each athletic association must obtain and maintain a surety indemnity bond or comprehensive liability insurance affording coverage to directors, officers, coaches, and their assistants, as well to the association and the city in the minimum amount of \$1,000,000.00 personal injury per occurrence and \$500,000.00 property damage per occurrence against all claims. A copy of the certificate of insurance must be submitted to the city annually and prior to the commencement of each season.
- (h) *Requisite certifications.*
  - (1) *Certification clinics.* Athletic associations shall provide a list of all managers, coaches and assistant coaches, team names, and phone numbers to the department of parks and recreation ten days before the start of the season, and shall provide the department of parks and recreation with written notice of any changes. All athletic association team managers, coaches and assistant coaches are required, annually, to attend a certification clinic conducted by a city prior to the start of their season. Persons may seek written approval by the department of parks and recreation for satisfaction of certification requirements through a non-city organization which, at a minimum, educates and trains on concussion protocols, heat and hydration safety and how to safely and successfully run an athletic organization and/or group.
  - (2) *Volunteers.* Each volunteer who is planning to coach or assist in the coaching of an athletic association shall complete a City of South Fulton Volunteer Application and must attend and complete a mandatory certification clinic prior to coaching.
  - (3) The athletic association shall be assessed a penalty of \$100.00 for each coach/assistant coach and/or team manager who is not properly certified and is permitted to coach or act as a coach. Multiple violations of this section may result in disciplinary action, including removal from city park Property, revocation of privileges and/or suspension. Spot checks will be made during the season to ensure compliance with the certification requirements.
- (i) *Background checks.* The athletic association shall require that all of its managers, coaches, assistant coaches and volunteers working directly with minor participants undergo a background check prior to the start of the season. All background checks shall be conducted by the city police department. The cost of the background checks will be paid by the person being checked and/or the athletic association. Disqualifying criminal convictions shall include the following: any felony within five years, any crime related to or involving a child or that requires registration as a sex offender, at any time. The allowance by an athletic association of any individual with such a criminal conviction to work with minors shall be grounds for immediate termination of the facility use agreement. Through its participation, the youth athletic association agrees to indemnify the city for any resulting damages, claims and lawsuits that may occur as a result of an athletic associations failure to properly perform background checks as required by this section.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-7003. - Participant registration.

- (a) All participant registration shall be conducted through the city department of parks and recreation. All participants are required to pay a fee at the time of registration.

- (b) The dates and times for registration will be determined by the department of parks and recreation in consultation with the president of the association. The announcement of those dates will be given to the general public through normal publicity measures.
- (c) Due to space limitations, limits on the number of participants may be necessary. The department of parks and recreation may implement a priority system when there are more participants than spots available.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-7004. - Annual compliance reporting.

In order to remain in good standing with the department of parks and recreation to operate and utilize the city's parks and recreation facilities, athletic associations must submit the following on an annual basis, or as may be required from time to time by the department, to the director of parks and recreation via CivicRec (or its successor):

- (1) An updated facility use agreement, which shall be subject to approval by the city;
- (2) A copy of the governing by-laws, and any changes thereto;
- (3) A certificate of good standing from the Georgia Secretary of State;
- (4) Proof of insurance; and
- (5) A financial report within ten days of the start of each program season and 14 days after the completion of each program season, as set forth in this chapter.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-7005. - Use of city park property.

- (a) The use of city park property shall be limited to that which is approved by the city. All facilities must be reserved through CivicsRec (or its successor) prior to the use by an athletic association. No schedule of games or activities shall be circulated to participants without written approval by the department of parks and recreation.
- (b) *Responsible use.* Athletic associations are responsible for operating their programs as safely as possible. All sports equipment must meet national safety standards and must undergo inspections by an organization/company certified by the National Operating Committee on Standards for Athletic Equipment (NOCSAE) prior to the start of each season. This includes equipment rented or loaned to participants by the association. All fields should be inspected before each use to insure a safe playing environment. Associations must have a sufficient number of adults present to supervise all scheduled activities from the time their minor participants arrive until such minors are retrieved by their legal guardians. Athletic associations shall report any dangerous or faulty equipment to city department of parks and recreation immediately. Work requests for general maintenance or special needs on existing facilities should be made in writing to the city department of parks and recreation.
- (c) *Maintenance.* Athletic associations are responsible for all field preparation for games and practices and all other maintenance above and beyond the regularly scheduled maintenance services provided by the city. This shall include responsibility by athletic associations for:
  - (1) Dragging, raking and lining the fields during the season.
  - (2) Keeping the announcer's booth, concession stand, and rest rooms clean and safe during the activity.
  - (3) Keeping all litter picked up around the dugouts, bleachers, fields, fences, concession stands, etc. and placing all litter in the proper trash receptacles at the conclusion of each activity.

- (d) *Tournament scheduling.* A written request for a tournament must be submitted a minimum of two weeks in advance of the date of the proposed event. This tournament request must include dates, times, specific facilities, and number of anticipated participants. A field rental agreement must be signed and all fees must be paid before a permit will be issued. Within two weeks following every tournament, the association shall submit a revenue/expense report to the department of parks and recreation identifying revenues and expenditures.
- (e) *Camps and clinics.* Athletic associations that request field space for camps and clinics that will host participants that are not members of the association will be required to rent the facility per the city facility rental fee schedule. A written request for a camp and/or clinic must be submitted a minimum of two weeks in advance of the date of the proposed event. This camp/clinic request must include dates, times, specific facilities, and number of anticipated participants. If applicable, a field rental agreement must be signed and all fees must be paid before a permit will be issued. Following every camp/clinic for which fees are charged a revenue/expense report will be submitted to the department of parks and recreation within four weeks identifying revenues and expenditures.

(Ord. No. 2018-025, § 1, 5-21-2018)

Sec. 11-7006. - Failure to comply.

- (a) *Ignorance of the law is no excuse.* All persons utilizing park department property, including youth athletic associations, visitors and volunteers, must comply with all applicable local, state and federal rules, policies, regulations and laws (referred to herein as "governing laws"). The failure to comply with governing laws may result in civil and/or criminal liability, as well as access to park department property being delayed, suspended, revoked and/or denied.
- (b) The following procedure will be utilized for minor acts of non-compliance:
  - (1) The department of parks and recreation will send, by certified mail, a letter to the association president and board members outlining the offense. If the association is not compliant within seven days of the receipt of the letter, then:
  - (2) The department will lock concession stands and restrict access to electricity for the concession stand and field lights until the association is compliant with City of South Fulton Department of Parks and Recreation Policies and Procedures for Youth Athletic Associations Operating on City of South Fulton Property. If the association is not compliant within three days, then:
  - (3) The department will send, by certified mail and/or hand delivery to the associations commissioner/president a letter demanding that all the athletic association immediately cease and desist all uses of city park property. The department will release the volunteer(s) or volunteer organization and will not issue a field use agreement to the association for a period of one year.
- (c) For any act or violation of this agreement that involves violence, financial malfeasance, or other acts deemed egregious, the department of parks and recreation reserves the right to immediately restrict access to the park including all fields, electricity, field lights, and amenities.

(Ord. No. 2018-025, § 1, 5-21-2018)

## CHAPTER 8. - ARTS AND ENTERTAINMENT

Sec. 11-8001. - Short title.

This chapter shall be known as the "South Fulton Public Arts Ordinance."

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8002. - Definitions.

As used in this chapter, the following words and phrases are used and shall mean:

*Accession* means the formal process used to accept and record an artwork as a public art collection item.

*Acquisition* means the transfer of title to the city of valuable property including artwork by purchase, donation, bequest, transfer or exchange.

*Artist* means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing or language arts or a combination thereof, based on the professional practitioner's body of work, educational background, experience, past commissions, exhibition/performance record, publications and production of artworks.

*Artworks* must be specified or designed by an artist and include public arts as defined herein;

- (1) Sculpture may be made of any material or combination of materials; may be free standing, wall-supported, suspended, mounted, installed, kinetic, electronic or mechanical.
- (2) Murals or paintings may be made of any material or combination of materials with traditional or non-traditional means;
- (3) Earthworks, glass, organic materials (i.e. fiber, clay, wood, etc.), mosaics, photographs, prints, calligraphy, ephemera, textiles, found objects and any media or combination of media including audio, video, film, holographic or computer-generated technologies or other art genres currently known or which may come to be known; and
- (4) Tangible manifestations (i.e. CDs, DVDs, scripts, photographs, videos, films, scores, etc.) of choreography, theatrical performances, performance art, happenings, music, television and film or other performing or language art genres currently known or which may come to be known.
- (5) Artworks may be permanent, temporary, fixed or portable, may be integral part of a building, facility or structure integrated with the work of other design professionals.

The following, unless specified or designed by an artist, are not considered artwork:

- (1) Reproductions, by mechanical or other means, of original artworks. However, limited editions controlled by the artist or original prints, cast sculptures or photographs, may be considered artworks.
- (2) Decorative, ornamental or functional elements not specified or designed by an artist.
- (3) Elements generally considered as being components of architecture or landscape design such as vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc.
- (4) Art objects which are mass produced, ordered from a catalog, or of standard design (such as benches or fountains), wayfinding or other functional elements such as graphics, signage, advertising or maps.

*Capital improvement program project* means any permanent public improvement project, or portion or phase thereof, set forth in the capital improvements program budget as adopted by city council.

*Commission* means the City of South Fulton Public Arts Commission.

*Deaccession* means the formal process used to permanently remove an artwork from the public art collection.

*Disposal* means the permanent exchange, sale, destruction or transfer of an artwork from the public art collection.

*Extraordinary artwork maintenance* means any maintenance or conservation to the sound condition of an artwork that requires specialized services.

*Open and accessible* means available for use by the general public during normal hours of business operation consistent with the use of the premises.

*Ordinary artwork maintenance* means the routine oversight of the operation and cleaning of and around artworks.

*Public art* means artwork acquired or created using funds appropriated by the city and located in public places.

*Public art collection* means artworks which have been accessioned and are publicly owned, possessed, or controlled by the city and administered by the commission. Incoming loans of artwork shall be incorporated into the civic art collection for the duration of the loan but are not considered acquisitions.

*Public art fund* means a separate fund established in the city treasury into which funding for collection management activities; funding for public arts project management activities; monetary bequests and donations for specific or unspecified cultural use; grants; grant matching funds and allocated hotel/motel tax funds may be deposited.

*Public exhibition of the visual, literary, film/video arts* shall mean paintings, lithographs, reproductions, photographs, murals, handcrafted arts, stained glass, statues, sculptures and other forms of media arts.

*Public places* shall mean land, buildings and structures owned or controlled by the city.

*Supplemental funds* means those funds contributed by individuals, corporations, foundations or government grants and placed in the public art fund in addition to the allocation of three percent of hotel/motel taxes collected by the city for implementing the purposes of this chapter and other public art projects recommending by the commission and approved by the council.

*Works of art* shall mean paintings, reproductions, photographs, murals, handcrafted arts, stained glass, statues or other sculptures, monuments, fountains, arches and other structures of a permanent or temporary nature intended for ornament or commemoration.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8003. - Arts commission.

The City of South Fulton Public Arts Commission is hereby established consisting of eight members who shall represent the following areas:

- (1) Individual artist.
- (2) Arts organizations.
- (3) Arts patrons.
- (4) Educators.
- (5) The business community.
- (6) General public.

The mayor's appointee shall serve as chair, and each city council members shall have one appointee whose terms will serve concurrently with their appointing city council member's term of office. The chair shall only vote in cases of a tie. Commission members cannot serve more than two full terms, or a total of eight years. Commission members shall be volunteers, but may be reimbursed for travel, training and related expenses as approved by the city council.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8004. - Commission quorum.

Four commission members shall constitute a quorum and shall be authorized to transact business.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8005. - Commission meeting and reporting.

The commission shall meet not less than monthly, and report to the city council on an as-needed basis, but not less than twice per year. The commission may adopt by-laws, subject to confirmation by the city council, and shall operate in accordance with Robert's Rules of Order, 11<sup>th</sup> Edition, newly revised, as said publication may be updated from time to time.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8006. - Duties and functions.

The commission's duties and functions shall be as follows:

- (1) Advocate for the role and value of arts in civic life and promote greater public participation in, and access to public art.
- (2) Oversee funding allocations in support of non-profit arts and culture organizations, artists, festivals and artworks in public development;
- (3) Oversee artworks owned and controlled by the city to contribute to the quality of life, the economic vitality and the vibrancy of the city;
- (4) Make recommendations for city funding to the city council using objective criteria and evaluation panels, as appropriate;
- (5) Serve in an advisory capacity on projects and programs designed to promote the arts in public places throughout the city and encourage the private sector to include the arts in private developments; and
- (6) Serve as the city's federal and state local arts program liaison.
- (7) Advise on the acquisition and placement of works of art on city property.
  - a. No work of art shall be installed or removed from public areas of city property without a review by the commission.
- (8) Receive and accept applications for public art funds and use objective criteria to evaluate and recommend to the city council the allocation of said funds.
- (9) Advocate for and explore alternative sources of arts funding including, but not limited to, grants, donations and corporate sponsorships.
  - a. Explore funding opportunities with private sector, local, regional, state and federal governments, and international entities.
- (10) Prepare and recommend for the city's council's review a public art plan and guidelines to carry out the city's art program, which shall include, but not be limited to, the methods for selection of artists or works of arts and for the placement of works of arts.
  - a. Public hearings shall be held by the commission during the preparation of the plan and any amendments thereto.
  - b. Advise on the development, implementation, evaluation and/or change of the city's arts policy, legislation, programs and services.
- (11) Advise the city council regarding the possible purchase of works of art or commissioning the design, execution and/or placement of works of art.

- a. The commission shall give special attention to the placement of appropriate art in parks and gateways to the city.
- (12) Receive input from the city manager regarding operation and maintenance expenses associated with a work of art.
  - a. If the city manager finds that a proposed work of art requires extraordinary operation of maintenance expenses, the commission shall either select another work of art; or
  - b. Submit with its recommendation to the city manager and city council a statement of overriding consideration for why the work of art should be utilized notwithstanding its extraordinary operation or maintenance expense.
- (13) In cooperation with the city manager, promulgate for city council appropriate guidelines consistent with the ordinance to facilitate implementation of the responsibility of the commission and city manager hereunder.
- (14) In instances of artworks to be placed in new construction projects initiated by the city, to achieve a greater degree of artistic harmony, artists should be recommended by the commission and confirmed by the city manager before city approval of the architect's schematic design.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8007. - Hotel/motel tax allocation.

Three percent of the total amount of hotel/motel taxes collected by the city shall be allocated to the public art fund for implementing the purposes of this chapter.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8008. - Control of artworks.

No artworks shall be contracted for, exhibited on, or erected on public places, or become the property of the city by acquisition or otherwise, or be in the custody of the city by loan or otherwise, or be in the custody of the city by loan or otherwise, unless such artworks, shall first have been submitted to, reviewed and accepted by the commission.

No existing artworks owned by or in the custody of the city shall be deaccessioned, removed, relocated, conserved, altered, exhibited or disposed of in any way without the review, recommendation and approval of the commission.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8009. - Management of artworks.

All collection management activities shall be the responsibility of the commission. Ordinary artwork maintenance of artworks in the public art collection is the responsibility of the city department at which the artwork is sited and shall be undertaken at the direction of commission.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8010. - Acquisition of artworks.



The commission may authorize the purchase of artworks for inclusion in the public art collection following the review and recommendation of the commission.

Commission staff shall, on behalf of the city, accept with or without conditions, or reject donations, bequests or incoming loans or artwork following the review and recommendation of the commission. Title to all donated and bequeathed artworks accepted by the city and accessioned into the public art collection shall be vested and held in the name of the city.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8011. - Deaccession of artworks.

When an artwork is deaccessioned and disposed of through sale, the artwork shall be sold through methods either administered by or approved by the purchasing agent who may administer acceptance of all deeds of conveyance necessary and property to affect a duly authorized sale or exchange.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8012. - Loans from the civic art collection.

The commission is authorized to loan artworks from the public art collection to city departments, agencies, institutions, organizations or galleries. Loans with any non-city entities shall be subject to confirmation by the city council.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8013. - Reproductions or adaptations of artworks.

The commission is authorized to negotiate with the copyright holder for each artwork in, or proposed for inclusion in the public art collection for the purpose of acquiring a license to make, or cause to be made reproductions or adaptations of artwork. Reproductions or adaptations of artworks are made according to the terms and conditions of the licensing agreement.

(Ord. No. 2018-033, § 1, 8-28-2018)

Sec. 11-8014. - Proceeds from the sale, loan, reproduction or adaptation of artworks.

All monies received from the sale of artworks from the public art collection must be expended on new acquisitions. Proceeds from the loan of artworks or from the licensing of the making of reproduction or adaptations thereof, less any payments due, shall be deposited into the public art fund.

(Ord. No. 2018-033, § 1, 8-28-2018)