

CITY OF SOUTH FULTON, GEORGA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Monday, May 21, 2018, 5:00 PM



The Honorable William "Bill" Edwards, Mayor
The Honorable Mark Baker, District 7, Mayor Pro Tem
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember

SPECIAL MEETING AGENDA

- Call to Order
- Action Items
 - a. **[SECOND READING] AN ORDINANCE TO AMEND TITLE 11, PARKS AND RECREATION, OF THE CITY OF SOUTH FULTON CODE OF ORDINANCES, TO ESTABLISH PARK RULES AND REGULATIONS AND FOR OTHER LAWFUL PURPOSES (Rowell and Willis)**
 - b. **[SECOND READING] AN ORDINANCE AMENDING THE MUNICIPAL COURT SCHEDULE AND FOR OTHER LAWFUL PURPOSES.**
 - c. **RE-APPROPRIATION OF FUNDS FOR THE OLDER AMERICANS BOARD ACTIVITIES.**
- Adjournment



CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM
COUNCIL SPECIAL MEETING



SUBJECT: Parks & Recreation

DATE OF MEETING: 5/21/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-025 Parks & Recreation	Cover Memo	5/15/2018

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **ORDINANCE No. 2018-025**
7

8 **AN ORDINANCE TO AMEND TITLE 11, PARKS AND RECREATION, OF THE CITY**
9 **OF SOUTH FULTON CODE OF ORDINANCES, TO ESTABLISH PARK RULES AND**
10 **REGULATIONS AND FOR OTHER LAWFUL PURPOSES.**
11

12 **(Co-sponsored by Councilwomen Rowell and Willis)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
18 Council thereof ("City Council");

19 **WHEREAS**, pursuant to City Charter Section 1.12(b)(13) and 3.10(b), the City is
20 authorized to regulate or prohibit any act, practice, or conduct it deems necessary,
21 expedient, or helpful for the peace, good order, well-being, and safety of the inhabitants
22 of the City and to provide for the enforcement of such standards;
23

24 **WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt
25 ordinances relating to its property, affairs and local government;
26

27 **WHEREAS**, pursuant to City Charter Section 3.10(b), the City Council is
28 authorized to adopt ordinances and amendments it deems necessary, expedient, or
29 helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the
30 City;
31

32 **WHEREAS**, the City Council has determined the parks and recreation facilities in
33 the City to be a top priority; and
34

35 **WHEREAS**, the City Council finds it to be in the public interest to regulate and
36 establish rules and procedures governing public parks and recreations facilities located
37 in the City of South Fulton.
38

39 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
40 follows:
41

42 **Section 1:** The City of South Fulton Code of Ordinances, Title 11, Parks and
43 Recreation, is hereby amended to include the following provisions:
44

45 **Chapter 2: General Administration**
46

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

48

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

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

58 **Sec. 11-2002. - Administrative planning, development, construction and operation**
59 **of City parks.**

60

61 (a) The City Manager is charged with the responsibility of executing the City's master
62 park plan, overseeing its operation, and recommending necessary action. Within the
63 organizational framework of the City, the Department of Community Development
64 Services is assigned the task of developing, revising, and updating the master park
65 plan in light of population data, existing parks, and location of potential sites. The
66 Department of Community Development Services, in collaboration with the City
67 Manager and the Department of Parks & Recreation, also is responsible for the
68 design and layout of parks, unless the services of consultants are authorized, and
69 for recommending stages and areas of park development.

70 (c) The maintenance of the City park system is the responsibility of the Department of
71 Parks & Recreation. The City Park system shall be maintained in a safe, efficient
72 and environmentally friendly manner, which shall include the gradual elimination of
73 the use of fertilizer containing phosphorus after existing City stockpiles of
74 phosphorus fertilizer have been exhausted.

75 (d) It is the responsibility of the City Manager to receive plans and proposals for the
76 operation of all park facilities and to recommend a program to the City Council.

77 **Sec. 11-2003. – Parks & Recreation Director.**

78

79 The City Manager may appoint a Parks & Recreation Director, or the City may contract
80 with a third party to perform the following duties:

81 (1) Implement and support the policies set forth by the City Council for the
82 Department of Parks & Recreation;

83 (2) Develop, direct and implement the master park plan for the City in conjunction
84 with the Department of Community Development Services;

85 (3) Determine, prioritize, establish, conduct, construct and maintain a recreation
86 and parks system for the City that meets the leisure needs of the citizens,
87 including, but not limited to, parks, playgrounds, trails, indoor recreation

88 centers, programs and activities, and the maintenance and repair of such
89 facilities as required;

90 (4) Recommend the setting aside, leasing or acquisition of lands or buildings within
91 the City limits for use as parks, playgrounds, recreation centers or other
92 recreational purposes, and to provide for the maintenance and improvement of
93 these areas; and

94 (5) Otherwise assist in the operation and enforcement of this title.

95 As provided under Section 4.10 of the City Charter, the Parks & Recreation Director is
96 under the direction and supervision of the City Manager.

97

98 **Sec. 11-2004. Designated parks & recreation facilities.**

99

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

105

106 **Sec. 11-2005. - Fees.**

107 Department of Parks & Recreation fees shall be paid via the City's CivicsRec online
108 registration system (or its successor). All fees are due in advance of using the City Park
109 Property and shall be paid in accordance with the City Department of Recreation and
110 Parks Fee Schedule, as it may be amended from time to time. Fees and other deposits
111 may be assessed based upon several factors, including the number of anticipated
112 participants and security/maintenance requirements. Government entities are
113 encouraged to contact the City for consideration of mutually agreeable cross
114 jurisdictional facility sharing agreements.

115

116 **Sec. 11-2006. - Acceptance of gifts.**

117

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

121 **Sec. 11-2007. - Appeals.**

122

123 a) Any individual or organization seeking authorization to operate or hold an event
124 within a City park or recreational facility, including but not limited to special
125 events and athletic associations, whose application or request for authorization
126 has been denied or revoked may request a review of this decision by the City
127 Manager.

128 b) This request must be in writing and received by the City Manager within five
129 business days of the notice of the denial or revocation.

130 c) The decision of the City Manager is final and may be appealed to the City
131 municipal court or the county superior court.

132
133 **Chapter 3. - Parks & Recreation Advisory Board.**

134
135 **Sec. 11-3001. – Creation and composition.**

136
137 A parks and recreation advisory board (“Advisory Board”) is created and shall
138 consist of eight members, which are appointed by each member of the City Council.
139 Each member will serve without compensation. The Parks & Recreation Director shall
140 serve as a non-voting, ex-officio member of the Advisory Board. The Advisory Board
141 acts in an advisory capacity in matters of policy of the City-owned parks and the
142 recreation programs operated in said parks and development and implementation of the
143 City’s master park plan.

144 **Sec. 11-3002. - Terms.**

- 145
146 a) Each Advisory Board member shall be appointed to a four-year term. Members
147 may serve consecutive terms.
- 148 b) The terms of the Advisory Board shall be staggered. The first appointed board
149 members shall serve concurrently with the City Council member for which they were
150 appointed. Any additional members shall serve a four-year term. After initial
151 appointments, members shall serve for equal, fixed terms, not to exceed eight years
152 in total.
- 153 c) Should a vacancy be created, the City Council member shall appoint a person to fill
154 the remainder of the term of the vacant position, subject to ratification by the entire
155 City Council.

156 **Sec. 11-3003. - Qualifications.**

- 157
158 a) All members appointed to the Advisory Board must reside in the City at the time
159 of their appointment and throughout their term. Any member who relocates out of
160 the City during his or her term, or otherwise ceases to reside in the City
161 throughout his or her term, shall cause such person’s position to be declared
162 vacant and be filled in accordance with this Chapter.
- 163 b) The Advisory Board shall conduct regular quarterly board meetings, and may
164 conduct additional meetings as necessary. Four Advisory Board members shall
165 constitute a quorum and be required to conduct a meeting of the advisory board.
166 The affirmative vote of a majority of members present at a meeting shall be
167 required to approve decisions by the Advisory Board.
- 168 c) No member shall miss more than one regular quarterly board meeting during any
169 12-month period. Any member who does not adhere to such minimum
170 attendance requirements shall cause such person's position to be automatically
171 declared vacant and filled in accordance with this Chapter.

172 **Sec. 11-3004. – Role of the Parks and Recreation Advisory Board.**

- 173 a) The Advisory Board, shall assist in the development of the City’s master park
174 plan by making recommendations to the Department of Parks & Recreation
175 regarding the master park plan. The Department of Parks & Recreation shall
176 include any recommendations it deems appropriate in its proposed plan for
177 consideration by the City Council.
178
- 179 b) The Advisory Board shall meet with the Department of Parks & Recreation on a
180 quarterly basis to carry out its duties set forth under subsection (a) above. As
181 part of those quarterly meetings, the Department of Parks & Recreation shall
182 provide the Board with an update on the status and implementation of the
183 master park plan.
184
- 185 c) Nothing within this section shall work to repeal or invalidate any provision in this
186 Chapter or otherwise limit the City Council’s discretion to modify this Chapter at
187 any time.

188
189 **Chapter 4. Public conduct in parks.**

190
191 **Sec. 11-4001. - Penalties.**

192
193 Any person who violates the provisions of this Chapter shall be guilty of a
194 misdemeanor and subject to a fine of up to \$1,000.00 and/or imprisonment in jail for a
195 period not to exceed 12 months.

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

- 197
198 a) *Advertising restrictions.* It shall be unlawful for any person to place advertising
199 within City parks is prohibited without written approval of the Department of Parks
200 & Recreation.
- 201 b) *Alcoholic beverages.* It shall be unlawful for any person to possess and/or
202 consume any alcoholic beverage, or be under the influence of alcoholic, malt
203 and/or vinous beverage, within any City park and/or within any building under the
204 supervision of the Parks & Recreation Director unless such usage is expressly
205 permitted by signage or published rules of the particular park or recreation
206 building and approved by the City Council.
- 207 c) *Animals restricted.* It shall be the duty of every animal owner or custodian whose
208 animal is in a City park or recreational facility to have physical control of the
209 animal by leash or lead line at all times unless in designated dog park areas
210 where off leash is permitted or approved otherwise, by the Parks & Recreation
211 Director or his/her designee. It shall be unlawful for any person with an animal,
212 other than a service animal being used by a person with a disability, to access
213 areas of a City park or recreation facility which are restricted to animals. It shall
214 be the duty of every animal owner or custodian of any animal whose animal is in

215 a City park or recreation facility to immediately and properly dispose of waste
216 deposited by the animal. It shall be the duty of every animal owner or custodian
217 of any animal whose animal is in a City park or recreation facility to have in their
218 possession proof of a current rabies vaccination for his/her animal.

219 d) *Control of horses in park.* It shall be unlawful for any person to ride, show, or
220 otherwise have under his control and in his possession any horse or other equine
221 animal within any City park or recreational facility. This section shall not apply
222 where the animal is in a trailer or other motorized vehicle suitable for the
223 transportation of the animal, and provided the animal is being transported to or
224 from any area where the riding, showing, or other use and enjoyment of the
225 animal is specifically permitted. It shall be the duty of every horse owner or
226 custodian of any horse in a City park or recreation facility to immediately and
227 properly dispose of waste deposited by the horse.

228 e) *Commercial activity prohibited.* Unless authorized by permit, it shall be a
229 violation of this Chapter for any person to sell or offer for sale any merchandise
230 or operate or attempt to operate a concession or engage in any commercial
231 activity in a park or recreation facility.

232 f) *Damage to park property.* It shall be a violation of this Chapter for any person to
233 deface, harm or damage any park buildings, wildlife, property, equipment or
234 signs, or to dig up, cut, damage or remove any trees, tree limbs, shrubbery,
235 flowers, rocks, mulch, historical artifacts or other vegetation in a park or
236 recreation facility.

237 g) *Discharge firearms.* It shall be unlawful for any person to discharge within any
238 City park or recreational facility any firearm as defined by O.C.G.A. § 16-11-171,
239 including but not limited to rifles, pistols, shotguns, BB guns, or pellet guns. In
240 addition, no person shall use or possess within any City park or recreational
241 facility any bow and arrow, slingshot, or any other device capable of throwing any
242 projectile of any sort, including the hand throwing of rocks or stones intended to
243 be used as weapons. This section shall not be operative in any specific area now
244 designated or to be designated in the future as a rifle range, archery range, or
245 any other specific area whose purpose is to allow the activities otherwise
246 prohibited by this section.

247 h) *Drone use restricted.* Unless authorized by permit, it shall be a violation of this
248 Chapter for any person to operate a drone within the air space above a City
249 park or recreation facility.

250 i) *Dumping on public property.* It shall be unlawful for any person to throw,
251 deposit, place or cause to be placed on any City park or recreation facility any
252 household furnishings, appliances or parts or components thereof, vehicle parts
253 or components, construction debris, dirt, earth, yard waste, garbage, refuse,
254 kitchen waste, recyclables or other similar substances, sewage, petroleum
255 products, antifreeze; including fluids leaking from vehicles, or to any water or
256 other fluids thereon. It is unlawful for any person to release or discharge,

257 directly or indirectly, any illicit discharge, as defined in this chapter, into any
258 lake, stream, creek, pond (natural or man-made), or wetland.

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

262 j) *Failure or refusal to pay recreation use fees.* It shall be a violation of this
263 Chapter for any person to fail, refuse, or attempt to avoid paying any
264 designated parking or recreational use fees in any City park or recreational
265 facility.

266 k) *Golfing regulated.* It shall be unlawful for any person to practice, play or
267 otherwise participate in the game of golf in a City park, except at a recreation
268 facility designated for such use and only in accordance with the rules, regulations
269 and restrictions promulgated by the Parks & Recreation Director or his/her
270 designee.

271 l) *Injuring public property.* It shall be unlawful for any person to cut, break, mutilate,
272 deface or engage in any indecent or loud acts of behavior, or in any other
273 manner destroy or injure any public property, real or personal, belonging to,
274 owned by, leased or used by the City.

275 m) *Interference with park official or employee.* It shall be a violation of this Chapter
276 for any person to impede, intimidate, violate, forcibly resist, or interfere with any
277 park ranger, park official or employee of a City of South Fulton park or
278 recreation facility engaged in the performance of his or her official duties, or on
279 account of the performance of his or her official duties. Failure to comply with a
280 lawful order issued by a park official or employee of a City of South Fulton Park
281 or recreation facility engaged in the performance of his or her official duties
282 shall be deemed as resistance or interference.

283 n) *Killing or disturbing wildlife.* It shall be unlawful for any person to remove, disturb,
284 hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the
285 above to any animal or wildlife within any of the City parks without the written
286 permission of the Parks & Recreation Director, unless threatened with bodily
287 injury or death. No person shall remove or disturb any living or dead native
288 creatures in City parks, including mammals, birds, fish, amphibians, and reptiles,
289 or the parts or progeny thereof, such as eggs, or antlers or any habitat thereof,
290 such as nests.

291 o) *Littering in City parks.* It shall be unlawful for any person to litter any City park or
292 recreational facility with any trash, tin cans, glass bottles, garbage, rubbish, dead
293 animals, discarded materials, sand, gravel, or slag, or otherwise similarly litter or
294 dump upon any park or recreational facility. This section shall apply regardless of
295 whether the person so littering or dumping is actually upon the premises of any
296 park or recreational facility so long as the littering or dumping by the person
297 occurs directly on any park or recreational facility.

- 298 p) *Merchandise for sale.* It shall be unlawful to merchandise, sale or display items
299 for sale (unless they are otherwise approved by the Parks & Recreation Director
300 or his/her designee).
- 301 q) *Motor vehicles.* It shall be unlawful for any person to operate any motor vehicle of
302 any kind or nature, including two-wheeled motor vehicles, in any City park or
303 recreational facility except upon roadways laid out and maintained for such
304 purposes. This section shall not apply to (i) vehicles used for maintenance
305 purposes, (ii) golf carts being operated on prescribed cart paths, (iii) vehicles
306 operated by City employees or other persons whose duties require that they
307 operate such vehicles, or (iv) park recreational facility maintenance equipment
308 within the park or recreational facility. Operation of motor vehicles as
309 contemplated by this section shall include, but not be limited to, parking vehicles
310 in areas not specifically designated as parking areas.
- 311 r) *Noises.* It shall be unlawful for any person to make any loud noises that would
312 disturb a reasonable person of ordinary sensibilities, engage in noisy disputes or
313 conversation that would disturb a reasonable person of ordinary sensibilities,
314 engage in any indecent or loud acts of behavior that would disturb a reasonable
315 person of ordinary sensibilities or in any other manner disturb the public peace,
316 quiet and order in any of the City parks or recreation facilities.
- 317 s) *Non-Motorized Vehicles.* It shall be unlawful for any person to ride, carry, push or
318 otherwise manually transport any non-motorized vehicle such as bicycles,
319 skateboards, scooters, etc. on or through any trails, sidewalks, plazas, recreation
320 court, pavilion etc. owned or operated by the City that are designed solely for
321 pedestrian use with exception to persons with disabilities operating a wheelchair
322 or persons pushing a baby in a stroller. Non-motorized vehicles shall solely be
323 used within special designated areas.
- 324 t) *Park hours.* All parks and other recreational facilities located within the City of
325 South Fulton shall close at dusk and open at dawn daily, unless posted
326 otherwise. (Dusk is 30 minutes after sunset and dawn is 30 minutes before
327 sunrise.) The use of park buildings and facilities for City sanctioned events shall
328 be exempt. No person shall use or otherwise be present within any park or
329 recreational facility when the park is closed, with the exception of City police or
330 staff as authorized and necessary for the operation and protection of the park.
331 City parks shall be patrolled by the City police department to enforce said hours.
- 332 u) *Permit required.* It shall be unlawful for any person to engage in any activity in
333 City parks which requires a permit and/or a ticket without first obtaining such
334 permit and/or ticket.
- 335 v) *Polluting water in parks.* It shall be unlawful for any person to pollute or disturb
336 any spring, branch, pond, fountain or other water owned by or leased to the City
337 within a park or recreation facility.
- 338 w) *Posting signs.* It shall be unlawful for any person to post, paste, fasten, paint,
339 write, draw, carve, tack, or affix any placard, bill, notice, handout, sign,

340 advertisement, or any inscription whatsoever upon any building, City property,
341 fixture, structure, tree, stone, fence, or ground within any City park or recreation
342 facility, or on any public lands, highway or roads adjacent to any City park or
343 recreation facility, except that the Parks & Recreation Director or his/her
344 designee may place or direct to be placed any City signs within such areas.

345 x) *Pyrotechnics restricted.* It shall be unlawful for any person to possess, display,
346 use, light, shoot off, launch, fly, discharge, detonate or explode explosives or
347 explosive devices to ignite any firecracker, fireworks, smoke bombs, rockets,
348 black powder guns or other pyrotechnics of any kind, rockets in a City park,
349 unless approved by written permit by the Parks & Recreation Director or his/her
350 designee.

351 y) *Recreation facility restrictions.* It shall be unlawful for anyone to enter any locked
352 or closed (by field closed signage) sport field in a City park or recreational facility
353 unless approved by permit, by the Parks & Recreation Director or his/her
354 designee.

355 z) *Smoking.* It shall be unlawful to smoke in a City park. It shall be unlawful for any
356 person to smoke or use any tobacco product that produces smoke, including, but
357 not limited to cigarettes, cigars, pipes, hookahs, etc., of any kind, while indoor
358 and/or outdoors on the premises of any City park or recreational facility.

359 aa) *Speed limit.* It shall be unlawful for any person to operate any motor vehicle of
360 any nature, including two-wheeled motor vehicles, within a park in the City at a
361 greater speed than 15 miles per hour. Signs warning motor vehicle operators
362 shall be posted in a conspicuous manner at the entrances to parks and
363 recreational facilities giving fair warning of the speed limit restrictions imposed by
364 this section. If not so posted the speed limits in City parks and recreational
365 facilities shall be consistent with the speed limit otherwise imposed by state law.

366 bb) *Swimming in lakes.* It shall be unlawful for any person to swim in or enter any
367 lake in the City for the purpose of swimming or wading unless a permit for such
368 has been issued by the Department of Parks & Recreation or an authorized
369 representative, or such person is conducting City business.

370 cc) *Swimming and diving restricted.* It shall be a violation of this Chapter for any
371 person to swim or dive in any area within a City park or recreation facility where
372 swimming or diving is prohibited, including, but not limited to, boat docking
373 areas, launching sites, and mooring points. Diving, jumping, or swinging from
374 trees, bridges, boat docking areas, and launching sites is expressly prohibited
375 and shall be a violation of this Chapter.

376 dd) *Urban camping.* It shall be unlawful to reside or to store personal property in any
377 park owned by the City. Furthermore, it shall be unlawful to use any public
378 place, including City parks, for living accommodation purposes or camping,
379 except in areas specifically designated for such use or specifically authorized by
380 permit.

381 ee) *Use of Facilities*. It shall be unlawful for any person to permit any other person
382 who shall then be in his custody or under his supervision to use any device,
383 equipment, apparatus, or facility within any City park or recreational facility for
384 any purpose other than the purpose for which the device, equipment, apparatus,
385 or facility was reasonably intended, provided that the playing of games or sports
386 at any park or recreational facility in such a manner as to constitute a nuisance
387 shall be deemed a violation of this section.

388

389 **Sec. 11-4003. - Enforcement.**

390

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

393

394 **Chapter 5. - Special Events**

395

396 **Sec. 11-5001. - Definitions.**

397

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

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

405 **Sec. 11-5002. – Special event permit.**

406

407 It shall be unlawful for any person or organization to conduct a special event upon City
408 park property that affects the ordinary use of the City park without first having obtained
409 a special event permit from the City. All special event permits for City parks are subject
410 to the authorization of the Parks & Recreation Director.

411

412 **Sec. 11-5003. - Permit application.**

413

414 a) An application for a special event permit shall be submitted to the Parks &
415 Recreation Director with a nonrefundable payment in the amount established by
416 resolution by City Council no later than 60 days prior to the proposed event.

417 b) Upon written request and submittal of appropriate documentation, the Parks &
418 Recreation Director or his or her designee may waive the payment referenced in
419 subsection (a) of this section for fundraising for charitable events if he determines
420 that such fee is overly burdensome to the requestor or that it is to the City's benefit
421 to waive the fee.

422 c) The following information shall be provided on any permit:

423 1) Purpose of the special event;

- 424 2) Name, address and telephone number of sponsoring organization or individual;
425 3) Proposed date, location and hours of operation;
426 4) Schedule of proposed events;
427 5) Projected attendance at the event, plan for parking, plan for restroom facilities
428 and sanitation concerns; and
429 6) Any other such information as the City Public Works Department or another City
430 Department deems reasonably necessary to determine that the permit meets
431 the requirements of this Chapter.
- 432 d) The permit shall not waive the requirements of complying with other sections of this
433 Code, including, but not limited to, regulations on alcoholic beverages, business
434 licenses, fire safety, zoning and signs.
- 435 e) The 60-day time requirement of subsection (a) of this section may be waived upon
436 order from the City Manager or his or her designee upon a showing of clear and
437 compelling need of immediate action. Among other reasons, ignorance of the permit
438 requirement shall not establish clear and convincing need. Unless expressly
439 provided elsewhere in this Chapter, no permit shall be issued for applications
440 submitted less than three days before an event.

441 **Sec. 11-5004. - Denying and revoking permits.**
442

- 443 a) Reasons for denial of a special event permit include:
- 444 1) The event will disrupt traffic within the City beyond practical solution;
445 2) The event will interfere with access to fire stations and fire hydrants;
446 3) The location of the special event will cause undue hardship to adjacent
447 businesses or residents;
448 4) The event will require the diversion of so many public employees that allowing
449 the event would unreasonably deny service to the remainder of the City;
450 5) The application contains incomplete or false information;
451 6) The applicant fails to comply with all terms of this Chapter including failure to
452 remit all fees and deposits or failure to provide proof of insurance, bonds and a
453 save harmless agreement to the City; or
454 7) The event will last longer than ten days.
455 8) The applicant is, or is working in association with, an individual barred by the
456 City from submitting and application for a special event permit in accordance
457 with Sec. 11-5008.
458
- 459 b) All permits issued pursuant to this Chapter shall be temporary and do not vest any
460 permanent rights. Reasons for revocation of a special events permit may include:
- 461 (1) Application contained incomplete or false information;
462 (2) Applicant does not comply with all terms and conditions of permit;

463 (3) Applicant fails to arrange for or adequately remit all fees, deposits, insurance or
464 bonds to the City; or

465 (4) Disaster, public calamity, change in applicable law, riot or other emergency
466 exists.

467 c) Where an individual or entity has previously obtained a special event permit, and that
468 individual or entity caused to happen at the event held pursuant to the special event
469 permit any one or more of the following, through intentional act or negligence, such
470 individual or entity shall be prohibited from seeking further special event permits as
471 determined by the Parks & Recreation Director:

472 (1) Failure to adhere to or comply with any special or general requirement,
473 standard, or condition of the special event permit including, but not limited to,
474 failure to maintain or provide adequate safety for event attendees, or failure to
475 clean up the premises upon which the special event took place, etc.;

476 (2) Habitual or repeated violations of any City ordinances or state laws;

477 (3) Damage or harm to any public property;

478 (4) Fighting, violence, or any other unruly behavior putting the safety of the public
479 at risk.

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

482 **Sec. 11-5005. - Cost assessments.**

483
484 The Parks & Recreation Director or his or her designee shall send copies of special
485 event applications to affected departments. Each departmental activity required for the
486 special event shall be itemized, showing hourly rate and total cost. Costs shall only
487 reflect those activities related to management of street use. The total street
488 management costs to the City shall be the sum of each department's costs. The
489 Department of Parks & Recreation shall determine and calculate the fee accordingly.

490 **Sec. 11-5006. – Performance or special events costs.**

491
492 a) *Performance deposit.* A performance deposit of 150 percent of the total estimated
493 costs of the special event to the City shall be remitted to the City before the special
494 event permit is issued. This requirement may be waived by the Parks & Recreation
495 Director or his or her designee if he or she determines, based on specific factual
496 findings, that the performance deposit would be unduly burdensome or unnecessary
497 given the size of the event or past history.

498 b) *Insurance.* At the City's request, the applicant may be required to obtain and
499 present evidence of a surety indemnity bond or comprehensive liability insurance
500 naming the City as an additional insured. The insurance requirement is a minimum

501 of \$1,000,000.00 personal injury per occurrence and \$500,000.00 property damage
502 per occurrence against all claims arising from permits issued pursuant to this
503 Chapter. If the event poses higher risks than covered by such insurance, the
504 applicant shall be responsible for assessing the risks of the event and obtaining
505 additional insurance coverage.

506 c) *Save harmless agreement.* The applicant is required to provide a save harmless
507 agreement in which the applicant agrees to defend, pay and save harmless the City,
508 its officers and employees, from any and all claims or lawsuits for personal injury or
509 property damage arising from or in any way connected to the special event;
510 excepting any claims arising solely out of the negligent acts of the City, its officers
511 and employees.

512 d) *Cleanup.* A special event permit may be issued only after adequate waste disposal
513 facilities including, where necessary, portable toilets, have been identified and
514 obtained by the applicant. The applicant will clean the right-of-way or public property
515 of rubbish and debris, returning it to its pre-event condition, within 24 hours of the
516 conclusion of the event. If the applicant fails to clean up such refuse within 24 hours
517 of the conclusion of the event, such cleanup shall be arranged by the City and the
518 City may retain a portion or all of the performance deposit and apply such funds to
519 cover costs incurred by the City for cleanup ("cleanup costs"). Should the
520 performance deposit fail to cover all cleanup costs, the City may charge the
521 applicant for the remainder of such cleanup costs.

522 d.1) *Failure to pay outstanding cleanup costs.* Failure to pay any outstanding cleanup
523 costs incurred by the City after an applicants' special event shall prevent the City
524 from issuing subsequent special permits to the applicant until all cleanup costs have
525 been paid.

526 e) *Bond waiver.* Upon written request and submittal of appropriate documentation, the
527 Parks & Recreation Director or his or her designee may waive the bond requirement
528 if he determines that such fee is overly burdensome, unlawfully burdens speech or
529 does not promote the general welfare of the City. This subsection may be appealed
530 to the City municipal court.

531 f) *Immunities.*

532 (1) This section shall not be construed as a waiver of any immunity to which the
533 City is entitled.

534 (2) This Chapter shall not be construed as imposing upon the City or its officials or
535 employees any liability or responsibility for any injury or damage to any person
536 in any way connected to the use for which permit has been issued. The City
537 and its officials and employees shall not be deemed to have assumed any
538 liability or responsibility by reasons of inspections performed, the issuance of
539 any permit or the approval of any use of the right-of-way or other public
540 property.

541
542 **Sec. 11-5007. - Demonstrations, parades, marches and processions.**
543

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

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

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

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

563 (2) *Prohibited without permit.* It shall be unlawful for any person to be a part of or to
564 engage in any demonstration, parade, march or procession or to demonstrate,
565 march, parade or proceed along any park, street or sidewalk in the City as a
566 part of or a party to such demonstration, parade, march or procession without
567 there having been first obtained a written permit from the Department of
568 Community Development Services for the holding of such demonstration,
569 parade, march or procession.

570 (3) *Application for permit.* Permits for a demonstration, parade, march or
571 procession shall be secured from the City by filing a written application at least
572 72 hours prior to the time the proposed demonstration, parade, march or
573 procession is desired to be held. Applications shall be filed on forms provided
574 by the City and signed by the persons desiring to conduct such demonstration,
575 parade, march or procession, or by the properly authorized agent of the
576 organization, or persons who propose to conduct such demonstration, parade,
577 march or procession. The application forms shall be filled out completely, giving
578 all legal information as designated in such forms. This section should not be
579 interpreted as waiving the cost requirement of section 11-5007(b) or the waiver
580 exception in section 11-5007(e).

581 (4) *Conditions for issuance of permit.* The issuance of the permit by the City for any
582 demonstration, parade, march or procession that passes through a City park
583 shall also be approved by the Parks & Recreation Director. All permits shall
584 show the time and place of beginning of the demonstration, parade, march or
585 procession, where applicable; the route it shall follow; and the destination
586 thereof, all of which conditions shall be decided by the Department of Parks &
587 Recreation giving full consideration to the conditions contained in the request of

588 the applicant, the condition and width of the streets or sidewalks along said
589 proposed route and the nature of traffic conditions as related to the number of
590 participants and the number and type of vehicles to participate in the
591 demonstration, parade, march or procession as shown on the application for
592 such permit.

593 (5) *Considerations pertinent to issuance of permit.* The City shall not arbitrarily
594 withhold granting a permit, but shall issue a permit to parade, march, or
595 proceed along the streets and sidewalks of the City, including City parks, giving
596 full consideration to traffic conditions and the number of police personnel
597 available to direct traffic; properly manage said parade, march or procession;
598 and provide police protection to participants and the general public.

599 (6) *Police vehicles.*

600 a. Police vehicles shall precede parades, marches and processions as
601 determined by the City. All parades, marches or processions through the
602 streets or parks of the City shall be preceded by a police vehicle where
603 appropriate and conducted in such manner as to impede and interfere with
604 the flow of traffic to the least possible extent.

605 b. When deemed necessary by the chief of police, police officers shall be
606 present for demonstrations.

607 (7) *Funeral processions excepted.* The terms of this section shall not apply to
608 funeral processions.

609

610 **Chapter 6. - Miscellaneous**

611

612 **Sec. 11-6001. - Prohibition of independent commercial activities at parks and park** 613 **facilities.**

614

615 a) Only commercial activities which are authorized or controlled by concession or
616 contract with the City or are part of any City-sponsored program shall be allowed in
617 the City's parks and park facilities.

618 b) Except as may be authorized under subsection (a) of this section, there shall be no
619 independent commercial activity undertaken at any City park or park facility by any
620 individual, firm, partnership, cooperative, nonprofit membership corporation, joint
621 venture, association, company, corporation, agency, syndicate, estate, trust,
622 business trust, receiver, fiduciary or other group, organization or combination acting
623 as a unit.

624 c) Any person violating any of the provisions of this section shall be guilty of a
625 misdemeanor and subject to a fine of up to \$1,000.00 and/or imprisonment in jail for
626 a period not to exceed 12 months.

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

628 No person shall use, operate, or permit to be played, used, or operated any
629 loudspeaker, amplifier, radio receiving set, musical instrument, phonograph, or other

630 machine or device for the producing or reproducing of sound which is passed upon any
631 City park or recreational facility without obtaining the prior approval of the Parks &
632 Recreation Director or his or her designee. The Director, when requested during his or
633 her normal business hours to grant a use permit at least 48 hours in advance of the
634 planned use, shall not unreasonably withhold his approval of the use and shall issue a
635 use permit on any form as he shall deem appropriate. The Director shall not refuse to
636 issue any permit unless the use of the loudspeaker sought to be approved in
637 conjunction with the use of any other loudspeakers theretofore approved by the Director
638 for use at the same time shall, in the opinion of the Director, constitute a nuisance as
639 contemplated in this section.

640 **Sec. 11-6003. - Park leash law.**

641
642 a) No person who shall have in his possession or who shall then be responsible for any
643 dog or other canine animal, whether or not the person be the owner of that animal,
644 shall allow the same to run at large in any City park or recreational facility, except as
645 may otherwise be provided by law and this code section. The health regulations and
646 all other provisions appertaining to control of domestic animals, including dogs, shall
647 remain in full force and effect in City parks and recreational facilities. Nothing in this
648 section shall amend or otherwise affect the penalties for violation of any law,
649 ordinance, or regulation dealing with control of domestic animals which violation
650 shall have occurred in areas other than within designated City parks and recreational
651 facilities.

652 b) *Certain defined areas of selected parks shall be designated as off-leash dog areas.*
653 The City Manager or his or her designee may designate the use of any park and
654 recreational facility for use as a dog park where dogs may run off-leash. In
655 designating any dog park area and establishing and putting such area into operation,
656 the City Manager may use the assistance of any City department. The designated
657 area must be completely fenced with a double-gated entrance and exit system and
658 may be enclosed by other means to provide limited access to the area. For purposes
659 of this code section "owner", along with its common meaning, shall also mean any
660 handler or person authorized to be in possession of a dog or otherwise have custody
661 and control of a dog in the dog park.

662 c) *Dog park rules.* For any area of a park designated as an off-leash dog area, the
663 rules set forth below shall apply. All of the rules below shall be posted on a sign at
664 each entrance to the off-leash area. Neither the City, nor any City official, agent, or
665 employee shall be liable for any damage to any person or animal who suffers any
666 injury arising from the use of the dog park and users of the dog park do so at his/her
667 sole risk. All users of the dog park assume the full risk of any injury, damage or loss
668 connected with or associated with the use of the dog park. In the event that the rules
669 are not posted, users of the area shall still be held responsible for knowing and
670 following the rules, and may be fined or otherwise penalized for failure to abide by
671 such rules. These rules may be augmented at any time by the City Manager or his or
672 her designee should he or she determine that additional rules are needed.

673 1) Enter at your own risk. All users of the off-leash area shall assume all risk and
674 liability associated with using the dog park.

- 675 2) The dog park is closed from dusk to dawn. (Dusk is 30 minutes after sunset and
676 dawn is 30 minutes before sunrise.)
- 677 3) Owners are solely liable for any injury or damage caused by their dog and fully
678 responsible for their dog's actions.
- 679 4) All dogs must wear a collar with a valid county dog license and have current
680 vaccinations as required by law.
- 681 5) There is a limit of two dogs per dog handler in the dog park at any time.
- 682 6) No dog should be left unattended or unsupervised. A dog must be closely
683 supervised and under control by voice command at all times.
- 684 7) Dogs must be leashed prior to entering and upon leaving the dog park.
- 685 8) Areas within the dog park designated for small dogs mean dogs less than 20
686 pounds.
- 687 9) Dogs must be at least four months old.
- 688 10)Female dogs in heat are not allowed.
- 689 11)Dogs showing aggression towards people or other dogs must immediately be
690 leashed and removed.
- 691 12)No dog classified as a "dangerous dog" or "vicious dog" under the Responsible
692 Dog Ownership Law (O.C.G.A. § 4-8-20 et seq., as it may be amended from time
693 to time) shall be allowed in the dog park.
- 694 13)Owners must stop their dog from digging and are responsible for filling any holes
695 their dog creates.
- 696 14)No food or treats (for animal or human consumption), alcoholic beverages, glass
697 containers, strollers, bicycles, or smoking are allowed in the dog park.
- 698 15)All dog waste (feces) must be removed and placed in proper trash receptacles by
699 the handler.
- 700 16)No bare feet allowed.
- 701 17)To help keep the dog park clean, do not groom animals at the dog park.
- 702 18)For the safety of dogs and other park visitors, choke, prong (pinch) and spike
703 collars are strictly prohibited. They must be removed before entering the park.
- 704 19)Children should refrain from running and those 12 years of age and under must
705 be supervised by an adult.
- 706 20) Failure to abide by park rules and City ordinances may result in the violator
707 being prosecuted under applicable laws and or removal from the dog park.
- 708 21)Please contact the City Police Department to notify the City of any misuse of the
709 dog park.
- 710 22)Dogs are the only type of animals permitted inside the dog park.

711 d) *Enforcement and penalties.* The City of South Fulton Municipal Courts shall hear
712 cases and assess fines for violations of this code section. Any person who violates
713 the provisions of this code section shall be guilty of a misdemeanor and subject to a
714 fine up to \$1,000.00 and/or imprisonment in jail for a period not to exceed 12
715 months or both. Each and every violation of the provisions of this code section
716 constitutes a separate offense. In addition to the foregoing, violators as to vicious
717 dogs and dangerous dogs may be prosecuted under any ordinance, law or
718 regulation governing such conduct in the City.

719 **Sec. 11-6004. – Penalties.**

720
721 The City Municipal Court shall hear cases and assess fines for violation of this Chapter.
722 The Parks & Recreation Director shall cause signs reflecting this policy to be erected
723 and posted in appropriate locations throughout City parks and recreational facilities, but
724 the failure to post any such sign shall not relieve any person from the obligation to
725 comply with the provisions of this section.

726
727 **Sec. 11-6005. – Access to wifi.**

728
729 Every City park shall have wifi that covers the entire park, with sufficient capacity to
730 accommodate regular park attendance, as may be approved by the City Council,
731 subject to budgetary limitations.

732
733 **Sec. 11-6006. - Minimum park staff.**

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

736
737 **Sec. 11-6007. - Council sponsored programs and initiatives.**

738 Councilmembers may conduct and/or introduce public programs or initiatives in any
739 park in their respective districts. Councilmembers may conduct and/or introduce public
740 programs or initiatives in any City park outside their respective districts with City Council
741 approval. The Mayor may conduct and/or introduce public programs or initiatives in any
742 City park. All requests for funding and City resources for use at Parks shall be brought
743 by the mayor and Councilmembers before the City Council for approval.

744
745 **Sec. 11-6008. - Volunteers.**

746
747 Volunteers are a vital component in serving the youth and adults of the City. While
748 volunteers are not City employees, each volunteer is responsible for carrying out her/his
749 duties to the best of her/his abilities at all times. Volunteers are asked to treat City
750 customers and citizens with respect and dignity. Volunteers must comply with local,
751 state and federal law, as well as the City's organizational goals, regulations, policies,
752 and procedures. The following behaviors have been identified as unacceptable for any
753 City volunteer, and, in addition to harmful/unlawful conduct, are grounds for

754 disciplinary action, including removal, termination and/or suspension from City
755 programs:

- 756
- 757 a) Noncompliance with applicable local, state and/or federal rules, policies and/or
- 758 laws
- 759 b) Consistent and/or excessive tardiness or absences
- 760 c) Obscene or abusive language and/or behavior directed at any person
- 761 d) Failure to follow supervisor instructions/insubordination
- 762 e) Acts or threats of physical violence
- 763 f) Theft
- 764 g) Consistent inefficiency or insufficient technical knowledge
- 765 h) Incompetence or inability to perform the duties required
- 766 i) Being intoxicated or under the influence of drugs and/or alcohol on City property
- 767 j) The unlawful receipt, use or sale of a controlled substance on City property, while
- 768 on duty or in a City vehicle
- 769 k) Falsifying records or documents
- 770 l) Failure to meet expected standards of performance resulting in a poor quality or
- 771 low volume of work
- 772 m) Having a personal financial interest in the profits or services rendered by the City.
- 773 n) The unauthorized or improper use of City facilities, materials or property
- 774 o) Abandonment of duties
- 775 p) Publishing disparaging comments about City staff, officials and/or employees
- 776 q) Conviction of a crime
- 777 r) Refusing to cooperate with an investigation
- 778 s) Any acts or threats involving the mistreatment of a minor
- 779

780 **Chapter 7 – Athletic Associations**

781 **Sec. 11-7001. – Authorization Required.**

782 (a) **Facility Use Agreement.** No Athletic Association shall utilize City Park property
783 without entering into a Facility Use Agreement with the City. An Athletic
784 Association shall be defined as a team and/or group of individuals participating in
785 organized sports. A Facility Use Agreement form may be obtained from the
786 Department of Parks & Recreation. Athletic Associations are encouraged to
787 submit their completed form at least forty-five (45) days prior to opening day of
788 their sport season. Approval of a Facility Use Agreement shall be subject to Park
789 Property availability, City operational and public safety interests and the timing of
790 the request. Additionally:

- 791
- 792 i. Athletic Associations that have utilized City Park Property during the
- 793 previous year and have provided programming that met the
- 794 recreational needs of the community shall have first refusal on such
- 795 City Park Property for the upcoming year. If a new facility is opened in
- 796 a park and is made available for association use, then Athletic

797 Associations already using facilities in the park/area will have the right
798 of first refusal.

799
800 ii. Where more than one Athletic Association has made a request for a
801 particular facility, the City will make a determination based on which
802 association will best meet the recreational needs of the community.

803
804 (b) **Additional information and forms.** The Parks & Recreation Director or his or
805 her designee may require additional information by an athletic association to the
806 extent deemed necessary prior to authorizing the athletic association to use the
807 City Park Property. The execution of additional forms and agreements may be
808 necessary for additional requested uses.

809 **Sec. 11-7002. - Athletic Association operational requirements.**

810
811 (a) **Composition and by-laws.** Each Athletic Association shall be governed by a
812 Board of Directors and by-laws. The by-laws must contain:

813 (1) A process for the appointment of board members. The board of directors shall
814 have a minimum of five (5) members who shall be City residents and consist
815 of: a president or commissioner, vice president or vice commissioner,
816 secretary, treasurer and certification officer.

817
818 (2) A Grievance Process. Each Association's by-laws shall establish the
819 following minimum grievance procedures:

820 (i) Appointment of a 3 or 5 member Athletic Disciplinary Panel consisting
821 of Board members and at least one designee of the Department of
822 Parks & Recreation.

823 (ii) Provisions for the scheduling of a meeting within seven (7) calendar
824 days of any written grievance submitted to any Board Member, where
825 the accused and person making the grievance shall be afforded the
826 opportunity to comment and present evidence.

827 (iii) The Athletic Disciplinary Panel shall i) render a written
828 recommendation within 48 hours of the grievance meeting and ii) notify
829 the Department of Parks and Recreation in writing of any
830 recommendation for disciplinary action, within 10 days of the original
831 incident. The City Department of Parks & Recreation retains the
832 authority to make all final decisions on disciplinary matters.

833
834 (3) AA process for the selection of head and assistant coaches and team
835 managers.

836
837 An Athletic Association's by-laws may contain a need-based scholarship program
838 to cover participation fees for a select number of participants. Associations shall

839 require the guardian of any scholarship applicant to provide proof of financial
840 solvency prior to issuing need based scholarships.

841
842 A copy of the Athletic Associations by-laws must be submitted to the City
843 Department of Parks and Recreation annually before a Facility Use Agreement
844 may be approved.

845 (b) **Meetings.** All Associations must have at least one (1) annual meeting open to
846 all members and the City Recreation and Parks Department at a time and public
847 place in South Fulton fixed by the President of the Association. Additionally all
848 Athletic Associations are required to have a parent/guardian meeting no less
849 than seven (7) days prior to the start of each athletic season. All Association
850 meeting dates and times shall be submitted in writing to the Department of Parks
851 and Recreation at least seven (7) days prior to the meeting date.

852 (c) **Dual membership.** When an Athletic Association is responsible for more than
853 one sport (Baseball, Softball, and Football), or a park is shared by two or more
854 Associations, at least one person is required to sit on both boards to ensure a
855 smooth transition between seasons.

856 (d) **Proposed fee schedule for Athletic Association costs.** The City does not
857 provide Athletic Associations with any funding to cover their operating expenses.
858 Each Athletic Association is required to submit a proposed fee schedule, with a
859 list of itemized costs, a minimum of thirty (30) days prior to the start of participant
860 registrations. The fee schedule is subject to change based upon the participant
861 fee and other rates approved by the Department of Parks & Recreation. The City
862 will collect all fees and distribute to the Association based upon the number of
863 registrants and pursuant to the terms of the approved Facility Use Agreement
864 and approved fee schedule. All revenue received by the Athletic Association from
865 the City must be used solely for the operation of the Athletic Association on City
866 Park Property. Absolutely no admission or parking fees are to be collected at any
867 Athletic Association for any purpose.

868
869 (e) **Non-profit status.** Each Athletic Association must be registered with the
870 Georgia Secretary of State as an incorporated tax-exempt non-profit entity. A
871 copy of the incorporation papers must be supplied to the Department of Parks
872 and Recreation before a Facility Use Agreement may be approved.

873
874 (c) **Financial reports.** Each Association must supply the Department of Parks and
875 Recreation a financial statement detailing its budget within 10 days of the start of
876 each program season, and 14 days after the completion of each program season
877 a balance sheet with a corresponding bank statement. This financial statement
878 must be prepared on Form D, by a certified public accountant, and signed by the

879 Association President verifying that the report is accurate. A completed financial
880 statement is required *before* the issuance of a new Facility Use Agreement.

881
882 (f) **Insurance.** Each Athletic Association must obtain and maintain a surety
883 indemnity bond or comprehensive liability insurance affording coverage to
884 directors, officers, coaches, and their assistants, as well to the Association and
885 the City in the minimum amount of \$1,000,000.00 personal injury per occurrence
886 and \$500,000.00 property damage per occurrence against all claims. A copy of
887 the certificate of insurance must be submitted to the City annually and prior to the
888 commencement of each season.

889 (g) **Requisite Certifications.**

890
891 (1) Certification Clinics. Athletic Associations shall provide a list of all managers,
892 coaches and assistant coaches, team names, and phone numbers to the
893 Department of Parks and Recreation 10 days before the start of the season,
894 and shall provide the Department of Parks and Recreation with written notice
895 of any changes. All Athletic Association team managers, coaches and
896 assistant coaches are required, annually, to attend a certification clinic
897 conducted by a City prior to the start of their season. Persons may seek
898 written approval by the Department of Parks and Recreation for satisfaction of
899 certification requirements through a non-City organization which, at a
900 minimum, educates and trains on concussion protocols, heat and hydration
901 safety and how to safely and successfully run an athletic organization and/or
902 group.

903
904 (2) Volunteers. Each volunteer who is planning to coach or assist in the coaching
905 of an Athletic Association shall complete a City of South Fulton Volunteer
906 Application and must attend and complete a mandatory certification clinic
907 prior to coaching.

908
909 (3) The Athletic Association shall be assessed a penalty of \$100 for each
910 coach/assistant coach and/or team manager who is not properly certified and
911 is permitted to coach or act as a coach. Multiple violations of this section may
912 result in disciplinary action, including removal from City Park Property,
913 revocation of privileges and/or suspension. Spot checks will be made during
914 the season to ensure compliance with the certification requirements.

915
916 (h) **Background Checks.** The Athletic Association shall require that all of its
917 managers, coaches, assistant coaches and volunteers working directly with
918 minor participants undergo a background check prior to the start of the season.
919 All background checks shall be conducted by the City Police Department. The
920 cost of the background checks will be paid by the person being checked and/or
921 the Athletic Association. Disqualifying criminal convictions shall include the

922 following: any felony within 5 years, any crime related to or involving a child or
923 that requires registration as a sex offender, at any time. The allowance by an
924 Athletic Association of any individual with such a criminal conviction to work with
925 minors shall be grounds for immediate termination of the Facility Use
926 Agreement. Through its participation, the Youth Athletic Association agrees to
927 indemnify the City for any resulting damages, claims and lawsuits that may
928 occur as a result of an Athletic Associations failure to properly perform
929 background checks as required by this Section.

930

931 **Sec. 11-7003. - Participant registration.**

932

933 (a) All participant registration shall be conducted through the City Department of
934 Parks & Recreation. All participants are required to pay a fee at the time of
935 registration.

936

937 (b) The dates and times for registration will be determined by the Department of
938 Parks and Recreation in consultation with the President of the Association. The
939 announcement of those dates will be given to the general public through normal
940 publicity measures.

941

942 (c) Due to space limitations, limits on the number of participants may be necessary.
943 The Department of Parks & Recreation may implement a priority system when
944 there are more participants than spots available.

945

946 **Sec. 11-7004. – Annual compliance reporting.**

947 In order to remain in good standing with the Department of Parks & Recreation to
948 operate and utilize the City's Parks and Recreation Facilities, athletic associations must
949 submit the following on an annual basis, or as may be required from time to time by the
950 Department, to the Director of Parks & Recreation via CivicRec (or its successor):

951 a) An updated Facility Use Agreement, which shall be subject to approval by the
952 City;

953 b) A copy of the governing By-laws, and any changes thereto;

954 c) A Certificate of Good Standing from the Georgia Secretary of State;

955 d) Proof of insurance; and

956 e) A financial report within 10 days of the start of each program season and 14 days
957 after the completion of each program season, as set forth in this Chapter.

958 **Sec. 11-7005. - Use of City Park Property.**

959 (a) The use of City Park Property shall be limited to that which is approved by the
960 City. All facilities must be reserved through CivicsRec (or its successor) prior to
961 the use by an Athletic Association. No schedule of games or activities shall be

962 circulated to participants without written approval by the Department of Parks and
963 Recreation.

964

965 (b) Responsible Use. Athletic Associations are responsible for operating their
966 programs as safely as possible. All sports equipment must meet national safety
967 standards and must undergo inspections by an organization/company certified by
968 the National Operating Committee on Standards for Athletic Equipment
969 (NOCSAE) prior to the start of each season. This includes equipment rented or
970 loaned to participants by the association. All fields should be inspected before
971 each use to insure a safe playing environment. Associations must have a
972 sufficient number of adults present to supervise all scheduled activities from the
973 time their minor participants arrive until such minors are retrieved by their legal
974 guardians. Athletic Associations shall report any dangerous or faulty equipment
975 to City Department of Parks & Recreation immediately. Work requests for
976 general maintenance or special needs on existing facilities should be made in
977 writing to the City Department of Parks & Recreation.

978

979 (c) Maintenance. Athletic Associations are responsible for all field preparation for
980 games and practices and all other maintenance above and beyond the regularly
981 scheduled maintenance services provided by the City. This shall include
982 responsibility by Athletic Associations for:

983

- 984 i. Dragging, raking and lining the fields during the season.
- 985
- 986 ii. Keeping the announcer's booth, concession stand, and rest rooms clean
987 and safe during the activity.
- 988
- 989 iii. Keeping all litter picked up around the dugouts, bleachers, fields, fences,
990 concession stands, etc. and placing all litter in the proper trash
991 receptacles at the conclusion of each activity.
- 992

993 (d) Tournament Scheduling. A written request for a Tournament must be submitted
994 a minimum of 2 weeks in advance of the date of the proposed event. This
995 tournament request must include dates, times, specific facilities, and number of
996 anticipated participants. A field rental agreement must be signed and all fees
997 must be paid before a permit will be issued. Within two weeks following every
998 tournament, the Association shall submit a revenue/expense report to the
999 Department of Parks and Recreation identifying revenues and expenditures.

1000

1001 (e) Camps and Clinics. Athletic Associations that request field space for camps and
1002 clinics that will host participants that are not members of the Association will be

1003 required to rent the facility per the City Facility Rental Fee Schedule. A written
1004 request for a Camp and/or Clinic must be submitted a minimum of 2 weeks in
1005 advance of the date of the proposed event. This camp/clinic request must include
1006 dates, times, specific facilities, and number of anticipated participants. If
1007 applicable, a field rental agreement must be signed and all fees must be paid
1008 before a permit will be issued. Following every camp/clinic for which fees are
1009 charged a revenue/expense report will be submitted to the Department of Parks
1010 and Recreation within 4 weeks identifying revenues and expenditures.

1011
1012 **Sec. 11-7006. - Failure to comply.**

1013 (a) Ignorance of the law is no excuse. All persons utilizing Park Department
1014 Property, including Youth Athletic Associations, visitors and volunteers, must
1015 comply with all applicable local, state and federal rules, policies, regulations and
1016 laws (referred to herein as "Governing Laws"). The failure to comply with
1017 Governing Laws may result in civil and/or criminal liability, as well as access to
1018 Park Department Property being delayed, suspended, revoked and/or denied.

1019
1020 (b) The following procedure will be utilized for minor acts of non-compliance:

1021
1022 (4) The Department of Parks & Recreation will send, by certified mail, a letter to
1023 the Association President and Board Members outlining the offense. If the
1024 Association is not compliant within 7 days of the receipt of the letter, then:

1025
1026 (5) The Department will lock concession stands and restrict access to electricity
1027 for the concession stand and field lights until the Association is compliant with
1028 City of South Fulton Department of Parks and Recreation Policies and
1029 Procedures for Youth Athletic Associations Operating on City of South Fulton
1030 Property. If the Association is not compliant within 3 days, then:

1031
1032 (6) The Department will send, by certified mail and/or hand delivery to the
1033 Associations Commissioner/President a letter demanding that all the Athletic
1034 Association immediately cease and desist all uses of City Park Property. The
1035 Department will release the volunteer(s) or volunteer organization and will not
1036 issue a Field Use Agreement to the Association for a period of one year.

1037
1038 (c) For any act or violation of this agreement that involves violence, financial
1039 malfeasance, or other acts deemed egregious, the Department of Parks &
1040 Recreation reserves the right to immediately restrict access to the park including
1041 all fields, electricity, field lights, and amenities.

1042
1043 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a)
1044 All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
1045 upon their enactment, believed by the City Council to be fully valid, enforceable and
1046 constitutional.

1047 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
1048 clause or phrase of this Ordinance is severable from every other section, paragraph,
1049 sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause
1050 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
1051 sentence, clause or phrase of this Ordinance.

1052 (c) In the event that any phrase, clause, sentence, paragraph or section of this
1053 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
1054 otherwise unenforceable by the valid judgment or decree of any court of competent
1055 jurisdiction, it is the express intent of the City Council that such invalidity,
1056 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
1057 render invalid, unconstitutional or otherwise unenforceable any of the remaining
1058 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

1059 **Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby
1060 expressly repealed.

1061 **Section 4.** The effective date of this Ordinance shall be the date of adoption unless
1062 provided otherwise by the City Charter or state and/or federal law.

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1066 The foregoing ORDINANCE No. **2018-025**, adopted on _____ was
1067 offered by Councilmember _____, who moved its approval. The motion was
1068 seconded by Councilmember _____, and being put to a vote, the result
1069 was as follows:

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1072 **“SECOND READING”**

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1075		
1076 William “Bill” Edwards, Mayor	_____	_____
1077 Mark Baker, Mayor Pro Tem	_____	_____
1078 Catherine Foster Rowell	_____	_____
1079 Carmalitha Lizandra Gumbs	_____	_____
1080 Helen Zenobia Willis	_____	_____
1081 Gertrude Naeema Gilyard	_____	_____
1082 Rosie Jackson	_____	_____
1083 khalid kamau	_____	_____

1084
1085

1086 THIS ORDINANCE adopted this _____ day of _____ 2018. **CITY OF SOUTH**
1087 **FULTON, GEORGIA.**

1088
1089

1090 **“SECOND READING”**

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1093
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1095 _____
WILLIAM “BILL” EDWARDS, MAYOR

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1099

1100 ATTEST:

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1102
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1104 _____
MARK MASSEY, CITY CLERK

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1110 APPROVED AS TO FORM:

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1112
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1114 _____
EMILIA C. WALKER, CITY ATTORNEY

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CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM
COUNCIL SPECIAL MEETING



SUBJECT: Municipal Courts schedule

DATE OF MEETING: 5/21/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-026 Municipal Court schedule	Cover Memo	5/15/2018

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

4
5
6 **ORDINANCE NO. 2018-026**

7
8 **AN ORDINANCE AMENDING THE MUNICIPAL COURT SCHEDULE AND FOR**
9 **OTHER LAWFUL PURPOSES**

10
11 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;

13 **WHEREAS**, the Mayor and Council (“City Council”) is the duly elected governing
14 authority of the City;

15 **WHEREAS**, the City Council is empowered through the City Charter to create
16 ordinances setting and amending its Municipal Court Schedules;

17 **WHEREAS**, the City Council finds the amendment of its Municipal Court
18 Schedules as set forth herein to be in the best interest of the health, safety and welfare
19 of the City and general public; and

20
21 **WHEREAS**, this ordinance will help to ensure and preserve the health, safety
22 and welfare of the City and public.

23
24 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL HEREBY ORDAIN AS**
25 **FOLLOWS:**

26
27 **Section 1:** The Code of the City of South Fulton is hereby revised by amending the City
28 Code Title 7, Municipal Court, Section 7-1004.5, Schedule, as follows:

29
30 **TITLE 7. – MUNICIPAL COURTS**

31 **CHAPTER 1. - IN GENERAL**

32 **Sec. 7-1004.5. - Schedule.**

33 The Municipal Court may conduct first appearances, bind over and other hearings on
34 the following dates and times:

- 35 ▪ Mondays: 10:00am (Community Court)
- 36 ▪ Tuesdays: 9:15am (Union City Courthouse)
- 37 ▪ Wednesdays: 1:15pm (Union City)
- 38 ▪ Thursdays: 9:15am (Union City)

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- Fridays: 3:00pm (Community Court)
- Saturdays: 10:00am (Community Court)

Section 2: Severability. In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date. Unless specially specified elsewhere in this ordinance, the effective date of this ordinance shall be immediately upon adoption by the City.

81 The foregoing ORDINANCE No. **2018-026**, adopted on _____ was
82 offered by Councilmember _____, who moved its approval. The motion was
83 seconded by Councilmember _____, and being put to a vote, the result
84 was as follows:

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87 **“SECOND READING”**

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	AYE	NAY
90		
91 William “Bill” Edwards, Mayor	_____	_____
92 Mark Baker, Mayor Pro Tem	_____	_____
93 Catherine Foster Rowell	_____	_____
94 Carmalitha Lizandra Gumbs	_____	_____
95 Helen Zenobia Willis	_____	_____
96 Gertrude Naeema Gilyard	_____	_____
97 Rosie Jackson	_____	_____
98 khalid kamau	_____	_____

99

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102 THIS ORDINANCE adopted this _____ day of _____ 2018. CITY OF SOUTH
103 FULTON, GEORGIA.

104

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106 **“SECOND READING”**

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114 _____
WILLIAM “BILL” EDWARDS, MAYOR

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119 ATTEST:

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123 _____
MARK MASSEY, CITY CLERK

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131 APPROVED AS TO FORM:

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135 _____
EMILIA C. WALKER, CITY ATTORNEY

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CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM
COUNCIL SPECIAL MEETING



SUBJECT: Older Americans Board activities

DATE OF MEETING: 5/21/2018

DEPARTMENT: Finance
