

AN ORDINANCE REGULATING CONDUCT IN PUBLIC  
PARKS: PROVIDING FOR ENFORCEMENT: AND  
PRESCRIBING PENALTIES FOR THE VIOLATION  
OF ITS PROVISIONS

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Cordova, Alabama, as follows:

SECTION 1. This ordinance shall be known as the "City of Cordova Ordinance Regulating Conduct in Public Parks."

SECTION 2. DEFINITIONS: For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" is the City of Cordova, Alabama.

(b) "Director" is the Director of the Park and Recreation Department of the City and is the person immediately in charge of any park area and its activities, and to whom all park attendants and park employees of such area are responsible.

(c) "Park" is a park, reservation, playground, beach, recreation center or any other area in the City, owned or leased or used by the City, and devoted to active or passive recreation.

(d) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(e) "Vehicle" is any wheeled conveyance, whether motor powered, animal drawn, or self-propelled. The term shall include any trailer in tow of any size or description. Exception is made for baby carriages and vehicles in the service of the City parks.

(f) "Park Board member" is a park attendant who is invested with the powers of a city policeman in the City Parks and charged with the enforcement of this ordinance.

SECTION 3. PARK PROPERTY. No person in a park shall:

1. Buildings and Other Property:

(a) Disfiguration and Removal. Wilfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of Natural Resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency..

(d) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.



## 2. Trees, Shrubby, Lawns.

(a) Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing, etc. Climb, stand or sit upon monuments, vases, fountains, railing, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Hitching of Animals. Tie or hitch a horse or other animal to any tree or plant.

## 3. Wild animals, Birds, etc.

(a) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.

(b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

## SECTION 4. Sanitation. No person in a park shall:

(1) Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, swimming pool or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and Trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(3) No glass bottles or containers shall be brought to any City of Cordova park area.

## SECTION 5. Traffic. No person in a park shall:

(1) State Motor Vehicle Laws Apply. Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.

(2) Enforcement of Traffic Regulations. Fail to obey all traffic officers and Park Board member, City Councilman, City Policemen or other law enforcement officers. Such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(3) Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(4) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.



(5) Operation Confined to Roads. Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(6) Parking.

(a) Designated Areas. Park a vehicle in other than an established or designated park area, and such use shall be in accordance with the posted directions there at and with the instructions of any Park Board member, City Councilman, City Policeman or other law enforcement officer, who may be present.

(b) Full Parking. Full parking on the road or driveway at any time. In order to enjoy some special natural scenic feature, vehicles may be parked with the two left wheels near the right edge of the paving for not more than ten minutes. No stopping or parking is permitted even briefly to view activities or athletic events.

(c) Immovable Vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(d) Emergency Procedure. Fail to immediately notify an attendant or Park Board member, City Councilman, City policeman or other law enforcement officer of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other persons.

(e) Double Parking. Double park any vehicle on any road or parkway unless directed by a park official.

(f) Muffler Required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(7) Bicycles, Motorcycles, Motor Bikes, vehicles.

(a) Confined to Roads. Ride a bicycle, motorcycle, motor bike or other like vehicle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) Operation. Ride a bicycle, motorcycle, motor bike or other like vehicle other than on the right hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(c) Rider Prohibited. Ride any other person on a bicycle, motorcycle, motor bike or other like vehicle.

(d) Designated Racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(e) Immobile. Leave a bicycle, motorcycle, motor bike or other like vehicle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(f) Night Operation. Ride a bicycle, motorcycle, motor bike or other like vehicle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red taillight or red reflector plainly visible from at least 100 feet from the rear of such bicycle.

(g) No vehicle, bicycle, motorcycle, motor bike or other like vehicle shall leave designated roads. They shall not ride on ball fields, tennis courts, wooded areas, or any park facility or area.

(h) No skate boards or roller skates shall be allowed on tennis courts. Rules posted must be obeyed.



Section 6. Recreational Activities. No person in a park shall:

(1) Bathing and Swimming.

(a) Designated Areas. Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(b) Certain Hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the Director for such purposes for each individual area.

(c) Structure on Beach. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

(d) Costume. Allow himself to be so covered with a bathing suit as to indecently expose his person or call forth merited criticism. All bathing costumes shall conform to commonly accepted standards.

(e) Bath Houses. Dress or undress on any beach, or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(2) Hunting and Firearms. Hunt, trap or pursue wild life at any time. No person shall use, carry or possess firearms of any descriptions, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(3) Picnic Areas and Use.

(a) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "First come, first served."

(c) Nonexclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(d) Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.



(4) Camping. Camp trailers, camp wagons, tents or other type of camping shelters must be registered for a camp site. All camping must be done in the areas designated by the Director as camping areas. All groups must be under the direction of adequate supervision.

(5) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor. Roller skating shall be confined to those areas specifically designated for such pastime.

(6) Horseback Riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

SECTION 7. Behavior. No person in a park shall:

(1) Intoxicating Beverages.

(a) Prohibition. Have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park.

(b) Drunkenness. Have entered or be under the influence of intoxicating liquor.

(2) Fireworks and Explosives. Brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other mixture or compound would be dangerous from any of the foregoing standpoints. However, fireworks displays or shows must be authorized by permit granted by the Director and under his direct supervision.

(3) Domestic Animals. Have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five feet in length.

(4) Reservation of Facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the Board for the use of the opposite sex. Exception is made for children under five years of age.

(5) Dress. Appear at any place in other than proper clothing. With the exception of the restricted bathing areas, "properly clothed" shall be construed to prohibit the wearing of trunks or clothing that does not cover the upper portion of the body.

(6) Alms. Shall solicit alms or contributions for any purpose, whether public or private.

(7) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(8) Closed Areas. Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.



(9) Games of Chance. Gamble, or participate in or abet any game of chance.

(10) Loitering and Boisterousness. Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(11) Exhibit permits. Fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(12) Interference with Permittees. Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

SECTION 8. Merchandising, Advertising and Signs. No person in a park shall:

(1) Vending and Peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.

(2) Advertising. Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

SECTION 9. Park Operating Policy.

(1) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(2) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(3) Lost and Found Articles. The finding of lost articles by park personnel shall be reported to the Director, who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost.

(4) Permit. A permit shall be obtained from the appropriate Director before participating in the following park activity:

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

(a-1) The name and address of the applicant;

(a-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

(a-3) The day and hour for which the permit is desired.

(a-4) The park or portion thereof for which such permit is desired.

(a-5) An estimate of the anticipated attendance;



(a-6) Any other information which the Director shall find reasonably necessary to make a determination as to whether a permit should issue hereunder.

2. Standards for Issuance. The Director shall issue a permit hereunder when he determines:

(1) That the proposed activity or use of any park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(2) That the proposed activity and use does not unreasonably interfere with or detract from the promotion of public health, pleasure, safety and recreation;

(3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.

(4) That the proposed activity will not cause unusual, extraordinary or burdensome expense or police operation by the City.

(5) That the facilities desired have not been reserved for other use at the date and time required in the application.

3. Appeal. Within seven (7) days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within seven (7) days to the City Council, which shall consider the application under the standards set forth in subsection (b) hereof and sustain or overrule the Director's decision within seven (7) days. The decision of the City Council shall be final.

(e) Effect of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(f) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(g) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

#### SECTION 10. ENFORCEMENT.

(1) Park Board members, who shall be appointed by the City Council, shall diligently enforce the provisions of this ordinance, and are hereby invested with the authority of a police officer of the City of Cordova with the duty to make arrests for offenses against the laws of the State in all cases where such authority is now or shall hereafter be conferred on such officer by the laws of the State of Alabama and shall enforce the ordinances of the City and the penal laws of the State in the City.

(2) The Director and any park board member, City Councilman, City policeman or other law enforcement officer and park attendant shall have the authority to eject from the park any person acting in violation of this ordinance.

SECTION 11. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00), or be imprisoned in the City Jail for a period not exceeding six (6) months, or be both fined and imprisoned.

SECTION 12. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 13. This ordinance shall become effective upon publication and the City Clerk is hereby directed to post same in three (3) public places in the City of Cordova, Alabama.

ADOPTED this 25th day of September, 1980.

ATTEST:

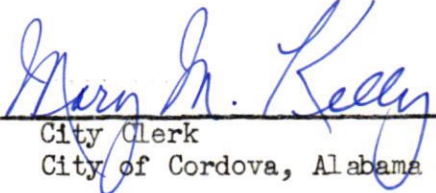
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

CERTIFICATE

I, Mary M. Kelly, City Clerk of the City of Cordova, Alabama, hereby certify that the foregoing is a true and correct copy of an Ordinance that was duly adopted and enacted by the Mayor and Board of Aldermen of the City of Cordova, Alabama, held on September 25, 1980, and after being duly adopted was posted in three (3) public places in the City of Cordova, Alabama, as required by law.

This the 29th day of September, 1980.

  
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City Clerk  
City of Cordova, Alabama

(SEAL)