

## **The Maxeys Firefly Trail Ordinance**

The Council of the City of Maxeys hereby ordains that The Code of Ordinances of the City of Maxeys, Georgia 2006, is hereby amended by adding a section to be numbered 24, to be known as The Maxeys Firefly Trail Ordinance, which section reads as follows:

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#### **Section 1 – General Rules and Jurisdiction**

The provisions of this Ordinance shall apply in and to all the grounds, buildings, facilities, and territory from time to time under the management, jurisdiction, and control of the City of Maxeys City Council and which are used for or occupied by the "Maxeys Firefly Trail," hereinafter referred to as the "Trail." The Trail includes, but is not limited to, a surfaced linear strip and the immediate grounds on either side of said strip owned and/or controlled by the City of Maxeys running from the city limits on the North to the City Limits on the South generally located on the old rail bed of the Georgia Railroad or as relocated in certain areas by arrangement with owners of adjacent property.

#### **Section 2 –Trail Hours**

The Trail shall be open for public use during such times as permitted by this ordinance and subject to restrictions on or permission for certain activities as established by the City of Maxeys. Nothing contained herein shall be construed to be in conflict with any other City ordinance. The trail will be closed from 11:00 p.m. to 6:00 a.m. to all uses and will be posted closed to all bike use from sunset until sunrise.

#### **Section 3 – Protection of Trail Property**

**3.01. Molesting Trail Property.** No person shall move, remove, damage, deface, or in any way molest or construct or alter any structure, fixture, tree, plant, shrub, rock, soil, turf, or any other natural or artificial thing or object in the Trail without first obtaining written approval of the City of Maxeys.

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**3.02. All Plantings Prohibited.** No person shall bring into or plant in or upon the Trail any tree, shrub, plant or any other kind of flora or any part or seed thereof without first obtaining the written approval of the City of Maxeys.

**3.03. Monuments and Memorials.** No person shall bring into, leave, erect or install any rock, plaque, monument, sign, symbol or object of any kind in or upon the Trail without first obtaining the written approval of the City of Maxeys.

**3.04. Soil Removal.** No person shall deposit or remove soil on the Trail surface or adjacent to the Trail or disturb the surface in such a way that it makes it unsafe for its intended purpose.

**3.05. Dumping Prohibited.** No person shall deposit, dump, throw, place or leave in or on any part of the Trail any rubbish or garbage, or cast-off article of any kind, except that papers and other refuse matter resulting from activities on the Trail which are otherwise permitted by this policy may be deposited, but only in receptacles provided for that purpose by the Trail.

**3.06. Fires.** No person shall prepare, light or make use of any fire in the Trail corridor, except as may from time to time be permitted by written order of the City of Maxeys.

**3.07. Restricted Areas.** No person shall be in or enter upon any portion of the Trail where persons are prohibited from going by order of the City of Maxeys for whatever period. No person operating, directing, or responsible for any airplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus will take off or land in or on any Trail section, except when human life is endangered or written permission has been obtained from the City of Maxeys. No remote-controlled aircraft, vessel, or car may be operated on the Trail unless operating with the written approval by the City of Maxeys.

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### **Section 4 – Protection of Birds and Animals**

**4.01 Hunting and Trapping.** No hunting with bow and arrow, or firearm, or slingshot, or any other object is permitted on the trail.

**4.02. Control and Custody of Pets.** Persons owning or having the right to immediate custody or control of any animal shall not permit or allow such animal to enter into or remain in the Trail unless at all times it is within the Trail such animal is, by means or a leash or other physical equipment, entirely and continuously under and subject to the direction and control of a person. Owner shall immediately remove their animal feces from the Trail and/or encase and deposit it in appropriate waste containers marked for pet waste.

### **Section 5 – Vehicles and Traffic**

**5.01 Vehicles, Trailers or Other Objects.** No vehicle, trailer or other object may be parked or stored within 4 feet of trail surface.

**5.02 Motor Driven Vehicles.** No person shall have or operate any motor driven vehicle in the Trail, except on roadways, Trail crossings and parking areas from time to time as designated by the Maxeys City Council excepting the following:

- (a)** Electrically motorized bikes
- (b)** motorized wheelchairs operated by persons requiring the same.
- (c)** vehicles required for construction and maintenance with written permission of the City of Maxeys.
- (d)** Law Enforcement and emergency vehicles.

**5.03. Self-Propelled Vehicles.** No person shall operate or park any bicycle or other self-propelled vehicle on the Trail except in compliance and in conformity with rules and regulations promulgated by the City of Maxeys.

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**5.04. Operating Vehicles.** The operator of any vehicle must obey all signs in regard to speed limits, danger, direction of traffic, and other traffic rules specifically applicable in Trail areas.

**5.05. Vehicle Speed.** No person shall drive a vehicle at a speed greater than is reasonable or prudent, having due regard for the surface, width, and condition of paving and traffic thereon. All vehicles shall give right of way to pedestrians.

**5.06. Horseback Riding.** No person shall engage in horseback riding on any Trail surface other than those where provision for such is made by clearly marked bridle paths, trails, rings, and other necessary features and then only upon thoroughly broken and properly restrained animals that are ridden with care, prevented from grazing, straying unattended, untethered to any rock, tree, or shrub and not ridden or led on any section of Trail other than that so designated. The rider shall be responsible for removing and properly disposing of animal feces if on trail right-of-way.

**5.07. Traffic on Trail.** All persons on the Trail shall comply with all rules and regulations relating to traffic on the Trail as may from time to time be promulgated and posted by the Trail Manager at all principal points of entry.

### **Section 6 – Personal Conduct**

**6.01. Games and Sports, Weapons, Missiles, Explosives, Fireworks.** No person shall engage in any sport, game or amusement on the Trail in violation of Maxeys Ordinances, Section 31-102-Discharge of Firearms, et al, Section 31-104-Throwing of Missiles, Section 31-105-Ball Playing, and Section 31-106-Bonfires, which are incorporated by reference.

**6.02. Public Assemblies, Meetings, Contests.** No person or group of persons shall call or hold any public meeting, exhibition, contest, tournament or public entertainment of any kind on the Trail without first obtaining the written permission of the City of Maxeys.

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**6.03. Personal Behavior** No person may engage in prohibited behavior as described in Maxeys ordinances Section 31-101, Disorderly Conduct or Section 31-107, Drinking in Public, which are incorporated by reference.

**6.04 Solicitation and Selling.** No person shall offer or exchange for sale any article or thing, or do any hawking, peddling, or soliciting, or buy or offer to buy any article or thing, or take up any collection or solicit or receive contributions of money or anything of value on the Trail, except when authorized to do so by permit from or contract with the City of Maxeys.

**6.05. Advertisements.** No person shall display any placard or advertisement of any kind on the Trail, nor shall any person distribute, cast, throw or place any hand bill, pamphlet, circular, advertisement, or notice of any kind, nor post, stencil, draw, paint, spray or otherwise affix or create any notice, bills, advertisement or other papers or things upon any structure or thing in on or above the Trail. No person shall park, or station on any road, parkway, or parking lot any vehicle displaying a sign or notice that it is for sale or exchange, or otherwise display advertising.

**6.06. Begging.** No person shall beg or solicit on the Trail.

**6.07. Improper Speech and Conduct.** No person on the Trail shall use or engage in any abusive, threatening, insulting, indecent, profane or obscene language, signs, symbols, postures, or acts, or employ any such language or acts in such a way as to be conducive to a breach of peace in the Trail.

**6.08. Breach of Peace** No person shall make, countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, on the Trail, or collect with any other person, in bodies or crowds, for unlawful purposes, or for any purpose to the annoyance or obstruction or disturbance of others there present. No person shall stand, sit or recline on any fence, rail or on any picnic table or any structure not intended for such use. No person entering or being upon Trail areas shall make excessive, unnecessary noise within the limits of any

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Trail area. The City of Maxeys has the authority to determine the extent of any excessive noise within the Trail area.

**6.09. Public Demonstrations, Gatherings, Performances, and Speeches.** No person or persons or representatives of any political party, religious sect, musical group, no Office aspirant, theatrical or circus group or other public exhibition, shall hold or attempt to hold any meeting, any parade or drill on any Trail area without written approval from the City of Maxeys. No public address or electrical amplification will be permitted. No person will perform acrobatic acts, dances, or gyrations or make any display that will cause people to congregate or obstruct traffic.

**6.10. Resisting or Interfering with Officer.** No person shall resist any Peace Officer or Special Deputy serving on the Trail in the discharge of his/her duty or fail or refuse to obey any lawful command of any such Officer or in any way interfere with or hinder or prevent any such Officer from discharging his/her duty, or in any manner assist or give aid to any person in custody to escape or to attempt to rescue any person held in such custody.

**6.11. Camping.** No person shall set up tents, shacks, or any other temporary shelters, or any special vehicle to be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon, or the like, for the purpose of overnight camping.

### **Section 7 – Additional Provisions.**

**7.01 Trail Access.** Except for adjacent property owners, Trail users must stay on the Trail surface and shoulders. Trailhead parking will be designated, with appropriate signage.

**7.02. Special Bicycle Events.** Organized bicycle groups of 10 or more cyclists will be allowed only with special event permits from the City of Maxeys in accordance with the rules and regulations regarding special

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events and shall seek to minimize conflicts between Trail users and adjacent property owners.

**7.03. Trail Signs.** Signs may be placed by the City of Maxeys along the trail in accordance with proper standards and guidelines for enhancement of Trail use and the protection of adjacent property owners.

**Section 8 – Special Permits.** Other recreational activities may be allowed by special permit if authorized by the City of Maxeys.

**Section 9 – Penalty.** Violation of any rule contained herein shall constitute a civil infraction, punishable by a fine of not more than \$500. Unauthorized use of motor vehicles on the Trail may be subject to impoundment of vehicle.

**Section 10 – Enforcement.** The Oglethorpe County Sheriff's Department is authorized to enforce all aspects of this ordinance.

**Section 11 – Effective Date.** This Ordinance shall be effective and in full force and effect five days after its due passage, approval and publication. Rules or Regulations of the City of Maxeys relating to the Trail, or parts thereof, in conflict or inconsistent with any provisions of these are hereby repealed. The several parts of the Ordinances are severable, and invalidity of one or more of its provisions shall not affect the validity of the remaining.

First reading May 11, Second Reading June 8, Ordinance adopted on July 13, 2021. Effective date of this ordinance shall be July 18, 2021.

BY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, Mayor

Attest by: \_\_\_\_\_, City Clerk

Date: \_\_\_\_\_