



Agenda
City of Bainbridge, Georgia
Regular Session - Mayor and City Council
November 15, 2022, 6:30p.m. - City Council Chambers



- I. INVOCATION and PLEDGE TO THE FLAG
- II. APPROVAL OF MINUTES OF REGULAR SESSION – October 18, 2022
- III. RECOGNIZE VISITORS AND DELEGATIONS
- IV. PUBLIC HEARING - IMPROPER USE OF PUBLIC SPACES ORDINANCE
- V. CONSIDERATION OF AMENDMENT TO IMPROPER USE OF PUBLIC SPACES ORDINANCE
- VI. PUBLIC HEARING – AMENDMENT TO SOLICITATION ORDINANCE
- VII. CONSIDERATION OF AMENDMENT TO SOLICITATION ORDINANCE
- VIII. INTRODUCTION TO PARKS AND RECREATION ORDINANCE
- IX. DIVISION PRESENTATION – ADMINISTRATIVE SERVICES

Bids:

1. InTech Trailers
Fiber Splicing Trailer
Nappanee, IN \$37,431.25

MINUTES
CITY OF BAINBRIDGE, GEORGIA
TUESDAY, OCTOBER 18, 2022
6:30 P.M.

PRESENT: MAYOR EDWARD REYNOLDS, PRESIDING

COUNCIL MEMBERS: GLENNIE BENCH, KREGG CLOSE, ROSLYN PALMER,
SYLVIA WASHINGTON, AND DON WHALEY

CITY STAFF: CITY MANAGER CHRIS HOBBY, ASSISTANT CITY
MANAGER ROY OLIVER, ALLIE GODWIN, LISA TAYLOR,
STEVE O'NEIL, DAVID HOWER, FRANK GREEN, REDELL
WALTON, AND GABE MENENDEZ.

GUESTS: ETHAN REDDISH, BRUCE KIRBO, RONNIE SHEPPERD,
AND MARY LYNN WHITE,

ABSENT: PHIL LONG

INVOCATION AND PLEDGE TO THE FLAG

Councilwoman Palmer gave the invocation and all those assembled pledged allegiance to the flag.

APPROVAL OF MINUTES

Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Bench, the Council voted 5-0 to approve the minutes from the September 20, 2022, City Council meeting as presented.

RECOGNIZE VISITORS AND DELEGATIONS

Mayor Reynolds opened the floor for anyone who wish to speak on an item that was currently not on the agenda. Mr. Bruce Kirbo of 2002 Twin Lakes came forward to discuss his concern regarding the City of Bainbridge's Street Department paving streets within the City of

Whigham. Hearing from no other citizen, Mayor Reynolds proceeded to the next item on the agenda.

PROCLAMATION

Mayor Edward Reynolds presented a proclamation to Mr. Ronnie Shephard proclaiming the month of October as “Blind Achievement Equality Month” within the City of Bainbridge.

CONSIDERATION OF STREET CLOSURE REQUESTS

City Manager Hobby presented the council with two temporary street closure requests:

- Mr. Gallagher Dempsey requests the temporary closure of all streets surrounding Willis Park on Saturday, February 4, 2023, to hold a Jazz and Blues Festival.
- Mr. Christopher Merritt, Principal of Bainbridge High School, requests the temporary closure of all streets surrounding Willis Park on Thursday, November 3, 2022, from 5:30-7:30 pm, for the annual Syrup Sop pep rally.

Councilwoman Palmer questioned the need to close all four streets surrounding Willis Park for the Syrup Sop. After a brief discussion from Council, Councilwoman Bench suggested to approve the request as presented, however have the city reach out to Mr. Merritt and see if there was a reason all four streets were included in the request. If there was no reason to close all four streets, the city could then amend the request to only close the streets necessary. Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Washington, the council voted 5-0 to approve the two temporary street closure requests as presented.

CONSIDERATION OF ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

City Manager Hobby presented the council with two Alcoholic Beverage License applications and explained that both applicants had met all necessary requirements for approval and found no reason to deny the applications:

- Mrs. Glennie Bench of Southwest Georgia Oil Co, Inc dba SunStop #425 located at 525 W. Shotwell Street has submitted an application for a malt beverage and wine package retail store.

- Mr. Jared Godwin, Owner and Operator of Bonnie Blue House Restaurant, has submitted an amendment to his alcoholic beverage application for a change in address. The new address will be 402 W. Water Street, Bainbridge, GA 39817.

Councilwoman Bench asked the council to vote on these two applications separately since she recused herself stating a conflict of interest for the first application. Upon a motion offered by Councilwoman Washington and seconded by Councilman Close, the council voted 4-0 to approve the malt beverage and wine package retail store application submitted by Mrs. Bench of Southwest Georgia Oil. Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Palmer, the council voted 5-0 to approve the amendment of Mr. Godwin's application to reflect his new address.

CONSIDERATION OF EMPLOYEE CHRISTMAS INCENTIVE

City Manager Hobby asked Council to consider the purchase of \$200 in Bainbridge Bucks for each full-time employee as a Christmas incentive. Mr. Hobby informed the Council that this was a budgeted item. Upon a motion offered by Councilwoman Palmer and seconded by Councilwoman Washington, the Council voted in a 5-0 decision to approve the incentive.

PUBLIC HEARING – DEMOLITION ORDINANCE

Mayor Edward Reynolds informed those assembled that this meeting had been advertised as the time and place for a public hearing on the proposed five demolition ordinances. Upon a motion offered by Councilwoman Bench and seconded by Councilwoman Washington, the council voted 5-0 to open the public hearing. Hearing from no one, Councilman Whaley made a motion to close the public hearing. The motion was then seconded by Councilman Close and unanimously carried in a 5-0 vote.

CONSIDERATION OF DEMOLITION ORDINANCE

Upon a motion offered by Councilman Whaley and seconded by Councilman Close, the council voted 5-0 to approve the proposed five demolition ordinances.

PUBLIC HEARING - ZONING TEXT AMENDMENT

Mayor Edward Reynolds informed those assembled that this meeting had been advertised as the time and place for a public hearing on the proposed Zoning Text Amendment. Upon a motion offered by Councilman Whaley and seconded by Councilwoman Palmer, the council voted 5-0 to open the public hearing. Hearing from no one, Councilman Whaley made a motion to close the public hearing. The motion was then seconded by Councilman Close and unanimously carried in a 5-0 vote.

CONSIDERATION OF ZONING TEXT AMENDMENT

Upon a motion offered by Councilman Whaley and seconded by Councilwoman Bench, the council voted 5-0 to approve the Zoning Text Amendment as presented.

INTRODUCTION OF AMENDMENT TO PUBLIC PLACES ORDINANCE

Bainbridge Public Safety Director Frank Green presented the council with a formal introduction of an amendment to the Public Places Ordinance.

INTRODUCTION OF AMENDMENT TO SOLICITATION ORDINANCE

Bainbridge Public Safety Director Frank Green presented the council with a formal introduction of an amendment to the Solicitation Ordinance.

CONSIDERATION OF STREET CLOSURE REQUEST

Mayor Edward Reynolds informed the council that we had left off a street closure request from First Baptist Church of Bainbridge. Mrs. Mary Lynn White stepped forward to ask for a temporary street closure request of Collier Street and Green Street to host a block party on Saturday, November 19th from 12pm to 4pm. Upon a motion from Councilman Whaley and seconded by Councilman Close, the Council vote 5-0 to approve the temporary street closure request as presented.

ADJOURNMENT

With there being no further business, Mayor Reynolds adjourned the meeting at 7:11p.m.

BY:

EDWARD REYNOLDS, MAYOR

ATTEST:

ALLIE GODWIN, COUNCIL CLERK

Draft for Amending City of Bainbridge Code of Ordinances on Damaging, Interfering with city park property.

Ordinance # 535

Existing language in the Code:

Part II Code of Ordinances

Chapter 54- Offenses and Miscellaneous Provisions

1. Sec 54-1 Damaging, Interfering with park Property. Will be stricken in its entirety. It will now be covered in Parks and Recreation Code Sec.
2. Replace 54-1 with **Improper use of public spaces.**

The Draft is configured utilizing the existing coded language in Black, changes and additions are in red

Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS

FOOTNOTE(S):

--- (1) ---

State Law reference— Limitations on home rule powers of municipal corporations, O.C.G.A. § 36-35-

6(a)(2); Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.

Sec. 54-1. - Damaging, interfering with city park property

~~It shall be unlawful for any person to cut the grass; pluck any flower, grass, shrub, tree, bush or vine; throw any trash or obstruction; climb any fence or railing; throw or place anything in the water; obstruct or interfere with the fountain; bruise or injure the cannon or cannonballs in the city park; or remove or in any way interfere with any seats or other property in the park.~~

(Code 1981, § 20-2; Code 1992, 13-1(b))

State Law reference— Interference with government property, O.C.G.A. § 16-7-24.

Sec. 54-1 Improper use of public places.

A. *Definitions.*

B. *Camp means residing in or using a location for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for more than one hour at a time; cooking or preparing meals; or other similar activities.*

C. *Storing personal property means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for more than one hour.*

D. *City parks. It shall be unlawful to camp or to store personal property in any park owned by the City.*

E. *Streets and sidewalks. It shall be unlawful to camp, sleep, store personal property, or to sit or lie down on any street or sidewalk or public right-of-way.*

F. *Other public property; blocking ingress and egress. It shall be unlawful to camp, sleep, store personal property, or to sit or lie down on any public property so as to interfere with the ingress or egress from buildings.*

G. *Warning. No person may be arrested for violating this section by simply sleeping, sitting or lying down in a prohibited location or for a prohibited period of time without having first received an oral or written warning to cease such unlawful conduct.*

H. *Exceptions. Notwithstanding anything in this section to the contrary, this section shall not apply to nor be construed to prohibit the following behavior:*

- (1) *Persons sitting or lying down as a result of a medical emergency;*
- (2) *Persons sitting in wheelchairs while using sidewalks;*
- (3) *Persons sitting down while attending parades;*

- (4) Persons sitting down while patronizing outdoor cafes;
- (5) Persons sitting down, lying down or napping while attending performances, festivals, concerts, fireworks or other special events taking place in any park or on any street or sidewalk closed by permit for such purpose;
- (6) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
- (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
- (9) Persons sitting or lying down in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provisions of meals; or
- (10) Children sleeping or napping in parks or napping anywhere else while being cared for, or carried by an accompanying person or while napping, sitting or lying in a stroller or baby carriage.

- I. Enforcement. The Bainbridge Public Safety Department shall be responsible for the enforcement of this section.
- J. Penalty. Any person who violates any provision of this section may be subject to arrest or summoned to appear in Municipal Court and upon conviction or other finding of guilt, be punished by a fine of up to \$1,000.00 or 60 days of imprisonment, or both.

(Code 1981, § 20-2; Code 1992, 13-1(b))

State Law reference— Interference with government property, O.C.G.A. § 16-7-24.

State law reference(s)—Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of municipal ordinances.; O.C.G.A.

§ 15-7-84 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b); county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).

Introduction Draft for Amending the City of
Bainbridge Code of Ordinances on Solicitation
Ordinance # 588-A

Existing language in the Code:

Part II Code of Ordinances

Chapter 42 Article X. Sec 42-271 through Sec
42-285 with Sections 42-286-300 reserved.

The Draft is constructed utilizing the existing Bainbridge
code that language is in Black, changes and additions are
in red.

Tom Conger edits are in blue

Most of the new Language was copied from the Gwinnet
County ordinance.

ARTICLE X. - SOLICITATION

FOOTNOTE(S):

--- (6) ---

Editor's note—Ord. No. 588-A, adopted Feb. 7, 2006, amended Art. X, §§ 42-271—42-285, in its entirety to read as herein set out.

Sec. 42-271. - Definitions.

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

Solicitation in an aggressive manner means:

- (1) Approaching or speaking to a person or following a person before, during, or after soliciting if the conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, to fear damage to or loss of property, or to otherwise be intimidated into giving money or any other thing of value;
- (2) Continuing to solicit from a person after the person has given a negative response to such soliciting;
- (3) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- (4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (5) Using violent or threatening gestures toward a person solicited;
- (6) Following a person being solicited with the intent of asking that person for money or other things of value; or
- (7) Soliciting money from anyone who is waiting in line.

Automated teller machine means a device linked to a financial institution's account records which is able to perform transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries or mortgage and loan payments.

Automated teller machine facility means the area comprised of one or more automatic teller machines and the adjacent space which is made available to banking customers after regular banking hours.

Charitable organizations for the purpose of this article shall mean organizations that have a 501(c) certificate from the Internal Revenue Service, non-profit corporations, churches and public and private schools.

Check cashing business means any person duly licensed to engage in the business of cashing checks, drafts, or money orders for consideration pursuant to state law.

City: The corporate limits of the City of Bainbridge.

Financial institution means any banking corporation, credit union, or foreign exchange office as defined by state law.

Public place means a place where a governmental entity has title, to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

Solicitation: Soliciting orders or donations on behalf of a business, occupation, vocation or individual, door-to-door, or house-to-house, shall be deemed solicitation.

Soliciting means asking for money or objects of value with the intention that the money or objects be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, or signs with the purpose of obtaining an immediate donation of money or other things of value or soliciting the sale of goods or services.

Solicitor: Any person who shall solicit orders or donations on behalf of a business, occupation, vocation or individual, door-to-door, or house-to-house, shall be deemed a solicitor.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-272. - Announced purpose of call.

At each dwelling, whether it be an apartment unit or private residence, the solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game, or other competitive endeavor, or that he is offering the occupant an opportunity to participate in any such contest, game, or competitive endeavor.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-273. - Decorum required.

No solicitor shall use vulgar, insulting, or threatening language in the course of any solicitation, nor shall he remain upon the premises after the occupant of the premises has verbally indicated that he does not wish to make a purchase or donation. For the purpose of this article, a solicitation shall be deemed to continue until the solicitor has left the premises.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-274. - Posted property.

No solicitor shall enter a dwelling or place of business except at the express invitation of the occupant. No solicitation shall be made at any dwelling or in any group of apartments or at any place of business where a conspicuous "No Soliciting," "No Solicitation," "No Peddlers," or other similar sign is displayed at or near the main entrance, doorway or driveway to the premises. Further, no solicitation shall be made at any dwelling or at any place of business when the owner or occupant of such dwelling or place of business has caused his/her address to be placed on the city's no solicitation list. A copy of the "No Solicitation" list shall be made available to all persons applying under section 42-277 of this article.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-275. - Prohibited acts.

It shall be a violation of this article:

- (1) For any person, business, partnership, corporation, association, organization, or a group of persons to engage in solicitation without first obtaining a permit.

- (2) For any person to violate any of the provisions of this article or to violate any other city ordinance while engaging in any of the activities described in this article.
- (3) For any person to violate any criminal law of this state or to violate any state or federal consumer protection law while engaging in any of the conduct described in this article; for the purpose of this section, consumer protection law includes, but is not limited to, the Georgia Fair Business Practices Act (O.C.G.A. § 10-1-390 et seq.), the Georgia Home Solicitation Sales Act (O.C.G.A. § 10-1-1 et seq.), O.C.G.A. § 43-17-1 et seq. (dealing with professional fund raising), and the Federal Consumer Credit Protection Act (truth-in-lending and truth-in-leasing).
- (4) For any person to give, lend, rent, or sell his permit card to another.
- (5) For any person to engage in any of the conduct described in this article during a period in which his permit is in suspension or after his permit has expired or been revoked.
- (6) For more than two individuals to engage in solicitation upon any premises at the same time for the same goods or services. Each individual member of a group engaged in solicitation in violation of this subsection shall be deemed to have violated this subsection.
- (7) For any person to make more than one solicitation call at the same premises for the same or similar goods or services within any consecutive two-week period without receiving a prior invitation from the occupant of any such premises; this provision shall be construed to include solicitation upon the same premises by employees, agents, or representatives of any person, business, group or organization more than once during the aforesaid period without a prior invitation as provided in this subsection.
- (8) For any person with a criminal record as described in section 42-277 whether or not otherwise eligible for an exemption under section 42-277, to engage in any of the activities described in this article including but not limited to solicitation.
- (9) For any person, at the time of initial contact with a prospective customer, to fail to verbally identify himself and the company and product line he represents for the purpose of the solicitation.
- (10) For any person engaged in solicitation to misrepresent the purpose of his solicitation or use any false, deceptive, or misrepresentation to induce a sale or contribution, or use any plans, scheme, or ruse which misrepresent the status or purpose of the person making the call.
- (11) For any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence or building.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-276. - Use of city streets and right-of-way.

- (a) Pursuant to O.C.G.A. § 40-6-97(b) the city prohibits any person from standing or entering on any highway or public streets within the City of Bainbridge for the purpose of soliciting employment, business solicitations, and/or contributions from the occupant of any vehicle.
- (b) Charitable organizations shall be allowed to enter upon and conduct solicitations from the city sidewalks, parks or other city property under the conditions set forth under section 42-277 of this article.
- (c) The sale or peddling of merchandise, candies, fruits or vegetables from the streets or sidewalks of the city in the first fire district is hereby prohibited, except when such sales are part of a sidewalk sale sanctioned by the city and/or downtown development authority. Charitable organizations that are registered as set forth in section 42-277 are exempt from this section.
- (d) Anyone may promulgate religious or political beliefs from city sidewalks, parks or other city property at any time subject only to the restrictions of subsection (e) of this section.

- (e) Notwithstanding anything in this article to the contrary, for reasons of public safety no one may stand, walk or enter city streets or city roads and approach vehicle occupants.
- (f) Aggressive solicitation prohibited.
 - 1) No person shall solicit in an aggressive manner.
 - 2) No person shall solicit on private or residential property or within 20 feet of the entrance or exit without permission from the owner or other person lawfully in possession of such property. The distance of 20 feet shall be measured from the entrance or exit of the property at the ROW.
 - 3) No person shall solicit within 20 feet of any entrance or exit of any financial institution or check cashing business or within 20 feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such a facility. When an automated teller machine is located within an automated teller machine facility, the distance of 20 feet shall be measured from the entrance or exit of the facility.
 - 4) No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. This subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.
 - 5) No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space.
 - 6) No person shall solicit while under the influence of alcohol or a controlled substance.
 - 7) No person shall solicit in any public transportation vehicle or at any bus or public transportation stop.
 - 8) No person shall solicit in any public parking lot or public parking structure or within 20 feet of the entrance or exit of any public parking lot or public parking structure. The distance of 20 feet shall be measured from the entrance or exit of the property measured at the ROW.
 - 9) No person shall solicit in a group of two or more persons.
 - 10) No person shall solicit within ten feet of an entrance to a building or entrance to any private parking lot.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-277. - Solicitors permit; regulatory fee; charitable organization registration.

- (a) A person seeking issuance of a permit to engage in any type of commercial solicitation, which involves going door-to-door or house-to-house, whether on a temporary or permanent basis, shall file an application with the city clerk or his designee on forms provided by the city.
- (b) Application shall be made no less than five days prior to the proposed commencement of any solicitation.
- (c) The application must contain the following information:
 - (1) Name, address, and telephone number;
 - (2) Date and place of birth;
 - (3) Drivers license number and state of issuance;
 - (4) Social Security number;

- (5) Race and sex;
 - (6) Height and weight;
 - (7) Eye and hair color;
 - (8) Name, address and telephone number of organization represented, if applicable;
 - (9) Name and telephone number of immediate supervisor, if applicable;
 - (10) Product or service; and
 - (11) A list of all arrests, convictions and the disposition of each charge, other than minor traffic violations. No person having been convicted of a felony or a misdemeanor involving violence or moral turpitude shall be entitled to any permit for solicitation granted under this article.
 - (12) Permission for the city to conduct a background check as contemplated by subsection 42-277(e).
- (d) A separate application shall be required from each person desiring to solicit regardless of any business or organizational affiliation or employment.
- (e) The application shall bear the following statement and must be signed by the applicant.

"O.C.G.A. 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgement of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willingly makes a false statement."

- (1) The City of Bainbridge Public Safety Department shall review all applications for the purpose of ascertaining whether the applicant has pled to or has been convicted of a felony or a misdemeanor involving violence or moral turpitude.
- (2) Upon satisfactory review by the public safety department and absent a finding that the issuance of a permit is contrary to section 42-277 the city clerk or his designee shall issue a permit if applicable.
- (3) The city shall impose a \$10.00 regulatory fee for all permits granted under this section. This fee shall be waived for:
 - a. Persons, businesses and organizations exempted from local regulation by operation of state or federal law, or by the Constitution of the United States, or of the state.
 - b. Representatives or agents of charitable organizations provided that the organization provides the city with proof that it is a charitable organization as defined in this article.
 - c. Representatives and/or employees soliciting for a permanent business. A permanent business shall be defined as a business that meets all of the following requirements:
 1. Has a current occupational tax certificate issued by the City of Bainbridge;
 2. Has a physical business address in Decatur County, Georgia from which it conducts the business for which the occupational tax certificate was issued.
- (4) The solicitation is part of the same business for which the occupational tax certificate was issued; and
- (5) Solicitation contributes less than 50 percent of the gross revenues of the business for which the occupational tax certificate was issued.
- (6) All permits issued under this section shall expire on December 31 of the calendar year for which they are issued.
- (7) For charitable organizations and permanent businesses for which no fee is imposed the completion of the application described above shall constitute registration with the city. Upon registration the city shall issue a permit allowing the organization to solicit. All rules and

regulations contained in this section shall apply to the permitted solicitation. At no time shall the activity interfere with the normal flow of traffic within the city.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-278. - Official to be sent copies.

Immediately upon the issuance of a charitable organization fund raising event permit, the city manager or his designee shall send a copy thereof to the director of public safety.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-279. - Duties of permittee; permit to be carried.

- (a) A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances;
- (b) The charitable organization fund raising event chairperson or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-280. - Revocation.

The city manager or his designee shall have the authority to revoke a permit issued under this article where a permittee has failed to comply with the requirements of this section. This decision may be appealed to the city council by filing a written request with the city manager no later than ten days after the revocation decision.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-281. - Issuance requirements.

- (a) The city shall not issue any permit that does not fully comply with the requirements of this section.
- (b) No solicitation is allowed during the following times:
 - (1) Between the hours of 7:00 p.m. and 9:00 a.m.
 - (2) Between the hours of 11:30 a.m. and 1:30 p.m., Monday through Friday;
 - (3) No solicitation shall be permitted on Sunday except between the hours of 1:30 p.m. and 6:00 p.m.
 - (4) No solicitation shall be permitted from the right-of-way of:
 - a. All bridges;
 - b. Any and all streets or highways that have more than three lanes of travel, including turn lanes.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-282. - Persons under 18.

All organizations that are permitted to solicit funds must have on adult supervisor over the age of 21 for up to four persons under the age of 18. If there are more than four persons under the age of 18, there must be one adult supervisor for every four persons under the age of 18.

(Ord. No. 588-A, 2-7-2006)

Sec. 42-283. - Fines and rules.

- (a) Any person found guilty of violating this article shall be punished as allowed by section 1-7 of the Code of Ordinances of the City of Bainbridge
- (b) any person, organization, business or entity found guilty of violating this article may not be issued a permit for a two-year period from the date of the violation.
- (c) Nothing in this article shall be construed to prohibit or infringe on the right of anyone to disseminate or gather information or promulgate religious or political belief where no solicitation as defined in this article takes place and there is no violation of section 42-276.

~~State law reference(s) — Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of county ordinances, O.C.G.A. § 15-10-60 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b); county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).~~

(Ord. No. 588-A, 2-7-2006)

Sec. 42-284. - Exemptions from coverage.

- (a) A solicitor who conducts activities on the property of another by express prior invitation of the owner or occupant thereof is exempt from the coverage of this article.
- (b) Minors conducting fundraising activities, who represent a nonprofit organization are exempt from the coverage of this article.
- (c) The solicitation of funds or contributions of any kind by any organization or association from its members.
- (d) Coming onto the property of another for any reason other than to solicit orders or donations on behalf of a business, occupation, vocation or individual shall not be considered solicitation and shall not be regulated by this article.

(Ord. No. 588-A, 2-7-2006)

Secs. 42-285 - False or misleading solicitation.

It shall be unlawful for any person to knowingly make any false or misleading representation in the course of soliciting. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the solicitor is from out of town and is stranded when this statement is not true;

- (2) Stating or suggesting falsely that the solicitor is either a present or former member of the armed services;
- (3) Displaying any indication of physical disability when the solicitor does not suffer the disability indicated; or
- (4) Stating that the solicitor is homeless when he is not.

(Code 1994, § 74-33; Ord. of 11-21-2006, § 42-52)

Draft for Amending the City of Bainbridge Code of Ordinances on Parks and Recreation

Amending Ordinance # 535

Bainbridge, Georgia - Code of Ordinances PART II - CODE OF ORDINANCES Chapter 58 - PARKS AND RECREATION

This draft moves the only language in this chapter 58-1 to 58-32.

This draft contains 42 new sections regarding City Parks. 58-1 a-c is the only existing regulation regarding city parks.

Chapter 58 - PARKS AND RECREATION

--- (1) ---

State Law reference— Power to provide parks, recreation areas, programs and facilities, Ga. Const. art. IX, § II, ¶ III(a)(5); authority to construct and operate parks, swimming pools, golf courses, recreation grounds and buildings used for sports, O.C.G.A. § 36-34-3; establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.;

Sec. 58-1. - Authorized camping in Boat Basin Park.

- (a) It shall be a violation of this section for any person or persons to enter the city campground located at Boat Basin Park for any other purpose by any means except for the purpose of camping in an authorized camping site.
- (b) Any vehicle, be it motorized or not, left abandoned in the city campground located in Boat Basin Park for any purpose whatsoever shall be subject to towing at the owner's expense.
- (c) Any person or persons who commits a violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine as determined from time to time by the city council and listed in the schedule of fees and charges maintained in the city manager's office and as provided in section 1-7 of the Code of Ordinances of the city.

(Code 1992, § 10-109; Ord. No. 535, 10-15-1996)

ARTICLE I. IN GENERAL

Sec. 58-1. DEFINITIONS

City Support Services means services provided by the City to ensure that a community festival or special event is conducted in such a way as to protect the safety, health, property and security of the general public.

Community Festival: means a public gathering which involves the use of public parks within the city limits of Bainbridge which includes entertainment, music, arts and crafts displays and/or sales, sale of merchandise, food or any combination which requires the use of city support services over and beyond what the City of Bainbridge routinely provides under everyday circumstances.

Director means the Director of City of Bainbridge Community Services Division and/or Bainbridge- Decatur Recreation Authority Executive Director and/or Bainbridge Public Safety Director.

Display means an eye-catching arrangement by which something is exhibited. For the purposes of this policy, a display will include anything left in open view for the purpose of attracting attention, conveying a message or expressing a belief or opinion

Domestic animal means an animal that, through long association with humans, has been adapted to human living conditions.

Park and recreation facility means all City of Bainbridge and the Bainbridge Decatur County Recreation Authority parks and recreational areas in such parks including the land, buildings, lakes, ponds, roads and all other property/equipment and buildings owned, leased, or managed by City of Bainbridge staff and associated departments and authorities thereof, including all recreational parks and facilities within the Bill Reynolds Sports Park.

Pet for purposes of this article is defined and shall mean “a domesticated animal such as a dog, or cat that has been commonly kept as a pet in family households in the U.S. this term excludes livestock, exotic animals, and wild animals.

Press Event/Press Announcement: means a public gathering which involves the use of a public park within the city limits of Bainbridge or any city park for the purpose of an announcement to the press, including but not limited to a political candidate. The event shall not be over one and one-half (1 ½) hours in duration.

Special event: means an activity sponsored by a person, group or organization other than the City of Bainbridge requested to be held on public property designed for entertainment, competition, amusement or social, ethnic, religious and/or cultural awareness

Unattended display Means a display that is not physically attended at all times by the person, group or organization that is responsible for its placement on city property; such unattended displays are considered special events for purposes of this section.

All references to masculine pronouns shall be construed to be gender neutral.

Secs. 58-2 —58-17. Reserved.

ARTICLE II. PARK REGULATIONS

Sec. 58-18. Penalty and enforcement provisions.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this article shall be punished in accordance with the provisions of section 1-7 of the City of Bainbridge code of Ordinances

(Ord. No. 20090402 A, § 58-24, 4-2-2009)

Sec. 58-19. Enforcement officials.

The Director or designee, or associated department personnel thereunder, shall:

- (1) Establish, conduct and maintain a recreation system for the city in such a way as to employ the leisure of the people in a wholesome and constructive manner;
- (2) Provide for, conduct and supervise public playgrounds, indoor recreation centers, public parks, and other facilities owned by the city, controlled by the city or the Bainbridge-Decatur Recreation Authority;

(3) Provide and conduct activities on properties under the control of the city, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners;

(4) Establish goals, procedures and programs to meet the city's Parks department needs.

(Ord. No. 20090402 A, § 58-1, 4-2-2009)

Sec. 58-20. Governing conduct.

(1.) These rules and regulations are developed to set standards of conduct in the parks owned by the city and controlled by the city or by the Bainbridge-Decatur Recreation Authority. These rules are designed to ensure the safety and enjoyment of park participants.

(2.) Any person engaging in any activity which shall unreasonably interfere with the use and enjoyment of a park by citizens or who shall violate any ordinance of the city, park rules or regulations or laws of the state shall leave the park upon notification by any authorized city employee, recreation authority employee, or any law enforcement officer. Persons being evicted shall not return to such park for a period of 24 hours. Refusal to leave such park when ordered or return to the park within the specified 24-hour period shall be unlawful and punishable as a misdemeanor. In addition to leaving the park upon said notification, the incidents and activities may be further reviewed by the appropriate director and increased time limits may be enforced upon persons engaged in said activities. Law enforcement officers may also, upon any violation of any provision of this article, file misdemeanor charges to persons being evicted from any park.

(3.) It shall be unlawful to:

a) Create or maintain a nuisance as defined by state law or by this Code or pose a danger or threat to the health of another.

b) Willfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, bridge, table, bench, fireplace, railing, paving, paving material, water line or other public utility or parts or appurtenance thereof; sign, notice or placard whether temporary or permanent, monument, stake, post, or other boundary

marker, or other structure or equipment, facility or park property or appurtenance whatsoever, either real or personal.

- c) Knowingly, or through reckless behavior, destroy or damage the lawn, plants, walls, road, or other infrastructure of a park; nor hang any sign, banner, or any other item from a tree located in the park; nor partake in the use of confetti of any kind typically used in photos, that may be thrown in the air and remain on park grounds and in park lawns
- d) No person shall sell goods, articles or services of any nature in the city parks without first obtaining written permission from Mayor and City council or the Bainbridge -Decatur Recreation Authority; provided, however, that no person shall sell spirituous, vinous or malt liquors in the city parks, except as otherwise provided by ordinance.
- e) Sell, possess, or consume, by any person alcoholic beverages in any city park, except at a special event, as approved by mayor and city council.
- f) Enter or leave any park except through established entrances or exits and within established time periods. Climb or lie upon any tree, shrub, fence, statue, monument, or fountain.
- g) Gain or attempt to gain admittance to any park or facility in any park where a charge is made, without paying that charge.
- h) Bring in and/or erect any inflatable amusements, amusements requiring water, or any amusements requiring an independent power source, except when renting designated facilities or during permitted special events or festivals.
- i) Drive stakes, posts, poles, or any other device or dig holes for the purpose of securing stakes, posts, poles or any other device for any reason, including to erect a tent, stage or other structure, except upon permit approval for a rental facility, special event or festival.
- j) Erect a tent or canopy or be in possession of an erected tent or canopy, during concerts and festivals except in the designated areas set forth for tents as established

by the event/festival director. This section shall not apply to production tents used in conjunction with permitted concerts.

- k) Bring in, carry, possess, or permit a minor child in one's custody to bring in, carry or possess, glass containers except for authorized vendors who shall retain and remove from the park all glass containers utilized in their activities.
- l) Use a playscape or park bench for other than its intended use and/or purpose.
- m) Spit or expectorate in or upon any fountain, splash park, play structure, exercise court, park building, monument, or structure.
- n) Urinate or defecate in any park regardless of whether the location is in public view, including without limitation in or upon any park building, monument or structure, except in permanent restrooms or portable lavatories open to the public

Sec. 58-21. Park Hours of operation and use of boat ramps.

No person shall be in a city park or upon any park land or park drive therein between the hours of 11:00 p.m. and 6:00 a.m. No other person other than city personnel conducting city business shall occupy or be present in such parks during these hours

Exceptions;

- (1) unless there is an organized sporting, civic or cultural event which has the approval of the mayor and city council to extend beyond the designated hours of operation.
- (2) Scheduled sporting events and/or activities as authorized by the Bainbridge-Decatur Recreation Authority may extend beyond the time limit to finish games and/or activities.
- (3) These hours shall not in any way pertain to Willis Park, specific to the sidewalks within Willis Park which allow public passage through the park; all other code sections in this article shall apply to Willis Park, including the gazebo, lawn, and landscape areas, monuments, and all other city owned parks and greenspaces.
- (4) This section shall not apply to any persons utilizing the boat ramps for boating purposes. Any person may enter or leave the Earle May Recreation Area between

posted hours of this section for the purpose of boating activities including but not limited to fishing, hunting or any other licensed activity set forth by the Department of Natural Resources and/or the Army Corps of Engineers. Boat launching must be done within those boat launching areas specifically built and designed for those purposes.

~~(Code 2002, § 58-31; Ord. of 4-1-1999, § 7-2-1(a); Ord. of 2-20-2003; Ord. No. 20090402-A, § 58-3, 4-2-2009)~~

Sec. 58-22. Closing of parks.

All parks shall be opened daily to the public but may be declared closed to the public by the mayor and city council or the Bainbridge-Decatur Recreational Authority, at any time and for any interval of time, either temporarily or at regular or stated intervals. In the event of an emergency, or conditions not suitable for the public and or necessary maintenance or repairs exist, the Director, or designee with the approval of the city manager may temporarily close parks.

~~(Code 2002, § 58-32; Ord. of 4-1-1999, § 7-2-1(b); Ord. of 2-20-2003; Ord. No. 20090402-A, § 58-4, 4-2-2009)~~

Sec. 58-23. Intentionally left blank.

Sec. 58-24. Recreational vehicle operation restricted.

No person shall operate a motorized vehicle of any kind in or on any park or other area owned or operated by the city for recreational purposes; provided that this section shall not apply to vehicles used for maintenance purposes being operated on prescribed paths and marked roadways or vehicles using marked roadways, marked driveways, and parking areas.

~~(Ord. No. 20090402-A, § 58-5, 4-2-2009)~~

Sec. 58-25. Driving vehicles on roadways; speed of vehicles.

- (1.) It shall be unlawful for any person to drive any vehicle upon or across any part of any public park of the city except upon roadways laid out and maintained for vehicular travel. This section shall not apply to park employees whose duties require them to drive park maintenance equipment over such park areas. The director and/or designee shall

coordinate with the proper city departments or authorities to ensure proper, appropriate and adequate signage is in place to aid the implementation of this section.

- (2.) It shall be unlawful for any person to operate a motor vehicle upon any road in any city park at a speed in excess of 15 miles per hour.
- (3.) It shall be the duty of the Community Service/Parks Director and Bainbridge- Decatur Recreation Authority Executive Director and/or designee to cause signs specifying such limits to be placed at the entrance of each such park and at appropriate places within such parks so as to afford notice to the public of such limit.

~~(Ord. No. 20090402 A, § 58-6, 4-2-2009)~~

Sec. 58-26. Vehicle parking restricted.

The parking of vehicles shall be permitted in approved parking areas as long as such parking is in accordance with traffic laws, rules and regulations of the parks department. No person shall park any vehicle upon any of the roads, drives, avenues or parking lots or at any other place within any park when the person is not using the park or any of its related facilities. This shall include the overnight parking of recreational vehicles with sleeping compartments or campers as provided in Section 58-31 of this Article. This section shall not apply to city employees in the conduct of city business.

~~(Ord. No. 20090402 A, § 58-7, 4-2-2009)~~

Sec. 58-27. Intentionally left Blank

Sec. 58-28. Animals in General.

- (1.) It shall be unlawful for any person to harbor, possess or be in charge of a restrained or unrestrained animal, with the exception of service animals and pets (as defined in Sec. 58-29 of this Article) for disabled persons, in prohibited designated areas, which are posted in any city park, walking trail or green space without first obtaining approval of the Director.

- (2.) It shall be the duty of the Director and/ or designee to cause signs specifying such designated prohibited areas to be placed at the entrance of each such park area and at appropriate places within such park areas so as to afford notice to the public of prohibited pet area limit.
- (3.) It shall be unlawful for any person to leave feed, seed, or unconsumed food for purposes of feeding animals including but not limited to feral cats, fish, geese, alligators, squirrels, or birds, inside the Earle May Recreation Area or any city park; this section shall not pertain to the livestock animals in the designated fenced livestock area.
- (4.) No person shall bring in any collection of livestock, farm animals or docile wild animals to be fed and offered for petting unless permitted for a festival, or special event.
- (5.) No person shall place, abandon, or leave any pet or animal in a park.

~~(Ord. No. 20090402-A, § 58-8, 4-2-2009)~~

Sec. 58-29. Pets and Service Animals

A. Definitions

A **Pet** for purposes of this article is defined and shall mean “a domesticated animal such as a dog, or cat that has been commonly kept as a pet in family households in the U.S. this term excludes livestock, exotic animals, and wild animals.

A **service animal** for purposes of this article and defined by the ADA is a dog that is individually trained to do work or perform tasks for someone living with a disability. Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.

Emotional support animals for purposes of this article, are considered pets and not considered to be service animals. Emotional support animals as defined by the ADA and this article, are intended to provide support for mental and emotional disabilities through companionship. The ADA does not recognize dogs who solely provide emotional support or comfort as service animals. Emotional support animals, comfort animals, and therapy

dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained, or untrained, are not considered service animals.

Enclosed park facilities/building means any enclosed area of a structure or facility to which the public is invited or in which the public is permitted including, but not limited to offices, meeting rooms, waiting rooms, lobbies, enclosed recreational centers, rest rooms, batting cages, including inside the playing area of tennis courts, pickle ball courts, basketball courts and/or anywhere inside any fenced areas meant for recreational games, practices or events.

- A. Any persons bringing a pet into designated allowable park areas shall keep the pet on a leash and under his or her immediate personal control. Leashes used to control pets shall not be more than six feet long.
- B. It shall be the duty of every pet owner or custodian of such animal in a park or recreation facility to immediately remove such animal from the park or recreation facility upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or other domestic animal.
- C. No person shall bring a pet into an enclosed park building except those qualified as service animals under the Americans with Disabilities Act, or as part of an authorized program or event.
- D. It shall be the duty of the Director and/ or designee to cause signs specifying designated prohibited areas of enclosed park facilities to be placed at the entrance of each such park area/building/facility and at appropriate places within such park areas so as to afford notice to the public of prohibited pet area limit.
- E. Any pet including service animals as defined in this article, not under the immediate personal control, as defined in Sec.58-29-4 of this article, of a responsible person, or any

pet or service animal creating a disturbance or nuisance, may be restrained, confiscated, or removed from the park by animal control officers upon request by the director or designee.

- F. No person shall permit a pet for which he or she is responsible to be in the water of a swimming pool or designated water play area, and no such person shall permit a pet except for those qualified as service animals under the Americans with Disabilities Act, to be within the land area or beach area adjacent to the water of a swimming pool or designated water play area. Pets are not permitted to enter any natural or constructed body of water except in areas dedicated for such purpose.
- G. Persons bringing pets onto park property are required to carry appropriate material to remove any fecal waste left by their pets.
- H. Current rabies and appropriate inoculation tags must be displayed on pets at all times.
- I. No person shall place, abandon, or leave any pet or animal in a park.

Sec. 58-30. Use of picnic areas.

- (1.) Park employees 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.
- (2.) No person shall leave a picnic area before all trash in the nature of boxes, paper, 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 area by the picnicker to be properly disposed of elsewhere.

(Ord. No. 20090402-A, § 58-11, 4-2-2009)

Sec. 58-31. Urban camping.

- (1.) It is unlawful to reside in or to store personal property in any park owned by the city. Furthermore, it is unlawful to use any public place, including city parks, for living accommodation purposes or camping, except in areas specifically designated for such use

or specifically authorized by permit. Furthermore, it is unlawful to set up tents, shacks or any other temporary shelter for the purpose of avoiding the elements and for overnight sleeping or camping. No person shall leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for that purpose. Any person found to be violating this section shall be ordered and/or escorted off the park grounds by Bainbridge Public Safety Officers and shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-7 of the Code of Ordinances of the city.

~~(Ord. No. 20090402 A, § 58-20, 4-2-2009)~~

Sec. 58-32. Authorized camping in Earle May Recreation Area Campground.

- (2.) It shall be a violation of this section for any person or persons to enter the city campground located in the Earle May Recreation Area for any other purpose by any means except for the purpose camping in an authorized camping site by obtaining a permit.
- (3.) Campsites are permitted by obtaining payment envelopes upon arrival and placing the designated fees per night in the payment drop box. Authorized vehicles associated with the campsite must have the payment envelope receipt displayed in the windshield of the vehicle.
- (4.) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner any human excrement, grey water, or objectionable waste from any type of recreational vehicle holding tank, within the campground or any city park or on public or private property within the city or in any area under the jurisdiction of the city as provided in Section 82-107(a) of the Bainbridge City Code. All recreational vehicles permitted in the campground shall have access to recreational vehicle dump station inside the campground that is authorized to dispose of such waste in a sanitary manner.
- (5.) Any vehicle, be it motorized or not, left abandoned in the city campground for any purpose whatsoever shall be subject to towing at the owner's expense.

(6.) Any person or persons who commits a violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-7 of the Code of Ordinances of the city.

(Code 1992, § 10-109; Ord. No. 535, 10-15-1996)

Sec. 58-33. Group use of parks.

Whenever any group (as defined in Sec. 58-34) desires to use a park for a particular purpose, such as a picnic, party, sports event or theatrical or other entertainment performance, a representative of such group shall first obtain approval and authorization from the Mayor and Council, for such purpose, unless the group is sponsored by the department as one of the department's scheduled programs. City hall shall grant the application for a permit if it appears that the group will not interfere with the general use of the park by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the department in this article, and in department regulations not contrary to this article. The permit will include the time, date, location and activity to be conducted by the group. A fee schedule for use of city parks is available at city hall. Such application shall contain a requirement for an indemnity bond, and/or onsite security to protect the city from liability of any kind or character and to protect city property from damage.

Sec. 58-34. Parks and recreation facilities regulations governing use.

Listed as follows is the order of priority and category in which recreational facilities will be scheduled on an ongoing basis:

- (1) Groups.
 - a) Any city-organized or -sponsored recreational activity;
 - b) Organizations that the city has agreements with for use of facilities;

- c) Civic groups. Civic groups are defined as nonprofit organizations/clubs, which serve the citizens the city of Bainbridge and Decatur County and have a current 501c3 letter of approval;
 - d) All other organizations and groups.
- (2) The scheduling of the parks and recreation facilities will be at the sole discretion of the Director or designee. The general rules and policies applicable to usage of parks and recreation facilities are listed as follows, and failure to abide by these rules could result in future usage of facilities being suspended:
- a) Scheduling of facilities will be coordinated and approved by the parks and recreation authority departments.
 - b) Facilities cannot be used for commercial purposes.
 - c) Facilities used for fundraising purposes must be approved by the Community Director or his designee and must be a civic group as defined by this article.
 - d) Full payment and deposits are due at the time of reservation. If facilities are not used during the reserved time for any reason and no prior cancellation was given, no refunds will be made, except as provided in subsection (4) of this section for reimbursement of a cleaning/security deposit.
 - e) A member of the organization must sign an affidavit of responsibility and fill out a facility reservation form provided by the Parks department.
 - f) No alcoholic beverages shall be allowed under any circumstance unless granted a special alcohol license permit by mayor and city council.
 - g) Areas shall be left clean. If it becomes necessary for employees to do an extensive amount of cleaning, there will be a corresponding deduction as determined by the Director or their designee in the cleaning and security deposit.
 - h) The user must report any damages to the police or parks/recreation authority employee on duty at once. All groups will be held liable for any damages to any city facility or equipment used by members of their organization. Facility damages could lead to losing privileges to use facilities.

- i) All scheduled meeting times are subject to change. Prior notice will be given by the responsible department if possible.
 - j) Unattended displays are only allowed in Coyle Park, such displays must be permitted by means of a special event permit, which may be approved by the office of the Community and Economic Development Director. A maximum of thirty (30) days per event or display is allowed during any six (6) month period. A permit will not be issued to a subsequent group or individual for the purpose of continuing a previously permitted event or display.
 - k) The city is not responsible for any valuables or property left on the premises.
 - l) No decorations shall be displayed, installed or permitted which may damage or deface the structures. Existing decorations may not be removed. The user of the facility is responsible for removing all of their own decorations and trash at the end of the reservation.
 - m) No facilities can be reserved more than one year in advance.
 - n) When facilities are not in use for scheduled activities and are available to the public for rent, the use of facilities is available on a first-come, first-served basis.
 - o) Facility users will be required to have not less than one adult chaperone for each ten minors present during use of facilities.
 - p) No facility will be used past 11:00 p.m. without permission from the Parks or Recreation Authority department.
 - q) There will be a cancellation fee as listed on the schedule of fees if the facility rented and reserved is not cancelled at least 15 days prior to an event.
- (3) The mayor and city council or Authority thereof may, establish rental fees for any public property and shall provide by appropriate regulations for the use of any public facility. Violation of any regulation established by the mayor and city council or Authority thereof and posted on the property or acknowledged by the user shall be deemed a violation of this Code and shall subject the offender to the penalty by law.

- (4) There is hereby created a cleaning/security deposit for rental of all city facilities. The cleaning/security deposit shall be set forth in the schedule of fees and charges per facility. It is refundable if and only when the facility is left in a clean state, and in the condition in which it was found. The decision of whether the deposit shall be refunded is solely up to the Parks /Recreation Authority department and will not be refunded until the rented facility has been inspected by the city or recreation authority supervisors.

~~(Ord. No. 20090402-A, § 58-13, 4-2-2009)~~

Sec. 58-35. Intentionally left blank

~~(Ord. No. 20090402-A, § 58-14, 4-2-2009)~~

Sec. 58-36. Fireworks.

It is unlawful for any individual to shoot, explode, or launch any fireworks in any park in the city, or into any park in the city from outside the park confines, unless such fireworks are part of a commercial fireworks display sponsored by the city and conducted by a licensed and bonded fireworks specialist.

(Ord. No. 20090402-A, § 58-15, 4-2-2009) Reference state law code section

Sec. 58-37. Meetings and assemblies.

Any person desiring to parade or assemble in any park or on any of the public streets, alleys or sidewalks of the city for any of the purposes defined in [section 70-24](#) of the Bainbridge City Code, shall file an application with the mayor and council, setting forth the time, place and purpose of such parade or assembly. When such application is approved by the city council, then such parade or assembly will be authorized. For purposes of this article such meetings, assemblies, worship services, entertainment, demonstrations, or political rallies, requested in a park setting, shall only be permitted in the confines of the Earle May Boat Basin Park specific to the Performing Arts Building addressed as 101 Boat Basin Circle and the grounds and greenspace surrounded by Boat Basin Circle. Persons, corporations, or organizations conducting public meetings, assemblies, worship services, entertainment, demonstrations, or political rallies, within the general confines of a park or municipal area without a permit is prohibited.

~~(Ord. No. 20090402 A, § 58-16, 4-2-2009)~~

Sec. 58-38. Noise.

(1.) *Prohibited.* It is unlawful for a person to:

- a) Make any loud noises that would disturb a reasonable person of ordinary sensibilities;
- b) Engage in noisy disputes or conversation that would disturb a reasonable person of ordinary sensibilities;
- c) Engage in any loud acts of behavior that would disturb a reasonable person of ordinary sensibilities; or
- d) In any other manner, disturb the public peace, quiet, and order in any of the city parks, including but not limited to loud exhaust pipes from vehicles or motorcycles, loud music of any kind from vehicles, motorcycles, or any other type of portable music device.

(2.) *Public address system.* The operation or use of public address systems, whether fixed, portable or vehicle-mounted, is prohibited except when such use or operation is in connection with public gatherings or special events which have been approved by the city.

~~(Ord. No. 20090402 A, § 58-17, 4-2-2009)~~

Sec. 58-39. Pollution of water in parks.

It is unlawful for any person to pollute or disturb any spring, branch, pond, fountain, pool, splash park or other water owned by or leased to the city including the use of any water fountain, drinking fountain, pool, sprinklers, reservoir, pond, or any other water contained in a park for the purpose of bathing, or cleaning clothing or other personal belongings. Pollutants are including but not limited to detergents, soaps, coloring agents or dye, herbicides, and or any other chemical agents. This section shall not apply to the management of licensed herbicides managed by the Community Service/Parks Director/ Recreation Authority Director or their designee in carrying out their roles in the management and maintenance of city parks.

~~(Ord. No. 20090402 A, § 58-18, 4-2-2009)~~

Sec. 58-40. Posting signs; disposal of trash and refuse.

It is unlawful for any person to affix any bill, sign, flag, or notice on any tree, building, or fixture, or upon the ground in any of the parks. It is unlawful for any person to place any paper, books, refuse, or trash of any kind in any of the public parks, except in containers provided for such.

(1.) It shall be unlawful for any person to throw any garbage or trash of any kind from, any automobile, truck or other motorized/non-motorized vehicle into the lanes, streets or public trails in any city owned park or recreation area.

(2.) It shall be unlawful for any person to intentionally leave unconsumed food out for the purposes of feeding animals of any kind.

~~(Ord. No. 20090402 A, § 58-19, 4-2-2009)~~

Sec. 58-41. Games.

It shall be unlawful for any person to endanger the general public in a park by taking part in or abetting the playing of any games involving throwing or otherwise propelling objects such as balls, stones, arrows, hatchets, axes, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or potentially dangerous games such as football, baseball, and soccer is prohibited except on the fields, courts, or other facilities provided therefor. No person shall use any park or other area owned and operated by the city for recreation purposes as a field for golf practice, putting green or driving range.

~~(Ord. No. 20090402 A, § 58-21, 4-2-2009)~~

Sec. 58-42. Disobeying orders.

No person shall disobey the lawful and reasonable order of a park employee or other city employee in the discharge of his duties for the purpose of safeguarding the park system, or disobey or disregard the notices, prohibitions, instructions, rules or regulations on any park sign.

~~(Ord. No. 20090402 A, § 58-22, 4-2-2009)~~

Sec. 58-43 through 58-53. Reserved



BID TABULATION

2023 7' X 12' FIBER SPLICING TRAILER

<u>COMPANY</u>	<u>DELIVERY</u>	<u>TOTAL BID PRICE</u>
InTech Trailers Nappanee, IN	45 days after order is placed Warranty: 2 years	\$37,431.25

ONLY BIDDER

Fiber 570-4750-54.2201