

TITLE 20

MISCELLANEOUS

CHAPTER

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CHAPTER 1

HELICOPTERS¹

SECTION

- 20-101. Definitions.
 20-102. Effect on zoning ordinance.
 20-103. Landing in unauthorized places.
 20-104. Designation of heliports or helistops.

20-101. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Helicopter." Any rotorcraft which depends principally for its support and motion in the air upon the lift generated by one (1) or more power-driven rotors rotating on a substantially vertical axis.

(2) "Heliport." An area of land, water or structural surface which is designed, used or intended to be used for landing and take-off of helicopters, and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "heliport" applies to all such facilities whether public or private.

(3) "Helistop." A minimum facility without the logistical support provided at a heliport at which helicopters land and take off, including the touchdown area. Helistops may be at ground level or elevated on a structure. The term "helistop" applies to all such minimum facilities whether public or private. (1985 Code, § 6-16)

¹State law reference

Heliports: Tennessee Code Annotated, § 42-8-101, et seq.

20-102. Effect on zoning ordinance. No provisions of this chapter shall be construed to alter or amend any provisions of the city's zoning ordinance, and no use prohibited by the terms of said ordinance shall be deemed permitted by the provisions of this chapter. (1985 Code, § 6-17)

20-103. Landing in unauthorized places. No person, except in an emergency, or persons involved in the conduct of official business for any law enforcement agency or military unit of any branch of the armed forces of the United States of America or the Tennessee National Guard, shall land a helicopter at any place within the city other than at landing facilities duly licensed or approved as required by appropriate statute or regulation by the state and the federal aviation agencies; provided, however, the city manager may approve temporary landing sites for special purposes so long as said landing sites are considered safe by the city and the helicopter operator and that said temporary landing sites are approved in writing. (1985 Code, § 6-18)

20-104. Designation of heliports or helistops. All heliports or helistops shall comply, where applicable, with the Heliport Design Guide Advisory Circular dated August 22, 1977, published by the federal aviation administration, or any authorized amendment or supplement thereto, as well as any rules and regulations promulgated by the state department of transportation with respect to minimum standards for heliports or helistops. If a heliport or helistop shall be located on a building or other structure, it shall further comply with the building code of the city. (1985 Code, § 6-19)

CHAPTER 2

PARKS AND RECREATION--MISCELLANEOUS

SECTION

20-201. Definitions.

20-202. Purposes.

20-203. Enforcement authority.

20-204. Hours.

20-205. Closed areas.

20-206. Preservation of buildings and other property.

20-207. Protection and preservation of wildlife.

20-201. Definitions. The following words, terms and phrases, when used in chapters 5-10 of this title shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Director" shall mean the director of the parks and recreation department.

(2) "Driver" shall mean every person who drives or is in actual physical control of a vehicle in or on park property, or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(3) "Motor vehicle" shall mean every vehicle which is self-propelled by means of an internal combustion engine or by electrical power, including but not limited to, automobiles, buses, emergency vehicles, motorcycles, motorbikes, motorscooters, school buses, trucks, and tractors.

(4) "Nonresident" shall mean any person not residing within the boundaries of the city.

(5) "Parking" shall mean the standing of a vehicle, whether occupied or not, except for the temporary purpose of loading or unloading merchandise or passengers.

(6) "Park" or "park area" shall mean all parks, playgrounds, recreation fields and areas, waterways, water areas, marinas, lakes, streams, canals, lagoons, beaches, and the parking areas, roadways, walkways, paths, and trails which are provided in connection therewith, and other improvements thereto, which are owned by the city, and which are under the control of the city for operation, maintenance, or upkeep.

(7) "Traffic-control devices" shall mean all signs, signals, markings, and devices placed or erected by authority of the city for the purpose of regulating, warning, or guiding traffic. (Ord. #3839, Sept. 2001)

20-202. Purposes. The purposes of chapters 5-10 of this title are to establish rules and regulations governing the operation and use of municipal park and recreation facilities, including established and designated picnic areas, public buildings, and shelters devoted to recreation purposes, athletic fields,

tennis courts, swimming areas, and other similar recreation areas and facilities, and the parking areas provided in connection therewith, which are owned or leased by the city, for the end and purpose that the public may obtain the maximum enjoyment and utilization thereof in accordance with the purposes intended and that the facilities may be conserved and protected for the public good. (Ord. #3839, Sept. 2001)

20-203. Enforcement authority. (1) The police bureau or parks and recreation employees are authorized to enforce the provisions of chapters 5-10 of this title.

(2) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by chapters 5-10 of this title or for any person to fail to comply with any lawful order given by the police bureau.

(3) Continuous violation of chapters 5-10 of this title shall result in permanent expulsion from the City of Johnson City's park system and recreation facilities. (Ord. #3839, Sept. 2001)

20-204. 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. All park visitors shall vacate the park premises during posted hours of closing to the public, or as directed by the parks and recreation director. (Ord. #3839, Sept. 2001)

20-205. 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 or at regular or stated intervals (daily or otherwise) or entirely or merely restricted to certain uses as the director shall find reasonably necessary. (Ord. #3839, Sept. 2001)

20-206. Preservation of buildings and other property. (1) No person in a park building or upon park grounds shall willfully mark, deface, disfigure, injure, tamper with, or displace, or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, other public utilities or appurtenances thereof, signs, notices, placards (whether temporary or permanent), monuments, stakes, posts, other boundary markers, or other structures, equipment, facilities, park property or appurtenances whatsoever.

(2) All persons using restrooms and washrooms shall cooperate in keeping them in a neat and sanitary condition.

(3) No person shall damage or remove plants, plant materials, trees or parts thereof, flowers, nuts, or seeds, except that park personnel may be empowered to make such removals. Scientists and students of botany may be given special written specimen-collecting permits at the discretion of the parks and recreation director.

(4) No person or agency shall make any excavations by tool, equipment, blasting, or other means, nor shall any person construct or erect any building or structure of whatever kind, either permanent or temporary, or run or string any public utilities into, upon, across, or over any park or recreation lands, unless authorized by permit or easement.

(5) No fires shall be built in any area of any park, except in such areas as are specifically designed for fire building, nor shall any person dump, throw, or permit to be scattered, by any means, lighted matches, burning tobacco products, or any other flammable material within any park area, or any highway, road, or street abutting thereto.

(6) No person shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences, or upon any other property not designated or customarily used for such purposes. (Ord. #3839, Sept. 2001)

20-207. Protection and preservation of wildlife. (1) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot, throw or propel by any means missiles at any wildlife creature, be it animal, bird, or reptile roaming free within a park or in captivity in a zoo cage with the exception of police bureau personnel acting to protect the general public using a park facility; nor shall any person remove or possess the young of any wild animal or the nest or eggs of any reptile or bird, or collect, remove, possess, give away, sell, offer to sell, buy, offer to buy, or accept as a gift any park wildlife specimen, dead or alive.

(2) No person shall bring any unleashed animal, reptile, or bird (either wild or domestic) onto the grounds of any park. (Ord. #3839, Sept. 2001)

CHAPTER 3

PARKS AND RECREATION--PERMITS

SECTION

- 20-301. Picnic shelters.
- 20-302. Overnight camping.
- 20-303. Special photography.
- 20-304. Public demonstrations.
- 20-305. Application.
- 20-306. Standards for issuance.
- 20-307. Decision on application; appeals from denial.
- 20-308. Conditions of permit.

20-301. Picnic shelters. Reservations for picnic shelters and the appurtenances thereto shall be obtained in advance for a specific time and duration for each such facility, subject to the conditions and provisions contained in the picnic shelter permit. (Ord. #3839, Sept. 2001)

20-302. Overnight camping. (1) Organized groups may receive permission for an overnight camping permit at a specified site in an area of a park where such designated facilities are available. Permits for overnight camping will be issued in writing by the director upon request. Permits will be issued under such special regulations and instructions as may be prescribed by the director.

(2) Bringing into a park and using for overnight occupancy any house, trailer, camp trailer, recreation vehicle, camp wagon or any other form of moveable structure or special vehicle is prohibited, unless written permission is given by the director. (Ord. #3839, Sept. 2001)

20-303. Special photography. Prior written permission shall be obtained from the director for the making of still or moving pictures involving the use of special settings, structures, or the performance of a cast of persons, whether amateur or professional, or involving the posing of amateur or professional models. Permission shall be granted only when such activities will be in full compliance with all laws and regulations of the United States, the state, the county and the city, and will in no way interfere with the normal use of park facilities by the general public, unless otherwise permitted by the department director. The provisions of this section do not in any way restrict the use of cameras, whether by amateur photographers or professionals, who are not using such settings, structures, apparatus, casts, or models. (Ord. #3839, Sept. 2001)

20-304. Public demonstrations. (1) No band procession, military company, or any company or group with flags, banners, signs (professionally made or handmade) and transparencies shall be allowed upon any park or within any park without written permission of the director. Such permits shall clearly define the nature of the activity, the limit of its scope and time, and shall set forth such other restrictions and requirements as the director may deem necessary.

(2) No entertainment, musical rendition, or exhibition shall be given in any park or recreation area, and no electronic microphones or amplifying devices shall be used in connection therewith, except under the direction and authority of the director, or in the performance of duty by police bureau personnel.

(3) No person shall initiate, sponsor, organize, promote, conduct, or advertise a public assembly to be gathered in a park or recreation area, unless a permit has been obtained from the director. A separate permit shall be required for each such assembly and the period of time for which the permit is applicable shall be clearly stated. (Ord. #3839, Sept. 2001)

20-305. Application. All requests for permits required hereunder shall be made in writing upon an application form, to be furnished by the parks and recreation department, which shall require the following information:

(1) The name and address of the applicant proposing or sponsoring the activity involved;

(2) The type of permit requested and the purposes or activity proposed thereunder;

(3) The date and hours for which the permit is desired;

(4) The specific park area or recreation facility for which the permit is requested;

(5) The proposed number of persons who will attend or participate in the activity involved;

(6) A statement of any special circumstances which are material to the permit requested;

(7) A detailed description of all equipment to be brought into the park;

(8) Such other relevant information as the director may reasonably require in regard to the application. (Ord. #3839, Sept. 2001)

20-306. Standards for issuance. If the park area or recreation facility will be available for use on the date and time requested and is not subject to a prior reservation, the director may issue a permit under this chapter when the park use applied for is in accordance with the purpose for which such park property is designed or intended, and provided that the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the remaining park area or interfere with or endanger public health, welfare, or safety. (Ord. #3839, Sept. 2001)

20-307. Decision on application; appeals from denial. (1) Within five (5) business days after receipt of an application for permit hereunder, the director shall either approve or deny same and advise the applicant accordingly, either in person or by mail.

(2) If an applicant is denied, the director at the time of notification shall apprise the application in writing of the reasons for such refusal. Any persons aggrieved thereby shall have the right to appeal such adverse decision in writing within seven (7) days of receipt of such refusal to the city manager, who shall consider the application under the standards hereinabove set forth, and without undue delay, sustain, overrule or modify the director's decision. (Ord. #3839, Sept. 2001)

20-308. Conditions of permit. Permits will be issued subject to such special regulations and instructions as may be prescribed by the director. Permittees shall be bound by all park rules, regulations, and all applicable law and ordinances as fully as though the same were inserted in the permits. Permittees shall hold the city harmless from any claims for loss, injury, or damage to any persons or property whatsoever caused by the negligence of permittees in the exercise of such permit. The director shall have the authority to revoke a permit upon finding a violation of any rule, law, or ordinance. (Ord. #3839, Sept. 2001)

CHAPTER 4

PARKS AND RECREATION--REGULATIONS GENERALLY

SECTION

- 20-401. Alcoholic beverages.
- 20-402. Drunkenness.
- 20-403. Vending or selling in park areas.
- 20-404. Domestic animals.
- 20-405. Bathing, swimming.
- 20-406. Unattended children upon designated recreation beach areas and pools.
- 20-407. Shelters.
- 20-408. Boating.
- 20-409. Hunting, firearms, toy guns.
- 20-410. Game and sport activity.

20-401. Alcoholic beverages. See title 8, alcoholic beverages, § 8-101 for the regulation of alcoholic beverages, wine, high alcohol content beer, and beer in parks. (Ord. #3839, Sept. 2001, as replaced by Ord. #4596-15, March 2016)

20-402. Drunkenness. No intoxicated person will be permitted entry to parks and recreation areas, and if discovered therein, that person or persons shall be subject to arrest by law enforcement personnel. (Ord. #3839, Sept. 2001)

20-403. Vending or selling in park areas. No person, other than the parks and recreation department or its licensed concessionaires acting by and under the authority of the city, will offer for sale, rent, or trade any article or thing, or place any stand, cart, or vehicle for the transport, sale or display of any food, drink, article, or merchandise, or engage in any commercial activity for compensation, or solicit any business within the limits of any park or recreation area. (Ord. #3839, Sept. 2001)

20-404. Domestic animals. No person shall bring into, or allow to remain in any park or park area, any unleashed dogs, cats, or other animals belonging to that person or in his/her possession, or custody. Nothing herein contained shall be construed as permitting the running of dogs at large. The owner or custodian of every animal shall be responsible for the removal of excreta deposited by such animal within park areas. By prior written approval by the parks and recreation director, unleashed animals may be permitted in any park or park area. Provided that animal remains under the control of the person bringing that animal into any park or park area for a special event. (Ord. #3839, Sept. 2001)

20-405. Bathing, swimming. (1) No person, regardless of age, sex, or manner of dress, shall swim, scuba dive, wade or bathe in waters or waterways in or adjacent to any park, other than such places as are provided for such activities, and in compliance with the rules of these areas, as to hours of the day and safety limitations for such use.

(2) Parks and recreation personnel, police department officer(s), and other appropriately designated personnel shall have the authority to order persons in and out of the water as conditions permit relative to the welfare, health, and safety of the public. All orders issued by any parks and recreation personnel and police bureau officer(s) shall be obeyed. (Ord. #3839, Sept. 2001)

20-406. Unattended children upon designated recreation beach areas and pools. It shall be unlawful for the parent, legal guardian, or other person having the care and custody of a child twelve (12) years of age or under to permit such child at any time to be in or upon the premises of the designated recreation beach areas or pool, unless the child is accompanied by his/her parent, legal guardian, or other person 16 years of age or over having the care and custody of the child. (Ord. #3839, Sept. 2001)

20-407. Shelters. No person shall erect, or cause to be erected, any tent, shelter, or structure on or in any designated recreation, bathing, or wading area in such a manner that a guy wire, rope, extension, brace or support is connected or fastened from any such structure to any other structure, stake, rock, earth, or other object, unless permitted by the department director. (Ord. #3839, Sept. 2001)

20-408. Boating. (1) No person shall bring into or operate in any park property, waterway, bay, lagoon, lake, canal, river, pond or slough, other than those in place designated for such use or purposes in accordance with Tennessee Code Annotated, § 69-10-209, Rules and Regulations. This references uniform regulations governing the numbering, the safety equipment, and the operation of vessels subject to this chapter so that any such vessel complying therein may be operated with equal freedom, or under similar requirements, upon all the waters of Tennessee. This section is held in strict conformity with city, state, and federal law, any boat, yacht, cruiser, canoe, raft, or other watercraft, except toys too small for human occupancy.

(2) No motor boats shall be operated on park waters, unless equipped in accordance with Tennessee Code Annotated, § 69-10-209, Rules and Regulations. (Ord. #3839, Sept. 2001)

20-409. Hunting, firearms, toy guns. (1) No person shall carry, use, or possess firearms of any description, air rifles or pistols, spear guns, spring guns, bows and arrows, or any other form of weapon whether real or merely

replicas or toys in a park area, with the exception of personnel of the Johnson City Police Bureau acting or performing in the line of duty.

(2) No hunting, trapping, or pursuit of wildlife by any means or methods whatsoever shall be permitted on or in any park area, unless specifically designated from time to time by the city manager.

(3) The following verbiage must be posted at all park entrances: Pursuant to Tennessee Code Annotated, § 39-17-1359, the owner/operator of this property has banned weapons on this property, or within this building or this portion of this building. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than five hundred dollars (\$500.00). The exception to this posting is law enforcement personnel performing their duties. (Ord. #3839, Sept. 2001)

20-410. Game and sport activity. No person shall play or engage or participate in any game, sport, or recreation activity upon property used, maintained, or occupied by the city at any time, when there is posted on such property in a reasonably conspicuous place and manner, an appropriately worded sign prohibiting any such game, sport, or recreation activity. (Ord. #3839, Sept. 2001)

CHAPTER 5

PARKS AND RECREATION--PICNIC AREAS

SECTION

20-501. Food preparation and cooking.

20-502. Regulation and control.

20-503. Financial arrangements for picnics.

20-501. Food preparation and cooking. (1) No person shall build, light or cause to be lighted any fire upon the ground or upon any other surface in any area except as specifically designated in an approved grill, stove, fireplace, or other suitable container, nor shall any person tending or starting a fire leave the area without completely extinguishing the fire.

(2) No person shall use a grill or other device in such a manner as to burn, char, mar, or blemish any bench, table, or any other object of park property. (Ord. #3839, Sept. 2001)

20-502. Regulation and control. The director and the parks and recreation department employees will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding activities in any park picnic area, building or structure shall avoid using same to the exclusion of others for an unreasonable time, as determined in the sole discretion of parks and recreation management. Use of individual fireplaces, grills, tables, and benches shall be on a first come, first served basis. (Ord. #3839, Sept. 2001)

20-503. Financial arrangements for picnics. Financial arrangements for payment for any picnics which are held in a park, on a reserved basis or otherwise, shall be made in advance through the department's administrative office. (Ord. #3839, Sept. 2001)

CHAPTER 6**PARKS AND RECREATION--TRAFFIC****SECTION**

- 20-601. State and local traffic regulations apply.
- 20-602. Obedience to traffic signs.
- 20-603. Enforcement of traffic regulations.
- 20-604. Use of vehicles.
- 20-605. Speed of vehicles.
- 20-606. Vehicles confined to designated areas.
- 20-607. Parking regulations.
- 20-608. Parking during authorized hours.

20-601. State and local traffic regulations apply. The provisions of the state statutes governing and regulating the operation, maintenance, and control of motor vehicles and the traffic ordinances already contained in the city code are adopted by reference into this chapter and shall apply uniformly to and within the confines of all parks and recreation facility areas, roadways, drives, and parking areas appurtenant thereto. All persons within the confines of park and recreation facility areas shall at all times fully comply with all such motor vehicle statutes and ordinances. (Ord. #3839, Sept. 2001)

20-602. Obedience to traffic signs. All persons shall obey all traffic signs indicating speed, direction, caution, stopping, or parking and all other signs posted for proper control of traffic or for the safety of persons and property. (Ord. #3839, Sept. 2001)

20-603. Enforcement of traffic regulations. All persons shall obey all traffic officers and parks and recreation employees, who are authorized to direct traffic whenever and wherever needed in the parks or in the highways, streets, or roads immediately adjacent thereto. (Ord. #3839, Sept. 2001)

20-604. Use of vehicles. (1) No operator of a vehicle shall tow another vehicle on park roads, except when the towing vehicle is used in transporting a boat into a marina/dock areas or other designated area, or when necessary to remove a disabled vehicle, or in the towing of motorized bikes or special event trailers, or as otherwise permitted by the director, or by the chief of police.

(2) No person shall change any parts of or repair, wash, or grease a vehicle on any park roadway, parkway, driveway, parking lot or other park property, except as necessary to remove a disabled vehicle.

(3) All disabled vehicles not removed from park property within twenty-four (24) hours shall be subject to citation and removal by the city and

impounded until such time as redeemed at the owner's expense. (Ord. #3839, Sept. 2001)

20-605. Speed of vehicles. No person shall operate or drive a vehicle in any park area at a rate of speed in excess of 15 miles per hour, except upon such road as the city manager may designate by posted signs for speedier travel. (Ord. #3839, Sept. 2001)

20-606. Vehicles confined to designated areas. No person shall drive any vehicle on any area except the paved park roads, designated parking areas, or such other areas as may on occasion be specifically designated as travel or parking areas by the director, or in cooperation with the police bureau operations or as directed by the chief of police. (Ord. #3839, Sept. 2001)

20-607. Parking regulations. No person shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present. (Ord. #3839, Sept. 2001)

20-608. Parking during authorized hours. No vehicles shall park or remain in a parking area established in conjunction with a park and recreation facility beyond the hours of operation established for the facility unless otherwise posted. Operators of vehicles having mechanical breakdowns or operational failures shall immediately advise the traffic officers or appropriate parks and recreation employees of such circumstances and shall take further appropriate action necessary to insure that the vehicle will be removed from the parking area within twenty-four (24) hours. No vehicle shall be permitted to remain in the parking areas after the closing hours thereof, unless the express permission of the director is first obtained. Vehicles in violation hereof shall be subject to citation and removal by the city and impounded until such time as redeemed at the owner's expense. (Ord. #3839, Sept. 2001)

CHAPTER 7

PARKS AND RECREATION--RESERVATIONS FOR FACILITIES

SECTION

20-701. Definitions.

20-702. Use of community facilities.

20-703. Applications.

20-704. Penalty.

20-701. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Civic, educational, or community service" shall mean any group primarily devoted to the advancement of civic, educational or community service purposes.

(2) "Nonresident civic, educational, or community service group" shall mean a group primarily devoted to the advancement of civic, educational, or community service purposes whose current membership as of thirty (30) days prior to the date on which facility is requested to be used is comprised of less than seventy (70) percent of citizens of the city.

(3) "Resident civic, educational or community service group" shall mean a group primarily devoted to the advancement of civic, educational, or community service purposes, whose current membership as of thirty (30) days prior to the date on which the facility is requested to be used is comprised of more than seventy (70) percent of citizens of the city. (Ord. #3839, Sept. 2001)

20-702. Use of community facilities. The director may permit the use of community facilities on a priority basis by civic, educational, or community service groups, provided that such activities will not interfere with the utilization of such facilities by the city for its own programs. The priority for such uses shall be as set forth in this section. In the event of a conflict between priorities, the final determination shall be made by the city manager.

First priority shall be given, on a space-available basis, to the activities of resident(s) and resident civic, educational, or community service groups providing recreation activities that complement the recreation program of the city as determined or permitted by the department director.

Second priority will be given, on a space-available basis, to the activities of nonresident and nonresidents civic, educational, or community service groups, providing recreational activities, that complement the recreation program of the city as determined or permitted by the department director. (Ord. #3839, Sept. 2001)

20-703. Applications. Facilities may be reserved and used upon an application for use on a specific date. Such application shall be filed with the

director and signed by the president or chairperson of the organization. The application shall state the purpose for which use of the park facility is requested, whether admission fees and charges shall be made, and state the name of the organization's current president, which shall show on its face the number of members who reside within the city and the number of residents who do not reside within the city. (Ord. #3839, Sept. 2001)

20-704. Penalty. Any person who shall violate any provision of chapters 5-10 of this title, upon being found guilty, shall be punished according to law, pursuant to the general penalty provisions of the code of the City of Johnson City. (Ord. #3839, Sept. 2001)