

TITLE 20

MISCELLANEOUS

CHAPTER

1. MAPLEVIEW CEMETERY.
2. PARKS AND RECREATION DEPARTMENT.
3. COMMUNITY SERVICES DEPARTMENT.
4. SMOKING IN MUNICIPAL FACILITIES.

CHAPTER 1

MAPLEVIEW CEMETERY

SECTION

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- 20-110. Maintenance of cemetery grounds.
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20-101. Price of gravesites. The price for which the Town of Smyrna will charge for each gravesite at Mapleview Cemetery shall be determined by the fee schedule adopted in accordance with the annual budget ordinance. (Ord. #02-20, July 2002, modified)

20-102. Payment for gravesites. No payment plan shall be permitted for the purchase of a gravesite, except in the event where the gravesite will be used immediately. In such cases, the purchaser shall be given a period of up to one hundred twenty (120) days to pay the balance in full and shall be required to execute any agreements and/or documents necessary to evidence such obligations. (Ord. #02-20, July 2002)

20-103. Perpetual care fund. A perpetual care fund for the Mapleview Cemetery was established on July 1, 2000. A portion of the funds from the sale of each gravesite made after July 1, 2000, shall be deposited into said fund. This

amount shall be determined by the fee schedule adopted in accordance with the annual budget ordinance. (Ord. #02-20, July 2002, modified)

20-104. Interments. For all interments at Mapleview Cemetery, there shall be a permanent outer container for adult interments, said container to be approved by town officials for Mapleview Cemetery. Infant interments shall be exempt from this requirement. (Ord. #02-20, July 2002)

20-105. Headstones, markers and statues. The purchaser and/or owner of any gravesite is allowed to place headstones, markers and/or statues on such gravesite, provided that any such headstones, markers and/or statues are kept within the dimensions of such individual gravesite. The purchaser and/or owner of each gravesite is required to contact the Mapleview Cemetery Office before placing any headstones, markers, and/or statues on any gravesite. The Town of Smyrna and/or its agents shall not be held liable for any damage to, and/or any loss of, any such item. (Ord. #02-20, July 2002, modified)

20-106. Flowers, bushes and plants. The purchaser and/or owner of any gravesite is allowed to plant flowers, bushes and/or plants on such gravesite, provided that any such flowers, bushes and/or plants are kept within the dimensions of such individual gravesite. The Town of Smyrna and/or its agents shall not be held liable for any damage to, and/or any destruction of, any such flowers, bushes and/or plants. All holiday, specialty, faded, broken, or deteriorated items will be removed on a schedule set by the Mapleview Cemetery Office. (Ord. #02-20, July 2002, modified)

20-107. Trees. The planting of trees on any gravesite is prohibited unless approved in advance by the Mapleview Cemetery Office. (Ord. #02-20, July 2002, modified)

20-108. Fencing or ornamental outlining. The placement of fencing on, and/or the ornamental outlining of, any gravesite is prohibited. (Ord. #02-20, July 2002)

20-109. Rock and/or unsuitable soils. The purchaser and/or owner of any gravesite is responsible for all costs involved in the removal of any rock and/or unsuitable soils from such gravesite. (Ord. #02-20, July 2002)

20-110. Maintenance of cemetery grounds. The Town of Smyrna or a contracted service provider shall maintain the grounds at Mapleview Cemetery. (Ord. #02-20, July 2002)

20-111. Patrol of cemetery. The Mapleview Cemetery is patrolled regularly by the Smyrna Police Department. (Ord. #02-20, July 2002)

20-112. Benches. The purchaser and/or owner of any gravesite is allowed to place a bench on such gravesite, provided that any such bench is kept within the dimensions of such individual gravesite and is made of a material which will not deteriorate or rust. The Town of Smyrna and/or its agents shall not be held liable for any damage to, and/or any loss of, any such bench. (Ord. #02-36, Sept. 2002)

CHAPTER 2

PARKS AND RECREATION DEPARTMENT

SECTION

- 20-201. Establishment.
- 20-202. Director.
- 20-203. Qualifications of office.
- 20-204. Park director powers and duties.
- 20-205. Acquisition of land.
- 20-206. Park rules and regulations.
- 20-207. Naming of park facilities.
- 20-208. Violation and penalty.

20-201. Establishment. There is created a parks and recreation department for the purpose of providing for the proper maintenance and operation of public parks, playgrounds, and other recreation facilities belonging to or operated in whole or in part by the Town of Smyrna and providing for the acquisition of land, structures, and other facilities for the parks and recreation programs of the town. (1991 Code, § 20-201)

20-202. Director. The functions of the parks and recreation department are executed under the supervision and control of the park director. Such director shall be appointed by the town manager for an indefinite term. The director shall be subject to the personnel policies established by the town. (1991 Code, § 20-202, modified)

20-203. Qualifications of office. The town manager may prescribe regulations from time to time for determining the qualifications for the office of director, and prescribing additional powers and duties. (1991 Code, § 20-203)

20-204. Park director powers and duties. The park director or his/her designee, as authorized by the town manager and as authorized by the laws of the state and, within the limits of the funds and purposes prescribed by ordinance, shall have the power to implement recreational or cultural programs that will employ the leisure time of the public in a constructive and wholesome manner. Without limiting the generalities of the foregoing powers, the park director or his/her designee shall have the authority:

- (1) To control and supervise all parks, greenways, play and recreation grounds, indoor recreation facilities or other municipally owned recreation facilities;
- (2) To plan, promote, and recommend the acquisition, construction, development, maintenance or operation of such public parks, greenways, recreation grounds and facilities;

(3) When authorized by the town council, to contract in writing with any adjacent city or town, park district, school district, governmental agency, or any public organization for the purpose of acquiring recreation facilities for conducting recreation programs;

(4) To exercise control over any monuments, works of art, advertising, or signage to be displayed in public parks or recreational facilities.

(5) To solicit and receive on behalf of the town council, any gifts or bequests or other personal property to be applied for playgrounds, parks, or recreational purposes;

(6) To grant concessions and privileges in public parks, under such restrictions and for such compensation as may be prescribed; provided that no concession or privilege shall ever be granted for the sale of intoxicating liquors, beer, or wine in any town park;

(7) To allocate use of facilities through written annual user agreements with non-profit recreation providers that meet prescribed financial, organizational, scheduling, certification, background, and participation requirements;

(8) To administer use and scheduling policies of recreational facilities per recommendation of the park advisory board;

(9) To administer fees and charges for recreational facilities as approved by town council per recommendation of the park advisory board;

(10) To enforce park rules and regulations as prescribed by town ordinance approved by town council per recommendation of the parks advisory board. (1991 Code, § 20-204, modified)

20-205. Acquisition of land. The department shall have no power to acquire land for park purposes without the approval of town council. This includes acquisition of property through impact fee waivers. (1991 Code, § 20-205)

20-206. Park rules and regulations. (1) The director as prescribed by department's rules and regulations as approved by the town manager shall have the power to limit use of the town's recreational facilities for any user in violation of said rules and regulations and/or established codes of conduct for users, coaches, parents, players, vendors, or groups. Any sanctions issued by the director are subject to approval of the town manager. The parks and recreation department rules and regulations, as provided by Ord. #99-27, may be amended by the town council pursuant to recommendations of the parks and recreation director and the parks advisory board.

(2) No person shall, without permission from the park's director, in any park:

(a) Distribute, display or construct any material for advertising purposes (except for team sponsorship signs approved by the director of parks and recreation);

- (b) Solicit contributions for any purpose or do any vending (without permission of the director of parks and recreation);
- (c) Camp or erect or maintain a tent or shelter or build a campfire;
- (d) Disobey the lawful and reasonable order of a park employee in the discharge of his duties or disobey the notices, prohibitions, instructions, or directions on any park sign;
- (e) Use threatening, abusive, or insulting language;
- (f) Do any obscene or indecent act;
- (g) Throw, cast, or propel stones or other missiles;
- (h) Interfere with, encumber, obstruct, or render dangerous any part of the park;
- (i) Climb or lie upon any well, fence, shelter, monument, or other structure not meant for such;
- (j) Do any act amounting to a breach of peace;
- (k) Enter or leave any park facility except at established entrance ways or exits or at established times;
- (l) Use or gain admittance to the facilities in the park for the use of which a charge is made without paying the charge;
- (m) Bring in, have possession of, or partake of any alcoholic beverage.
- (n) Engage in, instigate, or encourage a fight;
- (o) Do, aid, abet, or assist in doing any act injurious to any person, animal, or property within the park;
- (p) Bring into or have in his/her possession in any park any firearms, slingshots, fireworks, explosives, or dangerous weapons;
- (q) Engage in gambling;
- (r) Deposit any rubbish of any sort except in receptacles provided for refuse;
- (s) Spit upon any walk, floor, building or structure.
- (t) Throw, cast, drop, or discharge into or leave in the waters in/or adjacent to any park any substance which may result in the pollution of such waters;
- (u) Destroy, injure, disturb, or remove any growing thing, including but not limited to, any plant, flower, shrub, or tree;
- (v) Injure, deface, displace, remove, fill in, raise, destroy, or tamper with any drive, walk, bridge, wall, fence, shelter, seat, monument, building, post, sign, railing, platform, telephone, recreation equipment, pipe, basin, or any property, real or personal, owned by the Town of Smyrna;
- (w) Park or drive in any areas other than designated parking areas;
- (x) Create inappropriate loud noise or music that may disrupt the leisure atmosphere within the parks;

(y) Violate any other town, state, or federal law or ordinance.
(1991 Code, § 20-206, modified)

20-207. Naming of park facilities. Naming or renaming of Town of Smyrna park facilities shall be the responsibility of the Smyrna Town Council upon receiving a recommendation from the parks and recreation advisory board.
(1991 Code, § 20-208)

20-208. Violation and penalty. Usage of public parks and participation in leagues sanctioned by the parks and recreation department is not a right, but a privilege subject to the rules and regulations of the Smyrna Parks and Recreation Department. Convicted felons are prohibited from coaching, umpiring, assisting or administering youth league teams.

Violators of the foregoing rules and regulations are subject to ejection from the park by any parks and recreation employee and may be subject to criminal or civil prosecution and a fine not to exceed maximum limits. Each day an offense occurs constitutes a separate violation. (1991 Code, § 11-502, modified)

CHAPTER 3

COMMUNITY SERVICES DEPARTMENT

SECTION

- 20-301. Office established; functions.
- 20-302. Director; appointment; responsibilities.
- 20-303. User fees.
- 20-304. Facility operation hours.
- 20-305. Standard operating procedures.
- 20-306. Pro shop, clubhouse, maintenance department and food and beverage operation.
- 20-307. Banquet facility.
- 20-308. Violation and penalty.

20-301. Office established; functions. There is hereby created and established a community services department, which shall maintain and operate the Smyrna Municipal Golf Course and Town Centre Banquet Facility and provide such other services as may be directed by the town manager. (Ord. #02-29, Aug. 2002, modified)

20-302. Director; appointment; responsibilities. The town manager shall appoint a director of community services, who shall report directly to the town manager. The director of community services shall be appointed for an indefinite term and may be removed at any time. The director of community service shall direct the operations of the golf department, including the golf shop, the food and beverage operation and golf course maintenance facility, for the efficient management and operation of the municipal golf course and the promotion of interest in the sport and use of the golf course. In addition he shall direct the operations of the Town Centre for the efficient management and operation of the banquet facility and the promotion of interest in community opportunities. (Ord. #02-29, Aug. 2002, modified)

20-303. User fees. The town manager, upon the recommendation of the director of community services, shall propose to the town council charges for the use of the municipal golf course and Town Centre, including, but not limited to, cart fees, greens fees and annual pass fees, room rental and food charges. (Ord. #02-29, Aug. 2002, modified)

20-304. Facility operation hours. The municipal golf course and Town Centre shall be open to the public during designated hours established by the director of community services. Any section or part of the golf course or clubhouse facility or Town Centre may be declared closed to the public by the director of community services at any time and for any interval of time, either

temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the director of community services may deem necessary or appropriate. (Ord. #02-29, Aug. 2002, modified)

20-305. Standard operating procedures. The director of community services shall create, maintain and enforce standard operating procedures for the efficient operation of the golf department and Town Centre subject to approval by the town manager. These procedures shall include general rules and regulations for the course and for the public use of the course and facilities. Such rules and regulations shall be posted for the general public's viewing and education. (Ord. #02-29, Aug. 2002, modified)

20-306. Pro shop, club house, maintenance department and food and beverage operation. The Smyrna Municipal Golf Course operates a pro shop, clubhouse, maintenance department and food and beverage operation for the comfort and convenience of the town's golfing citizens. These facilities are under the management and supervision of the director of community services or his or her designee. (Ord. #02-29, Aug. 2002)

20-307. Banquet facility. The Town of Smyrna operates a banquet facility for the comfort and convenience of its citizens. This facility shall be under the management and supervision of the director of community services or his or her designee. (Ord. #02-29, Aug. 2002)

20-308. Violation and penalty. Violations shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 4

SMOKING IN MUNICIPAL FACILITIES

SECTION

20-401. Purpose.

20-402. Definitions

20-403. Prohibitions.

20-404. Designation of Smoking and Non-Smoking Areas.

20-405. Posting of Signs.

20-406. Violations.

20-401. Purpose. The purpose of this chapter is to prohibit the smoking and use of tobacco, or any weed or plant, in designated non-smoking areas of public facilities. (Ord. #07-11, April 2007)

20-402. Definitions. For purposes of this chapter, the following words shall have the meaning as stated:

(1) "Smoke" or "smoking" means the carrying of a lighted pipe, cigar, cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind.

(2) "Municipal facility" means any enclosed area and/or facility which is owned, operated, leased, or under the control of the Town of Smyrna to which the public is invited or in which the public is permitted, including, but not limited to, waiting rooms, lobbies and reception areas, education facilities, and areas in which town employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, and conference rooms.

(3) "Tobacco product" means tobacco in any form, including, but not limited to, snuff, chewing tobacco, cigars, and pipe tobacco. (Ord. #07-11, April 2007)

20-403. Prohibitions. No person shall, in or at a municipal facility, smoke or use tobacco products in any designated non-smoking area. (Ord. #07-11, April 2007)

20-404. Designation of Smoking and Non-Smoking Areas.

(1) Non-smoking areas may be designated in or at municipal facilities by the town manager. In any area designated as a non-smoking area the use of tobacco in any form is prohibited.

(2) Smoking areas in or at municipal facilities may be designated by the town manager, except in areas where smoking is prohibited by the state fire marshal or by other law, ordinance, or regulation. In areas where smoking is permitted, existing physical barriers and ventilation systems shall be used to minimize the effect of smoke in adjacent non-smoking areas. It shall be the

responsibility of the town manager to provide smoke-free areas for non-smokers within existing facilities to the maximum extent possible.

(3) To the maximum extent possible, smoking shall be prohibited in areas where children under the age of eighteen congregate and play. (Ord. #07-11, April 2007)

20-405. Posting of Signs. Signs which designate smoking or non-smoking areas established by this chapter shall be clearly and conspicuously posted in every room, building, or other place covered by this chapter. (Ord. #07-11, April 2007)

20-406. Enforcement; violations. (1) The town manager shall post or cause to be posted all "No Smoking" signs required by this chapter. Employees of the Town of Smyrna shall be required to orally inform persons violating this chapter of the provision thereof. The duty to inform such violator shall arise when such employee becomes aware of such violation.

(2) It shall be the responsibility of the town manager to disseminate information concerning the provisions of this chapter to employees.

(3) Any person violating any provision of this chapter shall be guilty of a civil offense and upon conviction shall pay the maximum penalty allowable in accordance with the general penalty provision of this code. Each occurrence shall constitute a separate offense. (Ord. #07-11, April 2007)