# COUNTY AGENDA REQUEST

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| Department: | Legal | Presenter(s): | Attorney Dennis Davenport |
| Meeting Date: | Thursday, February 26, 2015 | Type of Request: | New Business |

Wording for the Agenda:

Consideration of Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh.

Background/History/Details:

Earlier this year, staff began reserving pavilions at the various county lake reservoirs. These proposed changes to the Fayette County Code of Ordinances is an effort to bring consistency to the Recreation Ordinances that are already in effect.

Staff has observed that the ordinance, as it pertains to the operation of water-craft vessels, was not consistent with the Georgia Department of Natural Resources and these proposals will bring further bring consistency to state requirements.

A Red-Lined Version of changes to the Fayette County Code of Ordinances is provided (see Exhibit A.)

The final form of Ordinance 2015-03 is provided (see Exhibit B.)

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh.

If this item requires funding, please describe:

Not Applicable.

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| Has this request been considered within the past two years? | No | If so, when? | |
| Is Audio-Visual Equipment Required for this Request?* | No | Backup Provided with Request? | Yes |

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

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| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | | County Clerk's Approval | Yes |
| Administrator's Approval | | | |

Staff Notes:

Exhibit A

# CHAPTER 18. PARKS AND RECREATION.

## ARTICLE II. LAKE KEDRON.

### Sec. 18-49. - 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:

*City* means the City of Peachtree City, Georgia, and any of its officials and/or agents and employees.

*Lake Kedron* means the county reservoir established along Flat Creek in the city and owned and operated by this county. This definition includes the lake at its normal pool elevation, a certain flood easement as shown on the records as kept in the clerk's office of the county superior court, dam site and public access and facilities.

*Lake Kedron recreation facility* means all pavilions, picnic areas and recreation areas around Lake Kedron as designated by the county.

*Owner* means the county and/or the board of commissioners.

*Public access and facilities* means any area open to the public in or about Lake Kedron as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

### Sec. 18-50. - Hours of operation.

Lake Kedron shall only be open to the general public from and to those public access and facility areas as designated by the county between the hours of 6:30 a.m. and 6:00 p.m. Eastern Standard Time or 6:30 a.m. and 8:30 p.m. daylight saving time, whichever is applicable.

### Sec. 18-51. - Prohibitions.

The following shall be prohibited on or about Lake Kedron and any other and all property surrounding such area as being property of the owner:

(1) Swimming, wading.

(2) Any activity allowing bodily contact with the water.

(3) The operation of any hydrocarbon or ~~alcohol~~ alcohol-fueled power boats or other ~~water craft~~vessels so powered.

(4) Water skiing.

(5) Scuba diving.

(6) Alcoholic beverages, smoking or the use of tobacco products.

(7) Fishing from the shore except for the shore within a Lake Kedron recreation facility.

**Sec. 18-52. - Miscellaneous.**

(a) The general public shall have access to Lake Kedron only at those areas designated as public access and facilities by the owner.

(b) It shall be unlawful for any person under the age of ~~14~~ 12 to operate any ~~and all water craft~~vessel which ~~are either~~is electrically, wind or manually powered upon Lake Kedron. No person under the age of 14 years old shall be allowed in or upon Lake Kedron unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

**Sec. 18-53. – Use of grounds and facilities.**

Every person using a Lake Kedron recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-54. – Group activity.**

Whenever any group or organization desires to use a Lake Kedron recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Lake Kedron by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-55. – Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-54 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-56. – Guidelines for issuance of special permits.**

(a) Permits for events at a Lake Kedron recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Lake Kedron recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Lake Kedron recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Lake Kedron recreation facility is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Lake Kedron recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Lake Kedron recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Lake Kedron recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Secs. 18-~~53~~57—18-89. - Reserved.**

## ARTICLE III. STARR'S MILL.

### Sec. 18-90. - Definitions.

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

*Owner* means the county and/or the board of commissioners.

*Public access and facilities* means any area open to the public in or about Starr's Mill as designated by the county.

*Starr's Mill* means the county reservoir established in the county and owned and operated by this county. This definition includes the lake at its normal pool elevation, dam site and public access and facilities.

*Starr's Mill recreation facility* means all pavilions, picnic areas and recreation areas around Starr's Mill as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

### Sec. 18-91. - Hours of operation.

Starr's Mill shall be open to the general public from and to those public access and facility areas as designated by the county between the hours of 6:30 a.m. and 6:00 p.m. Eastern Standard Time or 6:30 a.m. and 8:30 p.m. daylight saving time, whichever is applicable.

### Sec. 18-92. - Prohibitions.

The following shall be prohibited on or about Starr's Mill and any other and all property surrounding such area as being property of the owner:

(1) Swimming, wading;

(2) Any activity allowing bodily contact with the water;

(3) The operation of any hydrocarbon or alcohol-fueled power boats or other ~~water craft~~vessels so powered;

(4) Waterskiing;

(5) Scuba diving; ~~and~~

(6) Alcoholic beverages, smoking or the use of tobacco products~~.~~

(7) Fishing from the shore except for the shore within a Starr's Mill recreation facility.

**Sec. 18-93. - Miscellaneous.**

(a) The general public shall have access to Starr's Mill only at those areas designated as public access and facilities by the owner.

(b) It shall be unlawful for any person under the age of ~~14~~ 12 to operate any ~~and all water craft~~vessel which ~~are either~~is electrically, wind or manually powered upon Starr's Mill. No person under the age of 14 years old shall be allowed in or upon Starr's Mill unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

**Sec. 18-94. – Use of grounds and facilities.**

Every person using a Starr's Mill recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-95. – Group activity.**

Whenever any group or organization desires to use a Starr's Mill recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Starr's Mill by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-96. – Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-95 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-97. – Guidelines for issuance of special permits.**

(a) Permits for events at a Starr's Mill recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Starr's Mill recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Starr's Mill recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Starr's Mill recreation facility is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Starr's Mill recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Starr's Mill recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Starr's Mill recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Secs. 18-~~94~~98—18-131. - Reserved.**

## ARTICLE IV. LAKE HORTON.

### Sec. 18-132. - Definitions.

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

*Lake Horton* means the county reservoir established in the county and owned and operated by this county. This definition includes the lake at its normal pool elevation, a certain flood easement as shown on the records as kept in the clerk's office of the county superior court, dam site and public access and facilities.

*Lake Horton recreation facility* means all pavilions, picnic areas and recreation areas around Lake Horton as designated by the county.

*Owner* means the county and/or the board of commissioners.

*Public access and facilities* means any area open to the public in or about Lake Horton as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

### Sec. 18-133. - Hours of operation.

Lake Horton shall be open to the general public from and to those public access and facility areas as designated by the county between the hours of 6:30 a.m. and 6:00 p.m. Eastern Standard Time or 6:30 a.m. and 8:30 p.m. daylight saving time, whichever is applicable.

### Sec. 18-134. - Prohibited activities.

The following shall be prohibited on or about Lake Horton and any other and all property surrounding such area as being property of the owner:

(1) Swimming, wading;
(2) Any activity allowing bodily contact with the water;
(3) The operation of any hydrocarbon or alcohol-fueled power boats or other ~~water craft~~vessels so powered;
(4) Water skiing;
(5) Scuba diving;
(6) Alcoholic beverages, smoking or the use of tobacco products; and
(7) Fishing from shore except for the shore within the recreation area.

### Sec. 18-135. - Miscellaneous.

(a) The general public shall have access to Lake Horton only at those areas designated as public access and facilities by the owner.

(b) It shall be unlawful for any person under the age of ~~14~~ 12 to operate any ~~and all water craft~~vessel which ~~are either~~is electrically, wind or manually powered upon Lake Horton. No person under the age of 14 years old shall be allowed in or upon Lake Horton unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

(c) Entry of any and all vehicles registered in any county, aside from ~~the county~~Fayette County, upon the grounds of Lake Horton, shall cause the accrual of a daily parking fee in an amount ~~set forth by the county board of commissioners from time to time~~ to be adopted as part of a schedule of fees by Fayette County Board of Commissioners. Said fee shall be paid by the occupants of said vehicle ~~immediately~~ subsequent to entering upon the Lake Horton grounds, in accordance with the procedures and rules posted for said payment.

**Sec. 18-136. – Use of grounds and facilities.**

Every person using a Lake Horton recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-137. – Group activity.**

Whenever any group or organization desires to use a Lake Horton recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Lake Horton by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-138. – Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-54 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-139. – Guidelines for issuance of special permits.**

(a) Permits for events at a Lake Horton recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Lake Horton recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Lake Horton recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Lake Horton recreation facility is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Lake Horton recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Lake Horton recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Lake Horton recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Secs. 18-~~136~~140—18-175. - Reserved.**

## ARTICLE V. LAKE McINTOSH.

### Sec. 18-176. - Definitions.

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

*Lake McIntosh* means the county reservoir designated as Lake McIntosh and established in the county and owned and operated by this county. This definition includes the lake at its normal pool elevation, a certain flood easement as shown on the records as kept in the clerk's office of the county superior court, dam site and public access and facilities.

*Lake McIntosh recreation facility* means all pavilions, picnic areas and recreation areas around Lake McIntosh as designated by the county.

*Owner* means the county and/or the board of commissioners.

*Public assess and facilities* means any area open to the public in or about Lake McIntosh as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

### Sec. 18-177. - Hours of operation.

Lake McIntosh shall be open to the general public from and to those public access and facility areas as designated by the county between the hours of 6:30 a.m. and 6:00 p.m. Eastern Standard Time or 6:30 a.m. and 8:30 p.m. daylight saving time, whichever is applicable.

### Sec. 18-178. - Prohibited activities.

The following activities shall be prohibited on or about Lake McIntosh and any other property surrounding such area as being property of the owner:

(1) Swimming, wading;

(2) Any activity allowing bodily contact with the water;

(3) The operation of any hydrocarbon or alcohol-fueled power boats or other ~~water craft~~vessels so powered;

(4) Water skiing;

(5) Scuba diving;

(6) Alcoholic beverages, smoking or the use of tobacco products; and

(7) Fishing from shore except for the shore within the recreation area.

**Sec. 18-179. - Miscellaneous.**

(a) The general public shall have access to Lake McIntosh only at those areas designated as public access and facilities by the owner.

(b) It shall be unlawful for any person under the age of ~~14~~ 12 to operate any ~~and all water craft~~vessel which ~~are either~~is electrically, wind or manually powered upon Lake McIntosh. No person under the age of 14 years old shall be allowed in or upon Lake McIntosh unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

(c) Entry of any and all vehicles registered in any county, aside from the ~~county~~Fayette County, upon the grounds of Lake McIntosh, shall cause the accrual of a daily parking fee in an amount ~~set forth by the county board of commissioners from time to time~~ to be adopted as part of a schedule of fees by Fayette County Board of Commissioners. Said fee shall be paid by the occupants of said vehicle immediately ~~subsequent~~ to entering upon the Lake McIntosh grounds, in accordance with the procedures and rules posted for said payment.

~~**Sec. 18-180. - Penalty for violations.**~~

~~Any and all violations of this article shall be tried in the state court of the county. Upon conviction, such violator shall be subject to fine and/or imprisonment not to exceed $1,000.00 or 30 days' imprisonment.~~

**Sec. 18-180. – Use of grounds and facilities.**

Every person using a Lake McIntosh recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-181. – Group activity.**

Whenever any group or organization desires to use a Lake McIntosh recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Lake McIntosh by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-182. – Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-54 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-183. – Guidelines for issuance of special permits.**

(a) Permits for events at a Lake McIntosh recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Lake McIntosh recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Lake McIntosh recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Lake McIntosh recreation facility is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Lake McIntosh recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Lake McIntosh recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Lake McIntosh recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

Exhibit B

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2015-03**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO LAKE KEDRON; TO REVISE PROVISIONS PERTAINING TO STARR'S MILL; TO REVISE PROVISIONS PERTAINING TO LAKE HORTON; TO REVISE PROVISIONS PERTAINING TO LAKE McINTOSH; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO PARKS AND RECREATION (CHAPTER 18), BE AMENDED AS FOLLOWS:**

**Section 1.** By adding new definitions of "Lake Kedron recreation facility" and "Vessel" in Section 18-49, pertaining to "Definitions", of Article II of Chapter 18, to be read as follows:

*Lake Kedron recreation facility* means all pavilions, picnic areas and recreation areas around Lake Kedron as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used

as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

**Section 2.** By deleting Paragraph (3) of Section 18-51, pertaining to "Prohibitions", of Article II of Chapter 18, in its entirety, and by replacing it with a new Paragraph (3) in Section 18-51 of Article II of Chapter 18, to be numbered and read as follows:

(3) The operation of any hydrocarbon or alcohol-fueled power boats or other vessels so powered.

**Section 3.** By deleting Paragraph (6) of Section 18-51, pertaining to "Prohibitions", of Article II of Chapter 18, in its entirety, and by replacing it with a new Paragraph (6) in Section 18-51 of Article II of Chapter 18, to be numbered and read as follows:

(6) Alcoholic beverages, smoking or the use of tobacco products.

**Section 4.** By adding a new Paragraph (7) to Section 18-51, pertaining to "Prohibitions", of Article II of Chapter 18, to be numbered and read as follows:

(7) Fishing from the shore except for the shore within a Lake Kedron recreation facility.

**Section 5.** By deleting Subsection (b) of Section 18-52, pertaining to "Miscellaneous", of Article II of Chapter 18, in its entirety, and by replacing it with a new

Subsection (b) in Section 18-52 of Article II of Chapter 18, to be numbered and read as follows:

(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Lake Kedron. No person under the age of 14 years old shall be allowed in or upon Lake Kedron unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

**Section 6.** By adding a new Section 18-53, pertaining to "Use of grounds and facilities", a new Section 18-54, pertaining to "Group activity", a new Section 18-55, pertaining to "Fees", and a new Section 18-56, pertaining to "Guidelines for issuance of special permits", to Article II of Chapter 18, to be numbered and read as follows:

**Sec. 18-53. Use of grounds and facilities.**

Every person using a Lake Kedron recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-54. Group activity.**

Whenever any group or organization desires to use a Lake Kedron recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Lake

Kedron by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-55. Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-54 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-56. Guidelines for issuance of special permits.**

(a) Permits for events at a Lake Kedron recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Lake Kedron recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Lake Kedron recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Lake Kedron recreation facility is reasonably anticipated to incite violence, crime or disorderly

conduct;

(4) Whether the proposed activity or use of a Lake Kedron recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Lake Kedron recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Lake Kedron recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Section 7.** By adding new definitions of "Starr's Mill recreation facility" and "Vessel" in Section 18-90, pertaining to "Definitions", of Article III of Chapter 18, to be read as follows:

*Starr's Mill recreation facility* means all pavilions, picnic areas and recreation areas around Starr's Mill as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used

as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

**Section 8.** By deleting Paragraph (3) of Section 18-92, pertaining to "Prohibitions", of Article III of Chapter 18, in its entirety, and by replacing it with a new Paragraph (3) in Section 18-92 of Article III of Chapter 18, to be numbered and read as follows:

(3) The operation of any hydrocarbon or alcohol-fueled power boats or other vessels so powered;

**Section 9.** By deleting Paragraph (6) of Section 18-92, pertaining to "Prohibitions", of Article III of Chapter 18, in its entirety, and by replacing it with a new Paragraph (6) in Section 18-92 of Article III of Chapter 18, to be numbered and read as follows:

(6) Alcoholic beverages, smoking or the use of tobacco products; and

**Section 10.** By deleting the word "and" from the end of Paragraph (5) of Section 18-51, pertaining to "Prohibitions", of Article II of Chapter 18, and by adding a new Paragraph (7) to Section 18-51 of Article II of Chapter 18, to be numbered and read as follows:

(7) Fishing from the shore except for the shore within a Starr's Mill recreation facility.

**Section 11.** By deleting Subsection (b) of Section 18-93, pertaining to "Miscellaneous", of Article III of Chapter 18, in its entirety, and by replacing it with a new Subsection (b) in Section 18-93 of Article III of Chapter 18, to be numbered and read as follows:

(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Starr's Mill. No person under the age of 14 years old shall be allowed in or upon Starr's Mill unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

**Section 12.** By adding a new Section 18-94, pertaining to "Use of grounds and facilities", a new Section 18-95, pertaining to "Group activity", a new Section 18-96, pertaining to "Fees", and a new Section 18-97, pertaining to "Guidelines for issuance of special permits", to Article III of Chapter 18, to be numbered and read as follows:

**Sec. 18-94. Use of grounds and facilities.**

Every person using a Starr's Mill recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-95. Group activity.**

Whenever any group or organization desires to use a Starr's Mill recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such

purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Starr's Mill by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-96. Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-95 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-97. Guidelines for issuance of special permits.**

(a) Permits for events at a Starr's Mill recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Starr's Mill recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Starr's Mill recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Starr's Mill recreation facility

is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Starr's Mill recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Starr's Mill recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Starr's Mill recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Section 13.** By adding new definitions of "Lake Horton recreation facility" and "Vessel" in Section 18-132, pertaining to "Definitions", of Article IV of Chapter 18, to be read as follows:

*Lake Horton recreation facility* means all pavilions, picnic areas and recreation areas around Lake Horton as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

**Section 14.** By deleting Paragraph (3) of Section 18-134, pertaining to "Prohibited activities", of Article IV of Chapter 18, in its entirety, and by replacing it with a new Paragraph (3) in Section 18-134 of Article IV of Chapter 18, to be numbered and read as follows:

(3) The operation of any hydrocarbon or alcohol-fueled power boats or other vessels so powered;

**Section 15.** By deleting Paragraph (6) of Section 18-134, pertaining to "Prohibited activities", of Article IV of Chapter 18, in its entirety, and by replacing it with a new Paragraph (6) in Section 18-134 of Article IV of Chapter 18, to be numbered and read as follows:

(6) Alcoholic beverages, smoking or the use of tobacco products; and

**Section 16.** By deleting Subsection (b) of Section 18-135, pertaining to "Miscellaneous", of Article IV of Chapter 18, in its entirety, and by replacing it with a new Subsection (b) in Section 18-135 of Article IV of Chapter 18, to be numbered and read as follows:

(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Lake Horton. No person under

the age of 14 years old shall be allowed in or upon Lake Horton unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

**Section 17.** By deleting Subsection (c) of Section 18-135, pertaining to "Miscellaneous", of Article IV of Chapter 18, in its entirety, and by replacing it with a new Subsection (c) in Section 18-135 of Article IV of Chapter 18, to be numbered and read as follows:

(c) Entry of any and all vehicles registered in any county, aside from Fayette County, upon the grounds of Lake Horton shall cause the accrual of a daily of annual parking fee in an amount to be adopted as part of a schedule of fees by Fayette County Board of Commissioners. Said fee shall be paid by the occupants of said vehicle subsequent to entering the Lake Horton grounds, in accordance with the procedures and rules posted for said payment.

**Section 18.** By adding a new Section 18-136, pertaining to "Use of grounds and facilities", a new Section 18-137, pertaining to "Group activity", a new Section 18-138, pertaining to "Fees", and a new Section 18-139, pertaining to "Guidelines for issuance of special permits", to Article IV of Chapter 18, to be numbered and read as follows:

**Sec. 18-136. Use of grounds and facilities.**

Every person using a Lake Horton recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-137. Group activity.**

Whenever any group or organization desires to use a Lake Horton recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Lake Horton by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-138. Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-54 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-139. Guidelines for issuance of special permits.**

(a) Permits for events at a Lake Horton recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Lake Horton recreation

facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Lake Horton recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Lake Horton recreation facility is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Lake Horton recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Lake Horton recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Lake Horton recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Section 19.** By adding new definitions of "Lake McIntosh recreation facility" and "Vessel" in Section 18-176, pertaining to "Definitions", of Article V of Chapter 18, to be read as follows:

*Lake McIntosh recreation facility* means all pavilions, picnic areas and recreation areas around Lake McIntosh as designated by the county.

*Vessel* means any watercraft of any description used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

**Section 20.** By deleting Paragraph (3) of Section 18-178, pertaining to "Prohibited activities", of Article V of Chapter 18, in its entirety, and by replacing it with a new Paragraph (3) in Section 18-178 of Article V of Chapter 18, to be numbered and read as follows:

(3) The operation of any hydrocarbon or alcohol-fueled power boats or other vessels so powered;

**Section 21.** By deleting Paragraph (6) of Section 18-178, pertaining to "Prohibited activities", of Article V of Chapter 18, in its entirety, and by replacing it with a new Paragraph (6) in Section 18-178 of Article V of Chapter 18, to be numbered and read as follows:

(6) Alcoholic beverages, smoking or the use of tobacco products; and

**Section 22.** By deleting Subsection (b) of Section 18-179, pertaining to "Miscellaneous", of Article V of Chapter 18, in its entirety, and by replacing it with a new Subsection (b) in Section 18-179 of Article V of Chapter 18, to be numbered and read as follows:

(b) It shall be unlawful for any person under the age of 12 to operate any vessel which is electrically, wind or manually powered upon Lake McIntosh. No person under the age of 14 years old shall be allowed in or upon Lake McIntosh unless accompanied by a parent or legal guardian or other adult over the age of 21 years old.

**Section 23.** By deleting Subsection (c) of Section 18-179, pertaining to "Miscellaneous", of Article V of Chapter 18, in its entirety, and by replacing it with a new Subsection (c) in Section 18-179 of Article V of Chapter 18, to be numbered and read as follows:

(c) Entry of any and all vehicles registered in any county, aside from Fayette County, upon the grounds of Lake McIntosh shall cause the accrual of a daily of annual parking fee in an amount to be adopted as part of a schedule of fees by Fayette County Board of Commissioners. Said fee shall be paid by the occupants of said vehicle subsequent to entering the Lake McIntosh grounds, in accordance with the procedures and rules posted for said payment.

**Section 24.** By adding a new Section 18-181, pertaining to "Use of grounds and facilities", a new Section 18-182, pertaining to "Group activity", a new Section 18-183, pertaining to "Fees", and a new Section 18-184, pertaining to "Guidelines for

issuance of special permits", to Article V of Chapter 18, to be numbered and read as follows:

**Sec. 18-181. Use of grounds and facilities.**

Every person using a Lake McIntosh recreation facility shall clean up all debris, extinguish all permitted fires, and leave the premises in good order and in a neat and sanitary condition.

**Sec. 18-182. Group activity.**

Whenever any group or organization desires to use a Lake McIntosh recreation facility to host an event for more than five (5) people, a representative of such group shall first obtain a permit from the Fayette County Recreation Department for such purpose. The Fayette County Recreation Department shall grant the application for a permit if it appears that the group will not interfere with the general use of Lake McIntosh by individual members of the public, and if the group meets all other reasonable conditions which may be imposed by the Department. Such application may contain a requirement for an indemnity bond and/or on site security to protect the county from liability of any kind or character and to protect county property from damage.

**Sec. 18-183. Fees.**

A user fee may be charged for any event requiring a permit pursuant to Section 18-54 of this Article. Said fee shall be adopted as part of a schedule of fees by the Fayette County Board of Commissioners.

**Sec. 18-184. Guidelines for issuance of special permits.**

(a) Permits for events at a Lake McIntosh recreation facility shall be obtained by application to the director of the Fayette County Recreation Department or his or her designee. Guidelines for the issuance of permits by the director include:

(1) Whether the proposed activity or use of a Lake McIntosh recreation facility will unreasonably interfere with or detract from the enjoyment of the lake or other recreation facilities by other members of the public;

(2) Whether the proposed activity or use of a Lake McIntosh recreation facility will unreasonably interfere or detract from the promotion of public health, welfare and safety;

(3) Whether the proposed activity or use of a Lake McIntosh recreation facility is reasonably anticipated to incite violence, crime or disorderly conduct;

(4) Whether the proposed activity or use of a Lake McIntosh recreation facility will entail unusual, extraordinary or burdensome expenses or policy operation by the county;

(5) Whether the proposed activity or use of a Lake McIntosh recreation facility will conflict with existing lake and recreation services; and

(6) Whether the desired Lake McIntosh recreation facility has been reserved for another use.

(b) The holder of any permit issued under this Article shall abide by all other state, county and lake and recreation laws, ordinances, rules and regulations and shall be

liable for any loss, damage or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued.

(c) The director of the Fayette County Recreation Department or the director of the Fayette County Water Systems or their designees shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown.

**Section 25.** By deleting Section 18-180, pertaining to "Penalty for violations", from Article V of Chapter 18, in its entirety.

**Section 26.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

**Section 27.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 28.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts

of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this _____ day of _____, 2015.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By:_____
Charles Oddo, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
County Attorney