

BOARD OF SUPERVISORS
COUNTY OF RUSSELL
LEBANON, VIRGINIA

Ordinance

At a regular meeting of the Russell County Board of Supervisors held in the Russell County Government Center, Lebanon, Virginia, on the 5th day of November 2015.

Present

Vote

Jon Bowerbank, Chairman
Joseph Puckett, Vice Chairman
Bob Gibson
Ernest "Shy" Kennedy
Freddie Arrington
Danny L. Brown
Rebecca Dye

On motion of Joseph Puckett, seconded by Fred Arrington, which carried 6|0|1, the following ordinance was adopted:

RUSSELL COUNTY PARKS
ORDINANCE

1. Definitions. The following terms, unless otherwise expressly defined, shall have the meaning given herein.

- (a) "Camping Unit," shall mean a tent, sleeping bag, etc., and shall not mean tent trailer, travel trailer, camping trailer, pick-up camper, motor home or any other type of temporary living quarters or shelter, whether motor driven or designed to be attached to or drawn by a vehicle.
- (b) "Commission," refers to the Russell County Recreation and Park Commission.
- (c) "County," refers to the Russell County Board of Supervisors.
- (d) "Facilities," refers to all community centers under the jurisdiction of the Commission or the Russell County Board of Supervisors.
- (e) "Motor Vehicle," means any wheeled conveyance, whether motor powered or animal-drawn. The term shall include any trailer in tow of any size, kind or description.
- (f) "Owner," means any person, firm, association, partnership or corporation owning, leasing, operating, or having the exclusive use of a vehicle, animal or any other property under a lease or otherwise.

- (g) "Park," shall include all designated public parks, including athletic fields, natural areas and historical sites under the jurisdiction of the Russell County Board of Supervisors.
- (h) "Permits," means any written license issued by or under authority of the Board of Supervisors or the Russell County Recreation and Park Commission, permitting the performance of a specified act or acts.
- (i) "Person," means any natural person, corporation, company, association, organization, firm or partnership.
- (j) "Regulation," shall include any regulation duly adopted by the Russell County Board of Supervisors or Russell County Recreation and Park Commission pursuant to the powers contained in Virginia Code Section 15.1-1232(q).

2. Construction of Ordinance. Provisions of these regulations shall be construed as follows:

- (a) No provision of this ordinance shall make unlawful any act necessarily performed by any law enforcement officer, employee of the County, or agent of the County in the necessary and proper execution of their duties;
- (b) Any act prohibited by these regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of and strictly within the provision of a permit and to the extent authorized; and
- (c) These regulations are in addition to and supplement the Virginia Game, Inland Fish and Boat Laws and those regulations that are incorporated and made a part thereof;

3. Jurisdiction. These regulations shall be effective within and upon all parks and facilities in Russell County that are under the jurisdiction of the County and the Commission.

PROHIBITED CONDUCT

4. Flowers, Plants, Minerals, etc. No person shall remove, destroy or damage in any manner any tree, flower, fern, shrub, rock or plant, historical artifact, or mineral in any park. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or otherwise impair the natural beauty or usefulness of any park.

5. Buildings, Signs, Structures, etc. No person shall in any manner deface, destroy or tamper with any part of any park or facility, nor any building, sign, equipment, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, boundary markers, or other structures or equipment, County facilities or park property or appurtenances whatsoever, either real or personal.

6. Disposal of Refuse, Garbage, etc. No person shall discharge, deposit in any part of any park or facility or body of water in or adjacent to any park any garbage, sewage, waste or any other offensive material, except in proper trash receptacles where provided.

7. Pollution of Waters. No person shall bathe dogs or other animals, wash vehicles or clothing in the streams, or other waters of any park, or throw, discharge or otherwise cause to be placed into streams, or other waters of the park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

8. Disorderly Conduct. No person shall disobey a lawful order of a park supervisor or other duly authorized officer or agent of the County or Commission. No person may commit a nuisance, nor use abusive, profane, or insulting language, nor unreasonably disturb or annoy others, nor do any act tending to or amounting to a breach of the peace in any park or facility.

9. Gambling. Gambling in any park is prohibited.

10. Prohibited Substances. No person shall have in their possession any tobacco products, alcoholic beverages, or any other illegal substances or be under the influence of intoxicants while in the confines of any park or facility. Anyone found in violation will be removed from the park or facility and are subject to arrest.

11. Bathing. No person shall swim in any waters in any park.

12. Firearms. No person shall possess a slingshot, bow and arrow, dart device, or other device designated for high-speed missile projection in a park or facility. Provided, no person except law enforcement officers or those persons in possession of a concealed weapons permit valid in the Commonwealth of Virginia may carry or possess firearms in a park or facility. No person shall discharge a firearm within the confines of a park or facility unless in an act of self-defense or unless otherwise authorized as a law enforcement officer.

13. Explosives. No persons shall bring into or possess in any park or facility any explosive or explosive substance.

14. Fires, Lighted Cigarettes, etc. No person shall kindle, maintain or use fire other than in places provided or designated for such purposes or otherwise by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen years of age from the time it is kindled until it is extinguished. No person within the confine of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object. Any lighted match, cigarette, cigar, or other burning object must be entirely extinguished before being properly disposed of.

15. Smoking. No person shall smoke in any park or facility where smoking is prohibited as indicated by sign. No smoking is allowed when walking nature trails. Smoking may be forbidden by the County or Commission in any part of any park or facility when it is deemed that the fire hazard makes such action advisable.

16. Hunting. No person shall hunt, pursue, trap, shoot, injure, kill or molest in any way any bird or animal within the confines of a park, nor shall any person possess any wild bird or animal within a park. Shooting into a park from beyond park boundaries is prohibited.

17. Fishing. Fishing is permitted in designated areas of parks. All persons fishing must have a State Fishing License as required by law and comply with all applicable state laws and regulations. No commercial fishing is allowed.

18. Animals at Large. No person shall cause or permit any animal owned by him, in his custody or under his control, except an animal restrained by a leash not exceeding six feet in length, to enter any park, and any such animal may be seized and disposed of as provided by law.

19. Model Rockets and Airplanes. No person shall engage in the flying of powered model rockets or airplanes in any park.

20. Aviation. No person shall voluntarily bring, land or cause to descend or alight within or upon any park, any airplane, flying machine, balloon, parachute or other apparatus for aviation except under permit or by forced landing in the event of an emergency.

TRAFFIC AND PARKING

21. Vehicles Use. No person shall drive a motor vehicle in any park or at any facility within or upon a safety zone, walk, bicycle path, nature trail, fire truck trail, service road or any park not designated for, or customarily used by motor vehicles, except properly authorized individuals engaged in fire control, park maintenance or other necessary park-related activities.

22. Parking.

- (a) No owner or driver shall cause or permit a vehicle to stand anywhere in any park or at any facility outside of designated parking spaces, except at reasonable times to receive or discharge passengers. Parking shall be in accordance with the posted direction at the parking area and/or with the instruction of any attendant who may be present.
- (b) No owner or driver shall cause or permit a vehicle to stand in any space designated for use by the handicapped in any park or at any facility unless the vehicle displays a license plate or decal issued by The Commissioner of Motor Vehicles of Virginia, or a similar identification issued by similar authority in some other state or District of Columbia.

23. Obstructing Traffic. No person shall cause or permit a vehicle to obstruct traffic in a park.

24. Speed Limit. The speed limit on any park road is no more than 15 miles per hour.

25. Excessive Loads. No person shall operate any excessively loaded vehicle anywhere in any park. The determination of whether a load is excessive will be made by a park official based upon the load and the condition of the road.

HOURS OF ACCESS

26. Old Russell County Courthouse. No person is permitted on the premises of the Old Russell County Courthouse from sunset until dawn of the following day unless by special permit issued by the County or Commission.

27. All Other Parks. Normal operating hours of parks are from dawn until 10:00 pm. All events should be concluded by this time unless arrangements are made in advance with the Commission. No person is permitted with the confines of any park or facility after normal operating hours unless as otherwise authorized by the County or Commission.

28. Closed Areas. No person shall enter or use an area posted in a park or facility as "Closed to the Public" unless otherwise authorized by the County or Commission.

GROUP USAGE

29. Provisions for Use of Any Park or Facility by Groups of Five or More. The following provisions apply to use of any County park or facility by groups of five or more:

- (a) Any individual or organization sponsoring an event must provide sufficient adult supervision to maintain order and safety of all participants, be responsible for any loss or damage to the property and provide sufficient liability insurance coverage as required by the Commonwealth of Virginia. The Commission shall be a named insured on such liability insurance coverage.
- (b) An individual must be designated as a user group's representative and will accept all liability for personal injuries or damage resulting from the use of the facility or park.

30. Provisions Applying Exclusively to Use of Parks by Groups of Five or More. The following provisions apply to the use of any County park by groups of five or more:

- (a) A Facility Use Application must be submitted for approval to the County at least ten days before the event.
- (b) A damage deposit of \$200.00 or a suitable surety must be provided to the County prior to the event; said deposit or surety to be returned or released by the County within ten days of the event, offset by the cost of any damages caused by the respective group's use of the park.
- (d) No damage deposit shall be required for use of a park by any community welfare, charitable, educational or faith-based group or any group with an agreement with the Commission or County for such group to provide maintenance and upkeep of such park.

31. Facilities Other than Parks. No fee or damage deposit shall be required for use of any facility other than parks.

ENFORCEMENT AND PENALTIES

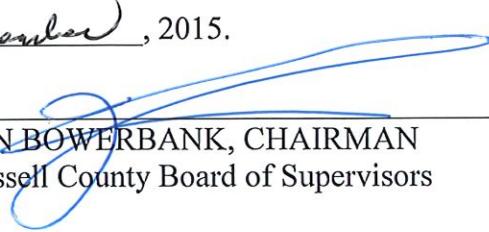
32. Enforcement. The Commission and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance. The Commission and any park attendant shall have the authority to eject from a park or facility any person acting in violation of this Ordinance.

33. Penalties. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of the Russell County Park Commission Rules, as promulgated under the authority of Virginia Code Section 15.1-1232(q). Each day any person continues to act in violation of any of the rules shall constitute a separate offense. Every person convicted of a misdemeanor for violation of any of the rules shall be punished by a fine of not less than ten dollars nor more than five hundred dollars and the trial of all violations of this ordinance shall be enforced by proceedings before the Judge of the Russell County District Court, in the manner and with like rights of appeal as is provided in misdemeanor cases; and the Sheriff and all deputies, Virginia Game Warden, and all police officers of Russell county are hereby authorized to issue summons in writing to the violators of this ordinance to appear before said Court. All fines collected from any person for violating any portion of this ordinance, upon conviction thereof, shall be credited to the general revenue funds of the County of Russell and deposited by the Treasurer or Russell County in the same manner as provided for other monies.

34. Savings Provision. If any section, phrase or part of this ordinance should for any reason be held invalid by a court of competent jurisdiction, such decision shall not effect the remainder of this ordinance; and every remaining section, phrase or part thereof shall continue in full force and effect.

This ordinance shall become effective December 14, 2015.

Adopted this 14 day of December, 2015.


JON BOWERBANK, CHAIRMAN
Russell County Board of Supervisors

Attest:


Clerk

BOARD OF SUPERVISORS
COUNTY OF RUSSELL
LEBANON, VIRGINIA

Ordinance

At a regular meeting of the Russell County Board of Supervisors held in the Russell County Government Center, Lebanon, Virginia, on the _____ day of _____, 2015.

Present

Vote

Jon Bowerbank, Chairman
Joseph Puckett, Vice Chairman
Bob Gibson
Ernest "Shy" Kennedy
Freddie Arrington
Danny L. Brown
Rebecca Dye

On motion of _____, seconded by _____, which carried _____,
the following ordinance was adopted:

RUSSELL COUNTY PARKS
ORDINANCE

Regulation 1.

Definition of Terms

The following terms, unless otherwise expressly defined, shall have the meaning given herein.

- (a) "Park," shall include all designated public parks, historical sites, natural areas, and other recreational areas under the jurisdiction of the Russell County Board of Supervisors.
- (b) "County," refers to the Russell County Board of Supervisors or the Russell County Recreation and Park Commission.
- (c) "Regulation," shall include any regulation duly adopted by the Russell County Board of Supervisors or Russell County Recreation and Park Commission pursuant to the powers contained in Virginia Code Section 15.1-1232(q).
- (d) "Owner," means any person, firm, association, partnership or corporation owning, leasing, operating, or having the exclusive use of a vehicle, animal or any other property under a lease or otherwise.

- (e) "Foot Path or Trail," means any path or trail maintained for pedestrians or handicapped persons.
- (f) "Bicycle Path," means any path maintained for bicycles.
- (g) "Permits," means any written license issued by or under authority of the Board of Supervisors or the Russell County Recreation and Park Commission, permitting the performance of a specified act or acts.
- (h) "Person," means any natural person, corporation, company, association, organization, firm or partnership.
- (i) "Motor Vehicle," means any wheeled conveyance, whether motor powered or animal-drawn. The term shall include any trailer in tow of any size, kind or description.
- (J) "Camping Unit," shall mean a tent, sleeping bag, etc., and shall not mean tent trailer, travel trailer, camping trailer, pick-up camper, motor home or any other type of temporary living quarters or shelter, whether motor driven or designed to be attached to or drawn by a vehicle.

CONSTRUCTION AND SCOPE OF REGULATIONS

Regulation 2.

Construction

Provisions of this regulations shall be construed as follows:

- (1) Any terms in the singular shall include the plural;
- (2) Any term in the masculine shall include the feminine and the neuter;
- (3) Any requirements or prohibition of any act shall extend to and include the causing or procuring, directly or indirectly of such act;
- (4) When not inconsistent with the context, words in the present tense include the future;
- (5) No provision hereof shall make unlawful any act necessarily performed by any officer, employee of the County, or agent of the County in the property and necessary execution of the terms of any agreement with the County;
- (6) Any act prohibited by these regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of and strictly within the provision of a permit so to do and to the extent authorized; and
- (7) These regulations are in addition to and supplement the Virginia Game, Inland Fish and Boat Laws which are incorporated herein and made a part hereof;

Regulation 3.

Jurisdiction

These regulations shall be effective within and upon all public County parks, historical sites and natural areas, and other recreational areas in Russell County which may be under the jurisdiction of the Russell County Board of Supervisors and shall regulate the use thereof by all persons.

PRESERVATION OF PARKS

Regulation 4. Flowers, Plants, Minerals, etc.

No person shall remove, destroy, cut down, carve, mutilate, transplant, take or gather in any manner any tree, flower, fern, shrub, rock or plant, historical artifact, or mineral in any park. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

Regulation 5. Buildings, Signs, Structures, etc.

No person shall in any manner deface, disturb, destroy, or disfigure any part of any park, nor any building, sign, equipment, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices of placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

REFUSE AND RUBBISH

Regulation 6. Disposal of Refuse, Garbage, etc.

No person shall discharge, deposit in any part of any park or body of water in or adjacent to any park any garbage, sewage, refuse, waste, vegetables, food stuffs, boxes, tin cans, paper, litter or any other waste or offensive material, except in proper trash receptacles where these are provided.

Regulation 7. Pollution of waters

No persons shall bathe dogs or other animals, wash vehicles or clothing in the streams, or other waters of any park, or throw, discharge or otherwise cause to be placed into streams, or other waters of the park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

DISORDERLY CONDUCT

Regulation 8. Disorderly Conduct Prohibited

No person shall disobey a lawful order of a Park Supervisor or other duly authorized officer or agent of the County; nor commit a nuisance; nor use abusive, profane, or insulting language; nor unreasonably disturb or annoy others; nor do any act tending to or amounting to a breach of the peace nor conduct himself in any disorderly manner whatsoever.

Regulation 9. Gambling

Gambling in any park is prohibited.

Regulation 10.

Disorderly Conduct

No persons shall have in his possession any tobacco products, alcoholic beverages, firearms or any other illegal substances or be under the influence of intoxicants while in the confines of any park. Anyone found in violation will be removed from the park and are subject to arrest.

Regulation 11.

Use of Equipment

No person shall tamper with or otherwise vandalize any equipment at any park.

Regulation 12.

Illegal Drugs

No person shall have in his possession or be under the influence of illegal drugs.

HOURS OF ACCESS

Old Russell County Courthouse

Regulation 13.

No person, except employees or officers of the County, shall be allowed on the premises of the Old Russell County Courthouse from sunset until dawn of the following day unless by special permit issued by the County.

Regulation 14.

All Other Parks

Normal operating hours of parks are from dawn until 10:00 pm. All events should be concluded by this time unless arrangements are made in advance with the park's Board of Directors. No person except employees or officers of the county shall be allowed within the confines of any park after normal operating hours. Use of buildings and events specifically designated by the commission or its agents are the only exception.

Regulation 15.

Facility Use

A Facility Use Application must be submitted to the Board of Directors for approval ten (10) days before the event.

Regulation 16.

Any individual or organization sponsoring an event must provide sufficient adult supervision to maintain order and safety of all participants, be responsible for any loss or damage to the property, and provide sufficient liability insurance coverage as required by the Commonwealth of Virginia. The Board of Directors needs to be a named insured on such liability insurance coverage.

Regulation 17.

An individual must be designated as a user group's representative and will accept all liability for personal injuries or damage resulting from the use of the facility.

Regulation 18.

A cash deposit of \$300 to \$1,000 will be required.

Regulation 19.

In the event of property loss or damage, an amount retained from the deposit shall be determined by the Board of Directors.

Regulation 20.

The Board of Directors reserves the right to charge a reasonable fee for use of County facilities.

Regulation 21.

County facilities shall not be used for commercial or personal gain, but proceeds may be used for designated charitable, educational or community welfare purposes.

Regulation 22.

These regulations shall be available to all users of County facilities.

Regulation 23.

Bathing Prohibited

No person shall swim in any waters in any park.

Regulation 24.

Firearms

No person except designated employees, policy officers, or special police officers shall carry or possess firearms of any description, or slingshot, bow and arrow, dart device, or other device designated for high-speed missile projection.

Regulation 25.

Explosives

No persons shall bring into or possess in any park any explosive or explosive substance.

Regulation 26.

Fires, Lighted Cigarettes, etc.

No person shall kindle, build, maintain or use fire other than in places provided or designated for such purposes or otherwise by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen years of age from the time it is kindled until it is extinguished. No person within the confine of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object. Any lighted match, cigarette, cigar, or other burning object must be entirely extinguished before being properly disposed of.

Regulation 27.

Smoking

No person shall smoke in any structure or place in any park where smoking is prohibited as indicated by sign. No smoking is allowed when walking nature trails. Smoking may be forbidden by the County or its authorized agent in any part of any park when it is deemed that the fire hazard makes such action advisable.

HUNTING AND FISHING

Regulation 28.

Hunting

No person shall hunt, pursue, trap, shoot, injure, kill or molest in any way any bird or animal within the confines of a park, nor shall any person possess any wild bird or animal within a park. Shooting into a park from beyond park boundaries is prohibited.

Regulation 29.

Fishing

Fishing is permitted in designated areas of parks. All persons fishing must have a State Fishing License as required by law and comply with all applicable state laws and regulations. No commercial fishing is allowed.

DOGS AND OTHER ANIMALS

Regulation 30.

Animals at Large

No person shall cause or permit any animal owned by him, in his custody or under his control, except an animal restrained by a leash not exceeding six feet in length, to enter any park, and any such animal may be seized and disposed of as provided by law.

MODEL ROCKETS OR AIRPLANES

Regulation 31.

Certain Activities Prohibited

No person shall engage in the flying of powered model rockets or airplanes in any park.

TRAFFIC AND PARKING

Regulation 32.

Vehicles Use

No person shall drive a motor vehicle in any park within or upon a safety zone, walk, bicycle path, nature Trail, fire truck trail, service road or any park not designated for, or customarily used by motor vehicles, except properly authorized individuals engaged in fire control, park maintenance, or other necessary park-related activities.

Regulation 33.

Parking

(a) In General. No owner or driver shall cause or permit a vehicle to stand anywhere in any park outside of designated parking spaces, except at reasonable times to receive or discharge passengers. Parking shall be in accordance with the posted direction at the parking area and/or with the instruction of any attendant who may be present.

(b) Handicapped Parking. No owner or driver shall cause or permit a vehicle to stand in any space designated for use by the handicapped in any park unless the vehicle displays a license plate or decal issued by The Commissioner of Motor Vehicles of Virginia, or a similar identification issued by similar authority in some other state or District of Columbia.

Regulation 34.

Obstructing Traffic

No person shall cause or permit a vehicle to obstruct traffic.

Regulation 35.

Speed Limit

The speed limit on any park road is no more than 15 miles per hour.

Regulation 36.

Excessive Loads

No person shall operate any excessively loaded vehicle anywhere in any park. The determination of whether a load is excessive will be made by the Park Official and will be based upon the load and the condition of the road.

AVIATION

Regulation 37.

No person shall voluntarily bring, land or cause to descend or alight within or upon any park, any airplane, flying machine, balloon, parachute or other apparatus for aviation except under permit or by forced landing in the event of an emergency.

CLOSED AREAS

Regulation 38.

No person shall enter or use an area posted as "Closed to the Public".

ENFORCEMENT

Regulation 39.

(a) Officials. The Director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance.

(b) Ejectment. The Director and any park attendant shall have the authority to eject from the park any person acting in violation of this Ordinance.

PENALTIES

Regulation 40.

It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of the Russell County Park Commission Rules, as promulgated under the authority of Virginia Code Section 15.1-1232(q).

Each day any person continues to act in violation of any of the rules shall constitute a separate offense.

Every person convicted of a misdemeanor for violation of any of the rules shall be punished by a fine of not less than ten dollars nor more than five hundred dollars and the trial of all violations of this ordinance shall be enforced by proceedings before the Judge of the Russell County District Court, in the manner and with like rights of appeal as is provided in misdemeanor cases; and the Sheriff and all deputies, Virginia Game Warden, and all police officers of Russell county are hereby authorized to issue summons in writing to the violators of this ordinance to appear before said Court. All fines collected from any person for violating any portion of this ordinance, upon conviction thereof, shall be credited to the general revenue funds of the County of Russell and deposited by the Treasurer or Russell County in the same manner as provided for other monies.

Regulation 41.

Saving Clause

If any section, phrase or part of this ordinance should for any reason be held invalid by a court of competent jurisdiction, such decision shall not effect the remainder of this ordinance; and every remaining section, phrase or part thereof shall continue in full force and effect.

This ordinance shall become effective _____, 2015.

Adopted this _____ day of _____, 2015.

JON BOWERBANK, CHAIRMAN
Russell County Board of Supervisors

Attest: _____
Clerk