

## **RUSSELL COUNTY PARKS** **ORDINANCE**

At a regular meeting of the Russell County Board of Supervisors held in the Russell County Government Center, Lebanon, Virginia, on the 8th day of April 2024.

Present

Vote

Steve Breeding, Chairman  
David Eaton, Vice Chairman  
Andrew Hensley  
Lou Ann Wallace  
Tara Dye  
Rebecca Dye  
Nate Kiser

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On motion of Lou Ann Wallace, seconded by David Eaton, which carried 7-0, the following ordinance was adopted:

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

- (a) "Camping Unit," shall mean a tent, sleeping bag, tent trailer, travel trailer, camping trailer, pick-up camper, RV motor home, whether motor driven or designed to be attached to or drawn by a vehicle.
- (b) "Campground," refers to all designated campgrounds under the jurisdiction of the Russell County Board of Supervisors.
- (c) "County," refers to the Russell County Board of Supervisors.
- (d) "Facilities," refers to all community centers under the jurisdiction the Russell County Board of Supervisors.
- (e) "Motor Vehicle," means any wheeled conveyance, whether motor powered. The term shall include any trailer in two 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 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 pursuant to the powers contained in Virginia Code Section 15.2.

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, campgrounds, and facilities in Russell County that are under the jurisdiction of the County.

#### **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 grassy 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. 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 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 person 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 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 or campground, 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 directions to 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 fifteen 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.
27. Parks. Normal operating hours of parks are from dawn until 10:00 pm excluding the county's campgrounds. All events should be concluded by this time unless arrangements are made in advance with the County. No person is permitted in the confines of any park or facility after normal operating hours unless as otherwise authorized by the County.
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.

#### **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 for an event (i.e. birthday party, family reunion, or community event):
  - (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.
  - (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 for an event (i.e. birthday party, family reunions, or community event) :
  - (a) A Facility Use Application must be submitted for approval to the County.
  - (b) A damage deposit of \$50 must be provided to the County prior to the event; said deposit to be returned or released by the County within ten days of the event, offset by the cost of any cleaning or damages caused by the respective group's use of the park.
  - (c) No cleaning or 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 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

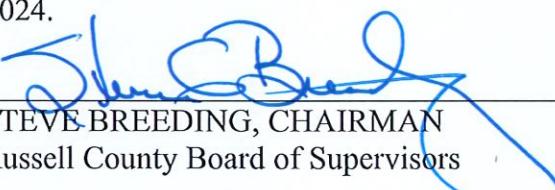
32. Enforcement. The County shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance. The County shall have the authority to eject from a park or facility any person acting in violation of this Ordinance.

33. Penalties. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of the Russell County Park Rules, as promulgated under the authority of Virginia Code Section 15.2. Each day any person who 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 fifty 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 affect 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 on April 8<sup>th</sup>, 2024.

Adopted this 8th day of April 2024.



STEVE BREEDING, CHAIRMAN  
Russell County Board of Supervisors

Attest:



Lonzo Lester, Clerk