

Parks and Recreation

CHAPTER 20 (New 3-20-72; Amended 7-12-04)

REGULATING CONDUCT IN PUBLIC PARKS & RECREATIONAL FACILITIES

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Article 1. In General

Sec. 20-1 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section.

Director is the Director of the Department of Parks and Recreation for the Town of Vienna, Virginia.

Park is a park, reservation, playground, recreation center, lake, stream, stream bed, or any other area, building, or structure either within or outside of the corporate limits of the Town, owned or used by the Town, and devoted to active or passive recreation.

Person. See § 1-2 of the Code of the Town of Vienna, Virginia.

Town. See § 1-2 of the Code of the Town of Vienna, Virginia.

Vehicle is any wheeled conveyance, whether motor powered, animal drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, and vehicles in the service of the Town parks.

Bike. See § 20-10 of the Code of the Town of Vienna, Virginia.

Sec. 20-2 Purpose

The purposes of this Chapter in its application to the regulation of parks and recreational facilities are:

- (a) To protect park property and other recreational facilities of the Town from damage to grounds and structures.
- (b) To provide for a wholesome community environment with parks and recreational facilities that are safe and secure and to promote the safety, morals, order, convenience, aesthetic appearance, public health, and welfare of the community of Vienna, Virginia.
- (c) To provide the Director of Parks and Recreation of the Town of Vienna, Virginia, with a means for insuring that these purposes are carried out and made effective with respect to the operations and maintenance of parks and recreational facilities.

Sec. 20-3 Authority of Director and Police Department Generally.

The Director of Parks and Recreation is hereby delegated authority to administer this Chapter and to issue supplemental rules and regulations that are in support of, and not in conflict with, the provisions of this Chapter which supplemental rules and regulations shall have the same force and effect as though fully set forth in this Chapter. The Police Department and other police officers of competent jurisdiction shall enforce the provisions of these rules and regulations as they relate to crimes and offenses and shall cooperate with and assist the Director in assuring that the provisions of this Chapter are fully and effectively enforced.

Article 2. Park Property

Sec. 20-4 Buildings and Other Property.

No person in a park shall:

(a) Disfiguration and Removal. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or part or appurtenance thereof, sign, notice or placard whether temporary or permanent, monument, stake, post, or other boundary marker, or other structure or equipment, facility, or park property or appurtenance whatsoever, either real or personal.

(b) Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of Natural Resources. Dig, or remove any soil, rock, stone, tree, shrub or plant, down timber or other wood or material, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any power, fuel line or any rope, twine or string nets, upon or across such lands except on special written permission issued hereunder.

Sec. 20-5 Trees, Shrubbery, Lawns

No person in a park shall:

(a) Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. 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.

(b) Climbing Trees, etc. Climb any tree or wall, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.

Sec. 20-6 Wild Animals, Birds, Etc.

No person in a park shall:

(a) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.

(b) Feeding. Give or offer, or attempt to give to any animal or bird any alcohol, tobacco or other known noxious substances.

Sec. 20-7 Sanitation

No person in a park shall:

(a) Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(b) Refuse and Trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; and where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Article 3. Traffic

Sec. 20-8 Operation of Vehicles

No person in a park shall:

(a) State Motor Vehicles' Laws Apply. Fail to comply with all applicable provisions of the State Motor Vehicles' traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances of the Town of Vienna, Virginia.

(b) Enforcement of Traffic Regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(c) Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(d) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.

(e) Operation Confined to Roads. Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(f) Trucks, Buses, Other Heavy Vehicles. Drive or operate any truck in excess of one-half (1/2) ton capacity, any commercial vehicle, or bus on any park area except when engaged in the transportation of persons from or to a park for recreational purposes unless special written permission is obtained from the Director. Exception is made for such vehicle operation in the service of the Town parks.

Sec. 20-9 Parking

No person in a park shall:

(a) Designated Areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

(b) Night Parking. Park a vehicle on any roadway, parking area or park property during any hours during which the park is closed.

(c) Emergency Procedure. Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other persons.

(d) Double Parking. Double park any vehicle on any road or parkway unless directed by a park official.

Sec. 20-10 Bicycles

No person in a park shall:

(a) Confined to Roads or Paths. Ride a bicycle on other than a vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit; and bicycles shall be kept in single file when two or more are operating in a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(c) Rider Prohibited. Ride any other person on a bicycle.

(d) Designated Racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(e) Immobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

Article 4. Recreational Activities

Sec. 20-11 Weapons (Amended 7-12-2004)

No person in a park shall use, carry, discharge, or possess spring guns, bow-and-arrows, slings, dart devices or any other form of weapon potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device except as specifically authorized by the Director in connection with a supervised recreational activity. Except that no person shall fire or discharge any gun, pistol or other firearm in the parks or into a park area from beyond park boundaries unless authorized by the Town Manager in writing in accordance with the provisions of ə 10-43 of the Code of Town of Vienna, Virginia.

Sec. 20-12 Picnic Area and Use

No person in a park shall:

(a) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "First Come, First Served".

(c) Non-Exclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded, except with a written permit issued by the Department of Parks and Recreation.

(d) Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

Sec. 20-13 Camping

No person in a park shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping; nor shall any person leave in a park, after closing hours, any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon, or the like.

Sec. 20-14 Games

No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, etc., is prohibited except on the fields and courts or areas provided therefor. Roller-skating shall be confined to those areas specifically designated for such pastime.

Sec. 20-15 Horseback Riding

No person in a park shall ride a horse except on a road, street or designated bridle trail. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care, and shall not be allowed to graze or go unattended.

Sec. 20-16 Bathing and Fishing

No person in a park, regardless of age, sex, or manner of dress, shall swim, wade, or bathe in waters or waterways in or adjacent to any park; nor shall any person in a park fish in such waters or waterways by use of hook and lure, net, trap, spear, gig or other device except at such places designated and posted for such use.

Article 5. Behavior

Sec. 20-17 Intoxicating Beverages

No person in a park shall have brought alcoholic beverages, nor shall any person drink alcoholic beverages in any park at any time nor have entered into any park under the influence of intoxicating beverages. Except that this section shall not apply at any specifically designated recreation facility where a license to sell or consume alcoholic beverages has been duly issued by the Alcoholic Beverage Control Board in accordance with the provisions of Title 4 of the Code of Virginia.

Sec. 20-18 Fireworks and Explosives

No person in a park shall have brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto except as may be specifically authorized by the Director in writing. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

Sec. 20-19 Domestic Animals

No person in a park shall have been responsible for the entry of a dog or other domestic animal into areas posted by the Director by signs bearing the words “Domestic Animals Prohibited.” Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five (5) feet in length.

Sec. 20-20 Indecent Exposure or Language

No person in a park shall expose his person indecently or procure another to so expose himself, or to act indecently, or to use indecent language.

Sec. 20-21 Solicitations

No person in a park shall solicit money or other thing of value or contributions for any purpose whether public or private.

Sec. 20-22 Fires

No person in any park shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

Sec. 20-23 Closed Areas

No person shall enter or remain in an area posted as "Closed to the Public", nor shall any person use, or abet the use of any area in violation of posted notices.

Sec. 20-24 Gambling

No person in a park shall bet, wager or play at any game for money or other thing of value or participate in or abet any game of chance.

Sec. 20-25 Going on Ice

No person in a park shall go onto the ice or any of the waters except such areas as are designated by the Director and posted as skating fields, and provided a safety signal is displayed.

Sec. 20-26 Sleigh Riding

No person in a park shall or suffer to permit any person to use any part of a park including the roads, streets and highways therein for purposes of sleigh riding or use of any other device to slide on ice or snow except in or on such areas as designated by the Director and posted as sleigh riding areas.

Sec. 20-27 Loitering and Boisterousness

No person in any park shall sleep or protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace, or use without authorization therefor of loud speakers, sound amplification devices or sound making equipment.

Sec. 20-28 Repair of Vehicles

No person in any park shall change any parts, repair, wash, grease, wax, polish or clean a vehicle except in areas designated and posted for this purpose by the Director.

Sec. 20-29 Exhibit Permits

No person in any park shall:

(a) Exhibit Permits. Fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(b) Interference with Permittees. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

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Article 6. Merchandising, Advertising and Signs

Sec. 20-30 Vending and Peddling

No person in any park shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.

Sec. 20-31 Advertising

No person in any park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

Sec. 20-32 Signs

No person in any park shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

Article 7. Park Operating Policy, Enforcement

Sec. 20-33 Park Operating Policy.

(a) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during hours designated by the Director. The opening and closing hours for each individual park or section or part of a park shall be posted therein for public information.

(b) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or merely to certain uses, as the Director may find reasonably necessary.

(c) Lost and Found Articles. The finding of lost articles by any person or park attendants shall be reported to the Director who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost.

(d) Permit. A permit shall be obtained from the Director or his designee before participating in any activity which has been determined by the Director as requiring a permit. The Director shall develop and prepare the necessary form or forms of application and the type of information required to be furnished by the applicant provided, however, that the required information shall be reasonably necessary to a fair determination as to whether a permit should ensue hereunder.

(e) Standards for Issuance of Permits. The Director shall issue a permit hereunder when he finds:

(1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(2) That the proposed activity and use will not reasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

(4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Town;

(5) That the proposed activity or use will not unreasonably disturb the peace and quiet of any adjacent residential neighborhood.

(6) That the facilities desired have not been reserved for other use at the day and hour required in the application.

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(f) Appeal. Within five (5) days after receipt of an application, the Director shall apprise

an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing to the Town Council of the Town of Vienna, Virginia. Such appeal shall be filed with the Town Manager within five (5) days from receipt of notice by the applicant of the Director's refusal to issue a permit. (The notice of refusal by the Director sent through the United States Mail shall be presumed to have been received by the applicant within twenty-four (24) hours from the time such notice was posted in an official U. S. Post Office mail box.) Upon receipt of the notice of appeal by the Town Manager, he may cause the permit to be issued where he determines that the application falls within the standards set forth in subsection (e) above. Where the Town Manager determines that the permit should not issue, he shall place the matter on the agenda for the following meeting of the Town Council. The Town Council shall sustain or overrule the Director's decision within fourteen (14) days from receipt of the notice of appeal by the Town Manager. The decision of the Town Council shall be final.

(g) Effect of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances as fully as though the same were inserted in said permits.

(h) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by the Town or any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(i) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

Sec. 20-34 Enforcement

(a) Officials. The Police Department of the Town of Vienna, other police officers of competent jurisdictions, 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.

(c) Seizure of Property. The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park, or used, in violation of this ordinance.

(d) Adults. Any person eighteen (18) years or older, including the parents or guardians of any child who shall cause or encourage such child under eighteen (18) years of age to violate the provisions of this ordinance, or any parent or guardian of any child under eighteen (18) years of age who shall suffer such child to violate the provisions of this ordinance, shall be guilty of a misdemeanor.

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Sec. 20-35 Unlawful Assemblies

The provisions of §§ 10-46 through 10-58 of the Code of the Town of Vienna, Virginia, shall be applicable to parks as though fully set out herein.

Sec. 20-36 Penalties

Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the supplemental rules or regulations issued by the Director in accordance with the authority contained in § 20-3 of this Chapter of the Code of the Town of Vienna, Virginia, shall be deemed guilty of a misdemeanor.