

ORDINANCE NO. 4081

AN ORDINANCE to add a new Section 6-1-8 (CONDUCT PROHIBITED BY OFFICIAL SIGN) to Chapter 1 (GENERAL PROVISIONS), Title 6 (PARKS, RECREATION AND CULTURAL ACTIVITIES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 1 of Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 6-1-8 to read as follows:

Sec. 6-1-8 Conduct prohibited by official sign.

(a) Within the boundary of any public park in the city, it shall be unlawful for any person, contrary to an official sign, to:

- (1) remain on the premises after park closing;
- (2) swim, wade or bathe, except for the purpose of saving a drowning person;
- (3) hunt or fish;
- (4) play baseball, football, volleyball, golf, tennis, or other organized games or sports, except in designated areas;
- (5) fly any powered model airplane or rocket, or similar device;
- (6) camp or use the park for living accommodations;
- (7) make any fire, or barbecue, grill or otherwise cook any food;
- (8) solicit or demand any gifts, money, goods or services;
- (9) sell or offer for sale any goods or service;
- (10) operate any radio, television, CD, DVD or tape player, or other sound producing device, without the use of headsets or earphones;
- (11) ride or operate any bicycle, except on designated bike paths; provided, that this provision shall not apply to law enforcement personnel;
- (12) ride or operate any roller skates, roller blades or skate boards;

(13) ride or operate any moped or motor vehicle, except in designated areas or on designated paths; provided, that this provision shall not apply to law enforcement personnel and other authorized city employees; and

(14) permit any animal to enter, to be on or to remain on park premises, other than cats, or dogs that are either on a leash or within a designated dog exercise area.

(b) It shall also be unlawful for any person, after having been specifically directed by a police officer, or by an employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section, to cease engaging in conduct that is unlawful under subsection (a), to refuse or fail to cease engaging in the conduct.

(c) The city manager is authorized to post one or more official signs, prohibiting some or all of the conduct specified in subsection (a), in any public park in the city. In determining the conduct to prohibit in a park, the manager shall consider the type and nature of the park, its intended uses and existing facilities, its proximity to residential areas, and such other factors as may be relevant to secure public order and safety in, and the efficient and enjoyable use of, the park.

(d) Official signs posted in a park pursuant to this section shall be located at each principal entrance to the park and, in the case of a linear park, at intervals of not less than 1,000 feet. Additional signs, including signs establishing prohibitions not generally applicable within the park, may be posted so as to give reasonable notice of the prohibition.

(e) As used in this section:

(1) A public park in the city@ shall mean any park, plaza, square or other outdoor area open to the general public for active or passive recreational use (i) which is owned in fee by the city, (ii) which is operated by the city under license from the United States or the Commonwealth of Virginia, or an agency thereof, (iii) as to which the city or the United States, or both, hold an easement for public park or waterfront access purposes, or (iv) which is owned or operated by any other public or private entity, so long as the owner or operator thereof has consented, in writing, to the exercise by the city manager of the authority conferred by this section, and the city manager has consented, in writing, to exercise such authority over the area and facilities of such owner or operator.

(2) A camp or use the park for living accommodations@ shall mean sleeping, making preparations to sleep (including laying down bedding), storing personal belongings, making a fire, using a vehicle, tent, shelter or other structure for sleeping, digging or earth breaking, or undertaking cooking activities. Any of the listed activities constitute camping or

the use of the park for living accommodations when it reasonably appears, in light of all the circumstances, that the person, in conducting the activities, is in fact using the area as a living accommodation, regardless of the actual intent of the person, or the nature of any other activities in which the person may be engaging.

(f) Enforcement and penalties:

(1) This section shall be enforced by any police officer, and, in addition, by any employee of the department of recreation, parks, and cultural activities authorized in writing by the city manager to enforce this section.

(2) Any violation of the provisions of subsection (a) shall be punished as a class four misdemeanor.

(3) Any violation of the provisions of subsection (b) shall be punished as a class two misdemeanor.

(g) Miscellaneous provisions:

(1) The provisions and penalties of this section are cumulative and not exclusive, and shall not be construed as repealing any other provision of this code or any other remedy to prevent, correct, restrain or abate a violation of the code.

(2) Any person who posts a sign in any public park in the city which purports to regulate public conduct or behavior within the park, and who is not authorized to do so by this section or another provision of this code, shall be guilty of a class four civil violation. Any such sign shall be forthwith removed by the director of recreation, parks and cultural activities. Any person who defaces, damages or alters a sign that has been posted pursuant to this section shall be guilty of a class four civil violation.

(3) The director of recreation, parks and cultural activities is authorized to issue permits for the use of any public park in the city as the location for a gathering, game, event or similar occasion. Such permits shall be in writing, and shall set forth such terms and conditions as the director determines may be reasonable. In issuing these permits, the director may exempt the permitted gathering, game, event or similar occasion from some or all of the prohibitions of conduct established by signs posted pursuant to this section; provided, that any such exemption shall be expressly set out in the issued permit, and the permittee shall at all times keep a copy of the permit at the site of the gathering, game, event or other occasion, and shall make the copy available for inspection by any police officer or employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

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First Reading: 11/09/99
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