

HENDERSONVILLE MUNICIPAL CODE

CHAPTER 5

PARK AND RECREATION REGULATIONS

SECTION

20-501. Definitions

20-502. Construction and scope.

20-503. Prohibited uses.

20-501. Definitions. Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively mean and include each of the meanings set forth:

- (1) "The board": The Hendersonville Board of Parks and Recreation.
- (2) "Park": The term park or parks unless specifically limited, will be deemed to include all parks, parkways, playgrounds, athletic fields, tennis courts, golf courses, swimming pools, beaches, and other recreation areas and amenities serving thereto, under the control of the board and/or within the City of Hendersonville.
- (3) "Permit": Any written authorization issued by or under the authority of the board for a specified park privilege permitting the performance of a specified act or acts in the park.
- (4) "Owner": Any person owning, operating or having the use or control of a vehicle, animal or other property under a lease or otherwise.
- (5) "Police Officer": Any member of the Police Department of Hendersonville and Sumner County, Tennessee, and any other Hendersonville employee who is designated special police and appointed and sworn by the mayor and any law enforcement officer employed by the United States Government, the State of Tennessee or a sub-division thereof.
- (6) "Bridle path": Any path or road maintained for persons riding on horseback.
- (7) "Foot path": Any path, road, or trail maintained for pedestrians.
- (8) "Bicycle path": Any path, road, or trail maintained for persons riding on bicycles, but not motorized motorcycles.
- (9) "Bathing areas": Any area maintained for the use of bathers including the water area and lands under water adjacent thereto under the jurisdiction board.
- (10) "Playground area": Any area maintained or designated as a playground, and including all territory under the supervision and control of the board adjacent to and within twelve (12) feet thereof.
- (11) "Safety zone": Any space within any park so designated by appropriate signs.
- (12) "Omnibus": Shall include any vehicle held and used for transportation of passengers for hire.
- (13) "Unnecessary stopping": Bringing a vehicle to a complete stop on a parkway, or a road in a park other than a parking space, or other than in conformity with traffic regulations or other than because of any emergency. (Ord. #1978-38, Sept. 1978, modified)

20-502. Construction and scope.

(1) **Construction.** In the interpretation of this chapter affecting parks, its provisions shall be construed as follows:

- (a) Any term in the singular shall include the plural;
- (b) Any term in the masculine shall include the feminine and neuter;
- (c) Any requirement or provisions of these rules and regulations relating to any act shall respectively extend to and include the causing, procuring, aiding, or abetting, directly or indirectly, of such act; or the permitting or allowing of any minor in the custody of any persons, doing any act prohibited by any provision thereof;
- (d) No provisions hereof shall make unlawful any act necessarily performed by any officer or employee of the Department of Parks and Recreation in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the board;
- (e) Any act otherwise prohibited by this chapter, provided it is not otherwise prohibited by law, shall be lawful if performed under, by virtue of and strictly in compliance with the provisions of a permit and to the extent authorized thereby;
- (f) This chapter is in addition to and supplements all municipal, state and federal laws and ordinances.

(2) **Territorial scope.** This chapter effecting parks shall be effective throughout, within and upon all areas under the supervision and control of the board, and/or other publicly owned recreation areas in the City of Hendersonville, and shall regulate the use thereof by all persons. (Ord. #1978-38, Sept. 1978)

20-503. Prohibited uses.

(1) **Property, drives, bridges and equipment.** No person shall injure, deface, displace, remove, fill in, raise, destroy, or tamper with any property, facility, or equipment, real or personal owned or leased by the Hendersonville Government or under the supervision or control of the board.

(2) **Trees, shrubs, flowers and grass.** No person shall in any park destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing. No person shall attach any posters, or directional signs to trees.

(3) Littering, rubbish, refuse and pollution.

(a) **Littering, rubbish, refuse.** No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on any park any rubbish of any sort in any recreation area. No person shall place household refuse and garbage in receptacles which are provided solely for litter resulting from normal park use.

(b) **Pollution of waters.** No person shall throw, or discharge into the waters in any park, any substance, which may result in the pollution of the waters.

(4) **Advertising.** No person shall distribute, display, transport, carry or construct any flag, banner, sign, emblem, model, device, pictorial representation, or other matter, within any park for advertising or political purposes, or cause noise to be made in any park

for the purpose of advertising, unless such activity is expressly approved by the board of Parks and Recreation, subject to such conditions and restrictions as said board deems proper.

(5) **Disorderly conduct.** No person shall, in any park;

(a) Disobey the lawful and reasonable order of a police officer or park employee in the discharge of their duties or disobey or disregard the notices, prohibitions, instructions or directions on any park sign, including rules and regulations posted on the grounds or buildings.

(b) Use threatening, abusive or insulting language.

(c) Do any obscene or indecent act.

(d) Throw, cast or propel stones or other missiles.

(e) Solicit alms, subscriptions or contributions for any purpose.

(f) Interfere with, encumber, obstruct or render dangerous any part of a park.

(g) Climb or lie upon any wall, fence, shelter, seat, statue, monument or other structure.

(h) Do any act tending to or amounting to a breach of peace.

(i) Enter or leave any park facility except at established entrance ways or exits, or at established times; or use or gain admittance to the facilities in any park for the use of which a charge is made without paying the charge or price fixed by the board.

(j) Engage in, instigate, or encourage a dispute or fight.

(k) Jump off of any bridge structure into water.

(l) Plan any games of chance, sell futures, or participate in the conduct of a lottery.

(6) **Explosives, firearms, and weapons.** No person shall bring into or have in his possession in any park any firearms, slingshots, firecrackers, torpedoes, fireworks or other missile-propelling instruments or explosives, except city employees in the performance of their duties, or other individuals duly authorized by the city fire marshal.

(7) **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, unless such activity is expressly approved by the Board of Parks and Recreation, subject to such conditions and restrictions as said Board deems proper.

(8) **Camping.** No person shall tent or camp or erect or maintain a tent, shelter or camp in any park, unless in a designated area.

(9) **Permits.** A permit to do any act shall authorize the act only insofar as it may be performed in strict accordance with the written terms and conditions thereof. Any violations of any law, ordinance, provisions of this code, or rule or regulation of the board or of any other Hendersonville Department by the holder or the agents or employees of the holder of any permit of any term or condition thereof, shall constitute grounds for revocation of the board or by its authorized representative, whose action therein shall be final. In case of revocation of any permit, all monies paid for or on account thereof shall, at the opinion of the board, be forfeited to and be retained by the government; and the holder of such permit, together with his agents and government; and the holder of such permit, together with his agents and employees who violated such permit, shall be jointly and severally liable to the

Government of Hendersonville for all damages and loss suffered by it in excess of money so forfeited.

(10) **Exhibitions, parade, racing, etc.** No person shall erect any structure, stand or platform, exhibit dramatic performance or show of any kind or nature; or parade, or hold any athletic contest; in any park except in accordance with the rules and regulations of the board.

(11) **Rules and Regulations.** The board shall adopt, promulgate and enforce such rules and regulations consistent with the proper use and protection of the park property under its supervision and control, and consistent with this chapter.

(12) **Meetings, etc.** No person shall erect any structure, hold any meeting, perform any ceremony, make a speech, address or oration in any park except by permit issued by the board or its authorized representative. The board shall establish criteria for approval and denial of permits.

(13) **Picnics and outings.** The board is authorized to adopt, promulgate and enforce rules and regulations governing picnics or outings consistent with the proper use and protection of park property.

(14) **Peddling, sales, photographs, etc.** No person shall, in any park or to any person in any park, exhibit, sell or offer for sale, hire, lease or let out any object or merchandise, or service of commercial nature, except under a permit issued by the board.

(15) **Protection of animals.** No person shall within any park, attempt to chase, molest, kill, wound, or trap, any feral animal, reptile, bird, bird's nest or squirrel's nest or remove the young of any such animal or the eggs or young of any such reptile or bird.

(16) **Fires, lighted cigars, etc.** No person shall kindle, build, maintain, or use a fire except in fireplaces provided or in self-supporting barbecue grills or stoves in designated picnic areas or under special permit. Any fire shall be continuously under the care and direction of a competent person over eighteen years of age from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar or cigarette in any park or park street.

(17) **Boating.** No boat or vessel shall be laid up, stored, repaired or placed, except at boat launchings, for any other purpose on park land except by permits.

(18) **Games.** No person shall in any park engage in any sport, game or competition in places specifically prohibited.

(19) **Animals at large.** No person owning or being custodian or having control of any animal shall cause or permit such animal to go at large in the park.

(20) **Horses or beasts of burden.** No person shall use, lead, ride, or drive a horse or other beast of burden in any park, except on designated bridle paths, or along routes customarily used for access to and from bridle paths, unless otherwise authorized by the board.

(21) **Hours.** No person shall remain in any park between the hours of 11:00 o'clock P.M. and one-half hour before sunrise without permission from the board or its authorized representative. The board may in its discretion, alter park closing times. The board may establish different closing times for different parks.

(22) **Alcoholic beverages.** It shall be unlawful for any person to possess or have under his control beer, ale, or other alcoholic beverages in any public park or recreation area, except as allowed by city ordinances regulating the sale of beer or ale.

(23) **Traffic control.** All persons shall at all times comply with direction of the police officers and park employees indicated by gesture or otherwise in using parks and shall further comply with directions on traffic signs along the routes in the parks.

(24) **Speed limits.** No person shall drive a vehicle within any park at a speed greater than is reasonable and prudent under the conditions then existing. Where no special hazard exists, the maximum speed limit in all parks shall be twenty miles per hour unless otherwise posted.

(25) **Restrictions on vehicles.** Vehicles including trailers, carrying merchandise, or samples of merchandise, or other commercial vehicles are prohibited from entering any park except to make deliveries to the park.

(26) **Soliciting passengers.** No person shall solicit passengers for any automobile, coach, taxi, omnibus or other vehicle in any park except in such areas as may be designated.

(27) **Hitchhiking.** No person shall in any park or park street attempt to stop or stop by any visible or audible sign or signal, any vehicle for the purpose of soliciting a ride, except in case of emergency.

(28) **Careful driving.** No person shall in any park, operate or drive or propel, and no owner thereof shall cause or permit to be operated, driven or propelled any vehicle recklessly or negligently or at a speed or in such a manner as to endanger or injure persons or property.

(29) **Restricted areas.** No person shall in any park, drive or operate a vehicle off of paved roadways or in restricted areas.

(30) **Driving instructions.** Instructions in operating automobiles or motorcycles is prohibited in parks at all times.

(31) **Obstructing traffic.** No person shall cause or permit any vehicle to obstruct traffic in any park, or to stop such vehicle except at those places specifically designated or maintained for the purposes of stopping or parking, except in cases of emergency.

(32) **Towing and projecting articles.** No person shall cause or permit a vehicle to be towed by another vehicle in any park, except that in case of a breakdown, a disabled vehicle may be towed to the nearest exit. Licensed towing operators may enter such park in response to a call from an owner or operator of a disabled vehicle, or by the park's employees or a police officer.

(33) **Working on vehicles.** No person shall in any park, grease, lubricate, or make repairs to any vehicle except those of a minor nature and then only in cases of emergency. (Ord. #1978-38, Sept. 1978, as amended by Ord. #1988-89, Aug. 1988, Ord. #1989-59, Jan. 1990, and Ord. #1993-27, June 1993)