

**CITY OF DAPHNE, ALABAMA**

**ORDINANCE NUMBER 2017-34**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2016-61 OF THE CITY OF  
DAPHNE, ALABAMA  
REGARDING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

**WHEREAS**, Chapter 15, Section 15-10 of the City of Daphne Municipal Code establishes rules and regulations relating to the operation and usage of Daphne City Parks; and

**WHEREAS**, Ordinance 2016-61 promulgates the rules and regulations for the City of Daphne Parks; and

**WHEREAS**, the City of Daphne has undertaken a comprehensive review of the rules and regulations governing City parks with the intent of revising any and all provisions to improve the health, safety, and enjoyment of park patrons;

**WHEREAS**, the City of Daphne has determined that it is in the best interests of its citizens to revise and update certain provisions relating to the use of park areas or facilities as such relates to motorized vehicles, pets and commercial watercraft; and

**WHEREAS**, the City of Daphne desires to amend Chapter 15, Section 15-10 to better serve and protect its citizens and ensure proper operation and usage of City parks.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF DAPHNE,  
ALABAMA:**

Chapter 15, Section 15-10 of the City of Daphne Municipal Code is hereby amended to read and Ordinance 2016-61 is hereby repealed and replaced with the following:

**SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS**

**General Park Rules**

1. City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.

6. Fires are allowed in cooking grills in designated areas only, Open “camp” fires are prohibited, unless permitted in writing by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No person shall carry on or conduct any business or service within a park without the prior written approval of the City.
8. All camping activities shall be confined to designated areas in a park.
9. Hitting golf balls at any City park is strictly prohibited.
10. No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
11. No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, “commercial watercraft” shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.
12. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.
13. No person shall fish in a park in violation of Alabama State Law or in any area designated as “no fishing”.
14. No person shall operate a bicycle except on designated bikeways and roadways in a park.
15. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks. For purposes of this rule, “motorized vehicle” shall mean and include any and all automobiles, motorcycles, all-terrain vehicles whether two, three or four wheel; mobile trailers; trucks; truck tractors; semitrailers; trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.
16. No person shall launch, operate, or land within or upon any City park any remote control airplane, unmanned aircraft system (i.e. “drone” or “quad-copter”), or other unmanned aerial device (excluding kites) unless authorized by prior written consent of the City, except that certain areas may be designated appropriate landing places for law enforcement or official government aviation equipment. Exempted from the restrictions of this provision are:

- a.) any sports field located at Al Trione Sports Complex that is not otherwise occupied or in use; and
  - b.) any other fields (and the airspace immediately above such fields) approved for such purposes by the Daphne City Council.
17. Any person who obtains a special event permit may use a drone to photograph their special event in the park during the course of the event. For hobby or recreational use, unmanned aircraft, including but not limited to drones, quad-copters, and remote control planes, may only occur on fields located at Al Trione Sports Complex that are not otherwise occupied or in use and any other fields approved for such purposes by the Daphne City Council. Operation of any unmanned aircraft must be done so as to not be flown within 100 feet of people, power lines, buildings, or light fixtures.
  18. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.
  19. No person shall remove, leave or deposit any animal, living or dead, from a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.
  20. No person shall intentionally feed any species of wildlife within a park.
  21. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.
  22. It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody, or control to defecate in a park without removing the defecation to a proper trash receptacle.
  23. No person shall allow any dog, cat or other pet under his or her ownership, care, custody, or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.
  24. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

**Dog Park Rules** – In addition to the Rules stated above, the following rules also apply within the confines of the Dog Park.

1. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.
2. All dogs must be on a leash until inside the Park and upon leaving the Park.

3. There will absolutely be no female dogs in heat allowed inside the Park.
4. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.
5. A dog must be removed from the Park at the first sign of aggression.
6. All dogs must wear a collar displaying current vaccination tags and current registration.
7. No collars that are visibly studded are permitted.
8. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.
9. No dogs under the age of four (4) months are allowed in the Park.
10. No food - human or pet - shall be allowed inside the Park.
11. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).
12. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.

## **SECTION II: PENALTIES**

Any person found guilty of violating any provision of this Ordinance shall be punished for a first offense by a fine of \$25, for a second offense \$50 and for a third offense \$100. For offenses greater than three, punishment may include a fine of not over \$500, by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.

## **SECTION III: SEVERABILITY**

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.

## **SECTION IV: REPEALER**

Ordinances 2016-01 and all other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

## **SECTION V: EFFECTIVE DATE**

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

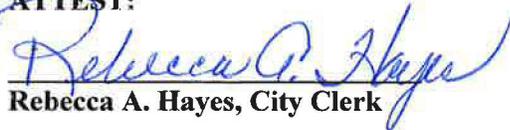
**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA ON THE 15<sup>TH</sup> DAY OF MAY, 2017.**



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**Dane Haygood, Mayor**

**ATTEST:**

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**Rebecca A. Hayes, City Clerk**