

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS SECTIONS, DIVISIONS, AND ARTICLES WITHIN CHAPTERS 2, 62, AND 66 RELATIVE TO THE DEPARTMENT OF PARKS AND RECREATION STRUCTURE, OPERATIONS AND OVERSIGHT; TOP FIX A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That Division 3 – Senior Citizens Advisory Board, and Division 4 – Public Art Committee of Article V. Chapter 2 be deleted in their entirety.

SECTION II. That Section 2-655 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 2-655. - Applicability.

(a) The provisions of this article are applicable to all fulltime and parttime officials, officers, employees, servants, member of any board, agency, commission, authority or corporation, whether compensated or not, and any officer, employee, or servant thereof of the city. This includes any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city as set out in T.C.A. § 8-17-102 including, but not limited to:

- (1) The board of mayor and aldermen;
- (2) City board of education, and employees;
- (3) City industrial development board;
- (4) City housing and redevelopment authority;
- (5) City emergency communications district board;
- (6) City regional planning commission;
- (7) Board of zoning appeals;
- (8) Beverage board;
- (9) Bays Mountain Park Commission;
- (10) Electrical board of examiners;
- (11) Gateway review commission;
- (12) Historic zoning commission;
- (13) Mechanical, plumbing and gas board of examiners;
- (14) Parks and recreation commission;
- (15) Public library commission;
- (16) Senior citizens committee;
- (17) Sidewalk board; and
- (18) Wastewater appeals board.

(b) In any situation in which a personal interest under this article is also a conflict of interest under state law, the provisions of the state law shall govern. In accordance with T.C.A. § 8-17-103 to the extent an issue is covered by an ethical standard addressed by a law of general application, public law of local application, local option law or private act nothing herein shall be construed to be less restrictive than such laws.

SECTION III. That Section 62-50(e)(4) of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

(4) Encroachments, structures, or objects on or in public right-of-way pursuant to a permit from the parks and recreation department of the city for special events, provided

it is for the time set out in the permit and said permit on file with the city will allow a person to set up a temporary encroachment, structure, or objects on public right-of-way. Such encroachments, structures, and objects shall be inspected by the fire marshal to determine proper installation of same.

SECTION V. That Section 66-42 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 66-42. - Position established; duties.

(a) There is established the position of director of parks and recreation. The director, or their designee, as authorized by the city manager and in accordance with state law and applicable ordinances, shall have the authority to implement recreational and cultural programs designed to engage the public in constructive and enriching use of recreation time.

(b) Within the scope of this authority, the Director shall have the authority to:

- (1) Plan for the recreational needs of the city and make recommendations for programs, facilities, and sites for review by the parks and recreation commission;
- (2) Schedule and supervise recreation programs and activities;
- (3) Supervise maintenance of the facilities and equipment of the Parks and Recreation Department;
- (4) Supervise employees and volunteers of the department;
- (5) After receiving and considering recommendations from the Parks and Recreation Commission, establish and enforce patron codes of conduct and procedures for the rental and use of recreation facilities;
- (6) Manage department finances in compliance with the Charter, this Code and accounting policies and procedures established by the city recorder; and
- (7) Shall propose all fees and charges connected to the operation of parks, recreation facilities, and programs to the parks and recreation commission for consideration, which once considered by the parks and recreation commission, shall be submitted to the board of mayor and aldermen for adoption; and
- (8) Perform such other duties and responsibilities as may be assigned by ordinance or by the city manager, or their designee.

(c) The director may delegate administrative functions found within this Code in writing to subordinate employees.

SECTION VI. That Division 3 of Article II, Chapter 66 of the Code of Ordinances, City of Kingsport, Tennessee is amended by deleting the current division, in its entirety and substituting instead the following:

Division 3 – Parks and Recreation Commission and Committees

Sec. 66-73. - Composition; appointment; filling vacancies; compensation.

(a) The parks and recreation commission shall be composed of nine (9) members, all of whom shall be city residents.

(b) The members shall be appointed by the mayor and approved by the board of mayor and aldermen and shall serve for three years. If a vacancy occurs among members, the vacancy shall be filled for the unexpired term in the manner provided in this section for original appointments.

(c) Any member of the commission or committees with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the commission. A successor shall be appointed to fill the vacancy as provided in this section.

(d) Members of the commission and all committees shall serve without compensation.

Sec. 66-74. - Officers.

Each year the parks and recreation commission shall select from its members a chairperson and vice-chairperson. The chairperson shall serve as the presiding officer and shall assign duties and responsibilities to commission members. The vice-chairperson shall serve as chairperson during absences of the chairperson.

Sec. 66-75. - Quorum.

A quorum of the parks and recreation commission shall consist of a majority of the non-vacant seats, but in no case shall a quorum be fewer than three (3) members.

Sec. 66-76. - Meetings.

The parks and recreation commission shall meet not less than once a quarter at a time and place approved by the commission. Special meetings may be called by the director, chairperson, or by a majority of the appointive members of the commission upon seven (7) days' notice to all members of the commission.

Sec. 66-77. - Powers and duties generally

(a) The parks and recreation commission, operating under the administrative guidance of the city manager and the authority of the board of mayor and aldermen, shall provide citizen oversight of city parks, recreation facilities, and programs under the control of the department of parks and recreation. The commission shall make recommendations on parks and recreation policies, procedures, and strategic planning related to the operation of the department and may recommend codes of conduct for the use of city parks and recreation facilities. The commission may also make recommendations to the director regarding the department's annual operating and capital budgets for consideration in the city's budget process.

(b) The parks and recreation commission may establish advisory committees as needed to assist in carrying out its responsibilities. The structure, purpose, tenure, and functions of each advisory committee shall be determined by the commission. Members of advisory committees shall be appointed by the chair of the parks and recreation commission, with the approval of both the commission and the mayor. Each advisory committee shall include at least one member of the parks and recreation commission, serving ex-officio.

(c) Any monetary gift, bequest or contribution received and accepted by the parks and recreation commission shall be deposited with the city treasurer and held in trust, to be kept separate from all other funds in a fund identified as the parks and recreation commission fund, and such funds shall be disbursed only upon the recommendation of the parks and recreation commission with the approval of the board of mayor and aldermen.

Sec. 66-78. - Senior Citizen Committee

(a) A Senior Citizens Committee is hereby established to make recommendations to the parks and recreation commission and departmental staff concerning senior citizen programming, funds, and facilities.

(b) The parks and recreation commission shall have the power to adopt and revise rules and procedures which govern the conduct and frequency of the committee's meeting.

(c) The senior citizens committee shall be composed of thirteen (13) members. Six (6) members shall be appointed from the senior citizen program participation roster, and the remaining members shall be appointed at large, regardless of age. One (1) of the thirteen (13) members shall be a member of the parks and recreation commission. All members shall be appointed by the mayor with the approval of the board of mayor and aldermen. Members shall serve for a term of three (3) years and shall continue to serve until their successors are appointed and qualified. Any vacancy occurring during a term shall be filled for the unexpired portion of that term in the same manner as the original appointment.

(d) Any member of the committee with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the committee. A successor shall be

appointed to fill the vacancy as provided in this section.

(e) The senior citizens committee may issue recommendations on fees and charges associated with the operation of senior citizen–related programs and facilities to the director of parks and recreation for presentation to the parks and recreation commission and the board of mayor and aldermen.

(f) The senior citizens committee shall review and advise staff on the expenditure of any grant or gift funds designated for senior citizen programs or facilities. The committee may also make recommendations to the director regarding the annual operating and capital budgets for senior citizen–related programs and facilities for consideration in the city's budget process.

Sec. 66 – 79. - Cultural Arts Committee.

(a) A Cultural Arts Committee is hereby established to advise the parks and recreation commission and departmental staff on matters related to public art, including the planning, acquisition, placement, maintenance and deaccessioning of public art in city parks and public spaces. The committee shall also advise on the operation of the carousel and Allandale Mansion.

(b) The parks and recreation commission shall have the power to adopt and revise rules and procedures which govern the conduct and frequency of the committee's meeting.

(c) The cultural arts committee shall be composed of nine (9) members. One (1) of the nine (9) members shall be a member of the parks and recreation commission. All members shall be appointed by the mayor with the approval of the board of mayor and aldermen. Members shall serve for a term of three (3) years and shall continue to serve until their successors are appointed and qualified. Any vacancy occurring during a term shall be filled for the unexpired portion of that term in the same manner as the original appointment.

(d) Any member of the committee with absences from four consecutive meetings or from six total regular meetings within a 12-month period shall be deemed to have resigned from the committee, unless excused by vote of the committee. A successor shall be appointed to fill the vacancy as provided in this section.

(e) Public art shall be defined as art commissioned by the cultural arts committee or the city utilizing public funds or art located on public property that is intended to be permanent or semi-permanent in nature.

(f) The cultural arts committee shall develop public art policies and guidelines for consideration by the board of mayor and aldermen. It shall also establish a plan and a priority for public art projects within the city limits. The committee may establish selection sub-committees for each individual public art project and oversee the request for proposal process. The cultural arts committee shall serve in an advisory capacity to the department, parks and recreation commission and the board of mayor and aldermen for all matters involving public art and cultural programming.

(g) The department of parks and recreation shall administer public art projects, with all projects being first reviewed by the cultural arts committee and city management prior to final approval by the board of mayor and aldermen.

(h) Public art in the city may be funded from the capital improvement plan. The public art reserve fund may receive up to 0.75 percent of eligible general fund capital improvement project funds, up to a maximum of \$75,000.00 per project, at the time construction of an eligible project is initiated provided there are sufficient funds. Up to 0.50 percent of eligible general fund capital improvement project funds may be used for the selection, design and development of works of public art with priority given to the particular capital improvement project generating funds and 0.25 percent of eligible general fund capital improvement project funds may go to the parks and recreation commission fund for maintenance of the city's public art and for marketing and public education regarding public art provided there are sufficient funds.

SECTION VII. That a new Division 4, Article II of Chapter 66 pertaining to special event permits be added as follows:

Division 4 – Special Event Permit.

Sec. 66 – 80. - Definition; Permit Required.

(a) As used in this division, the following terms and phrases shall be defined as follows:

(1) Expressive activity means a special event that consists primarily of non-commercial expression that is protected by the First Amendment to the United States Constitution.

(2) Permit means a special event permit as required by this chapter unless otherwise specified.

(3) Director means the director of the parks and recreation department.

(4) Organizer means the individual or legal entity responsible for planning, hosting, or managing a special event. The organizer may be a natural person, corporation, limited liability company, or other form of legal organization.

(5) Special Event means any planned gathering conducted on public property, or any planned activity that requires the temporary closure of, or materially impedes the normal use of, a public right-of-way within the City of Kingsport, including but not limited to block parties, parades, festivals, concerts, fairs, exhibits, expressive activities, trade shows, and similar events.

(b) It is the intent of this division to regulate the time, place, and manner of special events in a content-neutral way, ensuring the protection of public safety and property while preserving rights guaranteed under the First Amendment to the United States Constitution. No person, firm, corporation, or other organization shall participate in, advertise, promote, organize, manage, solicit for, or otherwise induce participation in any special event without first obtaining a special event permit from the parks and recreation department, unless otherwise exempted by ordinance or statute.

(c) A special event permit shall not be required for:

(1) Events conducted in accordance with approved city facility rentals, provided they comply with departmental rules, codes of conduct and procedures.

(2) Athletic events held entirely within designated sports complexes or recreation facilities.

(3) Events organized and executed solely by the City of Kingsport and its staff, or by another organization acting on behalf of the city pursuant to a partnership or sponsorship agreement approved by resolution of the board of mayor and aldermen, provided that the agreement expressly authorizes and governs the event.

(4) Events or processions that are otherwise authorized or protected under federal or state law.

(5) Activities conducted by governmental agencies acting within the scope of their official functions.

(d) Nothing in this subsection shall prevent spontaneous expressive activity in traditional public forums that does not unreasonably obstruct traffic, hinder public use of facilities, or threaten public safety.

(e) Notwithstanding the exemptions listed above, the director or the chief of police may require a special event permit for any public gathering if, based on specific and articulable facts, the director or chief of police determines that the event poses a substantial risk to public safety or property that cannot reasonably be addressed except through a special event permit.

Sec. 66 – 81. - Application.

(a) The director shall develop and make available the necessary application forms and administrative procedures governing the submission, review, and processing of special event permit requests.

(b) The application for any special event permit shall contain, in addition to any other information the director shall deem necessary to evaluate the logistics of the event, the following information:

- (1) Name and address of the organizer.
 - (2) The type of event, such as a parade, public entertainment, rally, demonstration, road race, or some other use.
 - (3) The location proposed to be used.
 - (4) Any request for city services such as police or fire.
 - (5) The expected number of attendees, including participants and spectators. Such estimated size shall not be held to be conclusive of the size of any group.
 - (6) If a road race or parade, a detailed description of route along with a map.
 - (7) The names and addresses of the persons to be in charge of the special event at the site.
 - (8) A list of mechanical equipment to be used, any motor vehicles to be used, any animals to be used, and a description of any sound amplification to be used.
 - (9) A description of temporary structures or installations associated with the event, including but not limited to generators, tents, stages, booths, bleachers, signs, banners, vendors, portable toilets, fencing, and similar features, including their general placement, duration, and setup schedule, to the extent applicable.
 - (10) The director may waive or modify any of the foregoing requirements when such information is not applicable to the proposed event and may prescribe different application forms for different categories of events, provided that all such forms and requirements remain generally consistent with this section.
- (b) Applications shall be processed in the order they are received. No application shall be submitted more than three hundred sixty-five (365) calendar days prior to the proposed event date.
- (1) Applications for special events shall be submitted no fewer than thirty-five (35) calendar days prior to the proposed event date.
 - (2) Applications for special events that include parades, road races, or activities requiring the temporary closure of, or material restriction to, public streets shall be submitted no fewer than ninety-five (95) calendar days prior to the proposed event date.
 - (3) Applications for events consisting solely of noncommercial expressive activity protected by the First Amendment shall be submitted no fewer than fifteen (15) calendar days prior to the proposed event date. The city manager, or their designee, may authorize an expedited review when necessary to accommodate spontaneous expressive activity in response to recent or unforeseen events, provided that public safety and the reasonable use of city resources can be maintained.
- (c) The director, or their designee, shall notify the applicant in writing within five (5) business days of receipt of an application if the application is incomplete and the city is unable to begin processing the application.
- (d) Organizers shall agree, in writing, to assume the defense of, indemnify, and hold harmless the City of Kingsport, its Board of Mayor and Aldermen, boards, commissions, officers, employees, and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith.
- (e) The organizer shall be required to obtain liability insurance in a minimum amount set by the city manager in consultation with the risk management division. Depending on the logistical nature of the special event and the number of attendees expected, the city manager may increase the amount of liability insurance required and the types of insurance required.
- (1) No later than five (5) business days prior to the special event, the organizer shall provide the city with a certificate of insurance reflecting the minimum coverage required. The City of Kingsport, Tennessee must be listed on such certificate as an additional insured, unless approval is received from the city's risk management division. Failure to provide the required certificate of insurance will result in the revocation of the permit.
 - (2) Non-commercial expressive activities shall be exempt from the insurance

requirement as long as they do not feature activities such as physical competition, amusement rides, alcohol sales, food sales, or other activities with associated risks, if the organizer is able to show that the organizer does not have the financial ability to obtain such insurance.

Sec. 66 – 82. - Issuance or Denial.

(a) The director shall review each completed application and shall submit a written recommendation for issuance or denial to the city manager or the city manager's designee within thirty (30) days of receipt of completed application.

(1) The director may extend the review period for good cause shown, to a total period not exceeding ninety (90) days, by providing written notice to the applicant stating the reason for the extension. Road races and parades shall automatically require a ninety (90) day review period.

(2) Applications consisting solely of non-commercial expressive activities that require no street or right of way closures will be reviewed within ten (10) business days of receipt of a completed application.

(3) All recommendations shall be in writing and shall include content-neutral, objective justifications for the recommendations.

(b) The city manager, or their designee, shall have final authority to issue or deny special event permits and shall provide written notice to the organizer of any denial, including the reasons therefor. The city manager, or their designee, shall issue or deny a permit within three (3) business days following receipt of a recommendation from the Director. An organizer may appeal a denial by filing a petition for common law writ of certiorari in the Sullivan County Chancery Court in accordance with state law.

(c) The city manager or their designee may impose reasonable, content-neutral conditions or fees on any permit only as necessary to protect public safety, manage traffic, sanitation, or property impacts directly related to the event.

(1) Such conditions or fees shall be based on objective factors such as event size, location, duration, and required city services, and shall be no more restrictive than necessary to achieve these purposes.

(2) Fees shall not vary from the actual cost incurred by the city from providing services or approved facility use fees as approved by the board of mayor and aldermen.

(3) Fees and conditions shall not vary based on the content, message, or viewpoint of the event; the identity or affiliation of the applicant or group; or any anticipated public reaction to the event. All assessments shall be determined solely by the logistical requirements of the event.

Sec. 66 – 83. - Revocation.

(a) The director or the chief of police may revoke a permit at any time if based on documented facts, the director or chief of police determines that the event presents a clear and present threat to public safety or property that cannot be reasonably mitigated through permit conditions.

(b) Except in cases of immediate public safety concerns, the organizer shall be provided written notice and a reasonable opportunity to correct the condition leading to revocation.

Sec. 66 – 84. - Compliance with laws.

The issuance of a permit shall not be construed as a waiver of any requirement for the organizer to comply with all applicable laws, ordinances, or regulations governing the conduct of the event.

SECTION VIII. That Article III of Chapter 66 of the Kingsport Code of Ordinances is amending by deleting the current Article III in its entirety and adopting the following:

Article III – Park Operation

Sec. 66-97. - Definitions and applicability.

(a) As used in this article, the following terms and phrases shall have the following definitions:

(1) Director means the director of the department of parks and recreation. For purposes of this article, the term director shall also include the director of Bays Mountain Park when the provision applies to Bays Mountain Park, unless the context clearly indicates otherwise.

(2) Park or recreation area means any public land, water, greenbelt, trail, playground, facility, or other area, land, or building set aside, maintained, or operated by the City of Kingsport through the department of parks and recreation or the department of Bays Mountain for recreational, cultural, or natural-resource purposes. The department of parks and recreation shall maintain and make available a current listing of all areas designated for such public use.

(b) Unless expressly stated otherwise, all provisions of this article shall apply to all city parks and recreation areas, including Bays Mountain Park.

Sec. 66-98. - Camping.

It shall be unlawful for any person to camp overnight in any public park, absent written authorization from the director

Sec. 66-99. - Hours of operation.

(a) Except as otherwise provided, all municipal parks and recreation areas within the city shall be closed between dusk and dawn each day of the week, including Sunday, except for programs and activities authorized by the parks and recreation department. It shall be unlawful for any person to be present in or occupy such public parks between such time.

(b) The director of parks and recreation may establish different opening and closing hours for individual parks or facilities.

(c) Hours of operation for Bays Mountain Park shall be determined by the Bays Mountain Park director.

Sec. 66-100. - Lessons for hire.

The use of the public tennis or pickleball courts for giving lessons for hire is prohibited except upon approval of the Director.

Sec. 66-101. - Operation of motor vehicles.

(a) It shall be unlawful for any person to operate any motor-powered vehicle, such as but not limited to a motor-driven go-cart, motorcycle, motorbike, motor minibike, motor-powered tricycle and bicycle with attached motor, in or upon any public school grounds, in or upon any public playgrounds or in or upon any public park, either within the city or on property owned by but outside the boundary of the city, except as authorized upon the roadways and parking lots at such public places, designated for vehicular travel or the parking of such vehicle. This prohibition shall not apply to motor-driven or mechanized wheelchairs, electric bicycles or mobility devices for disabled individuals.

(b) It shall be unlawful for any person to operate any single person mobility vehicle wider than 30 inches or three- or four-wheel vehicles longer than 48 inches on any greenbelt or any city trail. All vehicles with a designated capacity of greater than one occupant shall not be allowed on trails, except strollers and bicycles. Motor driven two-wheeled vehicles, are not permitted on any greenbelt or city trail, provided this prohibition shall not apply to electric bicycles or electric person-assistive mobility device as defined in T.C.A. § 55-53-101.

(c) Subsections (a) and (b) of this section shall not apply to service vehicles operated by the city, emergency vehicles or those vehicles authorized by the parks and recreation

director for the purpose of conducting programs, activities or special events, and those vehicles permitted and used in accordance with the federal Americans with Disabilities Act.

Sec. 66-102. - Projectile weapons or devices.

(a) It shall be unlawful for any person to discharge or be in possession of any bow and arrow, crossbow, rubber flippers, blowgun, slingshot, airgun or other weapon listed in T.C.A. § 39-17-1302, other than firearms, ammunition for firearms, components of firearms, or knives, while in or upon or traversing, using or crossing any public park, greenbelt, playground, nature preserve, civic center or building or facility, area or property owned, used or operated by the city for park or recreational purposes, or nature preserve established, provided or controlled by the city, within or without the corporate limits thereof.

(b) Subsection (a) of this section shall not apply to the following:

(1) Duly authorized law enforcement officers within the course and scope of their official duties or to employees of Bays Mountain Park when so authorized by the Director of Bays Mountain Park.

(2) Only to the extent a person strictly conforms the person's behavior to the requirements of one of the following:

a. A person hunting during the lawful hunting season on lands owned by the city and designated as open to hunting by law or by the appropriate official;

b. A person possessing unloaded hunting weapons, other than firearms, ammunition for firearms, components of firearms, or knives, while traversing the grounds of any public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting entry; or

c. A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon, other than firearms, ammunition for firearms, or knives, from the vehicle or utilize it in any manner.

(3) At any time the person's behavior no longer strictly conforms to one of the classifications in subsection (b)(2) of this section, the person shall be subject to the provisions of subsection (a) of this section.

(c) Nothing herein shall be construed to regulate the possession of firearms, ammunition, components of firearms, or knives.

Sec. 66-103. - Hunting of game or wildlife.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Hunting.

(1) The term "hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, shooting at, stalking or lying in wait for any wildlife, whether or not such wildlife is then or subsequently captured, killed, taken or wounded, and every act of assistance to any other person.

(2) The term "hunting" does not include stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching wildlife or taking photographs thereof.

(b) It shall be unlawful for any person to hunt, kill, wound, destroy or ensnare or to attempt to hunt, kill, wound, destroy or ensnare any wildlife or to have in his possession any form of wildlife or parts thereof in or upon any public park, playground or nature preserve established, provided or controlled by the city, within or without the corporate limits thereof.

(c) This section shall not apply to an employee of Bays Mountain Park when so authorized by the director of Bays Mountain.

Sec. 66-104. - Wheeled vehicle use.

(a) Any person who rides upon or operates any bicycle, roller skates, skateboard,

wagon, roller blades or similar devices having wheels, but not including wheelchairs, in any park or recreation area shall at all times yield the right-of-way to pedestrians or any person in a wheelchair.

(b) The operator of any wheeled device or equipment shall exercise at all times such reasonable prudence as the occasion and circumstances require. Striking, colliding with or causing injury to another person when failing to exercise such reasonable prudence shall constitute an offense.

Sec. 66-105. - Horses.

It shall be unlawful for any person, except in the performance of a duty required by law, to have a horse, pony, mule or donkey in or upon any park or recreation area except upon written authorization by the city manager. Such authorization may only be granted for a period not to exceed ten days when such use is in connection with a recreational activity sponsored by the city and that is open to the general public, such as but not limited to Fun Fest.

Sec. 66-106. - Commercial uses.

(a) Commercial activity in any park or recreation area is prohibited unless authorized by the director in accordance with this section.

(b) The director may authorize:

(1) concessions; or

(2) limited commercial activity conducted in conjunction with a city-sponsored event or consistent with park use.

(c) A vendor fee may be charged for operating commercial activity in a park or recreation area, in accordance with a fee structure approved by the board of mayor and aldermen.

(d) Private rentals of park facilities does not convey the right to engage in commercial activity unless authorized by this section.

Sec. 66-107. - Advertising signs.

(a) Posting or erecting posters, signs, banners, or other advertising devices in or upon any park or recreation area is prohibited unless specifically authorized in writing by the director.

(b) The director may authorize temporary signage that supports a city-sponsored program or event, or an approved concession, consistent with park use. Private rentals do not convey the right to display commercial or promotional signage unless expressly stated in the permit.

(c) This section shall not apply to:

(1) Fenced, walled, or enclosed stadiums or arenas where sports activities are usually held and a spectator admission is charged;

(2) Emblems, insignia, logos, or similar devices placed on uniforms or equipment worn or used by sports participants; or

(3) Individuals or groups with an approved partnership agreement for sponsorship or similar purposes, provided the signage is placed in accordance with the terms of that agreement.

Sec. 66-108. - Noise restrictions.

(a) It shall be unlawful to operate or employ the use of any radio, television, tape player, loudspeaker, or other sound-amplifying device in or upon any park or recreation area, except upon written authorization by the director and subject to the requirements of section 62-25.

(b) Authorization may be granted in the following cases:

(1) When the device is used in connection with a city-sponsored recreational activity that is open to the general public, such as Fun Fest; or

(2) When the device is used as part of a public address system or sound amplification for activities at that site in conjunction with such an event; or

(3) When otherwise approved as part of a facility rental, provided the use is limited to

the area covered by the rental agreement.

(c) This section shall not apply to fenced, walled or enclosed stadiums, arenas, athletic fields, or sports complexes when a sound-amplifying device is employed or operated in conjunction with a sanctioned or permitted event.

Sec. 66-109. - Destruction of flowers and vegetation.

It shall be unlawful to pick, remove, damage or destroy any flower, wildflower, shrub, tree or other vegetation in any park or recreation area. This section shall not apply to city employees or volunteers under direction of city officials in the course of their authorized duties.

Sec. 66-110. - Feeding waterfowl and shorebirds.

It shall be unlawful for any person to feed or allow to be fed any waterfowl or shorebirds in or upon any park or recreation area, except in areas designated for this purpose. The director may designate suitable areas for the feeding of waterfowl and shorebirds.

(Code 1981, § 18-19; Code 1998, § 70-118)

Sec. 66-111. - Use of sanitary facilities.

(a) No person over the age of six years shall use restrooms located within a park or recreation area when the facility is designated for persons of the opposite sex.

(b) This section shall not apply to a person who is assisting a member of the opposite sex when that person, for reasons of physical or mental incapacity, is unable to effect excretory functions without assistance, provided that the assistant takes reasonable steps to safeguard the privacy of any person of the opposite sex who is in or who might enter such premises.

Sec. 66-112. - Use of park shelters and similar facilities.

The director may regulate the use of park shelters, gazebos, pavilions, and similar covered facilities, including establishing time limits, requiring reservations or permits, or designating facilities for unrestricted public use. Any such requirements or designations shall be clearly identified by posted signage.

SECTION IX. That Section 66-158 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 66-158. - Functions generally.

(a) The Bays Mountain Park Commission, operating under the administrative guidance of the city manager and the authority of the board of mayor and aldermen, shall provide citizen oversight of city facilities and programs under the control of the department of Bays Mountain Park. The commission shall make recommendations on policies, procedures, and strategic planning related to the operation of the department and may recommend to the director of Bays Mountain Park codes of conduct for the use of Bays Mountain Park facilities. The commission may also make recommendations to the director regarding the department's annual operating and capital budgets for consideration in the city's budget process.

(b) The Bays Mountain Park Commission may establish advisory committees as needed to assist in carrying out its responsibilities. The structure, purpose, tenure, and functions of each advisory committee shall be determined by the commission. Members of advisory committees shall be appointed by the chair of the Bays Mountain Park Commission, with the approval of both the commission and the mayor. Each advisory committee shall include at least one member of the Bays Mountain Park Commission, serving ex-officio.

SECTION X. That Sections 66-190 and 66-191 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 66-190. - Created.

Bays Mountain Park is created as a nature preserve. The park encompasses lands owned by the City of Kingsport in Sullivan and Hawkins Counties, as identified in records maintained by the city.

Sec. 66-191. - Uses and purposes.

In order to secure the benefits of an enduring educational resource, Bays Mountain Park shall be held in trust for the following uses and purposes:

- (1) For scientific research in such fields as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, environmental education, astronomy, and related fields.
- (2) For the teaching of biology, natural history, ecology, conservation, environmental education, astronomy, and related subjects.
- (3) As habitats for plants and animals.
- (4) As a place of natural interest and beauty.
- (5) As living illustration of our natural heritage wherein one may observe and experience natural biotic and environmental systems of the earth and their processes.
- (6) To promote understanding and appreciation of the aesthetic, cultural scientific and spiritual values of such an area by the people of the city.
- (7) For the preservation and protection of a natural preserve against unnecessary modification or encroachment as a result of occupation, development or other use which would destroy the natural or aesthetic conditions of the area.
- (8) As an illustration of the cultural heritage of the region.
- (9) For the operation of a planetarium, nature center and related facilities that provide educational, scientific, and cultural programming in the fields of astronomy and natural sciences, in support of the purposes set forth herein.

SECTION XI. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty not to exceed FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION XII. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY

PASSED ON 1ST READING _____

PASSED ON 2ND READING_____