

## ORDINANCE NO. 2022-11

### TO ESTABLISH PUBLIC PARK HOURS AND TRESPASSING PROCEDURES

**WHEREAS**, it is in the best interest of the health, safety and public welfare of the citizens of the City of Cullman that the Cullman City Council set out clearly defined guidelines for parks owned by the City of Cullman and managed by Cullman Parks, Recreation and Sports Tourism; and

**WHEREAS**, this shall serve as a legal mechanism to help deter loitering and vandalism occurrence on City owned parks; and

**WHEREAS**, the facilities, services and programs of the City and Cullman and City of Cullman Parks, Recreation and Sports Tourism are open for use by all members of the public without regard to race, color, religion, sex, age, national origin, or physical or mental disability;

**BE IT ORDAINED** by the City Council of the City of Cullman, Alabama, that Chapter 36, "Parks and Recreation" of the *City of Cullman Code of Ordinances* is hereby amended to add as the following after Section 24, Park Rules and Regulations":

#### **Section I. Director's Discretion.**

City owned parks, or a clearly defined section of the City owned parks, may be declared closed to the public by the Director of Parks, Recreation and Sports Tourism ("Director") whenever the Director determines that the closing is necessary because of park conditions, weather, or for another reason that is in the public interest.

#### **Section II. Opening and Closing Hours Unless Posted Otherwise.**

1. Every City owned park, except areas which are lighted for recreational purposes within those parks, shall open thirty (30) minutes prior to sunrise and shall close thirty (30) minutes after sunset, unless posted otherwise.
2. Lighted recreational areas within those public parks, excluding standard street-lighting, shall close fifteen (15) minutes after all security and walking/running-trail lights in the park are turned off, unless posted otherwise.
  - a. Areas which are lighted with the intent for recreational purposes shall be marked with appropriate signage and shall be used solely for the recreational purposes in which they are intended.
3. Different operating hours may be established at any time by the Director, and/or Park and Recreation Board, and/or Council for a City owned park, or a clearly defined area of a City owned park.
  - a. The hours shall be conspicuously posted, in accordance with State of Alabama law, at a location that is visible and accessible within the park or area where the public enters the premises, indicating that entry is forbidden after the hours established and shall also state that violators shall be considered trespassing.
4. Restrooms shall be available for all public use during staffed, operating hours except for reasons that are in the public interest, or unless posted otherwise.

#### **Section III. Trespassing Violation and Unlawful Conduct.**

1. It shall be unlawful and a violation of subsection (2) of this section for any person to enter or remain unlawfully in or upon any City owned park when it is closed, absent a license, invitation, or privilege to do so, or for a person to defy a lawful order not to enter or remain unlawfully on public park property, personally communicated to him by an authorized City official or by a law enforcement officer of the City of Cullman.
2. No unlawful conduct, or conduct in violation of Section 36-24 of *City of Cullman Code of Ordinances*, is permitted on the grounds of City owned parks.
3. Any law enforcement officer of the City, at the request of an authorized City official or upon witnessing unlawful conduct upon City owned park property, shall have the right to trespass any individual, indefinitely or until determined in the best interest of the City, from all City owned parks for any and all unlawful or disorderly conduct which he/she commits while on City owned park property.

#### **Section IV. Enforcement Clause.**

1. A person who violates this Ordinance and is ordered to leave a City owned park by an authorized City official or a law enforcement officer of the City of Cullman must do so immediately or shall be trespassed from City owned park property for failure to timely do so by a City of Cullman law enforcement officer.
2. An individual shall be charged with criminal trespass when the following occur: (i) a person who is not lawfully permitted to enter or remain on the premises of a City owned park property; (ii) which has told by a law enforcement officer of the City of Cullman not to enter or remain unlawfully due to his/her conduct which occurred on City owned park property; and (iii) does enter or remain unlawfully on the City owned park(s) which he/she has been trespassed from.

**Section V. Severability Clause.**

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

**Section VI. Effective Date.**

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED this the 24<sup>th</sup> day of January 2022.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
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President of the City Council

APPROVED this 24<sup>th</sup> day of January 2022.

  
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Mayor