

ORDINANCE 23-05
MATHEWS COUNTY PARK ORDINANCE

ARTICLE I: GENERAL PROVISIONS

1.1 - Short Title.

This ordinance shall be known and may be cited as the "Mathews County Park Ordinance."

1.2 – Separability.

Should the courts declare any section or provision of this ordinance to be unconstitutional or invalid such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1.3 - Applicability

This Ordinance applies to park and recreational properties owned, maintained and/or operated by Mathews County.

1.4 - Effective Date

This ordinance shall be in full force and effect on and after a majority vote of the Mathews County Board of Supervisors.

ARTICLE II: DEFINITIONS

The following terms, when used in this ordinance, shall have the following meanings, except where the context clearly indicates a different meaning, or there is an expressed provision to the contrary:

Park: Public parks and recreation facilities means any and all buildings, lands, and public access waters, including roadways, recreation equipment, structures owned, leased, or operated under the jurisdiction of the county as a park or recreation area and open to the general public for park or recreation purposes.

County means Mathews County

Visitor: Any person who comes into a park.

ARTICLE III: PARK REGULATIONS

3.1 - Damage to the park property prohibited.

No person shall in any manner pick, pull, tear, dig, cut, break, burn, injure, deface, disturb, destroy, remove, take or gather in any manner, in whole or in part, any part of the park, building, sign, equipment or other property, including, but not limited to, any tree, flower, fern, shrub, vine, turf, plant, rock, artifact, fossil or mineral found growing or being a part of the land of the park without written permission from the County Administrator.

3.2 - Animals protected.

No person shall capture, pursue, molest, injure, or kill any mammal, bird, amphibian, or reptile, herein referred to as "animal" the park.

3.3 - Disturbance of nests prohibited.

No person shall disturb the nest of any animal in the park.

3.4 - Use of park refuse containers.

No person shall deposit, dump, place or abandon any garbage, refuse, or trash, not generated in the park, in any park refuse container. Any such materials generated in a County Park shall be carried away or deposited in an on-site refuse container if one is provided. Any littering is strictly prohibited on any county property and subject to fines and or arrest.

3.5 - Liability for park use.

All County parks are for public use at the visitor's own risk. The County of Mathews shall be held harmless of any injuries or damage sustained while visiting county parks.

3.6 – Dangerous Devices in Parks.

No person shall discharge any firearm or other gun, including an air or gas-powered gun, slingshot, bow and arrow, crossbow, dart device or any other device designed for high-speed missile projection, on any Mathews County Park property.

3.7 - Motor Vehicles.

Except by the express authorization of the Board of Supervisors, the County Administrator or the County Administrator's designee, no person shall operate within any park a motorized vehicle of a type not licensable by the State-for regular use upon public highways with the exception of powered wheelchairs.

No person shall operate any type of motor vehicle or motor-assisted bicycle; commonly referred to as a "moped," in areas of the park other than established roadways or parking lots.

No person shall park a motor vehicle or motor-assisted bicycle in areas of the park other than those designated and posted by the County as parking areas.

No owner or driver shall cause or permit a vehicle to stand in any space designated for use by the handicapped unless the vehicle displays a license plate or decal issued by the Virginia Commissioner of Motor Vehicles pursuant to Section 46.1-104.1 or Section 46.1-149.1 of the Code of Virginia, or a similar identification issued by another state or the District of Columbia.

3.8 - Commercial enterprises prohibited.

No person shall sell or offer for sale, hire, or lease or let out any object or merchandise, property, privilege, service, or any other thing, or engage in any business or erect any building, booth, tent, stall, or any other structure whatsoever, without prior written permission from an authorized County official.

3.9 - Advertisements and announcements prohibited.

No person shall erect or post within the park, any sign, notice or advertisement of any nature, or shall any person operate any musical instrument, radio, talking machine, phonograph, tape recorder or drum, or make any noise, for the purpose of attracting attention to any exhibition of any kind within the park without prior written permission from an authorized County official.

3.10 - Restriction of animals.

No visitor shall have within the park any animal unless it is either caged, securely penned or on a leash of not more than ten (10) feet in length, and no person shall ride a horse in the park.

3.11 Hours of operation.

No person, except a law-enforcement officer or County employee in the course of his/her respective employment, shall enter or remain in the park from dusk to dawn without written consent of the County Administrator, or during authorized events.

3.12 - Fires, restrictions, and control of.

No person shall kindle, build, maintain, or use a fire other than (a) in grills, and (b) In places provided and/or designated by the County for such purposes, except by prior written permission from the County Administrator.

Any fire within the confines of the park shall be continuously under the care and supervision of a competent person sixteen (16) years of age or older from the time such fire is kindled until the time it is extinguished.

No person shall throw or discard a lighted match, cigarette, cigar, or other burning object in the park, without first extinguishing it and discarding it in proper container.

3.13 - Sports and games.

Athletic fields, tennis courts, swimming pools, basketball courts, and horseback trails shall be determined by future BOS approvals.

3.14 - Applicability of Ordinance to certain persons.

Notwithstanding any other provision in this ordinance-to the contrary, it shall not be a violation of this ordinance if a person engaging in any otherwise prohibited activity is either an employee of the County acting within the scope of his employment, or if the person engaging in the otherwise prohibited activity is an agent or an independent contractor to the County acting within and pursuant to the scope of his duties.

3.15 - Penalty.

Any person who violates any of the provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined, and/or prosecuted to the maximum extent allowed by law.

This Ordinance (23-05) shall take effect upon adoption on November 14th, 2023.