Chapter 36

PARKS AND RECREATION*

Article I. In General

Secs. 36-1—36-25. Reserved.

Article II. Tired Creek Park Hunting Regulations

Sec. 36-26. Generally.
Sec. 36-27. Enforcement and penalties.
Sec. 36-28. Liability.
Sec. 36-29. Permits.
Sec. 36-30. Special regulations other than state law and regulations.

***Cross references**—Alcoholic beverages, ch. 6; planning, ch. 40; traffic and vehicles, ch. 52.

State law references—Power to provide parks, recreation areas, programs and facilities, Ga. Const. art. 9, sec. 2, par. 3(a)(5); establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.; state commission on physical fitness created, O.C.G.A. § 50-12-40 et seq.

ORDINANCE

An ordinance to amend Chapter 36, entitled "Parks and Recreation", of the Code of Ordinances of Grady County, Georgia, so as to establish appropriate public uses; amend Section 29 entitled "Permits"; to establish the effective date of this ordinance; to repeal all ordinances or parts of ordinances in conflict herewith; and for other purposes:

Section 1. Be it ordained by the Grady County Board of Commissioners that Article Two entitled "Tired Creek Park Hunting Regulations" of Chapter 36, entitled "Parks and Recreation" be hereby amended by deleting §36-29 in its entirety.

Section 2. Be it ordained by the Grady County Board of Commissioners that Article One entitled "In General" be hereby amended as follows:

a. By adding Section 36-1 entitled "Generally" as follows:

§ 36-1. Generally

Grady County Board of Commissioners has an interest in the safe and proper management of the property it owns in various land lots within Land District 16, Grady County, Georgia consisting of approximately 3,000 acres and commonly referred to as Tired Creek Park. In order to safely and effectively manage this public resource, the Commissioners will from time to time issue ordinances controlling the use and management of this tract of land.

b. By adding Section 36-2 entitled "Uses" as follows:

§36-2. Uses

The public may only occupy or use that property known as the Tired Creek Park as is specifically authorized to do so in a County ordinance or upon obtaining a special use permit issued by the Grady County Board of Commissioners as outlined below. Except as specifically authorized by ordinance or by special use permit as described below, the public use of the park is limited to the period of time from one hour before sunrise to one hour after sunset. Permitted public uses of the Tired Creek Park lands shall only include:

a. Hunting as more specifically regulated in Article 2 below
b. Horseback riding
c. Hiking
d. Fishing
e. Trail Riding by All Terrain Vehicle
f. Agricultural uses and other special uses may be permitted as agreed to by the Board of Commissioners. Those seeking applications for special use should do so by

notifying the Grady County Board of Commissioners in writing of their desire to do so and shall not conduct such activity until a special use permit is issued by the Commissioners for that activity. All agricultural uses shall be authorized by a lease agreement with the county.

c. By adding Section 36-3 entitled "Vehicle Traffic" as follows:

§36-3 Vehicle Traffic

Unless a special permit as contemplated by §36-2 above authorizes it, there shall be no motorcycles operated or parked on the land known as Tired Creek Park. Any vehicle not prohibited by this code section shall be operated on Tired Creek Park in a manner to preserve peace and tranquility and minimize land disturbances and shall abide by all signs and instructions posted by the county on the property.

d. By adding Section 36-4 entitled "Penalties" as follows:

§36-4 Penalties

Any violation of the requirements of any of the provisions throughout Chapter 36 may be punished as provided in Chapter 1, Section 12 entitled "General Penalty" of the Grady County Code of Ordinances, in addition to, or in lieu of, any penalties or remedies available under state law.

e. By adding Section 36-5 entitled "Permits" as follows:

§36-5. Permits

Those hunting, horseback riding, trail riding, hiking or fishing within the boundaries of Tired Creek Park must have on their possession a permit issued by the Board of Commissioners. The only use allowed at night between the hours of 1 hour after sunset until 1 hour before sunrise without a special use permit is racoon hunting and the permit for racoon hunting shall include a description of any vehicle which will be used on the property during these hours. The Commissioners may assess a fee as set from time to time by the Board for the issuance of any of these permits and the fee may vary according to the activity permitted. This permit will be valid for one year from the date of its issuance and shall be available for purchase at the Grady County Commissioner's Office located at 250 N. Broad Street, Cairo, Georgia, during the regular office hours of this office. Each permit shall include an agreement in which the permit holder releases or holds harmless the County from any liabilities, damages, injuries, costs, expenses, or any other impositions incurred by the permit holder as a result of his use of the Tired Creek Park.

Section 3 Be it further ordained that this ordinance shall take effect upon passage by the Board of Commissioners.

Section 4 Be it further ordained that all ordinances or parts of ordinances in conflict with the same are hereby repealed.

All for read and adopted and approved in an open commissioners meeting.

This 7th day of September, 2004.

GRADY COUNTY BOARD
OF COMMISSIONERS

By: Elwyn Chitty
Chairman

ATTEST:

Ann W Mobley
Clerk

MEMORANDUM

DATE: August 20, 2004

TO: Grady County Board of Commissioners

FROM: Rusty Moye Rusty Moye

SUBJECT: Tired Creek Property Usage Ordinance

Attached for your consideration is a proposed Ordinance which identifies the permitted public uses for the Tired Creek Property. It is in final form and may be adopted/processed at this time if you so wish. Public Hearings are "not" required prior to this procedure.

ORDINANCE

AN ORDINANCE TO AMEND ARTICLE 1 ENTITLED "IN GENERAL" OF CHAPTER 36 ENTITLED "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF GRADY COUNTY, GEORGIA, TO REGULATE THE FISHING FROM THE BRIDGE ON HADLEY FERRY ROAD CROSSING OCHLOCKNEE RIVER

BE IT ORDAINED by the authority of Grady County Board of Commissioners that Article 1 entitled "In General" of Chapter 36 entitled "Parks and Recreation" of the Grady County Code of Ordinances be amended as follows:

Section 1 by adding a new Section 36-1 as previously reserved:

Sec.36-1

(a) There shall be no fishing from the bridge on Hadley Ferry Road crossing Ochlocknee River within Grady County, Georgia. Enforcement of the regulation imposed by this article will be accomplished by the Game and Fish Commission and the County Sheriff's Department.

(b) Any person who violates sub-section (a) above may, upon conviction, be punished by a fine of no more than $200.00.

Section 2. BE IT FURTHER ORDAINED that this ordinance shall take effect upon passage by The Grady County Board of Commissioners.

Section 3. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 7th day of May, 2002

GRADY COUNTY BOARD OF COMMISSIONERS

By: _____
Charles D. Norton, Chairman

Attest: _____
Ann W. Mobley, Clerk

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