

1 Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by
2 Amending Chapter 2, Entitled, "Administration" Chapter 4 Entitled, "Amusements";
3 Chapter 7 Entitled, "Boats, Beaches and Waterway"; Section 7-49, Article III, Chapter 7
4 Entitled, "Dogs prohibited during certain period"; the Title of Chapter 26, Entitled "Parks
5 and Recreation"; Section 26-2, Article I, Chapter 26 Entitled, "Definition"; Section 26-3,
6 Article I, Chapter 26 Entitled, "Department of parks and recreation"; Section 26-4, Article
7 I, Chapter 26, Article I, Entitled, "Responsibilities of the director of parks and
8 recreation"; Section 26-22, Article II, Chapter 26 Entitled, "Park hours"; Section 26-26,
9 Article II, Chapter 26 Entitled, "Reservation of areas for use by specific individuals or
10 groups"; Section 26-26.1, Article II, Chapter 26 Entitled, "Park and outdoor facilities
11 fees"; Section 26-30, Article II, Chapter 26 Entitled, "Sales, solicitations, etc., generally";
12 Section 26-31, Article II, Chapter 26 Entitled, "Operation of mobile food service facilities
13 in specific parks and public areas"; Section 26-33, Article II, Chapter 26 Entitled,
14 "Unlawful driving of vehicles"; Section 26-37, Article II, of Chapter 26 Entitled,
15 "Consumption or possession of alcoholic beverages"; Section 26-51, Article III, Chapter
16 26 Entitled, "Designation and general duties of director of parks and recreation"; and
17 Section 26-55 Article III, Chapter 26 Entitled, "Use for tournaments" all Pertaining to
18 Citations, Chapters, Articles, and Sections which are being amended to reflect the Name
19 of the Department Now Called "Parks, Recreation and Leisure Services."
20

21
22 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Sections 7-49, 26-2,
23 26-3, 26-4, 26-22, 26-26, 26-26.1, 26-30, 26-31, 26-33, 26-37, 26-51, 26-55, and Chapters 2,
24 4, 7 and 26, of the City Code of the City of Hampton, Virginia be amended to read as follows:
25

26
27 **Chapter 2 - ADMINISTRATION**^[1]

28 Footnotes:

29 --- (1) ---

30 **Cross reference**— Animal control officer and pound generally, § 5-4; elections, Ch. 12;
31 libraries, Ch. 17; ~~transportation safety commission, § 21-11; department of parks, and~~
32 recreation **and leisure services**, § 26-3 et seq.; pensions and retirement, Ch. 28; police,
33 Ch. 29; assessment department and office of assessor, § 37-16; assessment board of
34 review, § 37-18 et seq.

35
36

37
38 **Chapter 4 - AMUSEMENTS**^[1]

39 Footnotes:

40 --- (1) ---

41 **Cross reference**— Boats, beaches and waterways, Ch. 7; license tax on various
42 amusements, § 18.1-75 et seq.; license tax on amusement machine operators, § 18.1-
43 101; obscene exhibitions and performances, § 23-5; scalping tickets to public events, §
44 24-29; parks, ~~and~~ recreation **and leisure services** generally, Ch. 26; theatrical

45 entertainments and other performances in parks, § 26-27; swimming pools, Ch. 36; tax
46 on admission charged to places of amusement or entertainment, § 37-276 et seq.

47
48

49
50 **Chapter 7 - BOATS, BEACHES AND WATERWAYS^[1]**

51 Footnotes:

52 --- (1) ---

53 **Charter reference**— Wharves, docks and other structures erected along waterfront of
54 city declared to be within corporate boundaries, § 1.02.

55 **Cross reference**— License tax on marinas, § 18.1-39; injuring, tampering with, etc.,
56 boats, § 24-32; obstructing or polluting drains or waterways, § 24-43; parks, ~~and~~
57 recreation **and leisure services**, Ch. 26; easements along water courses in subdivisions,
58 § 35-85.

59 **State Law reference**— Waters of the state, ports and harbors, Code of Virginia, § 62.1-
60 6 et. seq.; boating laws, Code of Virginia, § 29.1-700 et seq.; local regulation of
61 operation of vessels, Code of Virginia, § 29.1-744.

62
63

64
65 **ARTICLE III. - BEACH REGULATIONS**

66
67

68
69 **Sec. 7-49. - Dogs prohibited during certain period.**

70 It shall be unlawful for any person owning, having control of or harboring any dog to
71 cause, suffer or permit such dog to be on the public sand beaches within the city,
72 Buckroe Beach Boardwalk, or in those areas in Buckroe Beach Park designated by the
73 parks, ~~and~~ recreation **and leisure services** director, during the period from May fifteenth
74 through September fifteenth of each year.

75 The foregoing prohibition shall not apply to "hearing dogs" or "service dogs", as
76 used by a blind or deaf person pursuant to Code of Virginia, § 51.5-44(E).

77
78

79
80 **Chapter 26 -- PARKS, AND RECREATION **RECREATION AND LEISURE****
81 **SERVICES^[1]**

82 Footnotes:

83 --- (1) ---

84 **Charter reference**— Authority of city relative to recreation facilities, § 2.07.

85 **Cross reference**— Boats, beaches and waterways, Ch. 7; ~~provisions of site plan~~
86 ~~ordinance relative to reservation of lands for parks and recreation areas, § 9-170;~~
87 operation of mobile food service facilities in parks, § 15-141; parades, Ch. 25;

88 subdividers to make available, for public acquisition, lands for park and playground
89 purposes, § 35-83.

90 **State Law reference**— Authority of city to establish and maintain parks, recreation
91 facilities, playgrounds, etc., Code of Virginia, § 15.2-1806 et seq.

92
93

94 **ARTICLE I. - IN GENERAL**

95

96

97 **Sec. 26-2. - Definitions.**

98

99 When used in this Code, the phrase “parks and recreation” shall be synonymous
100 with the phrase “parks, recreation and leisure services” when used to describe the
101 department established by section 26-3 and the director thereof.

102

103 When used in this chapter, the term "public park" shall be construed to include,
104 but not be limited to, all golf courses owned by or under the jurisdiction of the city and all
105 rules and regulations embodied in this chapter shall apply to such golf courses unless,
106 by their nature, they could have no such application.

107

108 **Sec. 26-3. - Department of parks, and recreation recreation and leisure services**
109 **generally.**

110

111 (a) There is hereby established a department of parks, and
112 recreation recreation and leisure services. There shall be a director of parks, and
113 recreation recreation and leisure services who shall be appointed by the city manager.

114

115 (b) The city manager is hereby authorized and empowered to designate the
116 duties and responsibilities of the department of parks, and recreation recreation and
117 leisure services. The city manager is further authorized to assign or reassign the care,
118 management and supervision of the public grounds, buildings or areas used for, or
119 designated for use for, parks, and recreation recreation and leisure services.

120

121 **Sec. 26-4. - Responsibilities of the director of parks, and recreation recreation and**
122 **leisure services.**

123

124 The director of parks, and recreation recreation and leisure services shall be
125 charged with the care, supervision, management and maintenance of all public parks,
126 public playgrounds, public beaches, public recreation areas and such other areas
127 belonging to the city or its agencies as may be directed by the city manager. The
128 director of parks, and recreation recreation and leisure services shall formulate,
129 supervise and control the recreational programs sponsored or put on by the city.

130

131 The director of parks, ~~and recreation~~ **recreation and leisure services** shall be
132 responsible for the supervision and control of athletic leagues which are recognized or
133 sponsored by the city, for the promotion and formulation of public recreational
134 entertainment programs for the people of the city and generally for the encouragement
135 and provision of public recreation for the welfare of all the people of the city.

136
137 The director of parks, ~~and recreation~~ **recreation and leisure services** shall also be
138 authorized to adopt rules and regulations in order to provide for the public health, safety
139 and welfare of the citizens of the city in the areas under his supervision, authority and
140 control, and to establish fees for use of the facilities and services for which he has
141 responsibility.

142
143

144
145 **ARTICLE II. - REGULATIONS GOVERNING PARKS AND RECREATION AREAS**
146 **GENERALLY**

147

148
149 **Sec. 26-22. - Park hours.**

150
151 (a) City parks shall be open to the public from 7:00 a.m., until sunset. "Sunset" shall
152 be defined as the hour published in a local newspaper for the setting of the sun. In
153 emergency situations, these hours may be modified by the director of parks, ~~and~~
154 ~~recreation~~ **recreation and leisure services**.

155
156 (b) For use of a park or admission to a park after the hours designated in this
157 section, written permission must be obtained from the director of parks, ~~and~~
158 ~~recreation~~ **recreation and leisure services**. Any person or group using a park after hours,
159 with the permission of the director, shall have available, while so using the park, written
160 proof of the right to so use such park and shall display such proof to park authorities or
161 police upon request.

162
163 (c) In determining whether to grant permission to a group or person to use a park
164 during other than the hours designated in this section, the director of parks, ~~and~~
165 ~~recreation~~ **recreation and leisure services** shall consider the following:

- 166
167 (1) Whether the proposed use will involve unusual, extraordinary or burdensome
168 expense on the part of the city;
169
170 (2) Whether the proposed use will entail unusual, extraordinary or burdensome
171 police supervision by the city;
172
173 (3) Whether the proposed use will unreasonably interfere with or detract from the
174 promotion of the public health, welfare, safety or recreation;
175

176 (4) Whether the proposed use can be conducted without necessitating a general
177 reopening of the park; and
178

179 (5) Whether the facilities desired have been previously reserved for another use at
180 the date and hour requested.
181

182 (d) The above provisions shall not apply to Briarfield Park, which shall be a primarily
183 active athletic facility. Approved tournaments and organized athletic events, as
184 scheduled and staffed by the parks, ~~and recreation~~recreation and leisure services
185 department and which are permitted within the appropriate areas of the park, shall
186 cease at 11:00 p.m. and the park shall be cleared of all persons and properly secured
187 by 11:30 p.m. No special exceptions to this closure time shall be permitted.
188

189 (e) It shall be unlawful for any person to use, enter or remain in any park when the
190 same is not open to the public, without the permission of the director of parks, ~~and~~
191 recreationrecreation and leisure services given in accord with this section.
192

193

194
195 **Sec. 26-26. - Reservation of areas for use by specific individuals or groups.**
196

197 (a) In order to provide for the orderly use of public parks and recreation areas, the
198 director of parks, ~~and recreation~~recreation and leisure services is hereby granted the
199 authority to reserve certain areas, such as picnic shelters and ball fields, for use by
200 specific individuals or groups of individuals for such periods of time as he shall deem
201 proper.
202

203 (b) No person shall, after having been advised that an area has been reserved
204 pursuant to this section, use or occupy such area during the time of such reservation,
205 unless he is a member of the group for which the area is reserved.
206

207 **Sec. 26-26.1. – Park and outdoor facilities fees.**
208

209

210
211 (b) Event organizers who conduct events on public parks and outdoor facilities
212 shall pay a “Park and Outdoor Facilities Fee” as set forth in the “City of Hampton Park
213 and Outdoor Facilities Rental List,” which shall be kept on file with the department of
214 parks, ~~and recreation~~ and leisure services. The director of parks, ~~and recreation~~ and
215 leisure services is authorized at his discretion to exempt certain events from paying
216 Park and Outdoor Facilities fees.
217

218

219
220 **Sec. 26-30. - Sales, solicitations, etc., generally.**

221 No person shall sell, solicit or beg within any public park or recreation area of the
222 city, except as otherwise specifically provided in section 26-31 and except that bona fide
223 civic or charitable organizations may solicit funds or sell merchandise subject to the
224 written consent of the director of parks, ~~and recreation~~recreation and leisure services.
225

226 **Sec. 26-31. - Operation of mobile food service facilities in specific parks and**
227 **public areas.**
228

229 (a) Mobile food service facilities, as approved by the director of public health
230 according to the provisions of Article IV of Chapter 15 of this Code, shall be allowed to
231 operate in areas designated as public parks and recreational areas, subject to the
232 provisions of this section.
233

234 (b) For the protection of the public the operation referred to in subsection (a) above
235 shall be subject to the approval of, and reasonable regulation of, the director of parks,
236 ~~and recreation~~recreation and leisure services, such regulation to include the number of
237 facilities per park or recreational area.
238

239 (c) The hours during which mobile food service facilities shall be allowed to operate
240 under this section shall be from 10:00 a.m. to sunset, or as approved by the director of
241 parks, ~~and recreation~~recreation and leisure services.
242

243 (d) Each operator of a mobile food service facility operating pursuant to this section
244 shall carry with him, at all times while operating his facility, written evidence of approval
245 by the director of parks, ~~and recreation~~recreation and leisure services. No such
246 approval granted by the director of parks, ~~and recreation~~recreation and leisure services
247 shall be valid for a period longer than one year from the date granted. Any such
248 approval shall be revocable or suspended by the director of parks, ~~and~~
249 ~~recreation~~recreation and leisure services for violation of any ordinance of the city, law of
250 the commonwealth or regulation issued under this section.
251

252

253
254 **Sec. 26-33. - Unlawful driving of vehicles.**
255

256 No person shall drive any motor vehicle, with the exception of emergency
257 vehicles and other authorized vehicles, upon the grass footways or elsewhere in the
258 public parks, public playgrounds, public beaches or public recreational areas of the city
259 other than upon the roads or parking areas of such public parks, public playgrounds,
260 public beaches or public recreational areas of the city; provided, that the director of
261 parks, ~~and recreation~~recreation and leisure services may permit the temporary use of
262 such areas for parking of vehicles for the transportation of goods or materials for use on
263 the premises.
264

265
266
267

268 **Sec. 26-37. - Consumption or possession of alcoholic beverages.**

269
270 (a) No person shall drink alcoholic beverages, or carry on or about his person
271 any containers of alcoholic beverages, while in or on the public parks, public
272 playgrounds, public beaches or public recreation areas of the city, unless a permit
273 authorizing the same is first obtained from the city's director of parks, ~~and~~
274 ~~recreation~~recreation and leisure services and the state's department of alcoholic
275 beverage control.

276
277 (b) A violation of this section shall constitute a Class 4 misdemeanor.

278
279
280

281
282 **ARTICLE III. - HAMPTON TENNIS CENTER**

283
284 **Sec. 26-51. - Designation and general duties of director of parks, and**
285 **recreation**recreation and leisure services.

286
287 The director of parks, ~~and recreation~~recreation and leisure services (hereinafter
288 "director") shall be charged with the care, management and supervision of the Hampton
289 Tennis Center.

290
291

292
293 **Sec. 26-55. - Use for tournaments.**

294
295 The Hampton Tennis Center may be reserved for tournaments, provided an
296 application for a facility use permit is submitted to the director of parks, ~~and~~
297 ~~recreation~~recreation and leisure services for approval at least two (2) weeks prior to the
298 date of intended use and the court fee is paid at least two (2) days prior to the
299 tournament. The tournament rate shall be set by the director of parks, ~~and~~
300 ~~recreation~~recreation and leisure services.

301
302
303
304