

MARSHALL COUNTY FISCAL COURT
ORDINANCE NO. 2018-07

AN ORDINANCE REGULATING BUSINESS AT DAY-USE PARKS

WHEREAS, the Marshall County Fiscal Court has received complaints regarding dock builders using property at day-use parks for purposes of constructing and launching docks into the water in and around day-use parks;

WHEREAS, the Marshall County Fiscal Court is aware of instances where dock builders have interfered with the ability of other persons to utilize and enjoy day-use park resources;

WHEREAS, the Marshall County Fiscal Court is also aware of instances where dock builders have left behind old, abandoned, or dilapidated docks which create numerous problems, including, but not limited to, unnecessary and unsightly debris on the water or banks of the water, and safety hazards for patrons utilizing day-use parks;

WHEREAS, the Marshall County Fiscal Court deems it necessary to take action to address these concerns;

NOW THEREFORE, Be it Ordained by the Fiscal Court of Marshall County as follows:

SECTION I – DEFINITION AND COVERAGE AREAS

For purposes of this Ordinance, the term “day-use park” shall mean all of those properties leased by the Marshall County Fiscal Court from the Tennessee Valley Authority.

SECTION II – PROHIBITED ACTIVITIES

- A. It shall be unlawful for any person to engage in any commercial, business, trade, or for-profit activity on any day-use park property that:
1. Creates unreasonable noise, one or more safety hazards, or one or more physically offensive conditions; or
 2. Unreasonably interferes with the public’s right to peacefully enjoy the day-use park as a recreational property; or
 3. Unreasonably interferes with the flow of vehicular traffic or access to any public boat dock, ramp, pavilion, restroom, or other facility.

B. It shall be unlawful for any person to negligently or knowingly leave behind any litter, scrap material, or other abandoned property either in or on the water, or on the property of the day-use parks, including, but not limited to, abandoned or dilapidated docks. For purposes of this Ordinance, the word "litter" shall have the same meaning as defined in KRS 512.010. In cases of abandoned or dilapidated docks, the abandoned or dilapidated dock shall be removed from day-use park property within 14 days. Failing to do so within that time frame shall constitute a violation of this Ordinance.

SECTION III – PENALTIES

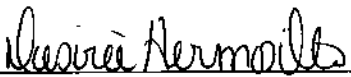
Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and shall be fined not more than \$500.00 or imprisoned in the county jail for not more than 30 days, or both. Each day of a continuing violation shall constitute a separate offense.

First Reading: 6-19-18
Second Reading: 7-3-18
Publication: 7-10-18

Adopted this the 3 day of July, 2018.



KEVIN NEAL, JUDGE
Marshall County Fiscal Court

ATTEST: 

Clerk, Marshall Fiscal Court