

STATE OF GEORGIA
CITY OF ROSWELL

First Reading: September 13, 2016
Second Reading: September 26, 2016

**AN ORDINANCE TO AMEND CHAPTER 14 PARKS, RECREATION & CULTURAL
AFFAIRS OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL BY
AMENDING ARTICLE 14.1 RECREATION COMMISSION AND DELETING
ARTICLE 14.4 ROSWELL ARTS COMMISSION AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and City Council of the City of Roswell are charged with the protection of the public health, safety and welfare of the citizens of Roswell, Georgia; and

WHEREAS, the Mayor and City Council have the legislative power to adopt reasonable ordinances, resolutions and/or regulations; and

WHEREAS, the City seeks to clarify the authority and responsibilities of the Roswell Recreation Commission within the City of Roswell; and

WHEREAS, the City seeks to clarify ordinances of the City related to regulations of parks within the City of Roswell Code of Ordinances;

WHEREAS, the City of Roswell wishes to eliminate the Roswell Arts Commission and delete references to such entity within the City of Roswell Code of Ordinances:

NOW THEREFORE, the Mayor and City Council do hereby amend the Code of Ordinances of the City of Roswell as follows:

1.

Chapter 14, "Parks, Recreation & Cultural Affairs," Article 14.1, "Recreation Commission" and Article 14.2, "Regulation of Use of Public Parks" are deleted in their entirety and replaced with the text of Exhibit "A" attached hereto and incorporated herein.

2.

Chapter 14, "Parks, Recreation & Cultural Affairs," Article 14.4, "Roswell Arts Commission" is hereby deleted in its entirety.

3.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

5.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

6.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 26th day of September 2016.


Jere Wood, Mayor

Attest:


Marlee Press, City Clerk

SEAL



EXHIBIT "A"

Chapter 14 - PARKS, RECREATION & CULTURAL AFFAIRS

Article 14.1 - Recreation Commission

Section 14.1.1 - Recreation Commission.

There is hereby created under provisions of O.C.G.A. § 36-64-5 a Recreation Commission consisting of seven (7) members. The Recreation Commission shall have all the powers set forth in such section. The Recreation Commission shall also oversee the Roswell Cultural Arts Center. Such oversight shall include the responsibility to (1) review and establish resident status for companies at the center; (2) establish rules and regulations governing the use of the center; and (3) approve lease agreements for use of the center and other cultural facilities of the city as designated by the Mayor and City Council. The Recreation Commission will submit their proposed budget to the Mayor and City Council for approval on or before May 1 of each year. The Mayor will appoint all members to the Recreation Commission for a term of five (5) years. Vacancies on the Commission occurring other than by expiration of term shall be filled by the Mayor for the unexpired term. All appointments shall be subject to the approval of City Council. The chairman and other officers as may be deemed necessary by the Commission shall be selected from the membership of the Commission by the members of the Commission, every two (2) years. In the event of a vacancy occurring in the Commission officers, the Recreation Commission shall elect a member to fill the unexpired vacancy. Provided, further, that:

- (a) Each member of the Recreation Commission shall reside in the City of Roswell at the time of appointment and at all times during which such person serves on the commission. However, if a serving member moves outside the city limits, such member may serve until his/her successor has been duly appointed, or for a maximum period of six (6) months, whichever is shorter.
- (b) Each member of the Recreation Commission shall regularly attend functions of the Commission including the regular monthly Commission meetings, regular standing committee meetings and any called Commission meetings and called standing committee meetings. Standing committees are established by the Commission's bylaws. Any member who does not adhere to all minimum attendance requirements during any twelve-month period shall cause such person's position to be declared vacant and be filled in accordance with other provisions of this section.
- (c) A member of the Recreation Commission shall not serve more than two (2) full consecutive terms after adoption of this ordinance, but may, at the election of Mayor and Council, be appointed to serve on another board or commission. If members of the Recreation Commission are currently serving an unexpired term, said term shall not be considered an initial term for purposes of these term limits. A position on the Recreation Commission currently being occupied by a holdover member shall either be filled by reappointment, with such reappointment being deemed an initial term for purposes of term limits, be filled by a newly appointed member or be deemed vacant six (6) months after adoption of this ordinance. A member whose term expires after adoption of this ordinance may serve until his/her successor has been duly appointed or for a maximum period of six (6) months, whichever is shorter.

(2010-03-04, §§ 1, 2, 03/01/2010)

Section 14.1.2 - Commission Meetings and Attendance.

The minimum attendance requirements are as follows:

- (a) Each member shall attend no less than eight (8) of the twelve (12) regular monthly Commission meetings.
- (b) Each member must attend no less than sixty-five (65) percent of all meetings of the Commission and its standing committees.

Article 14.2 - Regulation of Use of Public Parks

Section 14.2.1 - Applicability.

The provisions of this article shall apply to all municipal public parks which are defined for purposes of this article as any park, playground or place to which the general public has access and a right to frequent, for business, entertainment, or for other lawful purposes, and which has been either deeded to or dedicated to public use or ownership. Municipal public parks shall also include the sidewalks abutting any park, playground or place above described unless clearly delineated otherwise by the Mayor and City Council.

Section 14.2.2 - Recreation Director; Powers and Duties.

The Director of the Recreation, Parks, Historic and Cultural Affairs Department or employees under the direction of the director shall:

- (a) Implement and support the policies of the Roswell Recreation Commission.
- (b) Develop, direct, and implement the Recreation and Parks Master Plan for the City of Roswell.
- (c) Coordinate with the appropriate entities to implement the Community Cultural Plan as well as coordinate future updates to the Plan.
- (d) Determine, prioritize, establish, conduct, construct and maintain a recreation and parks system for the city that meets the leisure needs of the citizens, including but not limited to parks, playgrounds, trails, indoor recreation centers, programs, activities, art and cultural activities, art and cultural facilities and the maintenance and repair of such facilities as required.
- (e) Recommend the setting aside, leasing or acquisition of lands or buildings within the county limits for use as parks, playgrounds, recreation centers, cultural facilities or for other recreational purposes, and to provide for the maintenance and improvement of these areas.
- (f) Otherwise assist in the operation and enforcement of this chapter.

Section 14.2.3 - Use of Parks.

The Roswell Recreation, Parks, Historic and Cultural Affairs Department shall schedule the use of all city parks, including Town Square and Heart of Roswell Park, for organized activities, programs, assemblages, gatherings or games. No individual or group shall erect any booth or stand or sell any article within the limits of any city park, including the Town Square, without the express written consent of the Director of the Recreation, Parks, Historic and Cultural Affairs Department or his authorized representative. Such consent may also be given by the Mayor and Council, provided the Recreation, Parks and Historic and Cultural Affairs Department is made aware of the proposed use and it does not conflict with other scheduled activities.

Section 14.2.4 - Activities Prohibited in Parks and Public Places.

The following activities are prohibited in all City of Roswell public parks including the Roswell Trail System:

- (a) *Alcoholic beverages.* It shall be unlawful for any person to possess and/or consume any alcoholic beverage, or be under the influence of alcoholic, malt and/or vinous beverage, within any public park and/or within any building under the supervision of the Roswell Recreation, Parks, Historic and Cultural Affairs Department unless such usage is expressly permitted by signage or published rules of the particular park or recreation building.
- (b) *Weapons.* It shall be unlawful for any person to possess any explosive substance (including fireworks) in any of the city parks, unless written permission for such has been authorized by the Mayor and City Council. It shall further be unlawful for any person to discharge any firearm within city parks unless expressly allowed by section 13.1.3 of the Roswell City Code.
- (c) *Injuring public property.* It shall be unlawful for any person to cut, break, mutilate, deface, or in any indecent or loud acts of behavior, or in any other manner destroy or injure any public property, real or personal, belonging to, owned by, or leased or used by the city.
- (d) *Killing wildlife.* It shall be unlawful for any person to hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the above to any animal or wildlife within any of the city parks without the written permission of the Director of Recreation, Parks, Historic and Cultural Affairs Department of the city.
- (e) *Motor vehicles.* It shall be unlawful for any person to drive, operate and/or park any motor vehicle, minibike or motorcycle within any city park, except in areas designated for such use. This section does not apply to city employees when municipal duties require them to drive over said park and/or to park their vehicles or equipment in order to perform city business.
- (f) *Noises.* It shall be unlawful and in violation of subsection 8.8.3(s) of the Code of Ordinances of the City, as amended, for any person to make any unnecessary, loud noises, engage in noisy disputes or conversation, engage in any indecent or loud acts of behavior, or in any other manner disturb the public peace, quiet and order in any of the city parks.
- (g) *Park hours.* All city parks shall be closed, and no person shall be authorized to be on the premises or property of any city park, between the hours of 12:00 midnight and 6:00 a.m., except authorized city employees or persons engaged in activities authorized by the Roswell Recreation, Parks, Historic and Cultural Affairs Department, or the Mayor and City Council.
- (h) *Permit required.* It shall be unlawful for any person to engage in any activity of the Recreation, Parks, Historic and Cultural Affairs Department which requires a permit and/or a ticket without first obtaining such permit and/or ticket.
- (i) *Polluting water in parks.* It shall be unlawful for any person to pollute or disturb any spring, branch, pond, fountain, or other water owned by or leased to the city.
- (j) *Posting signs.* It shall be unlawful for any person to affix any bill, sign or notice on any tree, building or fixture in any of the parks. It shall be unlawful for any person to place any paper, books, refuse or trash of any kind in any of the public parks, except in containers provided for such.
- (k) *[Smoking.]* It shall be unlawful for any person to smoke or use any tobacco product, e-cigarette, vape pen or any other "vapor products" as defined by O.C.G.A. § 16-12-170 within any City of Roswell Park.

- (l) *Skateboards.* It shall be unlawful for any person to operate a skateboard on any street, lane, way, road and/or any parking lot in any park in the city. However, this does not apply to any area which has been designated for such use during certain hours by the Director of Recreation, Parks, Historic and Cultural Affairs Department or his designated representative.
- (m) *Speed limit.* It shall be unlawful for any person to operate a motorized vehicle upon any road within a park in the city at a greater speed than fifteen (15) miles per hour.
- (n) *Swimming in lakes.* It shall be unlawful for any person to swim in or enter any lake at any park in the city for the purpose of swimming or wading unless a permit for such has been issued by the Director of Recreation, Parks, Historic and Cultural Affairs Department or his authorized representative, or such person or persons are conducting recreation and parks department business.
- (o) *Swimming pool hours.* The Roswell Area Park swimming pool and the Roswell Adult Aquatic Center shall be kept open during specified hours, notice of which shall be posted at some conspicuous place at all times while the pool is open for use. It shall be unlawful, except during open hours, for any person to enter the water of the pool or enter any enclosure provided for the purpose of keeping people away from the pool. This section does not apply to city employees when their duties require them to enter the pool and/or any enclosures.
- (p) *Urban camping.* It shall be unlawful to reside or to store personal property in any park owned by the city. Furthermore, it shall be unlawful to use any public place, including city parks, for living accommodations purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.
- (q) *River parks and related areas.* In addition to those regulations contained in subsections (a) through (p) of this section, the following regulations apply, unless exempted in writing by the Director of the Recreation, Parks, Historic and Cultural Affairs Department or his designee, to the Chattahoochee River Park, Willeo Park, Azalea Park, Riverside Park, Vickery Creek Park, Leita Thompson Memorial Park, Garrard Landing, and any other area which has been designated by the Director of the Recreation, Parks, Historic and Cultural Affairs Department or his designated representative, with any discrepancies between subsections (a) through (p) and this subsection to be decided under this subsection:
 - (i) Park closes one (1) hour after official sunset and opens one (1) hour before official sunrise.
 - (ii) It shall be unlawful for any person to use park or historic properties for purposes other than intended.
 - (iii) It shall be unlawful to use loudspeakers, bullhorns, public address systems and/or electronic amplifiers/devices without express written consent of the City of Roswell.
 - (iv) All litter and debris shall be collected and bagged and placed at designated locations. Littering and/or dumping is prohibited.
 - (v) Horses and other equine are prohibited from the park.
 - (vi) Open fires, except inside cooking grills, are prohibited.
 - (vii) Pet owners shall remove any excrement left by their pets.

- (r) *Feeding fowl in park system or historic properties is prohibited.* No person shall offer food to, provide any food for, or feed any fowl within the park system or historic sites at any time. Penalty: Any person violating or disobeying this provision shall be guilty of a misdemeanor offense and may be immediately evicted from park property, may be issued a criminal trespass warning, and may be fined upon conviction, not less than \$25.00 nor more than \$250.00 for each provision violated, the fine recovered in manner and form as provided by the law.
- (s) *Detection devices in parks and historic properties.* The use of metal detectors shall not be allowed in any city park or historic property unless authorized by the Director of the Recreation, Parks, Historic or Cultural Affairs Department or his designated representative. Authorization must be obtained in the following manner:
 - (i) Individuals may secure authorization by filling out a special search request form. This form requires a detailed description of the lost item(s). Failure to secure permission to use a metal detector could result in criminal trespass charges.
 - (ii) Discovery of items not contained in the search request form must be reported and/or turned in to the Roswell Recreation, Parks, Historic and Cultural Affairs Department's administrative office.
 - (iii) Failure to turn over these "other" discovered items could result in criminal theft charges.
 - (iv) Removal of items from park or historical properties could result in interference with government property charges.

(2015-09-25, § 1, Amended 09/16/2015; 2010-07-13, Amended, § 1, 07/12/2010; 2009-11-16, § 1, Amended, 11/16/2009; 2008-02-02, Amended, 02/04/2008, (b) amended; 2006-04-06, Amended, 04/17/2006, (b) and (q) amended; (r) and (s) added; 2001-06-01, Amended, 06/04/2001)

Section 14.2.5 - Enforcement.

City of Roswell Park Police shall have powers of arrest, concurrent with the powers of the Roswell Police Department for violations of any ordinance of the City of Roswell or state laws, and in addition shall have the power to eject any citizen or park participant from any park or public facility for violation of any rule or regulation of the Roswell Recreation, Parks, Historic and Cultural Affairs Department.

(2006-04-06, Amended, 04/17/2006)

Section 14.2.6 - Violation, Penalty.

Any person violating any provision of this section and/or concealing a violation of, or harboring, assisting or protecting a person charged with or convicted of a violation of this section shall be punished by a fine not to exceed \$250.00, by sentence of imprisonment not exceeding ninety (90) days, and to community service for a period not exceeding ninety (90) days, either or both of such fines and imprisonment, or work on the streets, parks or public works, in the discretion of the municipal court judge.

Article 14.3 - Special Events¹¹

Footnotes:

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Editor's note—Ord. No. 2012-08-12, § 1, adopted August 13, 2012, repealed article 14.3, §§ 14.3.1—14.3.17. Subsequently, Ord. No. 2014-02-03, § 1, adopted February 24, 2014, amended repealed §§ 14.3.3 and 14.3.12. At the discretion of the editor, article 14.3, §§ 14.3.3 and 14.3.12, as they existed before repeal, have been reinstated, and amended as per Ord. No. 2014-02-03. See the Code Comparative Table for complete derivation.

Sections 14.3.1, 14.3.2 - Reserved.

Section 14.3.3 - Zoning Requirements.

Special event permits are available for events in the NX, CX, SH, CC, PV, OR, OP, IX and IL or historic properties overlay district. Permits for events in residentially zoned districts shall be issued on a limited basis for uses which will not create undue hardship on surrounding residences.

(Ord. No. 2014-02-03, § 1, Added, 2/24/2014)

Sections 14.3.4—14.3.11 - Reserved.

Section 14.3.12 - Other Permits Required.

The applicant shall obtain other permits that may be required by other chapters of this Code or from other jurisdictions for this special event.

- (a) *Alcoholic beverage.* Any permit for the sale or serving of alcoholic beverages shall be in accordance with provisions of state law and chapter 3 of this Code.
- (b) *Fireworks.* Any permit obtained regarding a fireworks display shall be submitted to and approved by the City of Roswell Fire Department.
- (c) *Signs.* Permits for any signs advertising or relating to such special event shall be in accordance with the Unified Development Code (UDC) article 10.3 "Signs".

(Ord. No. 2014-02-03, § 1, Added, 2/24/2014)

Sections 14.3.13—14.3.17 - Reserved.

¹²¹

2. Reading of a Proclamation Recognizing October 2016 as Roswell Arts and Humanities Month.

Emmie Harvard, the Youth Mayor of the City of Roswell read the Proclamation recognizing October as Roswell Arts and Humanities Month to celebrate and promote the arts and culture in the community.

Environmental / Public Works Department - Councilmember Kent Igleheart

3. Approval for the Mayor and/or City Administrator to sign a contract with Frank Suddeth and Sons, Inc. for the Goulding Place Permeable Paver Installation Project in the amount of \$333,731.61 and consideration of a Budget Amendment in the amount of \$60,000.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kent Igleheart, Councilmember
SECONDER:	Nancy Diamond, Councilmember
IN FAVOR:	Diamond, Horton, Igleheart, Orlans, Palermo, Zapata

Recreation and Parks Department - Councilmember Nancy Diamond

4. Approval to Amend Chapter 14, Parks, Recreation & Cultural Affairs of the City of Roswell Code of Ordinances regarding the Recreation Commission and the Roswell Arts Commission. (Second Reading)

Ordinance No. 2016-09-16

RESULT:	APPROVED ON SECOND READING [5 TO 1]
MOVER:	Nancy Diamond, Councilmember
SECONDER:	Donald J. Horton, Councilmember
IN FAVOR:	Diamond, Horton, Igleheart, Orlans, Palermo
OPPOSED:	Marcelo Zapata

5. Approval to hold the July 4, 2017 Fireworks Extravaganza at Roswell High School.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy Diamond, Councilmember
SECONDER:	Jerry Orlans, Councilmember
IN FAVOR:	Diamond, Horton, Igleheart, Orlans, Palermo, Zapata