

O-23-0015



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LEGISLATIVE SPONSORS

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|---|--|
| <input type="checkbox"/> MAYOR LESTER M. MILLER                 | <input type="checkbox"/> MAYOR PRO TEMPORE SETH CLARK                  |
| <input type="checkbox"/> COMMISSIONER VALERIE WYNN              | <input type="checkbox"/> COMMISSIONER PAUL BRONSON                     |
| <input type="checkbox"/> COMMISSIONER ELAINE LUCAS              | <input checked="" type="checkbox"/> COMMISSIONER MALLORY C. JONES, III |
| <input checked="" type="checkbox"/> COMMISSIONER RAYMOND WILDER | <input checked="" type="checkbox"/> COMMISSIONER BILL HOWELL           |
| <input type="checkbox"/> COMMISSIONER VIRGIL WATKINS, JR.       | <input checked="" type="checkbox"/> COMMISSIONER AL TILLMAN            |
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FLOOR AMENDMENT

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE I OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO ADD RULES RELATED TO UNSUPERVISED MINORS AND WATER SAFETY AT AMERSON RIVER PARK; TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, recent events at Amerson River Park have caused the County to review the rules and regulations in place; and

WHEREAS, the Macon-Bibb County Code of Ordinances does not include any rules that are applicable only at Amerson River Park, but rather includes rules related to conduct at all County park and recreation facilities; and

WHEREAS, the Macon-Bibb County Commission wishes to increase safety for all patrons at Amerson River Park by amending Article I of Chapter 17 of the Macon-Bibb County Code of Ordinances by adding a rule that prohibits anyone under the age of 16 from entering any body of water at Amerson River Park without adult supervision and requires anyone entering the Ocmulgee River from Amerson River park to have a personal flotation device on their person; and

WHEREAS, the Macon-Bibb County Commission finds that these amendments are in the best interests of the citizens of Macon-Bibb County;

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

**Section 1.**

Section 17-9 of Article I of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

Chapter 17 – PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 17-9. – Amerson River Park.

(a) The rules and regulations applicable Amerson River Park, exclusive of those applicable to all other Macon-Bibb County parks or recreation areas, are as follows:

(1) No person under 16 years of age may enter any body of water at Amerson River Park without adult supervision.

(2) Any person under 16 years of age entering the Ocmulgee River from Amerson River Park property shall be wearing or utilizing a personal flotation device as intended by the manufacturer of such equipment upon entering the river.

(b) Any person who does any act prohibited by this section or by the rules and regulations promulgated by Macon-Bibb County with respect to Amerson River Park or who fails to do any act required by this section or by the rules and regulations promulgated by Macon-Bibb County with respect to Amerson River Park shall be deemed guilty of an offense. Offenses are punishable by any or all of the following methods: verbal reprimand, immediate removal from Amerson River Park, and the issuance of a notice of violation. Any or all of these penalties are in the discretion of the Director of Park and Beautification or his or her designee.

Notices of violations issued for offenses at Amerson River Park subject the person guilty of the offense to a fine not exceeding five hundred dollars (\$500.00), by sentence to work on the streets or public works for a period not exceeding sixty (60) days or imprisonment for a term not exceeding fifty (50) days, any or all of these penalties in the discretion of the judge. Municipal court, state court, and magistrate court shall have concurrent jurisdiction over violations of this section.

(c) If any provision of this section or any rule or regulation promulgated by Macon-Bibb County with respect to Amerson River Park is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

**Section 4.**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**Section 5.**

All Ordinances and Resolutions, or parts thereof, in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 6.**

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Ordinance and are hereby incorporated by reference into this provision.

**Section 7.**

In the event scrivener's errors shall be discovered in this Ordinance or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

**Section 8.**

The Commission hereby grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Ordinance.

**Section 9.**

In the event that this Ordinance or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of resolution by the Macon-Bibb County Commission, it is the intent of this Commission that this Ordinance or such portion thereof shall be considered to have been adopted as a resolution of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Ordinance calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Ordinance satisfy such requirement, and that this Ordinance be construed accordingly.

**Section 10.**

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the Mayor

may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

SO ORDERED AND ORDAINED this 21 day of March, 2023.

Lester M. Miller  
LESTER M. MILLER, MAYOR

ATTEST: Janice S. Ross  
JANICE S. ROSS, CLERK OF COMMISSION



*Q:\ORD MACON-BIBB\2023 Tillman Amending Chapter 17 Article I To Add Regs For Amerson  
(FLOOR AMENDMENT 3.14.23).Docx*



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**LEGISLATIVE SPONSORS**

- |   |   |
|---|---|
| <input type="checkbox"/> MAYOR LESTER M. MILLER           | <input type="checkbox"/> MAYOR PRO TEMPORE SETH CLARK       |
| <input type="checkbox"/> COMMISSIONER VALERIE WYNN        | <input type="checkbox"/> COMMISSIONER PAUL BRONSON          |
| <input type="checkbox"/> COMMISSIONER ELAINE LUCAS        | <input type="checkbox"/> COMMISSIONER MALLORY C. JONES, III |
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| <input type="checkbox"/> COMMISSIONER VIRGIL WATKINS, JR. | <input checked="" type="checkbox"/> COMMISSIONER AL TILLMAN |
- 

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE I OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO ADD RULES RELATED TO UNSUPERVISED MINORS AND WATER SAFETY AT AMERSON RIVER PARK; TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, recent events at Amerson River Park have caused the County to review the rules and regulations in place; and

**WHEREAS**, the Macon-Bibb County Code of Ordinances does not include any rules that are applicable only at Amerson River Park, but rather includes rules related to conduct at all County park and recreation facilities; and

**WHEREAS**, the Macon-Bibb County Commission wishes to increase safety for all patrons at Amerson River Park by amending Article I of Chapter 17 of the Macon-Bibb County Code of Ordinances by adding a rule that prohibits anyone under the age of 16 from entering any body of water at Amerson River Park without adult supervision and requires anyone entering the Ocmulgee River from Amerson River park to have a personal flotation device on their person; and

**WHEREAS**, the Macon-Bibb County Commission finds that these amendments are in the best interests of the citizens of Macon-Bibb County;

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

**Section 1.**

Section 17-9 of Article I of Chapter 17 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety, and replaced with the following:

Chapter 17 – PARKS AND RECREATION

## ARTICLE I. IN GENERAL

### Sec. 17-9. – Amerson River Park.

(a) The rules and regulations applicable Amerson River Park, exclusive of those applicable to all other Macon-Bibb County parks or recreation areas, are as follows:

(1) No person under 16 years of age may enter any body of water at Amerson River Park without adult supervision.

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(c) If any provision of this section or any rule or regulation promulgated by Macon-Bibb County with respect to Amerson River Park is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.

#### **Section 4.**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

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This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

(SIGNATURES ON FOLLOWING PAGE)

**SO ORDERED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LESTER M. MILLER, MAYOR

ATTEST:

\_\_\_\_\_  
JANICE S. ROSS, CLERK OF COMMISSION

[SEAL]

*Q:\ORD MACON-BIBB\2023 Tillman Amending Chapter 17 Article I To Add Regs For  
Amerson.Docx*

**Routing/File Form**

**Document Type:**  Contract  Deed  Ordinance  Resolution  Grant  Other  
 (Check one of the above document types)

**Purpose:** AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE I OF CHAPTER 17 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO ADD RULES RELATED TO UNSUPERVISED MINORS AND WATER SAFETY AT AMERSON RIVER PARK; TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

**Annual Cost:** \_\_\_\_\_

**Total Contract Amount:** \_\_\_\_\_

**Administering Department or Officer:** \_\_\_\_\_

**Contractor(s):** \_\_\_\_\_  
 \_\_\_\_\_

**Contract Start Date:** \_\_\_\_\_ **Contract End Date:** \_\_\_\_\_

**Funding Source(s):** \_\_\_\_\_

**Automatic Renewals:** \_\_\_\_\_ yes \_\_\_\_\_ no

**Number of Renewals:** \_\_\_\_\_ **Final Expiration Date:** \_\_\_\_\_

<u>Reviewed By:</u>	<u>Ordinance/Resolution</u>		<u>Contracts/Other</u>	
	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Assistant County Attorney	SOD	3/10/23	_____	_____/_____/_____
Sr. Assistant / Cnty. Attorney	_____	____/____/____	_____	_____/_____/_____
Grant Administrator	_____	____/____/____	_____	_____/_____/_____
Finance Director	Clw	3/10/23	_____	_____/_____/_____
County Manager	KM	3/13/23	_____	_____/_____/_____
Mayor	L	3/13/23	_____	_____/_____/_____
Clerk of Commission	_____	____/____/____	_____	_____/_____/_____

**Commission Approval** \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_

**Additional comments, instructions, etc.:** \_\_\_\_\_

**ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.**

SPONSORED BY:

- MAYOR LESTER M. MILLER
- MAYOR PRO TEMPORE SETH CLARK
- COMMISSIONER VALERIE WYNN
- COMMISSIONER PAUL BRONSON
- COMMISSIONER ELAINE LUCAS
- COMMISSIONER MALLORY C. JONES, III
- COMMISSIONER RAYMOND WILDER
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VOTE

Yes No Abstain Absent

	Yes	No	Abstain	Absent
Wynn				✓
Bronson				✓
Lucas	✓			
Jones	✓			
Clark	✓			
Wilder	✓			
Howell	✓			
Watkins				✓
Tillman	✓			
Mayor Miller				
<b>Total:</b>				

COMMITTEE ACTION TAKEN AND DATE:

RECOMMEND: \_\_\_\_\_

(Approved/Disapproved/Approved as Amended)

\_\_\_\_\_  
Date

Referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
Date:

APPROVED AS TO FORM BY ASSISTANT  
COUNTY ATTORNEY

Sara Davis  
Assistant County Attorney

REPORT

Rendered March 21, 2023  
and approval