

## BOARD OF ALDERMEN

ITEM NO. B(2)

### AGENDA ITEM ABSTRACT

MEETING DATE: June 7, 2005

**TITLE: Town Code Amendment to Clarify that Violations of Rules and Regulations Regarding the Use of Town Property are Subject to Penalties**

<b>DEPARTMENT:</b> Recreation and Parks	<b>PUBLIC HEARING:</b> NO
<b>ATTACHMENTS:</b> A. Ordinance	<b>FOR INFORMATION CONTACT:</b> Mike Brough 929-3905 Anita Jones-McNair 918-7381

#### PURPOSE

The purpose of this agenda item is to seek approval from the Mayor and Board of Aldermen to amend Chapter 14 of the Town Code to clarify that violations of the rules and regulations adopted regarding the use of town property shall subject the violator to the penalties and remedies provided for violations of the provisions of Chapter 14.

#### INFORMATION

Staff recently worked with Mike Brough on a participant suspension matter concerning Anderson Park. As a result of that matter and review of the 14-5 and 14-28, Mike Brough updated the ordinance to include clarification when violating rules and regulations of town property. The revised draft text includes the following update: *(in bold and italicized)*

#### Section 14-28 Supplementary Rules and Regulations

(a) The administrator may adopt reasonable supplementary rules and regulations governing the occupancy and use of town property. Such rules and regulations shall be consistent with the provisions of this chapter and shall be designed to protect and safeguard town property and the persons using town property to facilitate the safe and convenient use and enjoyment by all of town property. Without limiting the generality of the foregoing, the administration may adopt rules and regulations governing the use of tennis courts, basketball courts, ball fields, parking lots, etc. Whenever practicable, such rules and regulations shall be posted at the particular facility they affect and in all cases shall be kept on file and available for public inspection in the administrator's office.

This section is amended by adding a new subsection (b) to read as follows:

***(b) No person may occupy or use town property in a manner that is inconsistent with the supplementary rules and regulations adopted pursuant to subsection (a).***

Subsection (a) of Section 14-5 (Reservation of Town Facilities on Property) is amended by adding a third sentence to read as follows:

The administrator may establish a reservation system for town property and facilities including, but not limited to the Town Commons, ball fields, basketball and tennis courts, picnic shelters, picnic tables, and the Town Hall. Once such a system has been established, no person may, after notice, occupy or refuse to vacate reserved properties or a facility during the time such property or facility has been properly reserved by another. ***In addition, no person may occupy or use Town property or facilities that have been reserved pursuant to this section in a manner that is inconsistent with any limitations or restrictions imposed by the town at the time such property or facilities are reserved.***

#### **STAFF RECOMMENDATION**

Staff recommends that the Mayor and Board of Aldermen adopt the attached ordinance updating Chapter 14 of the Town Code.