

**ORDINANCE NUMBER 5166 -2018**

**AN ORDINANCE REVISING SECTIONS 62-2 AND 62-4 AND CREATING NEW SECTION 62-5 OF CHAPTER 62 OF THE CODE OF ORDINANCES FOR THE CITY OF WOODSTOCK, GEORGIA.**

**Whereas**, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

**Whereas**, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly<sup>1</sup>; and

**Whereas**, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; and

**Whereas**, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

**NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:**

I. That Section 62-2 of the Code of Ordinances, City of Woodstock, Georgia (the “Code”) shall be deleted in its entirety and a new Section 62-2 shall be inserted in lieu thereof to read as follows:

Sec. 62-2. Hours of Operation.

(a) Except as otherwise provided, city parks shall be open to the public daily between the hours of 7:00 a.m. to 11:00 p.m. The City’s trail system closes as dusk. No person, other than city personnel conducting city business, or engaging in a city sponsored event, shall occupy or be present in such parks during any other hours.

(b) Any section or part of a park (which shall include, but not be limited to City trails in the City’s trail system City bike trails), or an entire park, may be declared

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<sup>1</sup> Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly.”

<sup>2</sup>O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

closed to the public by the Parks and Recreation Director or his/her designee at any time and for any interval of time, either temporarily or at regular or stated intervals.

(c) Posted signage shall indicate if a park or any section or part thereof is closed which signage shall state that persons present in a closed park or any section or part thereof is closed are subject to a fine not to exceed \$1,000.00. It shall be unlawful for any person to be in any closed city park or any closed section or closed part thereof at any time the park or any section or part thereof is closed to public use as indicated by posted signage.

II. That the Code is hereby amended by adding following subparagraph to Section 62-4:

(16) Enter or remain in a city park or any section or part thereof which has been closed as indicated by posted signage.

III. That the Code is hereby amended by adding the following new code section to the Code:

Sec. 62-5. Penalties for violations of posted signage.

Any person found in violation of Section 62-2 shall pay a fine of not more than \$100.00 for the first offense, \$150.00 for the second offense, \$200.00 for the third offense and not more than \$1,000.00 for any subsequent offense, as determined by the Municipal Court Judge.

Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 11 DAY OF June, 2018.

1st Reading: 5/21/18 2nd Reading: 6/11/18

  
DONNIE HENRIQUES, MAYOR

  
RHONDA L. PEZZELLO, CLERK

