

## **ORDINANCE NO. 1711**

### **AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF AMORY REGULATING USE OF THE PUBLIC PARK KNOWN AS FRISCO PARK WITHIN THE CITY OF AMORY, MISSISSIPPI**

Whereas, pursuant to 21-17-1 M.C.A. the City of Amory is authorized to purchase and hold real estate for all proper municipal purposes including parks; and

Whereas, pursuant to 21-17-5 M.C.A. the City of Amory has the care, management and control of its municipal affairs, property, and finances; and

Whereas, 21-17-5 M.C.A. further provides that in addition to those powers granted by specific provisions of general law, the governing authorities of municipalities shall have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Amory, Mississippi, as follows:

#### **1. Application of Ordinance to Frisco Park.**

A. This Ordinance and the terms set forth herein shall be applicable to Frisco Park, which is located in Section 36, Township 12, Range 19, Block 12, Railroad Division, City of Amory, Monroe County, Mississippi. All rules, regulations, and terms set forth in this ordinance shall apply to Frisco Park in its entirety, including, but not limited to the park proper, the interior of the park, the confines of the park, the edges of the park, all areas lying between the public roadways (curbs) surrounding the park, and all areas located within the boundaries of Frisco Park.

B. The rules and regulations prescribed in this ordinance shall be in addition to the rules and regulations of City of Amory Ordinance #208. In the event any rules and regulations set forth in this Ordinance conflict with the terms of Ordinance #208, then the rules and regulations set forth in this Ordinance shall govern.

#### **2. Structures, merchandise, equipment, or other objects located within Frisco Park.**

A. Except as may be specifically otherwise provided in this Article, no above ground structure or equipment of any kind may be placed or located within the boundaries of Frisco Park as set forth in this ordinance. All violators shall be responsible for the full cost of repairs for damage caused, as well as all other penalties prescribed herein for violation(s) of this Ordinance.

B. This prohibition shall not apply to loading, unloading, moving or transportation of merchandise for use outside the boundaries of Frisco Park, provided that said loading, unloading, moving and/or transportation of merchandise or equipment be accomplished in a timely fashion and in no case shall said merchandise be within Frisco Park for the aforementioned reason(s) for longer than two (2) hours at a time.

C. This prohibition shall not apply to solid waste garbage cans approved by the city when placed at times and in specific areas designated by the director of public works and parks and recreation director. This prohibition shall also not apply to tree trimmings, grass, leaves, and similar materials when placed on or near public sidewalks in accordance with regulations and policies adopted by the City, when placed there for pickup by the Amory Parks and Recreation Department. This prohibition shall also not apply to beautification efforts in the form of planters, flower pots, benches, tables or similar decorative items and needed facilities and temporary or permanent fixtures instituted by the City of Amory as approved by the Frisco Park Advisory Committee and City of Amory.

D. In accordance with the City of Amory Frisco Park rental agreement, at no time shall any object penetrate the ground within Frisco Park except for instances in which repairs and/or improvements performed by the City of Amory and approved by the Frisco Park Advisory Committee are performed. This includes any form of umbrella, tent holder, spike, tent stake, flag, or any other item. The City of Amory and local donors have created an intricate sprinkler system to care for Frisco Park. Any ground penetration could result in damage to this system. All violators shall be responsible for the full cost of repairs for damage caused, as well as all other penalties prescribed herein for violation(s) of this Ordinance.

E. All provisions of Ordinance 1696, being the ordinance regulating the use of public sidewalks within the City of Amory, shall also be followed in addition to this ordinance.

### **3. Community events and festivals.**

A. Notwithstanding the provisions of this chapter to the contrary, the City of Amory City Clerk's Office, in conjunction with the City of Amory Parks and Recreation Department and Frisco Park Advisory Committee, are hereby authorized to permit certain types of community events or festivals to take place within Frisco Park and upon sidewalks surrounding Frisco Park. These events and festivals will abide by all rules set forth within this ordinance and rental agreement for Frisco Park. No above ground structures are allowed within the boundaries of Frisco Park except for the possible use of a sound booth or sound area for proper operation of sound and music when use of the City of Amory Frisco Park Stage is required. Tables and chairs may be used for display for events located within Frisco Park.

B. The sponsor of the event or festival shall submit to the City Clerk's Office a written application and rental agreement for a permit prior to the opening of the community event or festival for which a permit is desired. Such application shall be submitted no less than fifteen (15) days prior to the opening of any event or festival and no less than thirty (30) days prior to the opening of any event or festival for which the closing of roadways is requested.

The application and rental agreement shall state:

- (1) The time, date, and location of the festival or event;
- (2) The group, firm, or individual by whom the event will be sponsored;
- (3) The purpose of the festival or event;
- (4) The activities that will be included;
- (5) All applicable required documents (insurance) needed for the event; and
- (6) All applicable deposits and rental fees associated with the use of Frisco Park.

C. In granting permits for community events and festivals, the City Clerk's Office shall consider the following:

- (1) The nature of the event or festival and how it can serve the community of the city and its citizens;
- (2) The time period during which the event or festival will occur;
- (3) The location of the event or festival and whether the location inhibits the safe flow of traffic in the town;
- (4) Whether the activities would be in compliance with other applicable laws;
- (5) Whether the event or festival is to benefit nonprofit community service organizations. Commercial events or festivals which generate profit for the private sector, other than profit incidental to the festival or event which is made by persons other than the sponsor of the festival or event, shall be permitted only if the applicant submits evidence to the City Clerk's Office that the event or festival constitutes a community service; and
- (6) The general health, safety, and welfare of the participants in the event or festival and the citizens of the city.

D. The terms of the permit shall take into consideration the costs of the City in connection therewith, including the costs of cleaning services necessary to rid the festival area of all debris and litter created as a result of the event or festival. The permit may provide that the sponsor be responsible for payment to the City of the costs incurred or to be incurred by the City in connection with the event and may also provide for the assumption of certain responsibilities by the event sponsor, such as cleaning, as determined by the City Clerk's Office, Parks and Recreation Department, and Frisco Park Advisory Committee. Such payment of costs shall not apply to City sponsored events.

E. The issuance of a permit to a sponsor shall authorize only that sponsor and participants specifically authorized by the sponsor to participate in that community event or festival.

## **6. Enforcement.**

A. Enforcement of this Ordinance shall be executed by the City of Amory, Mississippi, including but not limited to the Board of Alderman, city officials, and authorized employees.

B. In addition to the penalties for violation(s) and the responsibility to pay for the full costs of repairs for damage, the violation of any article in this ordinance will result in the forfeiture of deposit and possible restriction of further use of Frisco Park.

C. Depending upon the severity of the violation, the City may elect to issue one (1) written notice of violation and give up to five (5) days from the date of the notice in which to cure said violation. The decision as to whether to give a notice of violation and opportunity to cure or, in the alternative, to proceed directly with charging a violation of this Ordinance, shall lie solely within the discretion of the City of Amory, Mississippi and its duly authorized officials and employees. Notices of violation shall be effective upon hand delivery of written notification, posting of written notification upon the address listed in an application, or upon receipt of a certified letter to the last known address of the alleged violator.

## **7. Penalties.**

Any responsible party who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00 or more than \$1,000.00 or by imprisonment in jail of not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

## **8. Severability.**

The procedure provided in this Ordinance shall be cumulative and in addition to any other procedure or legal remedy provided for in ordinances of the City of Amory or by the State law of Mississippi. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

## **9. Effective Date.**

This Ordinance shall take effect and be enforced as required by law.

## **10. Prior Ordinances.**

All provisions of the ordinances of the City of Amory in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City of Amory not in conflict with the provisions of this Ordinance shall remain in full force and effect.

The foregoing Ordinance, having been previously reduced to writing, was proposed and a motion by Alderman Glen Bingham, seconded by Alderman Buddy Carlisle and after discussion, and no alderman having called for a reading, was brought to a vote as follows:

Alderman Buddy Carlisle voting \_\_\_\_\_

Alderman John Darden voting \_\_\_\_\_

Alderman Tony Poss voting \_\_\_\_\_

Alderman Glen Bingham voting \_\_\_\_\_

Alderman Joe McGonagill voting \_\_\_\_\_

Whereupon, the motion having received a majority of affirmative vote, the Mayor of the City of Amory, Mississippi declared that the Ordinance had been adopted on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF AMORY, MISSISSIPPI

BY: \_\_\_\_\_  
BRAD J. BLALOCK, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE E. MORGAN, CITY CLERK