

FIRST READING: Waived
SECOND READING: Waived
THIRD READING: 06/07/10
SPONSOR: _____
ORD. NO: 013-10

AN ORDINANCE TO AMEND ARTICLE III, DIVISION 1 ("LAKE COMO - GENERALLY") OF THE TOWN CODE OF THE TOWN OF SMYRNA TO PROVIDE THAT SWIMMING AT THE BEACH AREA IS PERMITTED "AT YOUR OWN RISK"

WHEREAS, a majority of the Town Council has determined that the Town cannot fund lifeguards at the public beach area during the summer of 2010 due to budget constraints during the present severe economic downturn;

WHEREAS, the Town Code presently provides that it is unlawful to use the Town's public swimming facility unless it is protected by one or more lifeguards;

WHEREAS, the Town Council desires to amend Section 45-57 to allow swimming at the public beach area, without lifeguards, but "at your own risk";

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Article III, Division 1 ("Lake Como - Generally") of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend subsection (a) of Section 46-57 by deleting the last sentence thereof which begins with the words "Any person swimming..."

Section 2. Amend subsection (b) of Section 46-57 by deleting the same in its entirety and inserting in place thereof a new subsection (b) as follows:

(b) Swimming "at your own risk" shall be permitted within the designated, roped area located adjacent to the public beach between the hours of 10:00 a.m. and 8:00 p.m. seven days a week. The Town shall install and maintain signs at the entrance to the public beach area and at least two other places at the public beach area which prominently announce "WARNING ! SWIM AT YOUR

OWN RISK -- NO LIFEGUARD ON DUTY - Children Under the age of 14 must be accompanied by an adult".

Section 4. Amend Section 46-57 by inserting a new subsection (d) as follows:

(d) Any person observed by a Town Police Officer or Town employee to be creating a public nuisance or threatening the safety or peaceful enjoyment of other persons at the public beach area or the roped swimming area shall be in violation of this ordinance and may be ordered to leave the roped swimming area and beach area and prohibited from re-entering those areas for up to ten days. Any person violating such an order may be taken into custody and, upon conviction, fined up to One Hundred Dollars (\$100).

Section 5. This ordinance shall become effective on June 23, 2010.

SYNOPSIS

This ordinance amends Section 46-57 of the Town Code (Article III, Division 1 ("Lake Como - Generally -- Swimming")) to provide that swimming within the roped area at the Town's public beach is permitted, "at your own risk", between the hours of 10:00 a.m. and 8:00 p.m. The ordinance requires that the Town place signs at the entrance to the public beach area and at least two other places at the public beach, prominently indicating "Warning! No lifeguard on duty-- Swim at your own risk. Children under 14 must be accompanied by an adult." The amendment also requires that children under the age of 14 be accompanied by an adult. As in the existing ordinance, swimming in Lake Como outside the roped area at the public beach remains unlawful, as does creating a public nuisance or threatening the safety or peaceful enjoyment of other persons using the public beach area and/or roped swimming area. Any person observed by a Town police officer or other employee to be violating the ordinance may be ordered to leave the public beach and swimming area and prohibited from entering the same again for up to ten

days. Any person violating such an order may be taken into custody and upon conviction of violating this ordinance, ordered to pay a fine of up to \$100.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on June 7th, 2010.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna/Clayton Sun Times" on _____, 2010 and posted at the Town Hall on _____, 2010.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in "The Smyrna/Clayton Sun Times" on June 16, 2010 and posted at the Town Hall on , 2010.

So Certifies:

Town Clerk