

**THE CITY OF CHELSEA, ALABAMA
ORDINANCE NO. 08-11-18-437**

**AN ORDINANCE TO ADOPT PROCEDURES FOR REVIEW OF REMOVAL OF
PERSONS FROM THE CITY OF CHELSEA PROPERTIES**

BE IT ORDAINED BY THE CITY COUNCIL OF CHELSEA, ALABAMA, AS FOLLOWS:

§1 - Definitions:

Whenever used in this Ordinance, unless otherwise indicated, the following words and phrases shall have the following meanings:

ALCOHOLIC BEVERAGES: any beverage containing more than one-half of one percent of alcohol by volume. This includes, but is not limited to, beer, wine, whiskey, or gin.

ARM: See definition for weapon.

COUNCIL: the elected members of the Chelsea City Council.

CITY OF CHELSEA PROPERTY: any land, easements, park, recreation area, building, structure, facility, or other property owned by the City of Chelsea.

DENIAL: Any statement whether oral or written stating that a person is denied the right to use one or more city properties, such as, but not limited to parks and recreational areas, in the City of Chelsea by any officer, agent or employee of the City of Chelsea or any law enforcement officer patrolling the City of Chelsea.

MAYOR: the elected head of the government of the City of Chelsea or his/her designee.

PARK: the playground, ball fields and all other land and easements owned by the City of Chelsea, which, by ordinance, resolution, encroachment, permit, regulation, or agreement, are dedicated to or operated by the city for purposes of sports and public recreation. The term shall include the buildings, parking lots, streets and sidewalks within the territorial boundaries establishing the park.

PET: any dog, cat, reptile, or other domestic or exotic animal.

PROMULGATE: to make known by public declaration.

RECREATION AREA: land and easements owned or leased by the City of Chelsea, which by ordinance, resolution, regulation or agreement, is dedicated to or operated by the city for purposes of sports, special events and public recreation.

WEAPON: including, but not limited to, any fixed-blade knife, hunting knife, pocket knife greater than 2 ½ inches, switchblade knife, bayonet, machete, firearm, chain, club, bat, stick, or cane, blackjack, sling shots, and metal knuckles.

§ 2- Purpose

The purpose of this Ordinance is to provide a procedure for review of any decision to deny any person the right to use any City of Chelsea Property for a violation of the "REGULATIONS AND RESERVATION GUIDELINES FOR THE PARKS AND RECREATIONA FACILITIES WITHIN THE CITY OF CHELSEA" created by Chelsea City **Ordinance Number: 08-05-06-425** and any subsequent ordinances adopted by the Chelsea City Council establishing rules and regulations for the use of any other City of Chelsea Property.

§ 3-Procedure

Any person who is denied the use of any City of Chelsea Property within the City of Chelsea by any officer, agent or employee of the City of Chelsea or any law enforcement officer patrolling the City of Chelsea, who wishes to challenge the denial of use of the City of Chelsea Property may request a written explanation of the reason(s) for the denial of use of the City of Chelsea Property by submitting a written correspondence to the Mayor of the City of Chelsea within seven (7) days of the date of the denial of use of the City of Chelsea Property. The correspondence shall state the following: (1) the correct name, address and telephone number of the person requesting the explanation;(2) the date, time and location at which the person was denied use of the City of Chelsea Property; (3) the name of the agent, officer or employee who denied the person the use of City of Chelsea Property; (4) the reason(s) the person denied the use of the City of Chelsea Property was given at the time that person was denied use of the City of Chelsea Property; and (5) a brief explanation stating the reason(s) the person denied the use of the City of Chelsea Property contends that the denial of the use of the City of Chelsea Property was improper. Any person who fails to properly follow the procedures in this paragraph will be deemed to have waived any right to challenge any decision rendered by the Mayor and City Council regarding the denial of use of the City of Chelsea Property.

Upon receipt of a written correspondence that complies with the requirements stated herein by a person denied the use of any City of Chelsea Property within the City of Chelsea, the Mayor of the City of Chelsea will provide a written response to the person denied the use of the City of Chelsea Property explaining the reason(s) for the denial of use of the City of Chelsea Property. The response from the Mayor will be mailed within fourteen (14) days of the receipt of the correspondence from the person denied the use of the City of Chelsea Property by certified U.S. mail to the address provided by the person challenging denial of use of the City of Chelsea Property. If the person challenging the denial of use of a City of Chelsea Property has been denied use of a City of Chelsea Property for a specific time period by the city council, the response from the Mayor will state the time period the person is prohibited from using the City of Chelsea Property and explain the reason(s) for the time period the person is denied use of the City of Chelsea Property.

Any person who is denied the use of any City of Chelsea Property within the City of Chelsea who wishes to challenge the denial of use of the City of Chelsea Property after receiving a response from the Mayor shall be allowed to present his or her position to the City Council at its next available regularly scheduled meeting by submitting a written correspondence to the Mayor and City Council of the City of Chelsea within seven (7) days of receipt of the response from the Mayor requesting that the person denied use of the City of Chelsea Property be allowed to address the Mayor and City Council about the denial. Any person who fails to properly follow the procedures in this paragraph will be deemed to have waived any right to challenge any decision rendered by the Mayor and City Council regarding the denial of use of the City of Chelsea Property.

Any person who is denied the use of any City of Chelsea Property within the City of Chelsea who has met the requirements herein shall be allowed to address the Mayor and City Council at the next available regularly scheduled meeting regarding the denial of use of the City of Chelsea Property. Any person addressing the Mayor and City Council under this provision shall be limited to ten (10) minutes of speaking time. The Mayor and City Council are not required to answer any questions posed by the person challenging the denial. The Mayor has the discretion to control the meeting of the City Council and maintain an orderly meeting.

The Mayor and City Council will then render a decision regarding the denial of use of the City of Chelsea Property. The Mayor and City Council may, at their discretion, postpone the decision until the next regularly scheduled City Council meeting to consider the decision. The Mayor and Council will provide a written statement of the decision to the person denied the use of any City of Chelsea Property within ten (10) days of the meeting at which the decision is rendered by certified U.S. mail to the address provided by the person challenging denial of use of the Park or Recreational Area. The decision of the Mayor and City Council on any challenge made under the procedures described herein will be final.

A person who is denied the use of any City of Chelsea Property who utilizes the procedure described herein shall not be entitled to more than one response from the Mayor on a particular denial of use of a City of Chelsea Property. A person who is denied the use of a City of Chelsea Property shall not be entitled to more than one opportunity to address the Mayor and City Council regarding a particular denial of use of a City of Chelsea Property.

§4- Sections and Provisions Severable:

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

§5 - Effective date:

This ordinance shall become effective on and after December 8th, 2008 after all posting as required by law.

Approved and adopted this the 2nd day of December, 2008

S. Earl Niven, Mayor

Ricky King, Councilmember

Tony Picklesimer, Councilmember

Robert Barnes, Councilmember

Jeffrey M. Denton, Councilmember

Juanita J. Champion, Councilmember

Becky C. Landers, City Clerk

City of Chelsea

P.O. Box 111
Chelsea, Alabama

Certification Of Ordinance

Ordinance Number: 08-11-18-437

I, Becky C. Landers, City Clerk of the City of Chelsea, Alabama, hereby certify the attached to be a true and correct copy of an Ordinance adopted by the City Council of Chelsea, at the regular meeting held on December 2nd, 2008 as same appears in minutes of record of said meeting, and published by posting copies thereof on December 3rd, 2008, at the public places listed below, which copies remained posted for five business days (through December 8th, 2008).

Chelsea City Hall, 11611 Chelsea Road, Chelsea, Alabama 35043

Chelsea Sports Complex, Highway 39, Chelsea, Alabama 35043

U.S. Post Office, Highway 280, Chelsea, Alabama 35043

Chelsea Senior Lodge, 706 County Rd 36, Chelsea, AL 35043

City of Chelsea Website-www.cityofchelsea.com

Becky C. Landers, City Clerk