

APPENDIX C

Chapter 41 - PARKS AND RECREATION^[1]

Footnotes:

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State Law reference— Authority to establish, maintain, etc., parks, G.S. § 7-149(c)(3)(A).

ARTICLE I. - IN GENERAL

Secs. 41-1—41-20. - Reserved.

ARTICLE II. - CONDUCT IN PARKS AND PUBLIC PLACES

Sec. 41-21. - Intent.

The Town is fortunate to possess, within its boundaries, a spacious system of open space, parkland and public improvement that has been dedicated to the use and enjoyment of the citizens of the Town. Residents are encouraged to utilize these facilities and by doing so may participate in a wide variety of both active and passive activities. The Town wishes to ensure that all public places and parks are used in the most safe and enjoyable manner possible; and to ensure this optimum use, it is necessary to adopt and enforce certain rules and regulations for the good of all. The intent of this article is to provide for the protection and promotion of the peace, safety and welfare of the Town and its inhabitants, by regulating the use of public places owned by the Town and under the management or control of the Town Council.

(Ord. No. 49, § I)

Sec. 41-22. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means a motor vehicle as defined in the State General Statutes.

Park means any property owned, managed or controlled by the Town and designated as a park by the Town Council. The term "park" does not include any street maintained by the Town, unless the street is located in such a park.

Public place means all property owned by the Town and managed or controlled by the Town. The term "public place" does not include any street maintained by the Town unless the street is located in such a public place.

Regulations mean regulations approved by the Town Council for the use of a public place.

Vehicle means any conveyance or vehicle, whether wheeled or not, that is propelled by a person, motor, animal, force of nature or another vehicle, excluding emergency vehicles in the service of the Town.

(Ord. No. 49, § II)

State Law reference— Motor vehicle defined, G.S. § 14-1(51).

Sec. 41-23. - Violation and penalties.

- (a) Any person who shall violate any provisions of this article shall be fined not more than \$25.00 for the first violation and not more than \$100.00 for each subsequent violation.
- (b) In addition to the provisions of subsection (a) of this section, the Town Manager or his designated representative shall have the authority to eject from any public place, any person violating the terms of any permit, any regulation or the provisions of this article. In the case of a serious consistent violation of the terms of any permit, any regulation, or the provisions of this article, the Town Manager or his designated representative may bar a person from a park, permanently or temporarily.

(Ord. No. 49, § VI)

State Law reference— Penalty for ordinance violations, G.S. § 7-148(c)(10)(A).

Sec. 41-24. - Prohibited conduct; generally.

- (a) Except when being performed by officials or employees of the Town in the course of their duties, or by independent contractors engaged by the Town for such purpose, or unless otherwise permitted in a public place in accordance with regulations, no person in a public place shall:
 - (1) Mark, deface, damage, injure, tamper with, displace or remove any buildings, pools, bridges, tables, benches, fireplaces, railings, fences, paving, waterlines or other public utilities or parts or appurtenances thereof; signs, notices or placards whether temporary or permanent; monuments, stakes, posts, other boundary markers, other structures or equipment, improvements or facilities or any appurtenances whatsoever, either real or personal.
 - (2) Deface, litter or make unsanitary any restroom, washroom or shower room or prevent the proper drainage of any toilet, pipe or drain.
 - (3) Dig, for the purpose of removing from such public place, any sand, soil, stones, trees, shrubs or plants without the consent of the Town Manager or his designated representative.
 - (4) Erect, or bring into a public place, any building or structure of any kind whatsoever, whether permanent or temporary, without the consent of the Town Manager or the Town Council.
 - (5) Damage, cut, carve, transplant or remove any tree or plant, or injure the bark of any tree, pick the flowers or seeds of any plant or dig in or otherwise disturb lawn areas or walk upon planted areas without the consent of the Town Manager or his designated representative.
 - (6) Throw, discharge, deposit or otherwise place, or cause to be placed, in the waters of any fountain, pond, lake, stream, swimming pool or other body of water in any public place, any substance, matter or thing, in any form whether liquid, solid or otherwise, which will result in the pollution, discoloration or change in the chemical content of said water.
 - (7) Bring into, or dump, deposit or leave in a public place any dirt, rubbish, waste, garbage, litter, refuse or other trash, except in receptacles provided for the same. Where receptacles are not so provided, all such refuse or trash shall be carried away from the public place by the person responsible for its presence and properly disposed of elsewhere.
 - (8) Announce, advertise or call public attention in any way to any article or service for sale or hire, except as the same may be permitted in association with a permit issued under the terms of Section 41-26.

- (9) Expose or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing except as the same may be permitted in association with a permit issued under the terms of Section 41-26.
 - (10) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, or erect or cause to be erected any sign whatsoever except as the same may be permitted in association with a permit issued under the terms of Section 41-26.
 - (11) Bring upon, operate, permit or cause to be operated upon any public place, any vehicle except in those areas and at such times as shall be designated for such type of vehicle for each public place or any portion of a public area.
 - (12) Swim, bathe or wade in any waters or waterways, or skate or slide upon the same when frozen, or frequent any such areas for the purpose of skating, sliding, swimming or bathing, or congregate thereat, except at such times as shall be designated by the regulations for such purposes for each public place or any portion of a public place.
 - (13) Hunt, trap, poison, pursue, annoy or disturb wildlife, or use, carry or possess firearms of any description or other forms of weapons potentially inimical to wildlife or dangerous to human safety except in accordance with a permit issued under the provisions of Section 41-26.
 - (14) Fish or seek to catch any fish in any manner except as the same may be permitted in any public place, or any portion thereof under the regulations.
 - (15) Drop, throw or otherwise scatter lighted matches or any burning matter; make or cause to be made, any fire other than in fireplaces provided by the Town, or in other appropriate receptacles designated in the regulations, or fail to completely extinguish such fire before leaving the area and dispose of ashes in receptacles provided for that purpose.
 - (16) Place or operate, upon or in any waters, any boat, raft or other craft whether or not motor powered, except at such times as may be designated under regulations for each public place or portion thereof, and if permitted to do so in accordance with said regulations, no person shall operate such boat, raft or other craft in a manner as to annoy, frighten or endanger any other person.
 - (17) Possess or be under the influence of any illegal drugs.
 - (18) Engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace.
 - (19) Escort, induce or permit any dog or pet, on or in any park or public place, unless secured to a leash of not more than six feet in length. At no time should the pet not be secured to its owner or keeper, unless authorized in writing, by the Director of Recreation and Parks, or permit any dog to go upon any portion of a public place prohibited to dogs, except as may be designated under regulations for such public place or portion thereof, and if permitted to do so, in accordance with said regulations.
 - (20) Be within any park during the period from one hour after sunset to one hour before sunrise the following day, except as permitted in association with a permit issued under the terms of Section 41-26, or as may be permitted in regulations issued for subsections (11), (12), (14), (15), (16), (19), (21) and (23) of this section.
 - (21) Take or permit any horse to go upon any portion of any public place, except such portion permitted by the regulations and no person shall ride or control in any such manner as to annoy, frighten or endanger any other person.
 - (22) Aid, abet or participate in gambling or betting for money or other prize.
 - (23) Camp in areas other than those designated for camping, unless a special permit has been obtained from the Town Manager or his designated representative.
- (b) Any person who is under the influence of intoxicating liquor in a park or public place shall be ordered to leave such park or public place. No person shall fail to obey such an order.

(Ord. No. 49, § III)

State Law reference— Criminal mischief, G.S. § 53a-115 et seq.; littering, G.S. § 22a-247 et seq.; local ordinances relative to public intoxication, G.S. § 17a-690.

Sec. 41-25. - Operation of motor vehicles.

Every person, in the operation of a motor vehicle in any portion of a public place where permitted under the regulations shall:

- (1) Obey all traffic signs indicating speed, direction, caution, stopping or parking.
- (2) Be a duly licensed driver for the operation of such motor vehicle.
- (3) Operate only such motor vehicle as complies with all the provisions of the state motor vehicle laws in regard to the equipment on such vehicle.
- (4) Not operate any such vehicle in excess of 15 miles per hour.
- (5) Obey all directions of police officers or other employees of the Town authorized to direct traffic in a public place.
- (6) Not park any such vehicle in any place except those areas designated or provided for parking.
- (7) Not drive any such vehicle on any area except roads or parking areas or such other areas as may be specifically designated as temporary parking areas.

(Ord. No. 49, § IV)

State Law reference— Traffic generally, G.S. § 14-1 et seq.

Sec. 41-26. - Permit applications and use; fees; issuance; revocation and refusal.

- (a) To the extent allowed by the regulations, an area in a public place, together with the facilities situated in such area, may be reserved for the exclusive use of any person, or may be used by a natural person for the uses prohibited under Section 41-24(a)(3)—(a)(5), (a)(8)—(a)(10), (a)(13) and (a)(23) provided a permit therefor is obtained from the Town Manager or his designated representative.
- (b) Any person seeking issuance of a permit hereunder shall file an application with the Town Manager or his designated representative. The application shall state:
 - (1) The name and address of the applicant;
 - (2) The name and address of the person sponsoring the activity, if any;
 - (3) The age of the applicant if a permit for a use prohibited under Section 41-24(a)(13) is being sought;
 - (4) The day or days and hours for which the permit is desired;
 - (5) The public place or portion thereof for which such permit is desired;
 - (6) An estimate of anticipated attendance if the permit is for a group activity;
 - (7) The use or activity for which the permit is sought;
 - (8) Any other information that the Town Manager or his designated representative shall find reasonable and necessary to a fair determination as to whether a permit should be issued hereunder.

- (c) The Town Manager or his designated representative may issue a permit hereunder provided he finds that the proposed activity or use:
 - (1) Will not unreasonably interfere with or detract from the general public's enjoyment of the public place;
 - (2) Will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) Is not unreasonably anticipated to incite violence, crime or disorderly conduct;
 - (4) Will not entail unusual, extraordinary or burdensome expense to the Town for police supervision;
 - (5) Will not interrupt an established schedule for Town-sponsored recreational activities or that the facilities desired have not been reserved for other use at the date and hour requested in the application;
 - (6) Will not damage the natural flora or fauna.
- (d) Each application for a permit shall be accompanied by a fee, payable to the Town, in accordance with the regulations.
- (e) Any person issued a permit shall observe all regulations and the provisions of this article as though the same were inserted in such permit. A copy of this article shall be forwarded to the permit applicant.
- (f) The person to whom a permit is issued shall agree to be liable for any loss, damage or injury sustained by any person or property whatsoever by reason of negligence on the part of any person engaged in the activity being sponsored under the permit and shall agree to hold the Town and any of its agents, servants and employees harmless from any and all losses caused by the permittee or any person engaged in activity being sponsored under the permit.
- (g) The Town Manager or his designated representative may revoke or suspend the permit of any person at any time upon determining that any such person has violated the terms of the permit, the provisions of any regulation, a provision of this article or that such revocation or suspension is reasonably necessary for the purpose of preserving the peace, safety and welfare of any person or preserving the public place from damage or injury.
- (h) If the Town Manager or his designated representative shall refuse to issue a permit or revoke or suspend the permit of any person, the applicant or permit holder may appeal in writing within ten days of notice of said refusal to the Town Council, which shall hear said appeal and render a decision within 21 days from the filing of such appeal.

(Ord. No. 49, § V)