

CHAPTER 16: PARKS AND RECREATION

Article

I. IN GENERAL

II. USE OF PARKS

III. COMMUNITY RECREATION ADVISORY COMMITTEE

Notes

- 1 Cross-reference:
Town Council, §§ 2-201 et seq.; Town Manager, § 2-403; Planning, Zoning and Subdivision Control,
Ch. 17; Streets, Sidewalks, and Other Public Places, Ch. 19.
Statutory reference:
Recreation enabling law, G.S. §§ 160A-350 et seq.

ARTICLE I: IN GENERAL

Section

16-101 Designation of town parks

16-102 Policies and procedures

16-103 to 16-199 Reserved

§ 16-101 DESIGNATION OF TOWN PARKS.

(A) The Town Council hereby establishes the following town parks to be utilized for the purpose of public recreation:

- (1) Union Street Park;
- (2) South "D" Avenue Park; and
- (3) Maiden Municipal Park.

(B) The parks listed in subsection (A) above are for use by the public through approved recreation programs, as authorized by the Town Council and the Town Manager, and in accordance with town ordinances and such policies, rules, and regulations as may be adopted pursuant to this chapter.

(Ord. 2-85, passed 4-1-1985)

§ 16-102 POLICIES AND PROCEDURES.

The Town Council, upon recommendation of the Town Manager, shall adopt, from time to time, in addition to the regulations set forth in this chapter, policies and procedures governing the use of municipal park and recreation facilities, which are referred to in this chapter as parks. These policies and procedures, together with the regulations codified in this chapter, do not apply to privately-owned and operated parks and recreational facilities. Those policies and procedures, together with the regulations codified in §§ 16-201 et seq., shall be made available to the public in such appropriate form as the Manager, or his or her designee, may determine.

(Ord. 2-85, passed 4-1-1985)

§§ 16-103 TO 16-199 RESERVED.

ARTICLE II: USE OF PARKS

Section

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16-201 Use of vehicles restricted

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- 16-207 Fish and aquatic life
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- 16-209 Political speeches
- 16-210 Gambling
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- 16-212 Alcoholic beverages
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- 16-214 Excavations
- 16-215 Fires
- 16-216 Dumping
- 16-217 Plant material
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- 16-219 Use at night regulated
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DIVISION 1. GENERALLY

§ 16-201 USE OF VEHICLES RESTRICTED.

(A) It shall be unlawful for any person to drive, or propel, any motor vehicle, or other vehicle, in, over, or through any park, except along and upon regularly established roadways and parking lots. Bicycles are permitted on designated paths. It shall be unlawful for any person to park, or permit to be parked, any vehicle anywhere except upon designated parking areas authorized by the Town Manager, or his or her designee.

(B) For the purpose of this division, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

MOTOR VEHICLE. Includes, but is not limited to, automobiles, trucks, minibikes, go-carts, golf carts, motorbikes, motorcycles, or any other self-propelled motorized vehicle.

OTHER VEHICLE. Includes, but is not limited to, bicycles.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

Cross-reference:

Traffic and Motor Vehicles, Ch. 20.

§ 16-202 ADVERTISING, NOTICES, BILLS.

The town government may post, in any park, directional and information signs that provide information such as, but not limited to, hours of park operation, and park rules. Otherwise, it shall be unlawful for any person to place, or erect, any structure, sign, bulletin board, post, pole, or advertising device of any kind whatsoever in any park, or to attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post, or structure within any park.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

Cross-reference:

Posting bills or other advertising, § 15-102.

§ 16-203 DESTRUCTION OF PARK PROPERTY.

It shall be unlawful for any person to remove, destroy, mutilate, or deface any structure, monument, statue, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant, or any other property in any park.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

§ 16-204 FIREARMS.

Persons with concealed carry permits may carry concealed handguns onto the premises of municipal parks and their adjacent parking lots. This section shall solely apply to the carrying of handguns. It is unlawful for any person with, or without, a permit to carry other types of firearms, or other weapons, into municipal parks and their respective parking lots. It shall also be unlawful to carry a firearm, with or without a permit, into athletic fields or recreational facilities.

Penalty, see § 1-111

Cross-reference:

Firearms regulated, § 15-101.

Statutory reference:

Firearms regulated, G.S. § 14-409.40, 160A-189, and 160A-190.

§ 16-205 ANIMALS RUNNING AT LARGE.

It shall be unlawful for any person to allow, or permit, any horses, dogs, or other animals to be in any park, except in designated areas such as dog parks, and it shall be unlawful to ride horses in any park except upon designated, and marked, bridle trails.

(Ord. 2-85, passed 4-1-1985; Ord. 24-2001, passed 7-2-2001) Penalty, see §1-111

Cross-reference:

Animals, Ch. 4.

Statutory reference:

Regulating animals running at large, G.S. §§ 160A-186 and 160A-187.

§ 16-206 SAME: MOLESTING.

It shall be unlawful for any person to trap, catch, wound, or kill, or cause to be injured, treated cruelly, or teased, or attempt to trap, catch, wound, kill, injure, or tease any bird or animal, or rob any nest of any bird or any lair, den, or burrow of any animal in, or upon, any land owned by the town, except as may be specifically authorized by the Town Manager.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

§ 16-207 FISH AND AQUATIC LIFE.

It shall be unlawful to fish in any waters owned, or administered, by the town except such portion thereof as may be designated by the Town Manager, or his or her designee, under such policies and regulations as may be adopted by the town, and conforming to the laws of the state, nor shall it be lawful for any person to remove or capture, or attempt to remove or capture, whether by use of seine, trap, or other device, any fish or other aquatic life in, or from, any of the waters within any park, or park lands. (Ord. 2-85, passed 4-1-1985) Penalty, see § 1-111

§ 16-208 SELLING, PEDDLING, AND THE LIKE.

It shall be unlawful for any person to engage in soliciting, peddling, begging, or selling goods or merchandise, or to sell, hawk, or vend food or drink within the parks unless written authority is given by the Town Manager, or his or her designee, and unless such selling, peddling, soliciting, and the like, is in accordance with other applicable provisions of this code, and state and local laws and regulations.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

Cross-reference:

Peddling, soliciting, and itinerant merchants, § 6-401.

Statutory reference:

Regulating businesses, G.S. § 160A-194.

§ 16-209 POLITICAL SPEECHES.

It shall be unlawful for any person, or persons, to organize, or sponsor, political gatherings or rallies, or make political speeches of any kind in any park without first securing a written permit from the Town Manager, or his or her designee.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

§ 16-210 GAMBLING.

It shall be unlawful for any person to conduct, or carry on, any game of chance at which any money, property, or other

thing of value is bet, whether the same be in stake or not, in any park.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

§ 16-211 DISORDERLY CONDUCT.

It shall be unlawful for any person to use any boisterous, or insulting, language, or to be guilty of disorderly conduct of any kind in any park.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

Cross-reference:

Offenses, Ch. 15.

§ 16-212 ALCOHOLIC BEVERAGES.

(A) It shall be unlawful for any person to consume, or to display publicly, any alcoholic beverage in any park; and it shall be unlawful for any person under the influence of alcoholic beverages to enter, or remain, in any park.

(B) **ALCOHOLIC BEVERAGE**, as used in this section, is defined the same as the term is defined in G.S. § 18B-101, or its successor.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

Cross-reference:

Alcoholic Beverages, Ch. 3.

Statutory reference:

Sale, possession, and consumption of alcohol, G.S. §§ 18B-300 and 18B-301.

§ 16-213 GAMES AND SPORTS.

It shall be unlawful for any person to play football, golf, baseball, or other games of like character in any area in any park when signs are posted in such area specifically prohibiting such games. At no time, and under no circumstances, shall such games be played in such proximity to playground equipment or park structures as to threaten harm to persons using the park, or damage to the park structures.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

§ 16-214 EXCAVATIONS.

It shall be unlawful for any person to make an excavation in any park for any purpose without written permission from the Town Manager, or his or her designee.

(Ord. 2-85, passed 4-1-1985) Penalty §1-111

§ 16-215 FIRES.

It shall be unlawful for any person to make, or kindle, a fire in any park except in a regularly constructed, or an appropriate, portable fireplace or grill. It shall be unlawful for any person to leave any fire unattended, or to fail to completely extinguish a fire, and all the embers thereof, before leaving such fire.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

Cross-reference:

Fire Protection and Prevention, Ch. 10.

§ 16-216 DUMPING.

No person shall deposit, dump, throw, cast, lay, or place, or cause to be deposited, dumped, thrown, cast, laid, or placed, any ashes, trash, rubbish, soil or earth, paper, garbage, refuse, debris, plant clippings, limbs or leaves, or other solid waste of any kind in, or upon, any park or park lands, or in any watercourse, lake, pond, or slough within such park lands.

(Ord. 2-85, passed 4-1-1985)

Cross-reference:

Solid Waste, Ch. 11.

§ 16-217 PLANT MATERIAL.

It shall be unlawful for any person to dig, cut, bruise, mutilate, or cause to be transplanted, cut, bruised, debarked, or mutilated, any plant material of all, and any, description within any park land without written permission of the Town Manager, or his or her designee.

(Ord. 2-85, passed 4-1-1985) Penalty, see §1-111

§ 16-218 INDECENT BEHAVIOR.

No person shall make indecent, or vulgar, motions, or do any indecent, or vulgar, acts whatever, or exhibit any indecent, vulgar, or lewd articles, or pictures, in view of any person within any parks in the town.

(Ord. 2-85, passed 4-1-85)

Cross-reference:

Offenses, Ch. 15.

§ 16-219 USE AT NIGHT REGULATED.

(A) Normal hours of operation of town parks and recreation facilities shall be established, from time to time, by the Town Manager, or his or her designee, and shall be conspicuously posted as may be appropriate.

Unless otherwise posted by the town, public use of any portion of the town parks during the hours of 10:00 p.m. to 7:00 a.m. is prohibited. All parks shall close by 10:00 p.m. until 7:00 a.m., unless the Town Recreation Department has planned, and supervised, activities that would run later than 10:00 p.m.

(Ord. 2-85, passed 4-1-1985; Ord. 8-92, passed 6-1-1992)

§ 16-220 ADOPTION AND ENFORCEMENT OF REGULATIONS.

[Repealed]

§ 16-221 REGULATING SMOKING AT TOWN PARKS AND ON TOWN PARK GROUNDS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

GROUND. An unenclosed area owned by the town. This includes town-owned parking lots, and town grounds immediately surrounding town-owned recreation buildings and parks.

PARK. Any active, or passive, recreation areas, recreation center, or building owned by the town. This includes all ball fields, playgrounds, greenways, dog parks, water entertainment, and other areas incorporated, or adjacent to, any recreation facility.

SMOKE OR SMOKING. The inhaling, exhaling, vaporizing, burning, or carrying of a lighted pipe, cigar, cigarette, e-cigarette, or other nicotine-based product used to simulate the experience of smoking tobacco.

(B) *Smoking regulated at town parks and on town park grounds.* It shall be unlawful for any person to smoke on the premises of any town park, or on town park grounds.

(C) *Penalties.* Violation of this section shall constitute a misdemeanor, punishable in accordance with G.S. § 14-4, including a fine not exceeding \$50, and shall also subject the person in violation to a payment of a civil penalty in the amount of \$50, which penalty is to be paid to the Town Finance Department.

(D) *Enforcement.* This section may be enforced by one, or both, of the remedies authorized, and prescribed, by this section.

(Ord. 17-2019, passed - -)

§§ 16-222 TO 16-240 RESERVED.

DIVISION 2. THIRD PARTIES

§ 16-241 STATEMENT OF POLICY.

It is the policy of the Town Council to make town park and recreation facilities available to as many residents of the town and vicinity as is reasonably possible, and to do so in a manner which does not discriminate against any person, or group, by reason of age, sex, race, religion, political affiliation, or national origin, but which does recognize the obligation of the town to first attempt to meet the needs of its citizens before responding to the requests of nonresident individuals and groups.

(Ord. 2-85, passed 4-1-1985)

§ 16-242 PROCEDURES.

(A) The Town Manager, or his or her designee, is authorized to permit the use of town facilities to groups, or individuals, as deemed necessary and appropriate. These facilities shall be rented in accordance with fee schedules adopted, and amended from time to time, by the Town Council. Such fees may include the cost to staff, organize, conduct, and supervise all recreational activities and events.

(B) The Manager, or his or her designee, shall not permit the use of town facilities by any group, or individual, on a continual basis from day to day, week to week, month to month, or year to year. Recreational activities, or events, that are proposed on a continual basis, and sponsored by the town or supported by other governmental entities or public institutions, shall only be approved by the Town Council.

(C) The Town Council, upon recommendation of the Manager, shall adopt, or shall authorize the Manager to adopt, policies and procedures governing access to, and use of, town parks and recreational facilities. Those policies, and procedures, shall be consistent with this article.

(Ord. 2-85, passed 4-1-1985; Ord. 04-2007, passed 2-12-2007)

§§ 16-243 TO 16-299 RESERVED.

ARTICLE III: COMMUNITY RECREATION ADVISORY COMMITTEE

Section

- 16-301 Creation, membership
- 16-302 Committee powers and duties
- 16-303 Appointment of the Committee
- 16-304 Ex officio members
- 16-305 Terms of membership
- 16-306 Meetings
- 16-307 Attendance of members
- 16-308 Compensation
- 16-309 Officers
- 16-310 Officers' duties
- 16-311 Committees
- 16-312 By-laws

Cross-reference:

Administration, Ch. 2.

§ 16-301 CREATION, MEMBERSHIP.

There is hereby created the Town Community Recreation Advisory Committee composed of five voting members. The voting membership shall consist of one town elected official, and four other members, three of which must live within town limits.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-302 COMMITTEE POWERS AND DUTIES.

(A) The Town Community Recreation Advisory Committee shall advise the Town Council, Town Manager, and Director of the Department of Parks and Recreation on matters having to do with the town's overall recreation and leisure programs, its Department of Parks and Recreation, and the town's various recreation facilities.

(B) The Community Recreation Advisory Committee's duties and responsibilities shall include, but are not limited to, the following:

- (1) Serving as a liaison between the community's citizens and the Town Council, Manager, and Department Director;
- (2) Reviewing, and recommending, to the Town Council, Manager, and Department Director policies for the operation of the town's recreation and leisure programs, and the town's various park and recreation facilities, including the establishment of plans and programs for supervised, and unsupervised, use of the Town Community Center, ball fields, and other park and recreation facilities of the town;
- (3) Consulting with, and advising, the Town Council and Management regarding long- and short-range planning for recreation and leisure programming, current programs and activities, personnel needs, finances, property acquisition and operation, and similar matters; and
- (4) Encouraging community interest and participation in a broad-based recreation and leisure program, and encouraging financial support for such a program from members of the public and the business community.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-303 APPOINTMENT OF THE COMMITTEE.

Each member of the Community Recreation Advisory Committee shall be appointed by the Mayor, with the approval of the Town Council.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-304 EX OFFICIO MEMBERS.

Non-voting members shall include the Town Manager, the Director of Parks and Recreation, and any parks and recreation staff whose participation is deemed necessary by the Committee.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-305 TERMS OF MEMBERSHIP.

Each member of the Community Recreation Advisory Committee shall be appointed for a three-year term, except that the initial appointments shall be arranged so that approximately one-third of the terms will expire each year. There shall be initially one person with a one-year term, two people with two-year terms, and one person with a three-year term.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-306 MEETINGS.

(A) *Regular meetings.* Commission meetings shall be held bi-monthly unless otherwise determined by the Committee. Meetings shall be held at a time, and location, set by the Committee.

(B) *Special meetings.* The Chairperson may call a special meeting of the Committee at any time by giving each member a 48-hour notice, and special meetings may also be called upon request of four, or more, Committee members. Any special meeting called shall comply with the public notice requirements of G.S. § 143-318.12.

(C) *Quorum.* A quorum of the Committee shall be required to constitute an official meeting. A quorum is at least one more than the number of the appointed members who are absent.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-307 ATTENDANCE OF MEMBERS.

An appointed member of the Community Recreation Advisory Committee who misses more than three consecutive regular meetings loses his or her status as a member of the Committee, unless reappointed by the Mayor under § 16-303. Absences due to sickness, death, or similar circumstances shall be excused absences, and shall not affect the member's status on the Committee, except that in the event of numerous absences, a member may be replaced by the Mayor upon recommendation of the Committee Chairperson.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-308 COMPENSATION.

Community Recreation Advisory Committee members shall serve without compensation. Members shall be reimbursed for travel and subsistence expenses incurred in attending professional recreation meetings, conferences, and workshops. Such reimbursement shall be made in accordance with the general policies of the town which shall include pre-attendance approval of the meeting by the Town Manager. (Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-309 OFFICERS.

(A) There shall be a Chairperson and Vice-Chairperson of the Community Recreation Advisory Committee who shall be chosen annually by the Committee members at the regular monthly meeting in July.

(B) Officers shall serve one-year terms and may be reelected. New officers shall take office at the next regular meeting following their election. Officer vacancies shall be filled by the Committee at the meeting following the occurrence of the vacancy.

(C) The Secretary of the Committee shall be selected annually by the Committee members at the regular monthly meeting in July.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-310 OFFICERS' DUTIES.

(A) *Chairperson.* The Community Recreation Advisory Committee Chairperson shall preside at all meetings, and sign all documents relative to action taken by the Committee. The Chairperson shall appoint all subcommittees, including a nominating committee to be composed of two Committee members, and to be appointed at least 30 days prior to the July meeting.

(B) *Temporary Chairperson.* When the Chairperson is absent, the Vice-Chairperson shall perform the duties of the Chairperson. When both the Chairperson and Vice-Chairperson are absent, a Temporary Chairperson shall be selected by those members who are present.

(C) *Secretary*. The Secretary to the Committee shall be selected by the Committee. The Secretary shall mail to all members copies of official reports, and the official minutes of all regular and special meetings prior to the next scheduled meeting.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-311 COMMITTEES.

(A) *Executive Committee*. The Executive Committee of the Community Recreation Advisory Committee shall consist of the Chairperson, Vice-Chairperson, and Secretary.

(B) *Subcommittees*. The Committee Chairperson is authorized to appoint such subcommittees as he or she deems necessary. Standing Committee suggestions are:

- (1) Program and activities;
- (2) Areas and structures;
- (3) Budget;
- (4) Personnel; and
- (5) Policies and procedures.

(C) *Temporary and project committees*. Temporary and project committees shall be appointed as needed.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)

§ 16-312 BY-LAWS.

The Community Recreation Advisory Committee may adopt such by-laws in accordance with the town code as it deems necessary and appropriate.

(Ord. 8-86, passed 4-21-1986; Ord. 6-2016, passed 5-2-2016)