



## CODE OF ORDINANCES

(Adopted by Davie County Board of Commissioners: October 3, 2016)

**State law references:** Boating and water safety, G.S. ch. 75A; conservation of marine and estuarine and wildlife resources, G.S. 113-127 et seq.; state parks and recreation council, G.S. 143B-311 et seq.; county parks and recreation, G.S. 153A-444 et seq.; cities and towns, G.S. 160A-18 et seq.

### Article I: General

#### Section

- 1.01 Title.
- 1.02 Purpose.
- 1.03 Construction of chapter.
- 1.04 Definitions.
- 1.05-1.25 Reserved.

### Article II. Parks and Recreation Advisory Board

#### Section

- 1.26 Creation; membership.
- 1.27 Appointment of members.
- 1.28 Removal of members.
- 1.29 Ex officio member.
- 1.30 Terms of members.
- 1.31 Meetings; quorum.
- 1.32 Attendance of members.
- 1.33 Compensation of members.
- 1.34 Officers generally.
- 1.35 Duties of officers.
- 1.36 Committees.
- 1.37 Bylaws.
- 1.38 Powers and duties.
- 1.39-1.40 Reserved.

### Article III. Operation, Use, Rules and Regulations of Recreation and Park Facilities

#### Section

- 1.41 Territorial Scope.
- 1.42 Fees for use of recreation programs and facilities.
- 1.43 Permits.
- 1.44 Commercial enterprise.
- 1.45 Advertising and Signs.
- 1.46 Meetings and exhibitions.

- 1.47 Preservation of park and plant life.
- 1.48 Water; water pollution.
- 1.49 Swimming; wading; boating.
- 1.50 Hunting; fishing; wildlife; animals at large.
- 1.51 Camping.
- 1.52 Facilities; building; structures; etc.
- 1.53 Aviation.
- 1.54 Disposal of refuse, garbage, etc.
- 1.55 Hours of operation.
- 1.56 Parking and traffic.
- 1.57 Vehicles.
- 1.58 Noise.
- 1.59 Gambling.
- 1.60 Alcohol; drugs.
- 1.61 Fireworks; fires; firearms.
- 1.62 Personal conduct.
- 1.63 Minors.
- 1.64-1.70 Reserved.

#### **Article IV. Prohibition of sex offenders**

##### Section

- 1.71 Scope.
- 1.72 Severability.
- 1.73 Prohibition.
- 1.74 Limited exceptions.
- 1.75 Enforcement.
- 1.76 Penalty.
- 1.77 Signage.

#### **Article V. Greenway Committee**

##### Section

- 1.78-1-95 Reserved for future codification.

## **ARTICLE I. IN GENERAL**

### **1.01 Title.**

This chapter and articles herein shall be known and may be cited as the “Davie County Recreation and Parks Ordinances.”

### **1.02 Purpose.**

The board of commissioners of the county recognizes that adequate recreational programs, facilities and parks are necessary to promote the happiness, safety and quality of life for residents of the county and that making available recreational opportunities for citizens of all ages is a subject of general interest and concern.

### **1.03 Construction of chapter.**

In the interpretation of this and all succeeding recreation and parks ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibitions of any act shall respectively extend to include the causing or procuring, directly or indirectly, of such act.
- (4) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the county recreation and parks department (the "department") or any other employee or agent of the county or the State of North Carolina (the "state") in the line of duty or work, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the Department, the county or the state.
- (5) Any act otherwise prohibited by this recreation and parks chapter or any local ordinance shall be permitted if performed within the confines of a properly issued written permit to do so, as set forth herein.
- (6) This chapter is in addition to and supplements the State Vehicle and Traffic Laws, which are incorporated herein and made a part hereof, including without limitation, the requirement that all persons operating any motor vehicle as defined by state law must have a valid operator's license to operate such vehicle within any county parks.

### **1.04 Definitions**

In the interpretation of this and succeeding recreation and parks ordinance articles, the following terms unless otherwise defined therein, shall mean the following:

*County* means Davie County.

*Department* means the Davie County Recreation and Parks Department.

*Employee* means a person who is employed by the County of Davie, or who contracts with the county or a third person to perform services for the county, or who otherwise performs services for the county with or without compensation.

*Grounds* are an unenclosed area owned, leased, or occupied by the county.

*Foot path or trail* means any path or trail maintained for pedestrians or non-motorized cyclists.

*Park or parks* shall be deemed to include all property and premises owned, leased or used by the county for public recreation and park purposes or functions.

*Official Meeting* means a meeting that is required to be open to the public by the Open Meetings Law, Article 33C of Chapter 143 of the North Carolina General Statutes.

*Parks system* means any tract of land or body of water comprising part of the county's parks, playgrounds, natural areas, recreation areas, trails and greenways, and streams or other bodies of water.

*Pedestrian* means a person on foot.

*Permit* means any written license issued by or under authority of the department, permitting the performance of a specified act or acts on park property.

*Person* means any natural person, corporation, company, association, joint stock association, joint venture, firm or partnership.

*Recreation Facility or Building* means any publicly owned, leased as lessor, or the area leased as lessee, operated or maintained property that is designated or used as a recreation facility by the county and

including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the recreation facility.

*Registered Sex Offender* means any individual who is required to register or is registered with the North Carolina Sex Offender and Public Protection Registry (established under Article 27A of Chapter 14 of the North Carolina General Statutes) or, the Dru Sjodin National Sex Offender Public Registry (maintained by the United States Department of Justice), or any other official state or federal registered sex offender listing maintained by either the United States Department of Justice or any of the several states. For purposes of determining if an individual is registered or is required to register with any one of the official registries, law enforcement officers may rely upon the official website of any state or federal registry of sex offenders and the descriptions published and available from such registry.

**1.05-1.25. Reserved for any future codification.**

**ARTICLE II. RECREATION AND PARKS ADVISORY BOARD**

**1.26. Creation; membership.**

There is hereby created a recreation and parks advisory board composed of not less than nine (9) and not more than eleven (11) residents of the county, to be known as the recreation and parks advisory board.

**1.27. Appointment of members.**

Each member of the recreation and parks advisory board shall be appointed by the board of commissioners.

**1.28 Removal of members.**

Each member of the recreation and parks advisory board serves as a volunteer citizen to assist in advising the department in carrying out the department's mission, vision and values. In the event that a board member is convicted of a felony or any act involving moral turpitude, takes an action deemed to be detrimental to the interest of the County, or misses more than three (3) consecutive meetings in a term-year; the recreation and parks director has a duty to recommend to the board of commissioners the removal of that board member. Prior to any removal, the board member in question, may make a written request for a hearing to the recreation and parks director or the County Manager. Said request shall be given no more than seven (7) days upon receiving the recommendation of removal from the recreation and parks advisory board.

**1.29. Ex officio member.**

A member of the board of commissioners may be designated as an ex-officio member of the recreation and parks advisory board in addition to the nine (9) and not more than eleven (11) voting members. The ex officio member will have a vote on items coming before the recreation and parks advisory board.

**1.30. Terms of members.**

Each member of the recreation and parks advisory board shall be appointed for a three-year term. Appointments shall be arranged so that approximately one-third of the terms will expire each year, except for the representative from the board of commissioners, who shall serve on the recreation and parks board concurrent with his or her term of office on the board. The initial appointment terms of advisory board members shall be staggered at three (3) years, two (2) years and one (1) year so that expiration of terms shall be congruent to one-third. All terms shall expire on July 31 of the appropriate term of appointment.

**1.31. Meetings; quorum.**

Meetings of the recreation and parks advisory board shall be held on a monthly basis, unless determined otherwise by the board. The chairman of the board or, in his absence, the vice-chairman, may call a special meeting of the board at any time by giving each member and the media a forty-eight (48) hour notice. Special meetings will be scheduled upon request by a majority of board members. A quorum of the board shall be in attendance before action of an official nature can be taken. A quorum is at least one (1) more than the number absent, of the appointed members. Parliamentary procedures are adhered to as reflected in

the latest edition of Roberts Rules of Order and shall prevail at official meetings of the recreation and parks advisory board unless otherwise specified by the by-laws.

**1.32. Attendance of members.**

- (1) An appointed member of the recreation and parks advisory board who misses more than three (3) consecutive regular meetings loses his status as a member of the board until reappointed or replaced by the board of commissioners. Absences due to sickness, death or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence the member may be replaced.
- (2) Appointed members of the recreation and parks advisory board shall be required to attend a minimum of three (3) official recreation and park programs or special events per fiscal year (July-June).
- (3) Appointed members of the recreation and parks advisory board shall be required to serve as a volunteer staff for a minimum of one (1) recreation and park sponsored special event.

**1.33. Compensation of members.**

Members of the recreation and parks advisory board shall serve without monetary compensation. Members shall be reimbursed for travel and subsistence relating to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the county.

**1.34. Officers generally.**

There shall be a chairman and vice-chairman of the recreation and parks advisory board. An annual election of the chairman and vice-chairman shall be held by the board members, and shall occur at the regular monthly meeting in March. Officers shall serve for one (1) year from election with eligibility for reelection. New officers shall take office at the subsequent regular meeting in April. If an officer's appointment to the board is removed, a replacement to this office shall be elected by the board from its membership, at the meeting following the removal.

**1.35. Duties of officers.**

- (1) The chairman of the recreation and parks advisory board shall preside at all meetings and sign all documents relative to actions taken by the board. The chairman shall appoint all subcommittees including a nominating committee composed of three (3) board members. A nominating committee shall be appointed at or before the January meeting and shall report at the March meeting of the committee.
- (2) When the chairman is absent, the vice-chairman shall perform the duties of the chairman. When both the chairman and vice-chairman are absent, a temporary chairman shall be selected by those members who are present.
- (3) The director of recreation and parks shall serve as secretary to the board. He may delegate all or part of these duties to another department employee with the approval of the board, but shall hold the office of secretary and shall be held responsible for the satisfactory accomplishment of the secretarial duties. The secretary shall send correspondence via email or postal mail to all members, copies of official reports and the official minutes of all regular and special meetings, prior to the next scheduled meeting.

**1.36. Committees.**

- (1) The executive committee of the recreation and parks advisory board shall consist of the chairman, vice-chairman, secretary (director of parks and recreation), and the representative from the board of commissioners.
- (2) The board chairman is authorized to appoint such committees as, in the opinion of the board, are needed. Standing committees of the board shall be:
  - (a) Program activities and events.
  - (b) Property areas and structures.
  - (c) Budget.
  - (d) Policies and Procedures
- (3) The chairman of the board may appoint such temporary and project committees as needed.

**1.37. Bylaws.**

Operational policies and procedures may be incorporated into a set of bylaws as developed and approved by the recreation and parks advisory board in line with this article and the policies of the county.

**1.38. Powers and duties.**

- (1) The recreation and parks advisory board shall serve as the advisory body for the department of recreation and parks, and the county. The board shall suggest policies to the director of recreation and parks department, the county manager, and the board of commissioners, within its powers and responsibilities as stated in this article. The board shall serve as a liaison between the department, the manager, the board of commissioners and residents of the county. The board shall consult with and advise the director of the department, the county manager and board of commissioners in matters affecting recreation and park policies, program, resources, finances, and the acquisition and disposal of lands and properties related to the total county recreation and park program, and to its long-range, projected program for recreation and parks.
- (2) The recreation and parks advisory board shall assume duties for recreation and parks purposes as follows. The board shall:
  - (a) Make recommendations for the establishment of a system of supervised recreation and parks for the county.
  - (b) Make recommendations to set apart, for use as parks, playgrounds, recreation centers, water areas or other recreation areas and structures, any lands or buildings owned by or leased to the county for approval by the county's authorized body, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation and park program within those funds allocated to the department.
  - (c) Advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by condemnation by the county as provided by NCG.S. Ch. 40A, Eminent Domain, and as approved by the board of commissioners.
  - (d) Advise in the acceptance by the county of any grant, gift, bequest or donation or any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property or any grant or devise of real or personal property so acquired shall be held by the county, used and finally disposed of in accordance with the terms under which such grant, gift or devise is made and accepted.
  - (e) Advise in the construction, equipping, operation and maintenance of parks, playgrounds, recreation centers and all buildings and structures necessary or useful to department function, and advise in regard to other recreation facilities which are owned or controlled by the county or leased or loaned to the county.

**1.39-1.40. Reserved for any future codification.**

**ARTICLE III. RULES AND REGULATIONS**

**1.41. Territorial scope.**

All county recreation and parks rules and regulations shall be effective within the county parks system, facilities and other recreational areas in the county parks and shall regulate the use thereof by all persons.

**1.42. Fees for use of recreation programs and facilities.**

Subject to the provisions of this chapter, fees for the use of the county's recreation programs and facilities, except for the first fee schedule shall be made in accordance with a resident user fee policy recommended by the recreation and parks and recreation advisory board and approved by the board of commissioners.

**Editor's note:** Fees, App. \_\_.

#### **1.43. Permits.**

A permit shall authorize the holder to special uses of recreation and park facilities as set forth in the terms and conditions of the permit. The permit holder shall be held responsible for the terms and conditions of the permit as well as the standard recreation and parks department rules, regulations and policies.

The recreation and parks department reserve the right to revoke a permit if the terms and conditions of the permit or recreation and parks department's rules, regulations and policies are violated. The recreation and parks director, police department, or their representatives have the authority to revoke the permit. The permit holder will forfeit any fees paid for the permit, if revoked, and will be responsible for any damages incurred. The permit holder may request a hearing with the recreation and parks director for any forfeiture of permit fees, deposits or billed property damages. The permit holder must request a hearing in writing or by email instrument, no more than fourteen (14) days upon notification of fee forfeiture or billed damages.

**Editor's note:** Fees, App. \_\_\_\_\_.

#### **1.44. Commercial enterprise.**

- (1) *Commercial operations.* No person shall, in any park or recreation facility, without a permit, sell or offer for sale, hire, lease or let out, any object or merchandise, property, privilege, service or any other thing, or engage in any business or erect any building, booth, tent, stall, or any other structure whatsoever. No person to whom property of any park has been entrusted for personal use shall hire, lease, let out, and sell, the same to any other person.
- (2) No person shall solicit contributions for any purpose whether public or private, except charitable solicitations specifically approved by the director of recreation and parks or designee.
- (3) *Commercial Photographs.* No person shall, without a permit, take photographs or moving picture[s] within the limits of any park for the purpose of selling the negatives thereof or the prints therefrom.
- (4) *Commercial vehicles.* No person shall operate a bus, taxicab, all terrain or other commercial vehicle designed or used for the transportation of passengers or property within any park without a permit, unless designated as part of a recreation and park sponsored program. However, commercial vehicles are allowed to enter a park for the sole purpose of picking up or delivering a patron to the park.

#### **1.45. Advertising and Signs.**

No sign, banner, notice, advertisement of any nature or type shall be erected, posted or attached to or onto an building, amenity, sign, tree or place within any recreation or park facility without permission in writing from the department; nor shall any musical instrument, radio, talking machine, or drum be operated or any noise be made for the purpose of attracting attention to any exhibition of any kind.

#### **1.46. Meetings and exhibitions.**

No person shall in any county park, grounds or facility erect any structure, stand or platform, hold any meetings, or exhibition, perform any ceremony, make any speech, or address except by permit.

#### **1.47. Preservation of park and plant life.**

No person shall remove, destroy, cut down, scar, paint, mutilate, injure, take or gather in any manner any tree, flower, fern, shrub, rock or other plant or mineral in any park. Furthermore, no person shall play golf or practice archery on park property unless part of a park-sponsored program.

#### **1.48. Water; water pollution.**

No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the polluting of the waters.

#### **1.49. Swimming; wading; boating.**

Swimming, wading and boating in the county lakes or other water bodies are prohibited (unless permitted service provided).

**1.50 Hunting; fishing; wildlife; animals at large.**

It shall be unlawful for any person in the county park system to:

- (1) *Hunting.* Hunt, trap, shoot, kill, wound, molest, capture, chase, willfully frighten or attempt to harm any wildlife or wildlife habitat within the park, except as undertaken by authorized park personnel in their exercise of a bona fide wildlife management practice.
- (2) *Fishing; wildlife.* No person shall:
  - (a) Disobey posted notice prohibiting feeding mammals, birds, reptiles, amphibians or fish.
  - (b) Place, dump, abandon, or leave any fish, mammal, reptile or bird, either wild or domestic, on park property.
  - (c) Cause or permit any animal, under a person's custody or his control, to enter the park, except a dog restrained by a leash not exceeding six (6) feet in length, except when such animal is part of a park program. Further, the person having custody of the dog or animal in a park program shall be responsible for the timely removal of any animal solid waste.
  - (d) Bring, use, ride, or drive a horse, mule, cow, or any other animal in any part of the parks, except for commercially licensed horse-drawn carriages, which will be treated as a commercial vehicle for the purpose of this section, or unless the animal is part of a park-sponsored program.
  - (e) Fish without a state fishing license; except as provided for in the state fishing regulations.
  - (f) Violate state regulations of seasons, hours, and fishing/baiting methods or as otherwise designated in park regulations.
  - (g) Catch and keep bass. All bass fishing is catch and release only.

**1.51. Camping.**

No camp shall be maintained in any park except under permit, and at such places and for such periods as may be designated as part of a park sponsored program.

**1.52. Facilities; building; structures; etc.**

No person shall:

- (1) In any manner injure, deface, disturb, destroy, or disfigure any part of any park, nor any building, sign, equipment, or other property found therein.
- (2) Enter an area posted as "Closed," nor shall any person use or abate the use of any areas in violation of posted notices.
- (3) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
- (4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued pursuant to this chapter.

**1.53. Aviation.**

It shall be unlawful for any person within the confines of the park, facility or grounds to voluntarily take off, land, or cause to descend or take off any airplane, flying machine, drone, balloon, parachute, or other apparatus of aviation, except by special permit. Voluntarily shall mean any action other than a forced landing. This section shall also apply to radio-controlled airplanes, helicopters, rockets, etc.

**1.54. Disposal of refuse, garbage, etc.**

No person shall deposit in any part of any park, facility or grounds any garbage, sewerage, refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper or other litter or other waste material or obnoxious material, except in containers and receptacles designated for such purposes. Where receptacle(s) are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

**1.55. Hours of operation.**

Park areas equipped for nighttime activities will close at 11:00 p.m.

All parks will open at 8:00 a.m. and non-lighted facilities or areas will close in accordance with the following schedule:

*Inserted Table:*

December, January	Park hours	8:00 am. - 5:00 pm.
February, November	Park hours	8:00 am. - 6:00 pm.
May, June, July	Park hours	8:00 am. - 8:30 pm.
March, April, August, September, October	Park hours	8:00 am. - 7:30 pm.

**1.56. Parking and traffic.**

- (1) *Parking.* No person shall park a vehicle any place on park or facility property other than in regular designated facilities provided for that particular type of vehicle, unless directed otherwise by law enforcement officers or department employees who are authorized to designate other areas for parking when conditions so warrant. Furthermore, no person shall double-park any vehicle at any time on any road or parkway or parking concourse, unless so directed by a law enforcement officer or park attendant.
- (2) *Where vehicles prohibited.* No person shall drive a vehicle in any park within or upon a safety zone, walk, bridle path, fire lane, trail, service road or any part of any park not designated or customarily used for such purpose.
- (3) *Obstructing traffic.* No person shall cause or permit a vehicle to obstruct traffic by unnecessary stopping.
- (4) *Speed limit.* Rate of speed in excess of fifteen (15) miles per hour is prohibited within any county park.
- (5) *View into vehicles.* Every vehicle driven through any park or parked in any parking space in any park shall have the interior thereof open to full view at all times.
- (6) *Excessive loads.* No person shall operate an excessively loaded vehicle anywhere in any park. The determination as whether a load is excessive will be made by authorized park personnel and will be based upon the load and the condition of the road or pathway.

**1.57. Vehicles.**

- (1) *Motorized vehicles.* It shall be unlawful to operate any motorcycle, all-terrain vehicle (ATV), motorbike, motor scooter, motorized go-cart or any other motor vehicle in or on any public park, public recreation areas or any other publicly owned property within the corporate limits of the county or in or on any such property owned by the county outside the corporate limits of the county, except on streets, parking areas or other public ways designed and intended for motor vehicular use. This prohibition shall not apply to vehicles and equipment being used in connection with the maintenance and event facilitation of such public properties. Motorized vehicles and all-terrain vehicles (ATV's) are prohibited on boardwalks, nature trails/greenways, tennis courts, basketball courts, shelters, disc golf course, trails, and sidewalks.
- (2) *Non-motorized vehicles.* Non-motorized vehicles, pedal bicycles, tricycle, scooters, skateboards, roller skates and roller blades are to be used in/on designated areas only. All non-motorized vehicles are prohibited on boardwalks, tennis courts, basketball courts, shelters, disc golf course and sidewalks.

**1.58. Noise.**

The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

**1.59. Gambling.**

It shall be unlawful for any person to bet or wager on any game of skill or chance or engage in any game of chance in any park or facility.

**1.60. Alcohol; drugs.**

It shall be unlawful for any person in any park or facility to:

Possess alcoholic beverages or illegal drugs or be under the influence of alcoholic beverages or illegal drugs or be disruptive by virtue of such use.

**1.61. Fireworks; fires; firearms.**

- (1) *Fireworks.* Any fireworks or explosive[s] of any kind or nature are prohibited, except by permit.
- (2) *Fires.* No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purposes except by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen (16) years of age from the time it is kindled until it is extinguished.
- (3) *Firearms.* No person shall carry, use, or possess firearms of any description, air rifles, pistols, spring guns, bows and arrows, slingshots, boomerangs, water pistols, or any other form of weapon potentially dangerous to wildlife or human safety on or in county parks, facilities or grounds; except at and in accordance with the rules and regulations as a participant in a program sponsored by the department or law enforcement officer or as stated in G.S. 14-269.2 (k) and G.S. 14-409.40.
- (4) *Concealed carry of handguns.* No person, except those authorized by Davie County Code or NCGS 14-269, may possess a concealed handgun in a Davie County park, recreation facility or building and appurtenant premises. Davie County Recreation and Park facilities include:

Brock Recreation Center	622 North Main Street, Mocksville, NC. 27028
<i>Reserved for future park, facility or preserve</i>	<i>Reserved address of park, facility or preserve</i>
<i>Reserved for future park, facility or preserve</i>	<i>Reserved address of park, facility or preserve</i>
<i>Reserved for future park, facility or preserve</i>	<i>Reserved address of park, facility or preserve</i>
<i>Reserved for future park, facility or preserve</i>	<i>Reserved address of park, facility or preserve</i>

**1.62. Personal conduct.**

It shall be unlawful for any person to:

- (1) Engage in criminal or disorderly conduct of any kind within a recreation and park facility.
- (2) Engage in any activity which may constitute a hazard to the safety of themselves or other persons, except when conducted within reasonable safety guidelines in specific areas designated by special permit.
- (3) Dispose of lighted or unlighted matches, cigars, cigarettes, or any flammable materials or substance in other than trash receptacles or ash cans.
- (4) Engage in threatening language or in excessively noisy conduct of any kind at any time within the park or recreation facility such that it unreasonably disturbs other park patrons, neighbors or department staff. Department staff on duty is empowered to determine whether noise is excessive or unreasonably disturbing.
- (5) Throw rocks or objects of any kind. This does not include balls or game equipment used in athletic events when used in a reasonable manner and in such a way that they do not become hazards to other park patrons.
- (6) Solicit, peddle or beg within any park or recreation facility, or to sell merchandise or wares without a special permit.
- (7) Interfere with or in any manner hinder any employee of the park in the performance of their duties.
- (8) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

**1.63. Minors.**

No parent, guardian or custodian of any minor shall permit or allow such minor to do any act prohibited by any recreation center or park regulations.

**1.64-1.70 Reserved for any future codification.**

## ARTICLE IV. PROHIBITION OF SEX OFFENDERS

### 1.71. Scope.

*Territorial scope.* This article shall be effective within and upon all county recreation and park facilities and shall regulate the use thereof by all persons.

### 1.72. Severability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this article is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this article.

### 1.73. Prohibition.

No Registered Sex Offender shall enter into or upon any recreation or park facility owned, operated or maintained by the County except as permitted by the following section of this ordinance.

### 1.74. Limited exceptions.

- (1) *Polling Place* - When a recreation and park facility is used as a polling place for an election, the registered sex offender may enter for the limited purpose of voting if he or she has right to vote and qualifies to do so at that polling place.
- (2) *Official Meetings* - A registered sex offender who has the right to be present at an Official Meeting shall have the limited privilege of entering on and into a recreation and park facility for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this ordinance. The privilege shall only extend to those parts of the recreation and park facility that are commonplace for meetings of that kind and any registered sex offender found outside of those parts shall be in violation of this ordinance and subject to applicable county laws.
- (3) *Consistency with the Jessica Lunsford Act.* After November 30, 2008, any action prohibited by this article that would also be a violation of G.S. 14-208.18(2008) shall no longer be considered a violation of this article. For example, after November 30, 2008:
  - (a) A registered sex offender who enters a park and/or recreation facility playground will no longer be in violation of this article because of the prohibition of the same conduct by G.S. 14-208.18(a)(1)(2008);
  - (b) A registered sex offender who enters park and/or recreation facility property that is held open to the general public that at the time in question is being used for a youth birthday party may not be deemed in violation of this article because of the prohibition of the same conduct by G.S. 14-208.18(a)(2)(2008); and
  - (c) A registered sex offender will not be in violation of this article for being on park and/or recreation facility property where minors have gathered for regularly scheduled recreational programs because of the prohibition of the same conduct by G.S. 14-208.18(a)(3)(2008).

### 1.75. Enforcement.

*Enforcement* - Duly sworn law enforcement officers with jurisdiction within the county parks and recreation facilities shall have the duty to enforce this article.

*Detaining a subject* - A law enforcement officer may detain a person within a county recreation or park facility under this article for a reasonable amount of time to inquire about that person's status as a registered sex offender if the officer reasonably believes, or has probable cause to believe, that the person is a registered sex offender who is in violation of this article or has committed a crime for which the person, if convicted, could be required to register as a sex offender. Nothing in this section shall limit a law enforcement officer from running any background check that is currently permissible under the law.

### 1.76. Penalty.

Violation of section 1.72 shall be a class 3 misdemeanor and shall be punishable by a fine of up to \$500.00 and or incarceration for a period of time as outlined in G.S. 15A-1340.20 et seq. Each and every entrance into a recreation or park facility, regardless of the time period between such entries, shall constitute a separate offense under this article.

**1.77. Signage.**

Each recreation and park facility should be posted to the effect that registered sex offenders are prohibited so that such persons and the general public are made aware of this article. Notwithstanding this section concerning signage, it shall not be a defense to a prosecution under this article that the recreation or park facility contained no signage.

**ARTICLE V. GREENWAY COMMITTEE\***

**Editor's note:** Ordinance. No. \_\_\_\_\_, adopted \_\_\_\_\_, 2016

**1.78-1.95. Reserved for future codification.**