

ORDINANCE REGULATING USE OF RECREATION AND PARK FACILITIES

ARTICLE I. IN GENERAL

Section 1. Purpose and Findings.

The Board of Commissioners of the Town of Elkin is enacting this Ordinance to establish reasonable regulations for use of Town recreation and parks facilities.

The Board finds that recreation and parks facilities are provided for the general benefit of the citizens of the Town of Elkin and surrounding area and that the recreation facilities are created and maintained for public use under NC G.S. Chapter 160A, article 18. However, when there are no regulations to govern the use of recreation and parks facilities, activities can occur which threaten the safe use of the facilities by the public, may pose traffic hazards, and may have a negative impact on the aesthetic value of the recreation facility.

By enacting this Ordinance, the Board intends to:

- (a) Balance the rights of individuals to utilize recreation facilities in a constructive active or passive manner which does not infringe on the rights of others to do the same;
- (b) Protect the public health, safety, and welfare;
- (c) Reduce traffic and pedestrian hazards; and
- (d) Ensure fair and consistent enforcement of the regulations specified below.

Section 2-1. Recreation and Parks department; authority.

- (a) In accordance with the provisions of G.S. Ch.160A, art. 18, there is created a recreation department within the Town.
- (b) In addition to any other powers the Town may possess, the Town shall have the right to exercise all authority granted to it under G.S., 160A-353.

Section 2-2. Recreation and Parks Director.

The recreation and parks director shall be appointed by and responsible to the town manager for the administration of the recreation and parks department.

Section 2-3 – 2-20. Reserved.

ARTICLE II. RECREATION FACILITY RULES

Section 2-21. 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:

Town recreation facility means a park, playground, athletic facility or any recreational area of any type whatsoever, including, but not limited to walking/hiking trails, paths and greenways, which are owned, leased or otherwise in the possession of the town.

Director means director of the recreation and parks department or authorized agents.

State law reference – General authority relative to recreation and parks, G.S. 160A-350 et seq.

Section 2-22. Trespass.

- (a) All employees of the recreation and parks department of the town shall enforce the rules and regulations of the department that define those activities within or upon a town recreation facility that are prohibited or mandated.
- (b) It shall be unlawful for any person to fail to leave a town recreation facility after having been asked to leave by an employee or authorized agent on account of a violation of the rules and regulations.
- (c) It shall be unlawful, during the hours that the town recreation facilities are closed to the public, for any person to trespass thereon.

Section 2-23. Vehicles in parks.

- (a) It shall be unlawful for any person to drive, propel or otherwise operate or use any motor vehicle, bicycle, minibike, motorcycle or other transportation device, whether motor powered, self-propelled or animal-drawn, in, over or through any town recreation facility, except along and upon roadways or pathways, so designated, in or on town recreation facilities. Roller skates, roller blades, and skateboards shall be permitted in designated areas only and shall not be used upon tennis courts, shuffleboard courts and shelter areas, or elsewhere where their operation is a hazard to life or property.
- (b) Use of bicycles, roller skates, roller blades and skateboards shall be subject to safety regulations of NC G.S. 20-171.6 regarding mandatory helmet laws for operators.
- (c) It shall be unlawful for any person to park or cause to be parked any transportation device upon any town recreation facility except upon parking

areas designated by the director. It shall further be unlawful for any person to park on any roadway or in any designated space of a Town recreation facility except for the purpose of using the park, its facilities and programs. Parking shall be for recreation facility patrons only.

- (d) It shall be unlawful for any person to leave a vehicle parked and unattended upon the grounds of any town recreation facility for longer than 12 hours or overnight without a permit. Any vehicle so parked unattended on the grounds of a recreation facility will be subject to be towed away at the owner's expense. Any such vehicle towed may be reclaimed by its owner upon payment of towing fees.
- (e) Only pedestrian and bicycle traffic are allowed on trails, paths and greenways operated and maintained as a town recreation facility. This section shall not apply to emergency vehicles, or vehicles in the service of the town.

Section 2-24. Advertising.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, posthole, or advertising device of any kind whatsoever in any town recreation facility, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure within any Town recreation facility. This section and its prohibition shall not apply to any signs lawfully erected in specified areas at polling places the day of the election and removed at the close of polling on Election Day.

Section 2-25. Firearms, air rifles, toy arms, concealed handgun permit and other hazardous activities.

It shall be unlawful for any person, except law enforcement officers and members of the armed services when acting in the discharge of their official duties, to discharge, shoot, fire or explode or cause to be discharged, shot, fired or exploded any deadly weapon, air rifle or toy pistol, toy rifle or other toy arms so designed and capable of forcibly hurling a projectile or missile within any town recreation facility. (G.S. 14-415.111c, 14-415.23)

It shall be unlawful for any person to possess any firearm where there is posted a prohibition sign, including a handgun carried under the authority of a lawful concealed handgun permit, at the following recreation and park facilities (i.e. athletic facilities, athletic fields and playground) in accordance with G.S. 14-415.23:

- (a) Elkin Recreation Center;
- (b) Baseball, Softball, Soccer and multi-use athletic fields located within Elkin Municipal Park, Crater Park and Chatham Park during a scheduled, organized athletic event;
- (c) Elkin Municipal Pool;

- (d) any playground within Elkin Municipal Park, Crater Park and Chatham Park;
and
- (e) Tennis Courts located within Elkin Municipal Park;
- (f) It shall be unlawful to participate in any activity considered by the recreation and parks department to be hazardous to persons within any town recreation facility, including but not limited to:
 - (a) hitting of golf balls;
 - (b) hitting of baseballs or softballs other than within designated “ball fields;”
 - (c) throwing or propelling javelins, arrows, spears or other projectiles, including the use of bows and crossbows;
 - (d) the use of “fireworks” or other incendiary devices within any town recreation facility without a permit issued by the director.

Section 2-26. Climbing on buildings and structures.

It shall be unlawful for any person, except a person authorized by the director, to climb upon any recreational building, bridge, rail, dam, cliff, boulder or tree; or, attach to any structure, tree or other natural object any rope, cable, chain or vine for the purpose of a swing.

Section 2-27. Animals running at large; horseback riding.

It shall be unlawful for the owner or the person in possession to permit any horses, dogs, cats or other animals to run at large within any town recreation facility or to ride horses within the same. Owners of dogs and cats must comply fully with the requirements of the Town's "Leash Law" (Chapter 94.03).

Section 2-28. Mistreatment of animals.

It shall be unlawful for any person to trap, catch, injure, tease, kill or treat cruelly any bird or animal, or cause the same to occur, or molest or rob any nest of any bird, or any lair, den, burrow or similar structure of any animal within any town recreation facility. Fishing is allowed only per NC Wildlife Regulations.

Section 2-29. Throwing rocks, bottles, dirt.

It shall be unlawful to throw rocks, bottles, dirt, mud or any similar materials within in any town recreational facility or on any trail or greenway, including the throwing of any of such materials into any water course, pond, or reservoir.

Section 2-30. Alcoholic beverages, controlled substances.

It shall be unlawful for any person to possess, consume or display any alcoholic beverages or any substance included with in the schedules of the North Carolina Controlled Substances Act without a proper prescription in the name of the possessor, within any town recreation facility, unless authorized by the Town of Elkin Board of Commissioners. (G.S. 113-35 (a))

Section 2-31. Littering.

It shall be unlawful for any person to place or cause to be placed any trash, ashes, soil, paper or leaves and other plant debris in or upon any town recreation facility except in containers provided for this purpose. Further, it shall be unlawful for any individual to dispose of household or business garbage in recreation facility garbage containers. (G.S. 113-35 (a); G.S. 14-399)

Section 2-32. Fires.

It shall be unlawful for any person to make or kindle a fire in or upon any town recreation facility except within a fireplace or grill provided for this purpose or to leave an authorized fire unattended by a competent person without having completely extinguished the same and the embers thereof.

Section 2-33. Excavations.

It shall be unlawful for any person to make an excavation in any town recreation facility for any purpose without written permission from the director.

Section 2-34. Digging up, cutting, injuring plants.

It shall be unlawful for any person to dig up, cut, bruise, debark, mutilate or otherwise injure any plant of any type whatsoever within any Town recreation facility without written permission from the director. This section shall not apply to a person walking normally on grass or other similar plants or if an injury to a plant was incidental to an authorized recreational activity.

Section 2-35. Water use other than drinking.

It shall be unlawful for any person in or on any Town recreation facility to use water belonging to the town for any purpose other than drinking unless such person is authorized by the director to use town water for an otherwise impermissible purpose.

Section 2-36. Camping in designated areas.

It shall be unlawful for any person in or on any Town recreation facility to camp/lodge outside of a designated camping area. Camping is restricted to primitive camping (tent camping only) and limited to a single consecutive 24-hour period. Campers

will be required to place any refuse in appropriate containers and adhere to all other park rules and regulations. Campers will be allowed to stay within a designated area between the times of 1:00am and 5:00am Sunday through Saturday. Cross Reference: Recreation Facility Rules Section 2-37.

Section 2-37. Park Closing Times.

It shall be unlawful for any person to operate a motor vehicle within Elkin Municipal Park during the hours of 1:00am and 5:00am Sunday through Saturday. The Town shall have the authority to initiate closing times at other facilities, from time to time, upon notification to the public by posting closing times one week prior to the effective date. All trails and greenways shall operate sun-up to sun-down, unless lighting is provided (Elkin Municipal Park Walking Track). The provisions of this section do not abridge, limit, or affect the rights of members of the public entitled to use recreation facilities of the town as participants, spectators, or otherwise, when they are not violating this article or state laws.

Cross Reference: Recreation Facility Rules Section 2-23(c)-(d).

Section 2-38. Prohibition of convicted sex offenders in public parks.

(a) For purposes of this Section the following definitions shall apply:

1. *Registered sex offender.* An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including but not limited to the sex offender registry established in Chapter 14, Article 27A of the North Carolina General Statutes.
2. *Public park.* Any publicly owned, leased, operated or maintained land or buildings which are designated by the Town of Elkin as a recreational or park facility.

(b) No registered sex offender shall enter into or upon any public park operated by the Town of Elkin. Each entry into a public park, regardless of the time period between such entries, shall constitute a separate offense under this section.

Section 2-39. Volunteers and Volunteer Coaching

To be considered, all volunteers must complete a Volunteer Application. Individuals who seek to volunteer as a youth coach or who volunteer for any recreation program involving children under the age of eighteen (18) must provide the following information to the Recreation and Parks Director or his/her designee:

- (a) A valid North Carolina Driver's License Number and his/her Social Security Number. He/she must submit to a nationwide background check and a random selection fingerprint.

- (b) Fingerprints will be collected at the Elkin Police Department, and will be processed by the State of North Carolina (State Bureau of Investigation).
- (c) Prior to denial or termination of volunteering/employment based on CHRI received from the criminal justice agency, the non-criminal entity shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the SBI for verification that the CHRI record belongs to the individual.
- (d) The Town of Elkin, Elkin Recreation & Parks Department will be responsible for determining volunteer eligibility based on the results of the nationwide background check and/or fingerprinting results.
 - a. Criteria for which a person would be denied to volunteer are any convictions of any felonies, misdemeanors involving drugs, fraud, violence or child abuse, etc.

It is at the discretion of the Recreation and Parks Director or his/her designee to utilize a volunteer depending on need, the applicant's previous experience and/or information revealed through personal interview or background check information.

Section 2-40. Swimming, Jumping, Diving and Fishing.

It shall be unlawful to swim within 200 feet of any structure on any water course running through or adjacent to any Town Recreation Facility unless otherwise posted.

It shall be unlawful to jump, dive, or fish off any bridges or structures into any water course running through or adjacent to any Town Recreation Facility.

Section 2-41. Drones and Hobby Aircraft

Operation and use of Unmanned Aircraft Systems ("UAS") sometimes referred to as "drones" or "hobby aircraft" are prohibited to launch and/or recover on town property. Provided, however, the operation of a UAS which is properly registered with the Federal Aviation Administration (FAA) and permitted by the NC Division of Aviation of the North Carolina Department of Transportation shall be allowed to launch and recover from town property by obtaining, in advance, consent by the Town Manager or designee, which shall be valid for one year. A consent form to launch and recover a UAS from town property shall be accompanied by a copy of a permit to operate a UAS issued by the Division of Aviation of the North Carolina Department of Transportation (Commercial Pilots only) and an acknowledgement by the operator that the UAS will be operated at all times pursuant to all applicable rules and regulations of the FAA and the State of North Carolina for the operation of a UAS. The Town of Elkin reserves the right to limit or prohibit launch and/or recovery of FAA registered UAS on town property at times and the right to revoke consent for a registered FAA UAS from launch and recovery. Operators of a permitted FAA registered UAS under the age of 16 must be accompanied by a parent or guardian. To the extent that applicable authority of these United States or the State of North Carolina adopts rules or regulations that conflict with this Section 2-41, the said rules or regulations shall control.

Section 3. Penalties.

Violations of the provisions of this Ordinance shall be a Class 3 Misdemeanor under the authority of the NC General Statutes 14-4, which provides for a fine of \$50.00. Unless otherwise stated by a specific General Statute. Each violation of this Ordinance shall be treated as a separate offense.