

# CHAPTER 15

## Parks and Recreation

Article I.	In General	15-1 through 15-20
Article II.	Park Regulations	15-21 through 15-50

### Article I. – In General

Section 15-1 through 15-20 Reserved

### Article II. – Park Regulations

Section 15-21. Title.

This article shall be known and may be cited as the “Town of McAdenville Ordinance Regulating Conduct in Town Parks and Public Property.”

Section 15-22. Construction of Article.

- a) Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- b) No provision of this article shall make unlawful any act necessarily performed by any officer or employee of the Town in the line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement.
- c) Any act otherwise prohibited by law or ordinance shall be lawful if performed under, by virtue of, and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

Section 15-23. Definitions. (amended 9/14/2021)

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 Clerk means the Town Clerk of the Town of McAdenville.

Town Council means the McAdenville Town Council.

Mayor means the Mayor of the Town of McAdenville.

Park, park property, public property means and includes all or any portion of any park or other public property in the Town of McAdenville including, but not limited to, Legacy Park, the greenway, and other property owned or leased by the Town of McAdenville.

Permit means any written license issued by or under the authority of the Town Council permitting the performance of a specified act.

Regulation means any regulation duly adopted by the McAdenville Town Council.

#### Section 15-24. Enforcement of Article.

Enforcement of this article is punishable by immediate suspension from the park for not more than thirty (30) days. The Mayor or his designee is empowered to invoke this suspension. Town police officers shall have the duty and responsibility to enforce this article and shall be empowered to issue citations for violations as set forth in section 15-25 when, in their judgment, any provisions have been violated. Violation of suspension is further punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

#### Section 15-25. Penalty for violation of article; fines.

Except as otherwise provided, and in addition to any of the specific penalties set forth in any section of this Chapter, any violation of any provision of this Chapter is punishable by a civil penalty in the amount of \$200.00.

#### Section 15-26. Park preservation.

Upon any park property, it shall be unlawful for any person to:

- a) Destruction of Property. Mark, deface, disfigure, injure, tamper with or displace or remove any tables, benches, trash receptacles, railings, paving or paving materials, waterlines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or playground equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- b) Excavation. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

- c) Damage to plants or grass. Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or disturb grass area, or in any other way injure the natural beauty or usefulness of any area.
- d) Structures. 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 park property, except on special written permit issued pursuant to this article.
- e) Waste. Take into, carry through or put into any park, any rubbish, refuse, garbage, or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles 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.
- f) Signs/Banners. Attach or place any sign, banner, wire, rope cable, or any other contrivance to any building, sign, tree, or other park property without prior written approval from the Town Clerk; such apparatus, if permitted, shall be removed within one (1) hour after the close of the event.
- g) Animals/Waste and Control. 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 the park program. Further, the person having custody of the dog or animal shall be responsible for the removal of any animal solid waste.
- h) Livestock. Bring, use, ride or drive a horse, pony, mule, cow or any other animal in any part of the park unless the animal is part of a park sponsored program, except as provided in subsection (g) of this section.

Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

Section 15-27. Firearms; explosives; alcoholic beverages; drugs; dangerous substances.

It shall be unlawful for any person to bring into or have in his possession:

- a) Firearms. No person shall carry, possess or use any firearm or other dangerous weapon upon any park property, save and except a permitted concealed handgun in accordance with G.S. 14-415.11(c). However, permitted concealed handguns are prohibited in any municipal recreation facility as defined herein. For the purposes of this section, a municipal recreation facility is defined as a playground, an athletic facility or a swimming pool being a McAdenville park. The following recreational facilities are specifically identified by the Town in compliance with G.S. 14-415.11(c): (1) Legacy Park with playground located on Elm Street and an area twenty feet in width around this facility.

- i. Nothing in this section shall preclude the holder of a concealed handgun permit from securing a handgun in a locked vehicle, within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle at the recreation facility.
  - ii. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment.
  - iii. The Town Clerk shall post conspicuous notice at appropriate locations at, on, or within each recreational facility that carrying a concealed handgun is prohibited therein.
- b) Alcohol/controlled substances. Alcohol consumption is prohibited in all parks except where sold or provided pursuant to a State ABC permit. Controlled substances are prohibited unless possessed pursuant to a valid physician's prescription. While in a park persons must conduct themselves in a proper and orderly manner without a breach of the peace.
- c) Fireworks/explosives. Any fireworks or explosives of any kind or nature except as may be otherwise permitted by law.

Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

Section 15-28. Hours of operation.

It shall be unlawful for any person to enter or remain in any park except during those hours of operation that is open to the general public as established by the Town Council and posted accordingly. Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

Section 15-29. Personal conduct. (Amended 9/14/2021)

It shall be unlawful for any person:

- a) To engage in criminal or disorderly conduct of any kind within any park.
- b) To engage in any activity, which may constitute a hazard to the safety of themselves or other persons.
- c) To dispose of lighted or unlighted matches, cigars, cigarettes, cigarette butts, or any flammable material or substance in other than trash receptacles or ash cans.

- d) To engage in threatening language or excessively noisy conduct of any kind at any time within any park such that it unreasonably disturbs other park patrons or neighbors.
- e) To solicit, peddle or beg within any recreation facility or sell any merchandise or wares provided that this subsection shall not apply to: (1) any concession granted by the Town Clerk for a recreation facility; or (2) any solicitation or sale of goods by nonprofit or civic groups, provided that a permit is obtained in advance from the Town Clerk.
- f) To erect signs, posters, billboards or other advertising, notice or information placards on park property.
- g) To be nude in any Town park or recreation facility.
- h) Unless otherwise posted by the Town: (1) to engage in riding skateboards, coaster vehicles, bicycles, roller skates, or roller blades in parks other than the greenway; (2) to engage in riding skateboards on the greenway; or (3) to operate any motorized vehicle in any park, including the greenway, except as may otherwise be authorized by Chapter 6 of these Town Ordinances.

Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

Section 15-30. Registered sex offender prohibited in Town parks and recreation facilities.

It shall be a violation of this ordinance for any registered sex offender to be in or on a public park or recreation facility owned, operated, or maintained by the Town of McAdenville.

Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

Section 15-31. Use of tobacco products prohibited in Town parks.

It shall be unlawful for any person to use tobacco products of any kind in Town parks or Town property.

Violation of this section is punishable as a misdemeanor pursuant to N.C.G.S. § 14-4.

Section 15-32. Effective Date.

This ordinance was adopted and became effective on January 8, 2013.

This ordinance was amended on September 14, 2021. Section 15-23 and Section 15-29(a-h).