

CHAPTER 43:        PARKS AND RECREATION

Use and Operation of Park

- 43.01 Interpretation of provisions
- 43.02 Definitions
- 43.03 Permits
- 43.04 Rates and charges
- 43.05 Hours of operation
- 43.06 Destroying or injuring park property
- 43.07 Disposal of refuse, garbage and the like
- 43.08 Traffic and parking
- 43.09 Animals running at large
- 43.10 Camping
- 43.11 Games and sports
- 43.12 Riding of horses in park
- 43.13 Hunting
- 43.14 Firearms and explosives
- 43.15 Building fires
- 43.16 Smoking
- 43.17 Disorderly conduct
- 43.18 Gambling
- 43.19 Alcoholic beverages
- 43.20 Sale of merchandise, property or services
- 43.21 Posting of advertisements
- 43.22 Sex Offenders

§ 43.01        INTERPRETATION OF PROVISIONS.

In the interpretation of this chapter, these provisions shall be construed as follows:

- (A) Any terms in the singular shall include the plural.
- (B) Any terms in the masculine shall include the feminine and the neuter.
- (C) Any requirement or prohibition of any act shall, respectively, extend and include the causing or procuring, directly or indirectly, of such act.
- (D) No provision hereof shall make unlawful any act necessarily performed by any law enforcement officer or employee of the Town in the line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the Town Board.

## PARKS AND RECREATION

- (E) Any act otherwise prohibited by law or local 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.
- (F) These regulations are in addition to and supplement the state vehicle and traffic laws which are in force in all parks and which are incorporated herein and made a part hereof.

### § 43.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“FOOT PATH OR TRAIL.” Any path or trail maintained for pedestrians.

“OWNER.” Any person owning, leasing, operating or have the exclusive use of vehicle, animal or any other property under a lease or otherwise.

“PARK.” Unless specifically limited, includes all designated areas of recreation under the jurisdiction of the town.

“PERMITS.” Any written license issued by or under authority of the town, permitting the performance of a specified act or acts.

“PERSON.” Any natural person, corporation, company, association, joint stock association, firm or co-partnership.

“REGULATION.” Any rule duly adopted by the town.

### §43.03 PERMITS.

Before any activity, other than those activities carried on by the Town and/or West Rowan YMCA, can be scheduled at the park the following procedure must be followed and regulations complied with:

PARKS AND RECREATION

- (1) Application. A person seeking issuance of a permit under this section shall complete an application with the Town containing the following:
  - a. The name and address of the applicant, group or organization.
  - b. The name and address of the person sponsoring the activity, if any.
  - c. The day and hours for which the permit is desired.
  - d. The portion of the park which the permit is desired.
  - e. An estimate of the anticipated attendance.
  - f. Any other information, which the town shall find reasonably necessary for a fair determination as to whether, a permit shall be issued under this section.
  
- (2) Standards for issuance. The Town shall issue a permit under this section when it is found that the:
  - a. Proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
  - b. Proposed activity and use will not reasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - c. Proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
  - d. Proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Town.
  - e. Facilities desired have not been reserved for another use at the day and hour required in the application.
  
- (3) Compliance with park rules. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the rules and regulations and ordinances were inserted in the permit.
  
- (4) Liability of permittee. The person to whom a permit is issued shall be liable for any loss; damage or injury sustained by any person whatever by reason of the negligence of the person to whom such permit has been issued.

§ 43.04 RATES AND CHARGES.

The rates and charges for renting a shelter shall be established by the Town Board. A copy of the current rates and charges shall be kept on file at all times in the office of the Clerk.

PARKS AND RECREATION

§ 43.05 HOURS OF OPERATION.

The Town Park will be open year round at 7 a.m. Closing hours will vary according to the following: November through January 4:30 p.m., February through April 5:30 p.m., May through July 8:30 p.m., August through October 7:30 p.m.

No person, except employees of the Town and law enforcement officers shall be allowed within the park after hours except by permit.

§ 43.06 DESTROYING OR INJURING PARK PROPERTY

- (A) No person shall remove, destroy, cut down, scar, mutilate, injure, take or gather in any manner any tree, flower, fern, shrub, rock or other plant or mineral in the park.
- (B) No person shall in any manner injure, deface, disturb, destroy or disfigure any part of the park, nor any building, sign, equipment or other property found therein.  
Penalty, see § 10.99

§ 43.07 DISPOSAL OF REFUSE, GARBAGE AND THE LIKE.

No person shall deposit any garbage, sewerage, refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper, other litter or other waste material or obnoxious material, except in containers designated for such purpose.  
Penalty, see § 10.99

§ 43.08 TRAFFIC AND PARKING.

- (A) Where vehicles prohibited. No person shall drive a vehicle in the park on a walking trail or any other part of the park not designated or customarily used for such purpose.
- (B) Parking. No owner or driver shall park or leave unattended any vehicle in the Park other than in a designated parking area. No vehicle shall be left parked unattended after posted Park operating hours. Vehicles left after hours are subject to removal by the town.
- (C) Speed Limit. Rate of speed in excess of 10 miles per hour is prohibited.

PARKS AND RECREATION

§ 43.09 ANIMALS RUNNING AT LARGE.

It shall be unlawful for the owner thereof to allow or permit any dogs or other animals to run at large in the park. A dog must be restrained by a leash not exceeding six feet in length. The animal's owner shall clean up after him. Any animals found at large may be seized and disposed of as provided by the ordinance covering disposal of stray animals on highways or public property.

Penalty, see § 10.99

Cross-reference: Provisions concerning animals, see Ch. 81

§ 43.10 CAMPING.

Camping shall be permitted in the Town Park only when a permit is issued by the Town Board.

*{amended 3-25-10}*

Penalty, See § 10.99

§43.11 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 the park except in specifically designated areas. At no time and under no circumstances shall such games be played in such proximity to playground equipment or park structures as to threaten bodily harm to persons using the park or damage park structures.

Penalty, see § 10.99

§ 43.12 RIDING OF HORSES IN PARK.

No person shall use, ride or drive a horse in the park.

Penalty, see §10.99

§ 43.13 HUNTING.

No person in the park shall hunt, pursue, trap, shoot, injure, kill or molest in any way any bird or animal, nor shall any person have any wild bird or animal in his possession within the park.

Penalty, see § 10.99

§ 43.14 WEAPONS AND EXPLOSIVES.

(A) Weapons. No person except law enforcement officers shall carry or possess weapons of any description within the park, unless properly permitted by North Carolina General Statute 14-415.11. *{amended 01-16-14}*

PARKS AND RECREATION

(B) Explosives. No person shall bring into or have in the Park explosives or explosive substances.

Penalty, see § 10.99

§ 43.15 BUILDING FIRES.

No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purposes or as permitted by the Town Board. Any fire shall be continuously under the care and direction of a competent person over 16 years of age from the time it is kindled until it is extinguished.

No person within the confines of the park shall throw away or discard any lighted match, cigarette, cigar or other burning objects. Any lighted match, cigarette, cigar or other burning object must be entirely extinguished before being thrown away or discarded.

Penalty, see § 10.99 *{amended 3-25-10}*

§ 43.16 SMOKING

No person shall smoke in any park structure. Smoking shall be forbidden by the Town when it is deemed the fire hazard makes such action advisable.

Penalty, see § 10.99

§ 43.17 DISORDERLY CONDUCT.

No person shall disobey a lawful order of a law enforcement officer, nor commit a nuisance, nor use abusive, profane, or insulting language, nor unreasonably disturb or annoy others; nor conduct himself in any disorderly manner whatsoever.

Penalty, see § 10.99

§ 43.18 GAMBLING.

Gambling in the park is prohibited and no person shall bring into the park or have in his possession while there, any implement or device commonly used or intended for gambling purposes.

Penalty, see §10.99

§ 43.19 ALCOHOLIC BEVERAGES.

The public display or use of any alcoholic beverages is prohibited in the park. No person shall have in their possession, nor shall they sell or attempt to sell any alcoholic beverages in the park.

Penalty, see § 10.99

## PARKS AND RECREATION

### § 43.20 SALE OF MERCHANDISE, PROPERTY OR SERVICES

No person shall, without a permit from the Town, 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. Penalty, see § 10.99

### § 43.21 POSTING OF ADVERTISEMENTS

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, poster or advertising device of any kind whatever in any Park, or attach any notice, bill, poster, sign, wire, rod, chain or cord to any tree, shrub, fence, railing, post or structure within any Park, except such persons as authorized by the Town. Penalty, see § 10.99

### § 43.22 SEX OFFENDERS

No individual who is registered, or required to be registered, by any state or federal agency as a sex offender or 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, to enter or remain in the Town Park. Penalty, see § 10.99

*Editor's Note: Chapter 43 was revised and adopted on June 10, 2002, and amended on November 19, 2007, March 25, 2010 and January 6, 2014.*