STATE OF NORTH CAROLINA)
) **ORDINANCE #** 0110510-134
TOWN OF INDIAN TRAIL)

AN ORDINANCE ESTABLISHING CHAPTER 94 -PARK AND RECREATION IN THE CODE OF ORDINANCES OF THE TOWN OF INDIAN TRAIL, INDIAN TRAIL, NORTH CAROLINA

MCA 2011-002

WHEREAS, the Town of Indian Trail wishes to establish rules and regulations within Town owned and maintained parkland to protect the public health, safety and welfare; and

WHEREAS, this ordinance was heard by the Indian Trail Town Council in a public meeting on May 10, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Indian Trail that the Code of Ordinance, Town of Indian Trail, North Carolina is hereby amended by adding a section, to be numbered Chapter 94, which section shall read as follows:

Section 1

CHAPTER 94: PARK AND RECREATION

Section

94.01 Hours of operation
94.02 Private Use of Facilities
94.03 Selling, Peddling, Charging Admission
94.04 Motor Vehicles
94.05 Possess/Consume Alcohol/Drugs
94.06 Possess Firearm/weapon/Fire Works
94.07 Prohibited Activities
94.08 Rules and Regulations for Town Parks and Enforcement
94.09 Penalty

§94.01 HOURS OF OPERATION

(A) Except for unusual and unforeseen emergencies as determined by the Town Council, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be determined by the Town Council and shall be posted therein for public information.

(B) Any section of any park may be declared closed to the public by the Town Manager at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or merely to certain uses, as the Town Manager shall find reasonably necessary. (Ord. passed 5-10-2011)

§ 94.02 PRIVATE USE OF FACILITIES

(A) Exclusive private use of any park or section of park, is prohibited except where authorized in writing by the Town Manager. The park, section of park, or facility shall be posted a minimum of 24 hours prior to and during said event identifying authorized private use (Ord. passed 5-10-2011)

§ 94.03 SELLING, PEDDLING, CHARGING ADMISSION

(B) It shall be unlawful for any person(s) to solicit, peddle, charge admission or fees, or sell goods or services on any city property unless previously authorized in writing by Town Manager. Goods shall include but not be limited to concession goods, t-shirts and similar merchandise. Persons may also receive authorization for the selling of services through the Town Manager. (Ord. passed 5-10-2011)

§ 94.04 MOTOR VEHICLES.

(A) It shall be unlawful for any person to operate or park any vehicle motorized or power driven, to include but not limited to motorbikes, go-carts, golf-carts, mini-bikes, and ATVs, in any park, on any grass, trail or walkway other than as authorized within public vehicular areas and roadways. Authorized town vehicles may be operated in town parks for the purpose of security or maintenance.

(B) It shall be unlawful for any person to perform any non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs or cleaning in any area of the town parks.

(Ord. passed 5-10-2011)

§ 94.05 POSSESS/CONSUME ALCOHOL/DRUGS

It shall be unlawful for any person to bring alcoholic beverages, illegal drugs, beer or wine into a park; nor shall anyone consume the same in a public park except where appropriate ABC permits have been issued to an organization in connection with an authorized event through the issuance of a permit by the Town.

§ 94.06 POSSESS FIREARM/WEAPON/FIREWORKS.

(A) It shall be unlawful for any person to possess or carry on or about his/her person, whether openly or concealed, any deadly weapon including but not limited to: bowie knife, dirk, dagger, loaded cane, metallic knuckles, razor, shurikin, stun gun, pistol, revolver, gun, rifle, or nightstick within any town park or trail way. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment; nor shall this section apply to weapons used for officially sanctioned ceremonial purposes.

(B) It shall also be unlawful for any person to possess a sling shot, BB gun, paint gun or other similar toy or weapon which entails the use of or forcibly hurls a projectile or missile within any town park or trail way.

(C) It shall be unlawful for any person to possess, set off or otherwise cause to explode or discharge or burn any firecrackers, fireworks or explosives within any town park or trail way, except when given prior approval through the Town.

(Ord. passed 5-10-2011)

§ 94.07 PROHIBITED ACTIVITIES

(A) **PETS** -It shall be unlawful for any pets to run at large or be held or restrained by a leash in any park or trail way except where otherwise posted. Where pets are permitted by public park posting they must be restrained by a leash of not more than six (6) feet in length or as otherwise authorized. This section shall not apply to dogs used by law enforcement authorities or other service animals.

(B) **HUNTING AND TRAPPING.** It shall be unlawful for any person to hunt, trap, wound, injure or kill any animal in any town park.

(C) **CAMPING.** It shall be unlawful to camp or stay overnight in or on any town park, greenway, street, or any other town property unless otherwise posted and approved by the Town.

(D) **FIRE.** It shall be unlawful for any person to make or kindle a fire in any town park, except in a regularly constructed 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.

(E) **REMOVAL OF PLANTS, ROCKS OR MINERALS.** It shall be unlawful for any person to take, cut, remove, destroy or injure any artifact, rock, tree, flower, shrub, fern or other plant or mineral in any park. This shall not be construed to interfere with or limit authorized town staff operating, maintaining, managing, improving and beautifying the parks.

(F) **DEFACE STRUCTURES.** It shall be unlawful for any person to willfully mark deface, disfigure, injure, tamper with, displace or remove any structures, equipment, facilities or other property, either real or personal.

(G) **DEPOSIT OF GARBAGE OR REFUSE.** It shall be unlawful for any person to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, rubbish, waste, garbage or refuse anywhere on the park grounds; except that matter may be placed in proper receptacles where provided.

(H) **SKATING AND OTHER ACTIVITIES.** It shall be unlawful for any person to skateboard, roller-skate, rollerblade, cycle, or use a scooter or similar recreational apparatus unless otherwise authorized by posting within the park facility.
(Ord. passed 5-10-2011)

§ 94.08 RULES AND REGULATIONS FOR TOWN PARKS; ENFORCEMENT.

All persons in any park shall obey all posted regulations, signs and directions approved by the Town. These regulations shall apply to all town parks, trails or greenways and the regulations of this article may be enforced by any law enforcement officer within the officer's appropriate territorial and subject matter jurisdiction.
(Ord. passed 5-10-2011)

§ 94.09 PENALTY

The violation of any provision of this chapter shall be a misdemeanor and may be punishable by a fine of not more than $500 or imprisonment for not more than 30-days or both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offence.
(Ord. passed 5-10-2011)

Section 2 – This ordinance shall take effect and be in force from and after the date of its adoption.

SO ORDAINED THIS THE 10th DAY OF MAY, 2011.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Jeffrey L. Goodall, Mayor Pro Tem

Attest:

_____
Peggy Piontek, Town Clerk