

ORDINANCE NO. 00073
AN ORDINANCE ESTABLISHING THE RULES FOR PARKS
IN THE TOWN OF MILLS RIVER

ARTICLE NO. I
AUTHORITY TO ENACT

This Ordinance is enacted by the Town Council of the Town of Mills River pursuant to the authority granted in Chapter 160A of the North Carolina General Statutes, particularly Articles 8 and 18. Proper authority being established, the Town Council does hereby ordain and enact into law this Ordinance, hereby entitled "Rules for Parks in the Town of Mills River."

ARTICLE II
SEVERABILITY

Each section and subsection of this ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of each such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision of such Ordinance shall finally be determined by competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from such Ordinance but every other provision of the Ordinance shall remain in full force and effect.

ARTICLE III
APPLICABILITY

This Ordinance shall be applicable to all land owned by the Town of Mills River and designated as a park.

ARTICLE IV
RULES

The applicable rules are as follows:

The following rules shall regulate the use, occupancy and the conduct of persons in or upon all park property and contiguous parking areas within the town limits of Mills River, North Carolina which is owned or controlled by the Town of Mills River. Parents are responsible for the supervision of their children and shall see that their children adhere to all rules. Failure to adhere to any rule or regulation may result in expulsion from the facility for the day and/or for an extended period of time. Failure to abide will result in violators being immediately evicted and subject to arrest for trespassing.

PART A. GENERAL

1. VEHICLES IN PARKS

Motorized vehicles are not allowed on any trails or walking paths. It shall be unlawful for any person to drive any vehicle anywhere in any park, except upon the regularly established roadways; it shall be unlawful for any person to park or permit to be parked any vehicle anywhere except upon designated parking areas authorized by the Town Manager or designated official. Persons operating a licensed vehicle must possess a valid driver's license or learner's permit (and be accompanied by required licensed operator) to operate a vehicle on park property. Vehicles left unattended for more than 24 hours on Town property, without authorization, will be towed away at the owner's expense. Temporary housing (i.e. motor homes, RV's, tents, house trailers) may not be parked overnight with occupants inside. Only upon the explicit written consent of the Town Manager or designated official, in it's the discretion, may overnight camping be permitted.

Motor vehicle is hereby defined to include mini-bikes, go-carts, motorbikes, golf carts, ATV's or any other self-propelled motorized vehicle. Motorized wheel chairs are exempt from this definition.

2. BICYCLES IN PARKS

Cyclists shall observe all NC statutes controlling or regulating the operation of bicycles, including, but not limited to the NC Helmet Law (see Appendix). All cyclists are encouraged to

wear helmets and appropriate safety gear in the Town of Mills River Park. Bicycles shall be allowed only on designated areas and trails, and on public roadways.

3. SKATES, ROLLERBLADES, AND SKATEBOARDS

The use of skates, rollerblades and skateboards is prohibited on park roads, walkways and parking lots except in signed designated areas. The multi use trail is hereby designated for skates, roller blades, scooters, bicycles and pedestrians only.

4. ADVERTISING

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post pole, or advertising device of any kind whatsoever in any park, or to attach any notice, bill, poster, sign, wire, rod, or cord to any tree, shrub, fence, railing, post, or structure within any park, except by such persons as are authorized by the Town Manager or designated official.

5. PRESERVATION OF PARK PROPERTY

It shall be unlawful for any person to remove, destroy, excavate, mutilate or deface any Town structure, monument, planter, fountain, wall, fence, railing, vehicle, bench, trees, plants, or any other property in any park. It shall be unlawful for any person to use a metal detector in any way so as to destroy, excavate, mutilate or deface any property located within any park. The placement of geocaches is prohibited. Any persons committing any unlawful action above will be subject to applicable penalties.

6. WEAPONS, FIREARMS AND INCENDIARY DEVICES

It shall be unlawful for any person, at any time or under any circumstances within the park to discharge, forcibly hurl, or cause to be discharged or forcibly hurled any edged weapons, including but not limited to knives, archery equipment, sling shots or other similar devices.

It shall also be unlawful for any person, at any time or under any circumstances within any park or upon any park property to discharge, shoot, fire or explode, or cause to be discharged, shot, fired, or exploded any firearms, including, but not limited to air rifles, toy pistols, paintball guns,

toy guns or other toy arms designed to forcibly hurl a projectile or missile. This section shall not apply to law enforcement officers when engaged in the discharge of their duties.

It shall be unlawful for any person, at any time and under any circumstances, within any park or upon any park property to carry or display any weapon in violation of the law of the State of North Carolina.

Open fires and consumer fireworks of any type are expressly prohibited except as specifically allowed at Town of Mills River approved events. All fires and fireworks must comply with the rules, regulations and requirements of the Henderson County Fire Marshall, National Fire Protection Association Codes and Standards, and Chapter 33 of the International Fire Code.

Exceptions with Town Manager or designated official's approval include but are not limited to:

- Animal control devices used by professionals or park staff.
- Approved devices must adhere to any policies adopted by the Town.

7. ANIMALS RUNNING AT LARGE

It shall be unlawful for any person to allow or permit any horses, dogs or other domestic animals to run at large in the park and it shall be unlawful to ride any animal in any park except upon designated and marked bridle trails or at a special event or activity approved by the Town Manager or designated official . Dogs must be leashed at all times and no more than 4 feet from the owner at any time. Pet owners are required to clean-up pet excrement prior to leaving the immediate area. The Henderson County Animal Ordinance (see Appendix) is enforced in all parks, and trails.

The Dog Park will allow dogs to run off-leash within a fenced, designated area only. Pet owners must clean-up pet excrement prior to leaving the immediate area. Only 2 pets are allowed per handler at any given time within the fenced area. Children under the age of 13 must be accompanied by an adult to enter the fenced Dog Park areas. Additional rules and regulations are posted at the site and must be obeyed by all patrons using the Dog Park.

8. MOLESTING ANIMALS

It shall be unlawful for any person to hunt or trap any bird or animal, or molest or rob any nest of any bird or any lair, den or burrow of any animal in or upon any land owned by the Town and administered by the Town Manager or designated official. The feeding of wildlife is strictly prohibited.

It shall also be unlawful to release or place any animal onto land owned by the Town and administered by the Town Manager or designated official for the purpose of allowing such animal to roam freely on such land.

Exception with Town Manager or designated officials approval:

- Animal control devices used by professionals or park staff.

9. DISTURBANCE OF FISH AND AQUATIC LIFE IN PROHIBITED AREAS

Access to Mills River from Town property is restricted to designated areas. It shall be unlawful to fish or swim in any waters other than areas designated by the Town Manager or designated official. NC Wildlife Resources Commission Fishing Rules & Regulations apply.

10. PROFITEERING

It shall be unlawful for any person or organization including non profits to engage in soliciting, advertising, peddling, begging or selling, without permission of the Town of Mills River Town Council at any park within the Town.

11. EXCLUSIVE EVENTS

Exclusive events may be permitted with the permission of Town Council. Such events shall have a written contract, lease or agreement specifying a rental or percentage of sales to be received by the Park Department. An exclusive event is defined as any event (including non-profit) where the applicant is applying for exclusive use of all or any portion of the park outside of the picnic shelter.

The applicant obtaining permission shall be responsible for payment of all license fees as may be applicable. Flea market operations or rummage sales are prohibited.

12. GAMBLING

It shall be unlawful for any person to conduct or carry on any game of chance at which any money, property or other thing of value is bet, whether the same be in stake or not, in any park.

13. DISORDERLY AND/OR DANGEROUS CONDUCT

It shall be unlawful for any person to use any boisterous or insulting language or to be guilty of disorderly and or dangerous conduct of any kind in any park.

14. SEX OFFENDERS

No person registered with the State of North Carolina and/or any other state or federal agency as a registered sex offender shall enter into any park.

15. BEER, WINE, ALE, AND OTHER ALCOHOLIC BEVERAGES

It shall be unlawful for any person to possess consume or to display publicly any beer, wine, ale or any alcoholic beverages in any park except as specifically permitted by the Town Council; and it shall be unlawful for any person under the influence of intoxicating beverages to enter or remain in any park.

16. TOBACCO

The use of tobacco products of any kind are prohibited in any park.

17. 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 any park where signs are posted in such area specifically prohibiting such games. At no time and under no circumstances shall such games be played in such proximity to playground equipment or park structures as to threaten harm to persons using any park or damage to any park structures. The hitting of golf balls from or to any point inside any park is strictly prohibited.

Sports Fields can only be used by individuals or groups as allowed by the Park Department.

18. FIRES and GRILLS

It shall be unlawful for any person to make or kindle a fire in any park or trail, except in a stationary charcoal grill as provided at any park, or a gas grill approved by the Town Manager or designated official or in an area specifically designated by the Town Manager or designated official. 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. The use of any type of grease fryer (deep fryer) is strictly prohibited due to the potential for personal and facility damage from fire and the harmful slippery conditions the grease develops on floors, tables and benches.

Provision, use and disposal of any cooking materials or supplies are the responsibility of the park visitor.

19. DUMPING

No person shall deposit, dump, throw, cast, lay or place, or cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, soil or earth, paper, garbage, oil, refuse, debris, plant clippings or limbs or leaves in or upon any park or park lands or in any watercourse, within said park lands. No household trash is allowed to be placed in any Town trash receptacle. The use of confetti inside any park is strictly prohibited.

20. USE OF PARKS AT NIGHT

It shall be unlawful to use or be inside any park between the hours of dusk and dawn unless otherwise posted.

Exceptions are limited to P&R Dept. authorized after-hours events. Individuals using or being inside any park facility during the hours the park is closed will be subject to the appropriate penalties.

21. AMPLIFIED MUSIC

Musical devices that produce a sound that carries more than 50 feet or is loud enough to disturb other patrons using any park are prohibited. Cars are not to be used as outdoor stereo systems. The judgment of the level of disturbance is up to the Town Manager or designated official. Special events approved by the Town Manager or designated official are not subject to this rule.

The Henderson County Noise Ordinance is enforced within Town Property (see Appendix).

22. REMOTE CONTROL TOYS OR SELF PROPELLED DEVICES

The use of remote control or self propelled devices such as cars, boats, airplanes, or rockets are prohibited within any park unless participating in a special event or activity approved by the Town Manager or designated official.

23. PARK FEES

All park fees and charges associated with the operation of the park owned by the Town of Mills River shall be subject to the approval of Town Council.

24. PICNIC SHELTER USE

Groups and individuals are required to pay a fee established by Town Council to reserve any shelter for their exclusive use. Groups renting shelters reserve the right to use the shelter exclusively for the time period specified on the rental agreement. Picnic shelters must be left clean and free of excessive debris or patrons will be excluded from renting another shelter for one (1) year. The Town Manager or designated official has the authority to ban an individual or revoke rental privileges for the day reserved due to repeated violations of rules and regulations. Town Council may ban of a group or individual for future use for violation of these rules. Patrons refusing to leave the facility due to rules and regulations violations are subject to being prosecuted for trespassing.

PART B. DOG PARK

Small and Large Dog Areas provided-Please use the area appropriate for your dog. (Small dog area classified as 25 pounds or less)

1. Owners are legally responsible for their dogs and any injuries caused by them.
2. Dogs must be properly licensed, inoculated, and healthy.
3. Animals shall wear a collar and ID tags at all times.
4. Owners must clean up after their dogs.
5. Dogs showing aggression toward people or other animals will be removed from the park.
6. Animals who exhibit a history of aggressive behavior will not be permitted to enter.
7. Puppies using the park must be at least four months old.
8. Owners shall not leave their dog(s) unattended or allowed out of sight.
9. Dogs in heat will not be allowed inside the park.
10. Owners must carry a leash at all times. Dogs should be leashed before entering and prior to leaving the park.
11. Children under 13 are not permitted unless accompanied by an adult.
12. Limit of two dogs at a time per handler.
13. Violators will be subject to removal from the dog park and suspension of dog park privileges.

C. ENFORCEMENT

These Rules and Regulations may be enforced by any and all remedies authorized by applicable law. In addition, anyone violating any of these provisions may be required to leave immediately and may be subject to prosecution for trespassing for failing to do so. Town Manager or designated official and law enforcement personnel are authorized and directed to enforce these rules and regulations.

APPENDIX

NC Bicycle Statutes
Henderson County Animal Ordinance
Henderson County Noise Ordinance

N.C.G.S. 20-171.6-14
Section 66A, Henderson County Code
Chapter 125A, Henderson County Code

ARTICLE V EFFECTIVE DATE

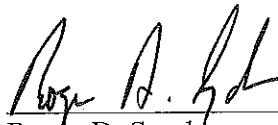
This Ordinance shall take effect and be effective at 12:01 a.m. on the 29th day of June, 2012, and shall be in full force and effect at all times thereafter until duly amended.

ARTICLE VI PENALTIES

Violation of this adopted Ordinance constitutes a Class 3 Misdemeanor and is punishable by a fine of an amount not to exceed \$500.00 and/or incarceration not to exceed 30 days pursuant to North Carolina General Statutes Sections §160A_175(a) and §14_4(a).

ARTICLE VII
AUTHORITY TO ENFORCE

Authority to enforce this Ordinance and impose stated and statutory penalties vests with the Town Manager or other designated official and with appropriate law enforcement bodies and is granted under *N.C. Gen. Stat. §160A_285* and *§160A_286*. ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, THIS the 28th day of June, 2012.



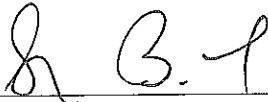
Roger D. Snyder
Mayor

ATTEST:



Susan L. Powell, MMC
Town Clerk

Approved as to form:



Sharon B. Alexander
Town Attorney

