

ORDINANCE NO. 2024-09
AN ORDINANCE AMENDING THE RULES FOR PARKS, GREENWAYS, AND PUBLIC SPACES
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, Greenways, and Public Spaces 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. Neither the Town of Mills River nor any of its agents or employees shall be responsible or liable for any damage to or theft of any property or for any personal injury suffered by any individual while using any park or any park facility. All persons utilize all parks and all park facilities at their own risk. Parents are responsible for the supervision of their children and shall see that their children adhere to all rules. All pet owners are responsible for the actions of their pets and must take all reasonable action to keep their pets under control at all times as provided herein. 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 with the exception of authorized personnel. Authorized Town vehicles may be operated in parks for the purpose of public safety and maintenance. 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 and shall observe all posted speed limits. 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 their 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 wheelchairs and Other Power-Driven Mobility Devices (OPMDs) are permitted as provided in the Americans with Disabilities Act (ADA).

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 Parks and Greenways. Bicycles shall be allowed only on designated areas and trails, and on public roadways. Use of a bicycle on sidewalks is prohibited. Bikers shall yield to pedestrians and use caution while passing.

3. SKATES, ROLLERBLADES, AND SKATEBOARDS

The use of skates, rollerblades and skateboards is **prohibited** on park roads, sidewalks, parking lots, and court surfaces. The multi-use trail is hereby designated for non motorized skates, rollerblades, skateboards, 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. Metal detecting may be authorized in writing by the Town Manager or designated official. Any lost items recovered must be returned to the owner or given to Parks and Recreation staff to be placed in lost and found. 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, except areas explicitly designated as off-leash areas by the Town, 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 except within designated off leash areas. Pet owners are required to clean-up pet excrement prior to leaving the immediate area. Service dogs are allowed in all Park areas with their owner. Service dogs must remain leashed unless a restraint prohibits the animal from successfully performing its trained service. Animals are not permitted to pull any individual on skates, rollerblades, scooters, skateboards, or bicycles with the exception of trained service animals.

The Henderson County Animal Ordinance (see Appendix) is applicable and 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 are not permitted 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. TREATMENT OF 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 official's written 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. Only non-motorized watercraft shall be allowed to put in or be taken out at the canoe/kayak launch. 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 AND SOLICITATION

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. SPECIAL EVENTS

Special events may be permitted as outlined in the Mills River Special Event Policy (see Parks and Recreation staff for copy). Such events shall have a written contract, lease or agreement specifying a rental or percentage of sales to be received by the Park Department. A special event is defined as an event held by a person or organization (including non-profit) not affiliated with the Town of Mills River, where the applicant is applying for 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, 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 and vaping products of any kind are prohibited in any park, greenway, or public building.

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. Batting, kicking, and throwing balls into any fence or wall or on to any roof is prohibited. Mills River Parks and Recreation Department and Town Partners will have field use priority over all other rentals. Fields will be available for open play on a first-come-first

served basis if not reserved. Organized teams are not eligible for open play and must have a rental for field use.

Parks and Recreation staff may close fields due to weather or maintenance in their sole discretion. Use of fields for any purpose is prohibited when closed.

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 Parks and Recreation Department or permitted 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 Town of Mills River 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, drones (Unmanned Aerial Vehicles or UAV) or rockets are prohibited within any park unless participating in a special event or activity specifically approved in writing 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 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.

25. LARGE GROUP USE

Organized groups or activities with more than 15 people are required to have a field or picnic shelter reservation in order to make any use of any park or park facility.

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 are not permitted and must be removed from the park.
6. Animals who exhibit a history of aggressive behavior are not 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 are not permitted inside the park.
10. Owners must carry a leash at all times. Dogs shall be leashed before entering and prior to leaving the park.
11. Children under 13 are not permitted.
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.

14. No food is permitted in the dog park with the exception of training treats.

PART C. TENNIS COURTS

1. Tennis court play requires that all players wear appropriate attire.
2. Rubber soled athletic shoes may only be worn on the courts (no street shoes).
3. Gates shall be closed at all times except when person are entering or exiting the courts.
4. Tennis courts are for tennis and pickleball only. Bicycles, rollerblades, roller skates, skateboards, and scooters are not permitted on the courts. No sport playing of any kind other than tennis and pickleball is permitted.
5. Pets are not permitted on the court with the exception of trained service animals.
6. No mechanical devices (i.e. pitching machines) are allowed.
7. No glass containers, alcoholic beverages, tobacco products, or amplified sound are permitted in the tennis court area.
8. Trash receptacles must be used to keep courts clean from trash and other debris.
9. Sitting or leaning on the nets is damaging to the nets and net straps and is strictly prohibited.
10. Courts are available on a first-come first-served basis unless reserved for Parks and Recreation Department or Partner programs.
11. No teaching or paid service of any kind is permissible except as authorized by the Parks and Recreation Department.
12. Play must be limited to 1 hour if others are waiting.
13. It is recommended that children under 12 are supervised by a parent or adult.
14. Surface is slippery when wet!
15. The ethics of tennis and sportsmanship shall prevail at tennis facilities.

16. Report vandalism, or court damages to Town Hall (M-F / 9 am-5pm): 890-2901. After hours contact Henderson County Sheriff Department at 697-4911 to report vandalism of courts and park facilities. Mills River Park address is 124 Town Center Drive.

17. Park Hours: Dawn to Dusk.

PART D. BASKETBALL COURT RULES

1. No hanging from the rim, nets, or goal supports.
2. Rubber soled athletic shoes may only be worn on the courts (no street shoes).
3. Gates shall be closed at all times except when persons are entering or exiting the courts.
4. Basketball court is for basketball only. Bicycles, rollerblades, roller skates, skateboards, and scooters are not permitted on the courts. No sport playing of any kind other than basketball is permitted.
5. Pets are not permitted on the court with the exception of trained service animals.
6. Full court play allowed only when no one else is waiting to play.
7. No food, glass containers, alcoholic beverages, or tobacco and vaping products are permitted in the basketball court area.
8. Amplified sound and use of profanity is prohibited.
9. Trash receptacles must be used to keep courts clean from trash and other debris.
10. Courts are available on a first-come first-served basis unless reserved for Parks and Recreation Department Activities.
11. No teaching or paid service of any kind is permissible except as authorized by the Parks and Recreation Department.
12. Play must be limited to 1 hour if others are waiting.
13. It is recommended that children under 12 are supervised by a parent or adult.
14. Surface is slippery when wet!
15. The ethics of basketball and sportsmanship shall prevail at basketball facilities.

16. Report vandalism, or court damages to Town Hall (M-F / 9 am-5pm): 890-2901. After hours contact Henderson County Sheriff Department at 697-4911 to report vandalism of courts and park facilities. Mills River Park address is 124 Town Center Drive.

17. Park Hours: Dawn to Dusk.

PART E. BASEBALL/SOFTBALL FIELD RULES

1. Users must abide by all park rules as outlined in as Chapter 90 of the Town Code of Ordinances.
2. Field hours are sunrise to sunset.
3. The primary use of the field is intended for baseball, softball and kickball play. All other uses must be approved by the Parks and Recreation Department.
4. No glass containers, alcoholic beverages, or amplified sound are permitted.
5. Tobacco and vaping products are not permitted.
6. Batting, kicking, and throwing balls into any fence or wall or on to any roof is prohibited.
7. Trash receptacles must be used to keep area clean from trash and other debris. This includes sunflower seeds and bubble gum.
8. Wheeled toys, equipment, or vehicles are not permitted on the field unless permission is granted from the Parks and Recreation Department
9. Pets are prohibited inside the fence, whether on or off leash with the exception of trained service animals.
10. No Pepper.
11. Use of profanity is prohibited.
12. The field will be open to the public when not reserved or closed due to weather or for maintenance
13. Town of Mills River Parks and Recreation Department and Town Partners will have field use priority over all other rentals.

14. Reservations will be made on a first come, first served basis, subject to fee schedule. No individual or group shall have precedence over another except as explicitly provided in these rules.
15. No teaching or paid service of any kind is permissible except as authorized by the Parks and Recreation Department.
16. In case of lightning, no one will be permitted on the fields until thirty (30) minutes after the last visible and/or audible lightning strike. Immediately after the first incident of severe weather in the area, all outside areas (i.e. fields, dugouts, bleachers, etc.) should be cleared of patrons.
17. Altering or installing equipment without the prior written approval of the Parks and Recreation Department is prohibited.
18. Field users and spectators need to park only in designated spaces. Parking is at your own risk, as foul ball damage is possible.
19. Parks and Recreation staff will determine whether a field is playable. Any rental or "open use" may be cancelled or suspended if fields are not deemed playable. All parties with reserved use of field need to seek a determination of playability following any rain that occurs within twenty-four hours prior to the scheduled time or where field is wet on the surface, waterlogged, or frozen.

F. 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
Town of Mills River Noise Ordinance

N.C.G.S. 20-171.6-14
Section 66A, Henderson County Code
Ordinance 2021-1

**ARTICLE V
EFFECTIVE DATE**

This Ordinance shall take effect and be effective at 12:01 a.m. on the 14th day of June, 2024 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 13th day of June, 2024.



A handwritten signature in black ink, appearing to read "Shanon Gonce", is written over a horizontal line.

Shanon Gonce
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Patty Brown", is written over a horizontal line.

Patty Brown, MC, NCCMC
Deputy Town Clerk