

Chapter 16

PARKS AND RECREATION*

- Art. I. In General, §§ 16-101–16-199**
Art. II. Use Of Parks, §§ 16-201–16-299
Div. 1. Generally, §§ 16-201–16-240
Div. 2. Third Parties, §§ 16-241–16-299
Art. III. Community Advisory Committee, §§ 16-301–16-312

ARTICLE I. IN GENERAL

Sec. 16-101. Designation of town parks.

(a) The town council hereby establishes the following town parks to be utilized for the purpose of public recreation:

- (1) Union Street;
- (2) South ~~"D"~~ Avenue; Maiden Rosenwald
- (3) Maiden Park.

(b) The parks listed in subsection (a) are for use by the public through approved recreation programs as authorized by the town council and the town manager and in accordance with town ordinances and such policies, rules and regulations as may be adopted pursuant to this chapter.

(Ord. No. 2-85, § 13-1, 4-1-85)

Sec. 16-102. Policies and procedures.

The town council, upon recommendation of the town manager, shall adopt from time to time, in addition to the regulations set forth in this chapter, policies and procedures governing the use of municipal park and recreation facilities. Those policies and procedures, together with the regulations codified in section 16-201 et seq. of this chapter, shall be made available to the public in such appropriate form as the manager may determine.

(Ord. No. 2-85, § 13-2, 4-1-85)

Secs. 16-103–16-199. Reserved.

*Cross references—Town council, § 2-201 et seq.; town manager, § 2-403; planning, zoning and subdivision control, Ch. 17; streets, sidewalks and other public places, Ch. 18.

State law references—State parks and recreation council, G.S. § 143B-311 et seq.; recreation enabling law, G.S. § 160A-350 et seq.

ARTICLE II. USE OF PARKS

DIVISION 1. GENERALLY

Sec. 16-201. Use of vehicles restricted.

(a) It shall be unlawful for any person to drive or propel any motor vehicle or other vehicle in, over or through any park, except along and upon regularly established roadways and parking lots. 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 his designee.

(b) "Motor vehicle" is hereby defined to include, but is not limited to, automobiles, trucks, minibikes, go-carts, motorbikes, motorcycles or any other self-propelled motorized vehicle.

(c) "Other vehicle" is defined to include, but is not limited to, bicycles.
(Ord. No. 2-85, § 13-30, 4-1-85)

Cross reference—Traffic and motor vehicles, Ch. 20.

Sec. 16-202. Advertising, notices, bills.

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in any park or to attach any notice, bill, poster, sign, wire or cord to any tree, shrub, fence, railing, post or structure within any park except as the same may be authorized by the town manager.

(Ord. No. 2-85, § 13-31, 4-1-85)

Cross reference—Posting bills or other advertising, § 15-102.

Sec. 16-203. Destruction of park property.

It shall be unlawful for any person to remove, destroy, mutilate or deface any structure, monument, statue, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant or any other property in any park.

(Ord. No. 2-85, § 13-32, 4-1-85)

Sec. 16-204. Firearms.

It shall be unlawful for any person, except duly authorized town employees in the course of their duty, to shoot, fire or explode or cause to be discharged, shot, fired or exploded any firearm, including, but not limited to, toy pistols, toy guns or other toy arms designed to forcibly hurl a projectile or missile, at any time or under any circumstances within any park or to carry any firearms in any park. Archery equipment, slingshots or other similar devices may be shot or discharged only in those areas within the parks which may be specifically set aside for such purposes by the town manager and so posted.

(Ord. No. 2-85, § 13-33, 4-1-85)

Cross reference—Firearms regulated, § 15-101.

Sec. 16-205. Animals—Running at large.

It shall be unlawful for any person to allow or permit any horses, dogs or other animals to be in any park, and it shall be unlawful to ride horses in any park except upon designated and marked bridle trails.

(Ord. No. 2-85, § 13-34, 4-1-85; Ord. No. 24-2001, 7-2-01)

Cross reference—Animals, Ch. 4.

Sec. 16-206. Same-Molesting.

It shall be unlawful for any person to trap, catch, wound or kill or cause to be injured, treated cruelly or teased or attempt to trap, catch, wound, kill, injure or tease any bird or animal 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 except as may be specifically authorized by the town manager.

(Ord. No. 2-85, § 13-35, 4-1-85)

Sec. 16-207. Fish and aquatic life.

It shall be unlawful to fish in any waters owned or administered by the town except such portion thereof as may be designated by the town manager under such policies and regulations as may be adopted by the town and conforming to the laws of the state, nor shall it be lawful for any person to remove or capture or attempt to remove or capture, whether by use of seine, trap or other device, any fish or other aquatic life in or from any of the waters within any park or park lands.

(Ord. No. 2-85, § 13-36, 4-1-85)

Sec. 16-208. Selling, peddling, etc.

It shall be unlawful for any person to engage in soliciting, peddling, begging or selling goods or merchandise or to sell, hawk, or vend food or drink within the parks unless written authority is given by the town manager or his designee and unless such selling, peddling, soliciting, etc., is in accordance with other applicable provisions of this Code and state and local laws and regulations.

(Ord. No. 2-85, § 13-37, 4-1-85)

Cross reference—Peddling, soliciting and itinerant merchants, § 6-401.

Sec. 16-209. Political speeches.

It shall be unlawful for any person or persons to organize or sponsor political gatherings or rallies or make political speeches of any kind in any park without first securing a written permit from the town manager.

(Ord. No. 2-85, § 13-38, 4-1-85)

Sec. 16-210. 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.
(Ord. No. 2-85, § 13-39, 4-1-85)

Cross reference—Offenses, Ch. 15.

Sec. 16-211. Disorderly conduct.

It shall be unlawful for any person to use any boisterous or insulting language or to be guilty of disorderly conduct of any kind in any park.
(Ord. No. 2-85, § 13-40, 4-1-85)

Cross reference—Offenses, Ch. 15.

Sec. 16-212. Alcoholic beverages.

(a) It shall be unlawful for any person to consume or to display publicly any alcoholic beverage in any park; and it shall be unlawful for any person under the influence of alcoholic beverages to enter or remain in any park.

(b) "Alcoholic beverage" as used in this section is defined the same as the term is defined in G.S. section 18B-101, or its successor.

(Ord. No. 2-85, 13-41, 4-1-85)

Cross reference—Alcoholic beverages, Ch. 3.

Sec. 16-213. 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 when 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 the park or damage to the park structures.

(Ord. No. 2-85, § 13-42, 4-1-85)

Sec. 16-214. Excavations.

It shall be unlawful for any person to make an excavation in any park for any purpose without written permission from the town manager.

(Ord. No. 2-85, § 13-43, 4-1-85)

Sec. 16-215. Fires.

It shall be unlawful for any person to make or kindle a fire in any park except in a regularly constructed or an appropriate portable 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.

(Ord. No. 2-85, 13-44, 4-1-85)

Cross reference—Fire protection and prevention, Ch. 10.

Sec. 16-216. 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, refuse, debris, plant clippings, limbs or leaves in or upon any park or park lands or in any watercourse, lake, pond or slough within such park lands.

(Ord. No. 2-85, § 13-45, 4-1-85)

Cross reference—Garbage and refuse, Ch. 11.

Sec. 16-217. Plant material.

It shall be unlawful for any person to dig, cut, bruise, mutilate or cause to be transplanted, cut, bruised, debarked or mutilated any plant material of all and any description within any park land without written permission of the town manager or his designee.
(Ord. No. 2-85, § 13-46, 4-1-85)

Sec. 16-218. Indecent behavior.

No person shall make indecent or vulgar motions or do any indecent or vulgar acts whatever or exhibit any indecent, vulgar or lewd articles or pictures in view of any person within any parks in the town.
(Ord. No. 2-85, § 13-47, 4-1-85)

Cross reference--Offenses, Ch. 15.

Sec. 16-219. Use at night regulated.

Public use of any portion of the town parks during the hours of 10:00 p.m. to 7:00 a.m. shall be unlawful. All parks shall close by 10:00 p.m. until 7:00 a.m. unless the town recreation department has planned and supervised activities that would run larger than 10:00 p.m. Normal hours of operation of town parks and recreation facilities shall be established from time to time by the town manager or his designee and shall be conspicuously posted as may be appropriate.
(Ord. No. 2-85, § 13-48, 4-1-85; Ord. No. 8-92, 6-1-92)

Sec. 16-220. Adoption and enforcement of regulations.

The town council, upon recommendation of the town manager, shall adopt such policies, rules and regulations as may from time to time be required to implement the foregoing sections, and the manager shall take such actions as may reasonably be necessary to enforce this article.
(Ord. No. 2-85, § 13-50, 4-1-85)

Secs. 16-221--16-240. Reserved.**DIVISION 2. THIRD PARTIES****Sec. 16-241. Statement of policy.**

It is the policy of the town council to make town park and recreation facilities available to as many residents of the town and vicinity as is reasonably possible and to do so in a manner which does not discriminate against any person or group by reason of age, sex, race, religion, political affiliation or national origin but which does recognize the obligation of the town to first attempt to meet the needs of its citizens before responding to the requests of nonresident individuals and groups.
(Ord. No. 2-85, § 13-60, 4-1-85)

Sec. 16-242. Procedures.

(a) Recognizing the limited availability of town personnel to organize, conduct and supervise all recreational activities at town facilities, the town council may from time to time, upon recommendation of the manager, authorize such groups or individuals as the council may deem necessary and appropriate to program activities and events at town park or recreation facilities.

(b) Selection of groups or individuals who wish to conduct recreational programs and events shall be based upon determinations by the council that the proposed programs or events are in the best interest of the citizenry, that the same can or will be conducted in accordance with the policies and the intent of this chapter, and that they represent the maximum beneficial use of available facilities.

(c) The town council may from time to time authorize the town manager or his designee to authorize the use of town recreation or park facilities by groups or individuals without prior approval by the council. If such authority is granted to the manager, the same shall be noted upon the minutes of the council and among the policies and procedures which may be adopted from time to time pursuant to this chapter.

(d) The town council, upon recommendation of the manager, shall adopt or shall authorize the manager to adopt policies and procedures governing access to and use of town park and recreational facilities. Those policies and procedures shall be consistent with this chapter and may include, but not be limited to, fees for use of facilities, use of concession stands for sale of food and drink, shared use of facilities, application procedures and forms for the use of facilities and related matters.

(Ord. No. 2-85, § 13-61, 4-1-85)

Secs. 16-243–16-299. Reserved.

ARTICLE III. COMMUNITY ADVISORY COMMITTEE*

Sec. 16-301. Creation, membership.

There is hereby created the Maiden Community Advisory Committee composed of seven (7) citizens of the town.

(Ord. No. 8-86, § 13-201, 4-21-86)

Sec. 16-302. Committee powers and duties.

(a) The Maiden Community Advisory Committee shall advise the town council, town manager and director of the department of parks and recreation on matters having to do with the town's overall recreation and leisure programs, its department of parks and recreation and the town's various recreation facilities.

*Cross reference—Administration, Ch. 2.

State law reference—Administration of parks and recreation programs, G.S. § 160A-354.

(b) The community advisory committee's duties and responsibilities shall include, but are not specifically limited to, the following:

- (1) To serve as a liaison between the community's citizens and the town council, manager and department director;
- (2) To review and recommend to the town council, manager and department director policies for the operation of the town's recreation and leisure programs and the town's various park and recreation facilities, including the establishment of plans and programs for supervised and unsupervised use of the Maiden community center, ball fields and other park and recreation facilities of the town.
- (3) To consult with and advise the town council and management regarding long- and short-range planning for recreation and leisure programming, current programs and activities, personnel needs, finances, property acquisition and operation and similar matters.
- (4) To encourage community interest and participation in a broad-based recreation and leisure program and to encourage financial support for such a program from members of the public and the business community.

(Ord. No. 8-86, § 13-202, 4-21-86)

Sec. 16-303. Appointment of the committee.

Each member of the community advisory committee shall be appointed by the mayor with the approval of the town council.

(Ord. No. 8-86, § 13-203, 4-21-86)

Sec. 16-304. Ex officio members.

A member of the town council may be designated as an ex officio member of the community advisory committee. The town manager shall be an ex officio member of the committee.

(Ord. No. 8-86, § 13-204, 4-21-86)

Sec. 16-305. Terms of membership.

Each member of the community advisory committee shall be appointed for a three-year term, except that the initial appointments shall be arranged so that approximately one-third of the terms will expire each year. There shall be initially two (2) people with one-year terms, three (3) people with two-year terms and two (2) people with three-year terms.

(Ord. No. 8-86, § 13-205, 4-21-86)

Sec. 16-306. Meetings.

(a) *Regular meetings.* Commission meetings shall be held monthly unless otherwise determined by the committee.

(b) *Special meetings.* The chairman may call a special meeting of the committee at any time by giving each member a twenty-four-hour notice. Special meetings may be called upon request of four (4) or more committee members.

(c) *Quorum.* A quorum of the committee shall be required to constitute an official meeting. A quorum is at least one (1) more than the number absent of the appointed members. (Ord. No. 8-86, § 13-206, 4-21-86)

Sec. 16-307. Attendance of members.

An appointed member of the community advisory committee who misses more than three (3) consecutive regular meetings loses his status as a member of the committee unless reappointed by the mayor under section 16-303. Absences due to sickness, death or similar circumstances shall be excused absences and shall not affect the member's status on the committee, except that in the event of numerous absences, a member may be replaced by the mayor upon recommendation of the chairman. (Ord. No. 8-86, § 13-207, 4-21-86)

Sec. 16-308. Compensation.

Community advisory committee members shall serve without compensation. Members shall be reimbursed for travel and subsistence expenses incurred in attending professional recreation meetings, conferences and workshops, such reimbursement to be made in accordance with the general policies of the town which shall include pre-attendance approval of the meeting by the town manager.

(Ord. No. 8-86, § 13-208, 4-21-86)

Sec. 16-309. Officers.

(a) There shall be a chairman and vice-chairman of the community advisory committee who shall be chosen annually by the committee members at the regular monthly meeting in July.

(b) Officers shall serve one-year terms and may be reelected. New officers shall take office at the next regular meeting following their election. Officer vacancies shall be filled by the committee at the meeting following the occurrence of the vacancy.

(c) The director of parks and recreation shall serve as secretary of the committee. (Ord. No. 8-86, § 13-209, 4-21-86)

Sec. 16-310. Officers' duties.

(a) *Chairman.* The community advisory committee chairman shall preside at all meetings and sign all documents relative to action taken by the committee. The chairman shall appoint all subcommittees, including a nominating committee to be composed of two (2) committee members and to be appointed at least thirty (30) days prior to the July meeting.

(b) *Temporary chairman.* When the chairman is absent, the vice-chairman shall perform the duties of the chairman. When both the chairman and vice-chairman are absent, a temporary chairman shall be selected by those members who are present.

(c) *Secretary.* The director of parks and recreation shall serve as secretary to the committee. He may delegate all or part of these duties to another department employee with the approval of the committee but shall hold the office of secretary and shall be held responsible for the satisfactory accomplishment of the secretarial duties. The secretary shall mail to all members copies of official reports and the official minutes of all regular and special meetings prior to the next scheduled meeting.

(Ord. No. 8-86, § 13-210, 4-21-86)

Sec. 16-311. Committees.

(a) *Executive committee.* The executive committee of the community advisory committee shall consist of the chairman, vice-chairman, and secretary.

(b) *Subcommittees.* The committee chairman is authorized to appoint such subcommittees as he deems necessary. Standing committee suggestions are:

- (1) Program and activities;
- (2) Areas and structures;
- (3) Budget;
- (4) Personnel; and
- (5) Policies and procedures.

(c) *Temporary and project committees.* Temporary and project committees shall be appointed as needed.

(Ord. No. 8-86, § 13-211, 4-21-86)

Sec. 16-312. Bylaws.

The community advisory committee may adopt such bylaws in accordance with the town code as it deems necessary and appropriate.

(Ord. No. 8-86, § 13-212, 4-21-86)

