

**NEW HANOVER COUNTY**  
**PARKS & GARDENS DEPARTMENT**  
**ORDINANCES**

**SEC. 13-1. PROHIBITED ACTIVITIES**

It shall be unlawful for any person in any park, recreation center, playground, swimming pool, swimming area, ball field, tennis court or any other recreation facility, and the parking facilities thereof, owned or controlled by New Hanover County to:

- (1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any structure, equipment, facilities or other property, either real or personal.
- (2) Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, or dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (3) Bring in, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, wastes, garbage, refuse, or other trash.
- (4) Fail to obey all traffic officers and Parks & Gardens Department employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks.
- (5) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
- (6) Drive any vehicle on any area except the paved park roads or parking areas or such other areas as may be specifically designated by the Parks & Gardens Department.
- (7) Park a vehicle in other than an established or designated parking area.
- (8) Swim, bath or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or such as may be established by the Parks & Gardens Department.
- (9) Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of the public.
- (10) Violate the regulation that use of the individual fireplaces, together with tables and benches, follows generally the rule of "first-come, first-served," UNLESS a picnic reservation has been issued.
- (11) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.
- (12) Camp in any area without permission of the Parks & Gardens Department. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a camper-trailer, house trailer or the like without permission of the Parks and Gardens

Department.

(13) Bring or have in his possession, or set off or otherwise cause to explode or discharge or burn any firecrackers or other fireworks or explosives; or discharge them; or throw them into any such area from land or highway adjacent thereto.

(14) Build or attempt to build a fire. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars or other flammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(15) Enter an area posted as "Closed to the Public."

(16) Sleep or protractedly lounge on the seats, benches, floors or other areas; or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(17) Disturb or interfere unreasonably with any person or party occupying any area or participating in any authorized activity.

(18) Sell food, beverages or merchandise or solicit donations for any individual, group, company or corporation which is not solely nonprofit in nature.

(19) Carry, use or possess firearms or other dangerous weapons of any nature within any park; however, this section shall not apply to law enforcement officers when engaged in the discharge of their duties.

(20) Enter, use or remain within any park between the hours of 12:00 midnight and 8:00 a.m. unless a written permit therefore has been obtained from the Parks and Gardens Department. (Ord. of 3-5-79, SS1)

### **SEC. 13-2 GENERAL REGULATIONS.**

(1) Open fires. No open fires are allowed. All fires must be in park-provided or department-approved grills.

(2) Misuse of facilities. Flagrant misuse of parks and recreational facilities will result in forfeit of future reservation privileges.

### **Establishment, enforcement of rules, regulations**

(1) The Parks & Gardens Department has the authority and responsibility to establish and enforce any rules and regulations governing the use and maintenance of parks and recreational facilities.

(2) A copy of the rules and regulations governing the use and maintenance of parks and recreational facilities may be obtained from the Parks & Gardens Department. A violation of any rules and regulations established by the Parks & Gardens Department shall constitute a violation of this chapter. (Ord. of 3-5-79, SS 2; Ord. of 5-5-86)

### **SEC. 13-3 CLOSING WHEN NECESSARY.**

Any section or part of any park or recreation area or facility may be declared closed to the public by the Parks & Gardens Department at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and to certain uses. (Ord. of 3-5-79, SS 3)

#### **SEC. 13-4. AUTHORITY OF DIRECTOR TO EJECT DISORDERLY PERSONS.**

The Parks & Gardens Department Director and any authorized department employee shall have the authority to eject from any recreation facility any person acting in violation of this chapter or in violation of rules and regulations enacted pursuant to this chapter or any ordinance adopted by the County Commissioners. (Ord. of 3-5-79, SS 4)

#### **SEC. 13-5. PENALTY FOR VIOLATION OF CHAPTER**

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00), or imprisonment for not more than thirty (30) days in the discretion of the court, as provided by section 14-4 of the General Statutes of North Carolina. (Ord. of 3-5-79, SS 5)

This ordinance shall take effect on the 5th day of March, 1979.

#### ***SPECIAL RULES AND REGULATIONS:***

In accordance with New Hanover County Parks and Gardens Department Ordinances, Section 13-2, "General Regulations," Subsection (c)(1), the following "Special Rules and Regulations" are in effect:

When groups or individuals make reservations to use a facility, the following rules shall be followed:

##### **1) EXCESSIVE NOISE:**

It shall be unlawful to violate New Hanover Code, Section 11-54, Article III. Noise, hereafter referred to as the "Noise Ordinance." In addition, the New Hanover County Parks and Gardens Department may make a determination that an activity or event is in violation of New Hanover County Code, Section 11-57. "Sounds-Generally," Subsection (b)(5), when the volume of such sound causes complaints to be lodged by the general public.

##### **2) POSSESSION AND DISTRIBUTION OF ALCOHOL:**

A) Possession of fortified spirits (liquor) is prohibited from any park facility. Beer and unfortified wine may be possessed and consumed by those in attendance at a reserved event only within fifty (50) feet of the perimeter of the picnic shelter or area where the event is being held.

B) Sale of any alcoholic beverage, whether by direct sale or through the price of admission to any event, is prohibited under any circumstances.

C) All North Carolina laws relating to drinking age, operating a motor vehicle, or any others are in full effect on County park facilities.

D) Any distribution of alcoholic beverages by the sponsors of an event must follow the rules set forth in the ABC permit for that event. A copy of a valid ABC permit for the event shall be submitted at the time the reservation is made.

##### **3) SECURITY:**

Any event which is expected to attract more than two hundred (200) people shall require the filing and approval of a written statement detailing the security plan for the event when the reservation for the facility is made. Security for the event must be provided by sworn law enforcement officers from within the State of North Carolina, or must be provided by a private Security company currently licensed in the State of North Carolina. The Parks & Gardens Department shall have the authority to waive this requirement when it is determined to be unnecessary.

#### 4) INDEMNITY:

The sponsor of a scheduled event which is expected to attract more than two hundred (200) people shall submit a current Certificate of Insurance, naming New Hanover County as a co-insured party. The insurance must provide for a minimum of one million dollars (\$1,000,000) in general liability insurance coverage per occurrence.

In any situation, the Parks and Gardens Department may require an event sponsor to provide proof of insurance or sign an indemnity statement holding New Hanover County harmless.

#### 5) CONTROL OF PETS ON COUNTY PARKS:

A) Dogs and pets must be on a leash and under control at all times.

B) Dogs and pets are prohibited from entering any park building (rest rooms, community centers, etc.)

C) Dogs and pets are prohibited from any established athletic field or court (i.e. baseball/softball fields, football/soccer fields, tennis courts, basketball courts).

D) Dogs and pets are prohibited within fifty feet (50') of any children's playground.

E) Dogs and pets are prohibited within one hundred feet (100') of any concession or vending area.

F) Dogs and pets are prohibited from any mass gathering, identified as any planned gathering of two hundred (200) or more people.

G) The owner or person in charge of a dog or a pet in a County Park is responsible for removing feces or other litter left behind by that animal.

H) The owner or person in charge of a dog or pet in County Parks is subject to Section 13-4, Authority of Parks and Gardens Director to Eject Disorderly Persons, and Section 13-5, Penalty for Violation of Chapter.

I) Paragraphs 2,3,5 and 6 of this Rule does not apply to assistance dogs accompanying persons with disabilities.

In the event that violations of these rules shall occur, the Parks and Gardens Director or his designee may exercise the authority found in New Hanover County Ordinance, Section 13-4, "Authority of Director to Eject Disorderly Persons."