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13.15.010 Purpose

The purpose of this Article is to provide, by clear, consistent, and enforceable regulations, the safety, security, and enjoyment of the Town's parks in accordance with those North Carolina General Statutes authorizing the establishment and operation of municipal parks and the prohibition and abatement of conditions detrimental to public health, safety, and welfare.

13.15.020 Definitions

For the purposes of this Article, the following words, terms, and phrases shall have the meaning set forth below except where the context clearly indicates a different meaning:

Department shall mean the Town's Recreation Department.

Director shall mean the Town's Recreation Director or his/her designee.

Organized Event shall mean an organized activity by the Town that is open to the public, taking place on park property, and having as its purpose entertainment, recreation, or education such as a festival, celebration, race, parade, or concert.

Parks shall mean the Joe Eakes Park and the Ocean Front Park and Pavilion.

Park property shall mean the parks, parking areas, open space, greenspace, natural areas, playgrounds, ball fields, playing courts, pavilion, and buildings, and structures within the Town's park system.

Permit shall mean a document provided by the Department granting permission for use of park property and which sets forth terms and conditions applicable to said use.

Person shall mean any person, firm, association, joint venture, partnership, company, corporation, entity, or organization of any kind.

Pet shall mean any domesticated animal kept for pleasure rather than utility, but excluding any animal that would reasonably be considered a farm or exotic animal.

Plant shall mean any tree, vine, shrub, flower, fungi, or related living organism.

Service animal shall mean a dog that is individually trained to do work or perform tasks for people with disabilities as defined by the Americans with Disabilities Act ("ADA"), and such work or tasks are directly related to the individual's disability. A service animal must be housebroken, remain under the control of its handler and either be harnessed, leashed, or tethered unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In such a case, the handler must maintain control of the animal through voice, signal, or other effective controls.

A miniature horse may also qualify as a service animal but must meet the following additional requirements: (1) the facility must be able to accommodate the miniature horse's type, size, and weight; and (2) the miniature horse's presence will not compromise legitimate safety requirements.

Town shall mean the Town of Kure Beach, North Carolina.

13.15.030 Park Hours and Closures

- A. Excepting organized events and activities authorized under a permit, the parks shall be open to the public from sunrise to sunset unless otherwise indicated. Lighted court facilities shall be open until 10:00 PM unless conditions otherwise prohibit. Town Council may modify all park hours.
- B. It shall be unlawful for any person to enter on park property before the park's opening time or enter/remain on park property after the park's closing time.
- C. No person shall enter any area of a park posted as "Closed to the Public."
- D. The provisions of this Article shall not apply to emergency personnel or Town employees, agents, or contractors while discharging their duties, or to any person having the Director's written permission to be or remain on park property.
- E. When circumstances dictate and in the interest of public safety, Town Council may restrict park usage and/or close the parks or areas within the parks to public entry until such time as the area is deemed safe for public use. Notice of closure shall be posted at the subject park and only authorized persons may enter closed or restricted areas.

13.15.040 Park Facilities and Property

- A. No person shall willfully mark, destroy, deface, vandalize, or otherwise damage any building or other property belonging to or used by the Town in any park.
- B. No person shall construct or erect on park property any building or structure, whether permanent or temporary, except as part of an organized or permitted event.

13.15.050 Interference with Park Events

No person, group, or organization shall block the entrance or exit of any park, disrupt or interfere with events scheduled at a park, or prevent any other person, group, or organization from lawfully using a park.

13.15.060 Commercial Activities

- A. No person shall engage in the commercial sale of or offer to sell any goods, wares, drinks, food, or similar items, nor render or offer to render any service for hire at a park except as authorized by contract or under a permit issued by the Director.
- B. No person shall place on park property any stand, cart, or vehicle for the transportation, sale, trade, or display of any article, material, or service unless approved by the Director in conjunction with a permitted use of park property.

13.15.070 Noise

Park users shall preserve the peace and quiet enjoyment of the parks by complying with the regulations set forth in KBC 8.04 governing noise and amplified sound.

13.15.080 Fireworks and Explosives

Except by permit or in conjunction with an organized event, no person shall possess or use any kind of firework or other explosive material on park property.

13.15.090 Litter and Dumping

No person shall dump, deposit, place, or throw any garbage, waste, or other trash on park property except in proper receptacles where provided. Where receptacles are not provided, such garbage, waste, or other trash shall be carried away from park property by the person(s) responsible for its presence.

13.15.100 Parking

- A. No person shall park a vehicle on park property at any place other than in a designated parking space provided for that particular type of vehicle unless directed otherwise by a law enforcement officer, Department employee, or by official signs or markings.
- B. No operator of any vehicle shall leave the vehicle parked on park property after closing hours without written permission of the Director. Such permission shall be displayed in a conspicuous space within the vehicle while it is parked after hours.
- C. Vehicles parked in unauthorized areas which pose a threat to public health and safety may be towed at the owner's expense.
- D. No vehicle shall be parked on park property when the vehicle is parked there for the purposes of a sale, lease, gift, or repair.

13.15.110 Firearms and Other Weapons

- A. In accordance with the provisions of KBC 6.02.040, firearms of any kind shall not be discharged in the parks or on park property.
- B. In accordance with the provisions of KBC 6.02.070, it shall be unlawful for any person to willfully and intentionally carry, concealed about their person, weapons, including handguns, while on park property.

13.15.120 Animals and Pets

- A. Pets and service animals brought into park buildings and structures must be housebroken. Any person bringing a pet or service animal onto park property shall keep the animal on a leash and under his/her immediate personal supervision and control. Leashes shall conform to the requirements of KBC 9.04.010. Dogs are allowed to be without a leash in park areas

specifically designated as off-leash areas provided that each dog therein remains under the immediate personal supervision and control of a responsible person.

B. Persons bringing a pet or service animal onto park property are required, under KBC 9.04.020, to carry appropriate material to immediately remove any fecal waste left by their animal on park property and dispose of that waste into a trash or other receptacle intended for such disposal. Where receptacles are not provided, the person shall remove the fecal waste from the park property.

C. No person shall abandon or leave any pet or animal in a park or on park property.

13.15.130 Camping and Overnight Use

No person may park a vehicle overnight on park property nor may any person erect a tent, tarp, or shelter or lay down bedding materials at any time to camp, sleep, or store personal belongings on park property except as authorized by permit and then only in areas designated for such purpose. Unauthorized camping or storage of personal belongings on park property shall be deemed to constitute a public nuisance which the Town is authorized to summarily abate.

13.15.140 Fires and Firewood

A. No person may light, build, or maintain a fire in any park except in a device provided, maintained, or designated for such purposes by the Department, unless otherwise authorized by the Director in writing and only at Joe Eakes Park.

B. No person may cut, gather, or collect wood or other combustible material at any park unless authorized by the Director.

C. Any fire or lighted grill authorized by the Director shall not be left unattended, and any person starting a fire or lighting a grill shall not leave the area without extinguishing such fire.

D. The Director shall not authorize the use of fires or lighted grills during periods when a fire hazard has been declared "high" or greater by the North Carolina Forestry Commission, the Town's Fire Department, or similar agency.

13.15.150 Protection of Natural Resources

A. No person shall dig, cut, break, move, remove, destroy, or otherwise harm or tamper with any soil, trees, shrubs, plants, or other natural resources without prior written authorization from the Director.

B. No person shall hunt, trap, pursue, injure, remove, or otherwise disturb any animal, including mammals, birds, or other living creatures and their eggs and nests, except upon written authorization of the Director.

C. No person shall feed any non-domesticated animal in any park.

13.15.160 Toxic and Hazardous Materials

No person shall bury, discharge, or intentionally dispose of a toxic or hazardous substance in a park or on park property.

13.15.170 Vaping and Tobacco Products

Vaping of any substance and the use of tobacco products are prohibited on park property. As used herein, tobacco products include any product containing, made, or derived from tobacco that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, or otherwise ingested. This includes, without limitation, cigarettes, cigars, e-cigarettes, snuff, chewing tobacco, and other kinds and forms of tobacco.

This prohibition does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product that is being marketed and sold solely for such purpose and is not considered a tobacco product.

13.15.180 Alcoholic Beverages

Excepting organized or permitted events where Town Council has specifically authorized the same, possession or consumption of alcoholic beverages is prohibited on park property.

13.15.190 Other Prohibited Acts

In addition to the provisions of this Article, it shall be unlawful to violate any other provision of the Town Code while on park property.

13.15.200 Penalties for Violating Article

It shall be unlawful for any person to violate any of the provisions of this Article and upon such a violation, the offender may be subject to:

- A. Being ejected from the park, and any officer of the Town's Police Department shall have the authority to so eject an offender.
- B. In accordance with the provisions of KBC 1.08.020, a civil penalty in the amount of \$100.00 or as otherwise provided in the Town Code or under the North Carolina General Statutes.
- C. Any other legal or equitable remedy authorized under N.C.G.S. § 160A-175.

13.15.210 Rulemaking Authority

Subject to Town Council's approval, the Director is authorized to make such rules pertaining to the use of the parks as are deemed necessary for their administration and to protect public health, safety, and welfare. All such rules shall be prominently displayed at the park to which they apply, be posted on the Town's website, and maintained in the office of the Town Clerk who shall make them available to the public upon request.