



THE TOWN OF

# Holly Springs

**Ordinance Number:** 20-03  
**Date Submitted:** June 22, 2020  
**Date Adopted:** June 22, 2020

## AN ORDINANCE TO AMEND SECTIONS OF THE CODE OF ORDINANCES OF HOLLY SPRINGS, NORTH CAROLINA

**BE IT ORDAINED** by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Code of Ordinances of the Town is amended as follows:

### PART 1: Addition of new Chapter 10 of the Code of Ordinances. The new chapter reads as follows:

#### Chapter 10 - PARKS AND RECREATION

##### ARTICLE I. - IN GENERAL

###### Sec. 10-1 Definition

For the purpose of this section, "parks" shall be defined as all parks, outdoor athletic facilities (including courts, fields, and school athletic fields as applicable), greenways and open space areas owned, leased and/or operated, maintained and administered by Holly Springs Department of Parks and Recreation.

###### Sec. 10-2 Hours of Operation, Unauthorized Presence (Replaces Sec. 12-350)

Park property including staffed and unstaffed parks and greenways are open daily to the public from 5:00 a.m. to sunset, except when:

1. The parks and recreation director or designee may provide alternate hours of operations for a park property or facility as appropriate. Parks that have drop-in use lighted facilities such as tennis courts or fields are available for use until 9:00 pm, unless otherwise posted. Changes in hours will be posted at the facility and/or on the town's website as appropriate.
2. A park or recreation program on park property or in facilities may operate during extended hours.
3. A rental agreement issued by the Parks and Recreation Department may authorize alternate hours of operation or the extended use of a park property or facility.
4. The parks and recreation director may establish a temporary holiday schedule for a park or facility.
5. Park personnel or authorized emergency personnel may open or close any park property, facility or greenway in the event of emergency, inclement weather, or appropriate official purpose. Such opening or closing will be posted in advance when possible for public notice.

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6. No person shall enter, or be present within a park property or facility when closed as indicated by posted hours or when gates to the park or facility are shut. Violation of the foregoing may subject the violator to civil or criminal penalties.

#### **Sec 10 – 3 Damage to Plants, Turf, Rocks, Structures, Streams**

- a. No person shall deface, destroy, injure, misuse, or remove any park property.
- b. No person shall cut, break, move, take or otherwise injure, destroy or deface any tree, shrub, plant, turf, rock or any building, fence, bridge, sign or other structure; or foul any stream, or dump any earth, rubbish or other substance or material in or upon any park without written permission of the director of parks and recreation. Such permission shall be given upon a showing that the activity is consistent with all other ordinances and will not result in permanent injury to the park.

#### **Sec 10 – 4 Prohibited Acts in Parks and Facilities**

- a. Dangerous equipment: Practicing, playing or using the following but not limited to: horseshoes, spears, javelins, archery and discus in park areas is prohibited except in areas expressly authorized or provided for such purposes.
- b. Swimming or wading is prohibited in all parks except in facilities expressly authorized for that purpose. Personal bathing is prohibited.
- c. No person shall possess, use, or distribute illegal drugs or any controlled substances on park property.
- d. Smoking and use of a vaping device in parks and park property is prohibited. It shall be unlawful to smoke or vape in any town park, park property, greenway, or any area held for public recreation in the town. (Replaces Sec. 12-351)
- e. No person shall possess or discharge any fireworks, model rockets, or other explosive materials or devices on park property, except as authorized by the director of parks and recreation or designee or as provided by in Sec. 12-343.
- f. No person shall operate any device to amplify sound which creates excessive noise (as provided in Sec. 12-313 Noises Prohibited) or otherwise create excessive noise so as to disturb the peace and public enjoyment of park property, except as authorized by approval by the director of parks and recreation or designee.
- g. Use of metal detectors or use of neodymium magnets are not permitted in parks, except as authorized by approval by the director of parks and recreation or designee.
- h. Recreational drones and any radio controlled aerial device are permitted at Sugg Farm Park following FAA regulations and while maintaining visibility of the aircraft at all times. Such devices shall be of electronic propulsion only. Drones are not permitted to fly over people, stadiums, or events. Commercial use of drones in parks is prohibited unless authorized by approval by the director of parks and recreation or designee.
- i. No person shall make or kindle any open fire except in fireplaces and grills designed and provided for this purpose. Private portable grills may be used in certain park areas as approved by the director of parks and recreation or designee.
- j. No person shall urinate or defecate on park property other than in the restrooms or designated sanitary facility.
- k. No person shall dump, abandon, discard, release or spill as refuse, bulk trash, landscape material, liquid, or similar objects or substances on park property or park dumpster unless provided expressly for public use and authorized by posted signage.
- l. No person shall misuse or abuse park property by utilizing it in any manner other than as appropriate according to its intended design.
- m. No person in a park shall conduct himself/herself by word or by act, in a riotous, disorderly, boisterous, threatening or other manner so as to disturb the peace and good order of the park.

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- n. No person in a park shall solicit another to engage in an act of sex perversion or solicit or request another to commit, perform or engage in any lewd, lascivious, obscene, or indecent act or behavior.
- o. No person shall establish or maintain any camp or other temporary lodging place or sleeping place, within the park, without the specific written permit from the director of parks and recreation or designee.

#### **Sec 10 – 5 Drinking in Public Places**

It shall be unlawful for any person to display or consume intoxicating beverages on any public street, right-of way, alley, park or other public place except as provided for in Sec. 12-341.

#### **Sec 10 – 6 Vehicles and Motorized Wheeled Devices**

- a. No person shall ride or drive any motor vehicle, golf cart, motorcycle, electric scooter, motor-driven cycle, or any other form of off-highway, motor-driven vehicle upon any park land except upon the roads or on areas which are designed and provided for such purposes. This shall not include the operation of mobility assisted devices such as electric wheel chairs or motor vehicles engaged in property maintenance or in other services authorized by the town. All ordinances regarding operation of a motor vehicle upon public streets or highways apply to operation upon streets within park land: Speed limits within all park lands shall be 15 miles per hour unless otherwise posted. There shall be no parking at any time except in designated areas as provided for in Sec. 12-513
- b. No bicycles, skateboards or rollerblades are to be ridden in areas that have been posted by signs that expressly prohibit such.

#### **Sec 10 – 7 Animals and Wildlife**

- a. Except in designated areas, no person shall bring or possess an animal on park property without keeping it at all times on a physical leash that is attached to the animal by collar or harness and that is under the control of the owner.
- b. No person who brings an animal onto park property shall fail to immediately clean up and remove the animal's feces or other waste from park property and dispose of the waste in a receptacle designated for that purpose.
- c. Livestock of any kind are prohibited in any park, unless authorized by the director of parks and recreation or designee.
- d. Horseback riding is prohibited except upon facilities expressly designed for that purpose.
- e. Lawful activities of any public safety K-9 Team in the performance of their duties is permitted.
- f. No person shall abandon or release any animal, whether domestic or wild, anywhere on or about park property, except as authorized by the director of parks and recreation.
- g. No person shall, in any park, set a trap or snare, remove or annoy, disturb or poison any wild animal or bird or injure or destroy any nest or habitat.
- h. Fishing is permitted at designated town facilities following NC Wildlife Resource Commission guidelines and regulations.
- i. Service animals are permitted in town parks and facilities as provided by the Americans with Disabilities Act.

#### **Sec 10 – 8 Advertising; Solicitations.**

No person shall, without written permission of the director of parks and recreation, erect, paint, post or otherwise affix or distribute any signs, advertisements or circulars on park property. The sales of anything or the solicitation of funds or donations within any park are forbidden except upon written permission of the director of parks and recreation or designee. Such permissions shall be given upon a showing that there will be compliance with all laws and ordinances and a further showing that the activity will not injure the parks or interfere with the right of others to use the park.

#### **Sec 10 – 9 Private for Profit Activities.**

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Profit making activities for commercial entities or individuals will not be permitted in any public facility or upon park lands with the exception of North Main Athletic Complex unless approved in writing by the director of parks and recreation. Professional and amateur photography is permitted as long as areas are not restricted to general park users. Use of equipment such as props, lights, screens, etc. for photography is not permitted.

**Sec 10 – 10 Enforcement. (References Sec 12-352)**

A violation of an offense listed in this article may, at the discretion of the charging officer be subject to a town citation in lieu of a criminal complaint or infraction utilizing a state uniform citation. If the officer elects to use a town fine, he or she shall issue a town citation:

First offense. \$100 citation and the offender is subject to be expelled from all park programs and facilities for 30 calendar days.

Second offense. \$200 citation and the offender is subject to be expelled from all park programs and facilities for 60 calendar days.

Third offense. \$500 and the offender is subject to be expelled from all park programs and facilities for one year.

Fourth offense. Offender shall be charged criminally if the officer has probable cause to do so.

A violation of the offense of trespassing at a park facility where in the opinion of the charging officer no damage was caused by the trespass and the person did not form an intent to damage the park facility, the following fines shall be enforced through the use of the town citation process:

First offense. \$25 citation and the offender is subject to be expelled from all park programs and facilities for 30 calendar days.

Second offense. \$50 citation and the offender is subject to be expelled from all park programs and facilities for 60 calendar days.

Third offense. \$100 and the offender is subject to be expelled from all park programs and facilities for one year.

Fines are payable to the town finance department and recoverable by the town in a civil action by failure to pay within 30 days, pursuant to G.S. 160A-175(c). A person charged with a town citation may appeal to the town manager or designee (i.e. Hearing officer), upon written request within ten days of receiving the citation.

Nothing herein shall serve to limit the discretion of the charging officer to decide to charge, not charge, charge criminally, or charge a town fine. When an officer elects to charge criminally, the officer shall charge the violation as either an infraction or a misdemeanor, as indicated in the applicable section. The violation shall be subject to a maximum fine amount of \$500. Jurisdiction for infractions and misdemeanors shall be proper in the general court of justice for the county.

**PART 2: Repeal the following sections in their entirety:**

**12-350 – Use of Town Parks (Replaced by Sec 10-2)**

**12-351 – Smoking in parks and park property prohibited (Replaced by Sec 10-4)**

**PART 3: REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of the UDO of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Part 4: SEVERABILITY**

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall

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not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Part 5: INCLUSION IN CODE**

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

**Part 39: EFFECTIVE DATE**

The provisions of this ordinance shall become effective June 22, 2020 in accordance with the laws of the State of North Carolina.

Adopted this, the 22<sup>nd</sup> day of June, 2020.

Attested to:



Dick Sears, Mayor

  
Linda C. McKinney, Town Clerk

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