

**ORDINANCE REGULATING THE USE OF
GASTON COUNTY PARKS & RECREATION SITES**

Preamble: Whereas, the County Commissioners of Gaston County, North Carolina recognize a vital need to regulate the use of Gaston County Parks and Recreation sites pursuant to G.S. 153A-444 and 160A-350 et. seq. of the North Carolina General Statutes, the following ordinance is hereby adopted.

Section I. Construction of chapter.

In the interpretation of this and all succeeding parks ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibitions of any act shall respectively extend to include the causing or procuring, directly or indirectly, of such act.
- (4) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the County parks and recreation department (the “department”) or any other employee or agent of the County or the State of North Carolina (the “state”) in line of duty or work, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the Department, the county or the state.
- (5) Any act otherwise prohibited by this parks chapter or any local ordinance shall be permitted if performed within the confines of a properly issued written permit to do so, as set forth herein.
- (6) This chapter is in addition to and supplements the State Vehicle and Traffic Laws, which are incorporated herein and made a part hereof, including without limitation, the requirement that all persons operating any motor vehicle as defined by state law must have a valid operator’s license to operate such vehicle within any county parks.

Section II. Definitions.

In the interpretation of this and succeeding Department regulations or ordinances, the following terms unless otherwise defined therein, shall mean the following:

Department means Gaston County Parks and Recreation Department.

Foot path or *trail* means any path or trail maintained for pedestrians.

Park or *parks* shall be deemed to include all aspects of any county park.

Pedestrian means a person on foot.

Permit means any written license issued by or under authority of the department, permitting the performance of a specified act or acts on parks property.

Person means any natural person, corporation, company, association, joint stock association, firm, or partnership.

Vehicle means any form of conveyance of any kind or nature (except baby carriages and non motorized bicycles or tricycles) including without limitation, motor vehicles, trailers of all types, campers, sleds, sleighs, pushcarts, or modes of transportation propelled solely by means of human or animal muscular power, including without limitation, horse drawn carriages.

Section III. Park preservation.

It shall be unlawful for any person to:

- (1) Mark, deface, disfigure, injure, tamper with, displace or remove any real or personal park property, including without limitation, buildings, bridges, tables, benches, fences, fireplaces, grills, railings, pavings or paving materials, water lines or any other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures of equipment, facilities or park property or any appurtenances whatsoever to any of the above.
- (2) Fail to cooperate in maintaining all common areas, including without limitation, restrooms and washrooms, in a neat and sanitary condition.
- (3) Dig, pick or remove any soil, mineral, gem, element, rock, sand, stones, trees, shrubs, plants, wood or other materials or make any excavation by tool,

equipment, sluice, screen, pan, blasting or any other means whatsoever. This prohibition specifically includes panning or employing other methods to mine, extract, or filter for gold or other similar minerals, gems, or elements from park grounds.

- (4) Damage, cut, carve, mark or transplant any plant, or injure the bark of any plant or tree, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas; or in any other way whatsoever injure the natural beauty or usefulness of any park area.
- (5) Construct or erect any building or structure of whatever kind of material, whether permanent or temporary, or run or string any public service utility into, upon, or across such park land, except with a special written permit issued hereunder.
- (6) Throw, discharge, or otherwise place or cause to be placed in any body of water, including without limitation, any fountain, pond, lake, or stream within or adjacent to any park, or any tributary, stream storm sewer, or drain flowing into such body of water; any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (7) Take into or carry through any park any rubbish, refuse, garbage, or other material, except as specifically authorized herein. Any rubbish generated in the park shall be placed in receptacles provided for rubbish disposal by the party responsible for its presence. Where receptacles are not available, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (8) Attach or place any sign, banner, wire, rope or cable, or any other contrivance of any kind or nature to any building, sign, tree or other park property, except for notices that are posted at a designated area of the park not more than fourteen (14) days prior to a permitted event. These items may only be attached with tape or thumbtacks and must be removed before leaving the area. This section and its prohibition shall not apply to any signs lawfully erected for park sponsored events.

- (9) Cause any animal, whether or not under a person's custody or control, to enter the park, with the exception of a dog restrained by a leash not exceeding 6 feet in length. Animals that are a part of an authorized park program, or are located in a park area specifically designed for the said animals, are exempted from this policy. Any person having custody of any animal, as authorized herein shall be responsible for the removal of any animal solid waste.
- (10) Damage or alter any wildlife habitat or area within the park unless undertaken by authorized park personnel or their agents as a bona fide wildlife management practice.
- (11) Harass, provoke, or feed any wild animal, fowl, or bird anywhere in the park, unless expressly posted otherwise. For the purposes of this subsection, the term "wild animal" shall mean any animal which is not normally domesticated in this State, including, but not limited to bears, coyotes, deer, feral dogs and cats, foxes, groundhogs, opossums, raccoons, skunks, turkeys, and waterfowl. This subsection shall not apply to any Gaston County employee or individual acting at the direction of Gaston County.

Section IV. Weapons; explosives; alcoholic beverages; drugs, dangerous substances.

It shall be unlawful for any person to bring into or have in his possession any weapon (or any device that, in the reasonable opinion of county law enforcement authorities or park officials, can be used as a weapon) or substance, including without limitation:

- (1) Any knife (other than reasonably used for picnic or camping purposes), rifle, handgun, shotgun, BB gun, air gun, spring gun, sling-shot, bow, arrow or any other device or item in which the propelling force is gunpowder, a spring or air, or which is propelled by muscular force, or any explosive of any kind or nature.
- (2) Any mind-altering substances, whether man-made or found in nature, including without limitation, narcotic drug, hallucinogen, or any controlled substance, without a valid physician's prescription. Alcoholic beverages are prohibited. While in the park, persons should conduct themselves in a proper and orderly manner and shall not display, consume, or be under the influence of alcoholic

beverages or any such mind-altering substance without a valid physician's prescription, used as directed by the physician.

- (3) Any fireworks or explosive of any kind or nature unless used as part of a Gaston County park program or permitted special event administered by authorized county employees or their agents.
- (4) Notwithstanding the above sub-section, an individual with a valid and current concealed handgun permit may carry such weapon as depicted in the concealed handgun permit at all county parks except for Recreational Facilities as defined herein. Individuals with concealed carry permits who wish to enter a Recreational Facility may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.
- (5) "Recreational Facilities" are defined as an athletic field, including any appurtenant facilities such as restrooms, during an organized event if the field has been scheduled for use with Gaston County Parks and Recreation.

Section V. Hunting and fishing.

It shall be unlawful for any person in the park area to:

- (1) Hunt, trap, shoot, kill, wound, molest, capture, chase, willfully frighten, or attempt to harm any wildlife within the park, except as undertaken by authorized park personnel in their exercise of a bona fide wildlife management practice.
- (2) Fish without a valid state fishing license and any required local permits, except as provided for in the state fishing regulations. All patrons must abide by state regulations of seasons, hours, and fishing/baiting methods, and otherwise designated from time to time in park regulations.
- (3) Catch fish with anything other than a hook and line. Landing nets may be used to land fish caught with a hook and line.
- (4) Keep more than (2) largemouth bass smaller than 14 inches in length. All additional largemouth bass must be immediately returned unharmed to the park lakes.
- (5) Keep more than (5) largemouth bass, caught in a single day's fishing. (2) of these largemouth bass may be smaller than 14 inches in length; the other (3) fish must

be must 14 inches or larger. All excess largemouth bass must be immediately returned unharmed to the park lakes.

Section VI. Water activities.

It shall be unlawful to:

- (1) Bathe, wade, or swim in a park body of water.
- (2) Operate or ride as a passenger in any mode of conveyance upon any body of water in the park, including without limitation, any lake or stream. This policy extends to and includes without limitation, any type of boat (motorized or non-motorized), canoes, rafts and inner tubes as well as remote controlled models, whether fuel or battery propelled.

Section VII. Camping; fires; picnic areas.

It shall be unlawful to:

- (1) Camp (tent or otherwise) or park a car, trailer, or camper for the purpose of camping or overnight stay anywhere in park except in areas specifically designated or camping during authorized times for camping, except with a special written permit issued hereunder.
- (2) Kindle, build, maintain or use a fire except in places specifically designated for such purposes and at such times as authorized by park officials. Any fire must be continuously under the care and direction of a competent and responsible person, at least 18 years of age, from the time it is kindled until it is fully extinguished. No person shall throw away or discard any match, lighter, cigar, cigarette, tobacco, paper or any other potentially flammable material within park property, including without limitation, around any building, boat or vehicle or under any tree or in underbrush. All such materials shall be disposed of in containers specifically designed for such disposal and shall be fully extinguished prior to disposal. Unless posted otherwise, park patrons may bring gas or charcoal grills for use in the park. These grills must only be used in designated picnic areas. No grills of any kind are permitted within the perimeter of any shelter. All hot coals are to be extinguished prior to disposal.

- (3) No person shall grill or cook food in sites designated as parking sites. This type of outing shall be limited to designated assigned eating areas in county parks.

Section VIII. Smoking.

It shall be unlawful for any person to smoke in any structure or place where smoking is prohibited. Smoking may be forbidden by the department or its authorized agents in any part of the park when it is deemed the fire hazard makes such action advisable or by order of any fire marshal having jurisdiction over the park.

Section IX. Aviation.

It shall be unlawful for any person within the confines of the park to voluntarily launch, take off, land, or cause to descend or take off any airplane, flying machine, balloon, parachute, or other apparatus of aviation, except by special permit. Voluntarily shall mean any action other than a forced landing. This section shall also apply to radio-controlled airplanes, helicopters, rockets, etc. in all parks with the exception of the special use facility at Lewis Brooks Airfield, located on Abel Road in Bessemer City, NC.

Section X. Hours of operation.

- (1) It shall be unlawful for any person to enter or remain in the park except during those hours of operation that it is open to the general public. Park hours of operation are 6:00 a.m. until 11:00 p.m., unless otherwise posted or except with a special written permit issued hereunder. Park hours of operation may be established and changed by the Parks and Recreation Commission from time to time.
- (2) Any section of a park may be declared closed to the public by the Director of Parks and Recreation or by the Parks and Recreation Commission at any time for any interval of time, at the Director's or Commission's discretion including times when it is determined to be in the best interest of public safety, health, conduct, or order.

Section XI. Special Parks and Recreation Permits

No person, group, or organization shall hold, organize, or sponsor any event, assemblage, or gathering in a park that (a) exceeds 100 people or (b) significantly alters normal operations of the park unless a special Parks and Recreation permit has been requested and granted by the Director of Parks and Recreation or his designee.

- (1) An application for a special Parks and Recreation permit can be acquired by calling the Parks and Recreation Office. The application must be submitted to the Parks and Recreation Office not less than (30) days prior to the date of the proposed activity, and not more than (12) months prior to the proposed activity. Exceptions may be granted only for those events in which due to the circumstances the time requirements cannot be met.
- (2) Permit Requirements: The person or organization applying for the permit shall agree to comply with all policies, procedures, rules, and regulations pertaining to the use of parks. A reasonable fee shall be assessed by the Director of Parks and Recreation, based on the regular fee schedule adopted by the Board of Commissioners. Proof of insurance liability indemnifying the applicant against perils, suits, claims, and losses, which may arise in connection with the proposed activity, is required to be submitted with the permit.
- (3) Permit Approval Process: The Director of Parks and Recreation or his designee shall have the authority to grant or deny special use permits. The following criteria shall be considered for permit approval:
 - (a) Activity will not generate excessive or unreasonable traffic, noise, or will not adversely affect the health, safety, or welfare of participants or citizens associated with the event.
 - (b) Activity will not interfere unduly with the primary use or uses for which such park is designed or intended, included previously or regularly scheduled activities at the Park.
 - (c) The petitioner will provide adequate authorized law enforcement personnel, as determined by the Director of Parks and Recreation.
 - (d) Parking options are adequate.
 - (e) Designated area is compatible with anticipated crowd size and proposed activities.

(4) Notice of Denial. In the event the application fails to meet the above criteria, the request will be denied. If the request is denied, the applicant shall be apprised of the reason(s) in writing and will (a) be able to re-submit an application with the appropriate corrections or (b) entitled to request a hearing with the Parks & Recreation Commission at its next regularly scheduled meeting.

Section XII. Special use considerations.

No group, organization, or event may charge admission fees for any park facility, except with a special written permit issued hereunder. Said permit is required to be posted at all events where permission has been granted for group, organization, or event may charge admission. In addition, it is to be understood by all permit holders that admission to other areas of the park (other than the facilities specifically permitted) must be granted.

Section XIII. Vehicles and parking.

It shall be unlawful for any person to:

- (1) Drive any vehicle of any sort within the park except on paved park roads or parking areas, or such park areas as may on occasion be specifically designated as temporary areas for such use, except with a special written permit issued hereunder.
- (2) Park a vehicle anywhere except on a designated parking lot.
- (3) Leave a vehicle standing or parked in established parking areas or elsewhere in the park during hours when the park is closed, except with a special written permit issued hereunder.
- (4) Leave a bicycle or scooter in a place other than a bicycle rack when such is provided and there is space available.
- (5) Ride a bicycle, skateboard, scooter, skates of any description, etc. or operate or ride in or on any other self propelled or motor propelled mode of transportation without reasonable regard to the safety of others. Bicycles, skateboards, skates of any description, etc. are not permitted on tennis courts at any time.
- (6) Unless otherwise posted, operate a vehicle of any kind in excess of 20 miles per hours within the park.

- (7) Operate a licensed motorized trail bike or any motorized vehicle or mode of transportation designed primarily for off-road use within the confines of the park, except during park sponsored programs or except with a special written permit issued hereunder.
- (8) Park a vehicle or any other mode of transportation in a towing area, such as a handicapped parking area, a fire lane, on the grass, or on the shoulder of the road. Any vehicle may be towed at the owner's expense.

Section XIV. Personal conduct.

It shall be unlawful for a person to:

- (1) Engage in criminal, disorderly, immoral, or abusive conduct of any kind within the park. Disorderly conduct shall be determined in the discretion of park officials and law enforcement authorities.
- (2) Engage in any activity that may constitute a hazard to the safety of him or other persons. Such activities may include, but are not limited to, archery, hitting of golf balls and horseback riding. Whether an activity is hazardous shall be determined in the discretion of park officials and law enforcement officials.
- (3) Engage in threatening, abusive, insulting or indecent language, or in excessively noisy conduct of any kind at any time within the park, such that it unreasonably disturbs other park patrons or neighbors. Park authorities and county law enforcement authorities are empowered to determine whether noise is excessive or unreasonably disturbing.
- (4) Solicit, peddle, or beg within any park or sell any merchandise or wares; provided this subsection does not apply to (a) any concession rights granted by the department, (b) any solicitation or sale of goods as part of department sponsored programs, or (c) except with a special written permit, to authorized vendors, issued hereunder.
- (5) Interfere with or in any manner hinder any county employee or park employee, the county, the state, or any of their appointed agents in the performance of his duties.

Section XV. Enforcement of chapter.

- (1) In addition to other enforcement and sanction provisions hereunder, violators may be punished by immediate suspension from all parks for a period determined by park authorities, based on the severity of the violation. The department director and his designee (including without limitation, park officials and county law enforcement authorities) are empowered to invoke and enforce this suspension.
- (2) Park personnel authorized by the board of commissioners and county law enforcement authorities shall have the duty and responsibility to enforce this chapter and shall be empowered to issue citations for violations as set forth herein when in their judgment, any provisions have been violated.
- (3) In addition to the enforcement and sanction provisions of this chapter, park personnel authorized by the board of commissioners as well as county law enforcement authorities shall have all enforcement and sanction provisions available to them pursuant to the North Carolina General Statutes. This authority shall include without limitation, assessment of any state and/or county fines and penalties applicable to any ordinance citation.

Section XIV. Violations and fines.

- (a) Violations of sections V (2), (3), and (4) are punishable by the appropriate penalties and/or laws governing inland waters, as set forth by the state wildlife resources commission. Any and all enforcement officers of the wildlife commission have full authority to enforce these regulations.
- (b) Violations of this chapter may also constitute a civil offense and/or misdemeanor pursuant to the applicable North Carolina General Statutes and may be punishable by additional fines or sanctions, including imprisonment not exceeding thirty (30) days.