

“ONslow COUNTY PARKS AND RECREATION DEPARTMENT
ORDINANCE”

AN ORDINANCE REGULATING ONslow COUNTY PARKS AND
RECREATION AREAS & FACILITIES

ARTICLE I. IN GENERAL

Sec. 12-1. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bathing area means any beach or water area designated by the department as a bathing area.

Department means the county parks and recreation department.

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

Owner means any person owning, leasing, operating, or having the exclusive use of a vehicle, animal, or any other property under a lease or otherwise.

Park, unless specifically limited, includes all designated parks, parkways, sites, and other recreational areas under the jurisdiction of the parks and recreation department.

Parking sites means any land, beach, or water area, either inland or on sound or ocean front, designated by the department as a public parking site.

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

Regulation means any regulation duly adopted by the parks and recreation department and posted as a county parks and recreation department regulation.

Unnecessary stopping means bringing a vehicle to a complete stop at a point other than in a parking place, or other than in conformity with traffic regulations and other than because of a defect in the vehicle.

(Ord. Of 8-20-79, § 1; Ord. Of 10-20-86, § 1)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 12-2. Construction of provisions.

In the interpretation of county parks regulations provisions shall be construed as follows:

- (1) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, or such act.
- (2) No provision hereof shall make unlawful any act unnecessarily performed by an officer or employee of the department in line of duty or work as such, or by any person, his agents, or employees in the proper and necessary execution of the terms of any agreement with the department.
- (3) Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of and strictly within the provisions of a permit to do so, and to the extent authorized thereby.
- (4) These regulations are in addition to and supplement the state vehicle and traffic laws which are in force in all parks and which are incorporated herein and made a part hereof.

(Ord. of 8-20-79, § 2)

Sec. 12-3. Scope.

All county parks regulations shall be effective within and upon all county parks, sites and other recreational areas in the county parks and shall regulate the use thereof by all persons.

(Ord. of 8-20-79, § 2)

Sec. 12-4. Permits.

A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof. Any violation by its holder or his agents or employees of any term of conditions thereof shall constitute grounds for its revocation by the department, or by its authorized representative, whose action therein shall be final. In case of revocation of any permit, all moneys paid for or on account thereof shall, at the option of the department, be forfeited to and be retained by it; and the holder of such permit, together with the agents and employees who violated such terms and conditions, shall be jointly and severally liable to the department for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the department of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person from liability to punishment for any violation of any provision of any county parks regulation.

(Ord. of 8-20-79, § 4)

Sec. 12-5. Removing, destroying trees, flowers, etc.

No person shall remove, destroy, cut down, scar, mutilate, injure, take or gather in any manner any tree, flower, fern, shrub, rock, or other plant or mineral in any park.
(Ord. of 8-20-79, § 5)

Sec. 12-6. Injuring, defacing buildings, signs, etc.

No person shall, in any manner, injure, deface, disturb, destroy, or disfigure any part of any park, nor any buildings, signs, equipment, or other property found therein. (Ord. of 8-20-79, § 6)

Sec. 12-7. Bathing.

No person shall bathe, wade or swim in any waters in any park except at such times and in such places as the department may designate as bathing areas, and unless so covered with a bathing suit as to prevent any indecent exposure of the person.
(Ord. of 8-20-79, § 7)

Sec. 12-8. Dressing and undressing.

No person shall dress or undress in any place in any park except in such bathhouses as may be maintained by the department. The undressing and removal from the person of street clothes, other than coats, jackets, sweaters, shoes, and stockings, even though such garments are covering a bathing suit is prohibited.
(Ord. of 8-20-79, § 8)

Sec. 12-9. Protection of bathing areas.

No person shall throw, cast lay or deposit any glass, crockery, or any part thereof, or any metallic substance on any bathing area in or adjoining any park.
(Ord. of 8-20-79, § 9)

Sec. 12-10. Disposal of refuse.

No person shall deposit in any part of any park any garbage, sewage, refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper or other litter, or other waste material or obnoxious material, except in containers designated for such purposes.
(Ord. of 8-20-79, § 10)
Cross reference-Solid waste management, Ch. 14.

Sec. 12-11. Pollution of waters.

No person shall in the streams, lakes or other waters of any park bathe dogs or other animals, wash vehicles or clothing or throw, cast, lay, drop or discharge into the waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of the waters.

(Ord. of 8-20-79, § 11)

Sec. 12-12. Vehicles prohibited in certain areas.

No person shall drive a vehicle in any park within or upon a safety zone, walk bridle path, fire truck trail, service road, or any part of park not designated or customarily used for such purpose.

(Ord. of 8-20-79, § 12)

Cross reference-Motor vehicles and traffic, Ch. 10.

Sec. 12-13. Parking.

No owner or driver shall cause or permit a vehicle to stand anywhere in any park outside of designated parking spaces, except a reasonable time in a drive to receive or discharge passengers where permitted.

(Ord. of 8-20-79, § 13)

Cross reference-Motor vehicles and traffic, Ch. 10.

Sec. 12-14. Obstructing traffic.

No person shall cause or permit a vehicle to obstruct traffic by unnecessary stopping.

(Ord. of 8-20-79, § 14)

Cross reference-Motor vehicles and traffic, Ch. 10.

Sec. 12-15. Speed limit.

Rate of speed in excess of ten (10) miles per hour in a park is prohibited.

(Ord. of 8-20-79, § 15)

Cross reference-Motor vehicles and traffic, Ch. 10.

Sec. 12-16. Dogs, other animals.

No person shall cause or permit any animal owned by him, in his custody or under his control, except a dog restrained by a leash not exceeding six (6) feet in length, to enter any park. Each such animal found at large may be seized and disposed of as provided by the law or ordinance covering disposal of stray animals on highways or public property then in effect at the place when such stray animals may be seized.

(Ord. of 8-20-79, § 16)

Cross reference-Animals, Ch. 4.

Sec. 12-17. Horses.

No person shall use, ride or drive a horse except to, from, or along designated areas.
(Ord. of 8-20-79, § 20)
Cross reference-Animals, Ch. 4.

Sec. 12-18. Boating.

Boating of any kind in a bathing area is prohibited, except such boating as is necessary to keep such areas properly protected and policed. No person shall use privately owned boats or canoes on any park waters without a permit.

(Ord of 8-20-79, § 17)

Sec. 12-19. Camping

No camp shall be maintained in any park except under permit, and at such places and for such periods as may be designated.

(Ord. of 8-20-79, § 18)

Sec. 12-20. Sports and games.

(a) No games or athletic contests shall be allowed in parks, except in such places as may be designated therefore.

(b) It is prohibited to strike golf balls on any/all portions of park property/boundaries.

(Ord. of 8-20-79, § 19; Ord. of 3-16-92)

Sec. 12-21. Hunting.

No person within the confines of any park shall hunt, pursue, trap, shoot, injure, kill, or molest in any way any bird or animal, nor shall any person have and wild bird or animal in his possession within any park.

(Ord. of 8-20-79, § 21)

Sec. 12-22. Fishing

No person shall fish in any waters of any park except under permit and at such times and at such places as may be designated by the department. All state fishing laws and regulations must be complied with.

(Ord. of 8-20-79, § 22)

Sec. 12-23. Firearms.

No person except employees or duly authorized law enforcement officers shall carry or possess firearms of any description or air guns within any park.

(Ord. of 8-20-79, § 23)

Sec. 12-24. Explosives.

No person shall bring into or have in any park an explosive or explosive substance.
(Ord. of 8-20-79 § 24)
State law references-Authority of county to regulate explosive substances, G.S. § 153A-129.

Sec. 12-25. Fires, disposal of lighted cigarettes, cigars, etc.

No person shall kindle, build, maintain, or use a fire in a park other than in places provided or designated for such purposes except by special permit. Any fire shall be continuously under the care and direction of a competent person over sixteen (16) years of age from the time it is kindled until it is extinguished. Now person within the confines of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object must be entirely extinguished before being thrown away or discarded.
(Ord. of 8-20-79 § 25)

Sec. 12-26. Smoking.

No person shall smoke in any structure or place in any park where smoking is prohibited. Smoking may be forbidden by the department or its authorized agent in any part of any park when it is deemed the fire hazard makes such action advisable.
(Ord. of 8-20-79, § 26)

Sec. 12-27. Intoxicating beverages.

No person shall sell or attempt to sell any beer, wine, whiskey, or other intoxicating liquor or beverage within the confines of any park. Possession and/or consumption of beer, wine, whiskey, or other intoxicating liquor or beverage or the containers thereof is prohibited.
(Ord. of 8-20-79, § 27)

Sec. 12-28. Picnicking.

No person shall prepare to or eat in picnic fashion on sites designated as parking sites. This type of outing shall be limited to designated assigned eating areas in county parks.
(Ord. of 10-20-86, § 1)

Sec. 12-29. Commercial activities.

No person shall, in any park, without a permit, sell or offer for sale, hire or lease, or let out any object or merchandise, property, privilege, services, or any other thing, or engage in any business or erect any building, booth, tent, tall or any other structure whatsoever. No person to whom property of any park has been entrusted for personal use shall hire, lease, let out, or sell the same to any other person.
(Ord. of 8-20-79, § 29)
Cross reference-Licenses and business regulations, Ch. 8.

Sec. 12-30. Commercial vehicles.

No person shall operate a bus, taxicab, or other commercial vehicle designed or used for the transportation of passengers or property within any park without a permit.

(Ord. of 8-20-79, § 30)

Cross reference-Motor vehicle and traffic, Ch. 10.

Sec. 12-31. Advertising.

No sign, notice or advertisements of any nature shall be erected or posted at any place within any park without permission in writing from the department; nor shall any musical instrument, radio, talking machines, or drum be operated or any noise be made for the purpose of attracting attention to any exhibition of any kind.

(Ord. of 8-20-79, § 31)

Sec. 12-32. Meetings and exhibitions.

No person shall in any park erect any structure, stand, or platform, hold any meetings or exhibition, perform any ceremony, make any speech, or address except by permit.

(Ord. of 8-20-79 § 32)

Sec. 12-33. Soliciting alms and contributions.

No person shall within any park solicit aims or contributions for any purpose.

(Ord. of 8-20-79, § 33)

State law reference-Authority of county to regulate beginning, G.S. § 153A-126.

Sec. 12-34. Aviation.

No person shall voluntarily bring, land or cause to descend or alight within or upon any park any airplane, flying machine, balloon, parachute or other apparatus for aviation except under permit.

“Voluntarily” as used in this section shall mean anything other than a forced landing.

(Ord. of 8-20-79, § 34)

Cross reference-Airport, Ch. 3.

Sec. 12-35. Closing and opening hours.

No person except employees or officers of the department shall be allowed within the park between the hours of 11:00 p.m. and 7:00 a.m., except under permit. The hours of operation of the park will be established by the board of commissioners and may be revised from time to time. All parks may be open seven (7) days a week.

(Ord. of 8-20-79, § 35; Ord. of 9-6-83; Ord. of 3-16-92)

Sec. 12-36. Violations by minors.

No parent, guardian, or custodian of any minor shall permit or allow him to do any act prohibited by any county parks and recreation department regulation.
(Ord. of 8-20-79, § 36)

Sec. 12-37. Admission charges.

No person shall make, use, or gain admittance to, or attempt to use or gain admittance to the facilities in any park for the use of which a charge is made by the department unless he pays the charge or price fixed by the department.
(Ord. of 8-20-79, § 37)

Sec. 12-38. Penalty.

Any violation of the regulations in this article shall constitute a misdemeanor and shall be punishable in accordance with section 1-6.
(Ord. of 8-20-79, § 37)

Sec. 12-39. Enforcement.

- (a) Enforcement of this article shall be as provided in this section.
- (b) Enforcement of this article shall rest with those governmental agencies and personnel authorized to exercise police powers by the State of North Carolina including, without limitation, the Onslow County Sheriff's Department, and municipal police departments within their corporate boundaries upon resolution of their governing boards adopting this ordinance for enforcement purposes.
- (c) Each person receiving a citation may, within fifteen (15) days of the time when issued the citation, submit to the violation and pay as a penalty in full satisfaction of such violation the sum set out in this article. Failure of such person to make payment of such amount within fifteen (15) days shall render such person subject to punishment for a misdemeanor provided.
(Ord. Of 11-2-87, § 38)

Sec. 12-40. Parking violations and fines.

Parking violations with corresponding fines are not printed herein, but are on file in the county clerk's office.
(Ord. of 11-2-87, § 39)

Secs. 12-41 – 12-55. Reserved.

**AMENDMENT
TO
CHAPTER 1 GENERAL PROVISIONS
OF
ONslow COUNTY CODE OF ORDINANCES**

Amend Section 1-6. General Penalty, Subparagraph (a) to read as follows:

- (a) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code, or any ordinance of this county no in force or hereafter enacted, to which no specific penalty is affixed, shall be punished by a fine not to exceed five hundred dollars (\$500.00), or shall be imprisoned for not more than six (6) months, for each offence.

Adopted this 17 day of February, 1992, to be effective on the 17 day of February, 1992.

ONslow COUNTY
BOARD OF COMMISSIONERS