

CHAPTER 21

PARKS AND RECREATION

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Sec. 21-1. Definitions.

Whenever used in regulation of the Mount Holly Recreation Department or the Mount Holly City Council, the following respective terms, unless otherwise therein expressly defined, shall mean and include each of the meanings herein as set forth.

- (a) Park—The term park or parks, unless specifically limited, shall be deemed to include all designated parks, sites and other recreational areas under the jurisdiction of the Mount Holly City Council.

- (b) Department—The Mount Holly Recreation Department.
- (c) Regulation—Any regulation duly adopted by the Mount Holly Recreation Department or by the Mount Holly City Council.
- (d) Owner—Any person, firm, association, co-partnership, or corporation, owning, leasing, operating, or having the exclusive use of a vehicle, animal or any other property under a lease or otherwise.
- (e) Permits—Any written license issued by or under the authority of the Mount Holly Recreation Department or Mount Holly City Council permitting the performance of specific acts.
- (f) Person—Any natural person, corporation, company, association, joint stock association, firm or co-partnership.
- (g) Unnecessary Stopping—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 said vehicle.

Sec. 21-2. Construction of regulations.

In the interpretation of Mount Holly Recreation Department regulations, their provisions shall be construed as follow:

- (1) Any terms in the singular shall include the plural,
- (2) Any term in the masculine shall include the feminine and the neuter,
- (3) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act,
- (4) No provisions hereof shall make unlawful any act necessarily performed by any officer or employee of the Department in the 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,
- (5) 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, and
- (6) 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.

(Amended 8-24-2015.)

Sec. 21-3. Territorial scope.

All regulations of the Mount Holly Recreation Department, or the Mount Holly City Council shall be effective within and upon all parks, sites, and other recreational areas in Mount Holly and shall regulate the use thereof by all persons.

(Amended 8-24-2015.)

Sec. 21-4. Permits.

The terms of permits issued under this Chapter must be strictly followed and any violation of its terms by a permittee or person acting under the permittee shall constitute grounds for its revocation by the Mount Holly Recreation Director or the City Manager. There will be no refund of monies paid for permits revoked under the provisions of this Section. A permittee and any person acting under the permittee shall be jointly and severally liable to the City for all damages or losses caused or contributed to by them and may also be subject to penalties as set forth in Section 21-28.

Permits referenced in Sections 21-12, 21-24, and 21-25 shall be granted or denied under the authority of the Mount Holly Recreation Director. Permits referenced in Section 21-20 shall be granted or denied under the authority of the City Manager.

(Amended 8-24-2015.)

Sec. 21-5. Preservation of flowers, plants, minerals, 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 or any recreation site.

Sec. 21-6. Preservation of building, signs, structures, etc.

No person shall in any manner injure, deface, disturb, destroy or disfigure any part of any park, nor any building, sign, equipment or other property found therein.

Sec 21-7. Swimming and bathing prohibited.

Swimming, wading or bathing is prohibited in any lake, stream or other type of waterway from or on park property.

(Amended 8-24-2015.)

Sec. 21-8. Disposal of refuse, garbage, rubbish, etc.

No person shall deposit in any part of any park any garbage, sewerage, 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 purpose.

Sec. 21-9. Pollution of waters.

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

(Amended 8-24-2015.)

Sec. 21-10. Traffic and parking.

- (a) Vehicles, Where Prohibited—Vehicles are prohibited in all areas, except paved roads and designated parking areas. Vehicles are prohibited from entering the Conservation Park on Mountain Island Road and may park in designated parking areas only.
- (b) Parking—No owner or driver shall cause or permit a vehicle to stand anywhere in any park outside of designated parking areas except a reasonable time in a drive to receive or discharge passengers.
- (c) Obstructing Traffic—No person shall cause or permit a vehicle to obstruct traffic by unnecessary stopping.
- (d) Speed Limit—Rate of speed in excess of ten miles per hour is prohibited.
- (e) View Into Vehicles—Every car driven through any park or parked in any parking space in any park shall have the interior thereof open to full view at all times.

(Amended 8-24-2015.)

Sec. 21-11. Animals at large.

No person shall cause or permit any animal owned by him to enter any park, unless in his custody or under his control and each such animal found not under the custody or control of any owner may be seized and disposed of as provided by 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. Notwithstanding the provisions of Section 3-7, while located within the confines of the fence in any

designated dog park facility, dogs do not have to be restrained by a chain or leash if the dog is under the owner's direct control and is obedient to that person's commands. Any person having custody of any animal in any park shall be responsible for the removal of any animal solid waste.

(Amended 8-24-2015.)

Sec. 21-12. Camping.

No camping shall be allowed in any park or site maintained by the Mount Holly Recreation Department or owned by the City of Mount Holly, except by permit.

(Amended 8-24-2015.)

Sec. 21-13. 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 any wild bird or animal in his possession within the park

Sec. 21-14. Firearms.

- (a) Openly carrying firearms or handguns. It shall be unlawful for any person to openly carry, possess, or display firearms of any description or air guns within any park. The Mount Holly Parks and Recreation Director or his designee is authorized and directed to post, in conspicuous locations, notices regarding this prohibition in the parks.
- (b) This section does not apply to a qualified sworn law enforcement officer or to a watchman or other person specifically authorized by the City of Mount Holly to carry firearms on such premises while acting lawfully and within the scope of his authority.

For state law regulating carrying concealed weapons, see G.S. § 14-269.

As to the prohibition of carrying firearms within municipal buildings, including buildings located within parks such as the Tuckasee Community Center, see § 14-23 of this Code.

(Amended 2-08-2016.)

Sec. 21-15. Explosives.

No person shall bring into or have in any park any explosive substance.

Sec. 21-16. Fires, lighted cigarettes, etc.

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

(Amended 8-24-2015.)

Sec. 21-17. Smoking.

No person shall use tobacco products in any building or structure owned or leased by the City of Mount Holly. The use of tobacco products is prohibited in all greenways and parks owned or leased by the City of Mount Holly, except the use of such products is permitted in areas designated for parking.

(Amended by resolution dated June 28, 2010.)

Sec. 21-18. Disorderly conduct prohibited.

No person shall disobey a lawful order of a Mount Holly Recreation Department employee or police officer nor commit any act constituting a public nuisance by law; nor use abusive, profane, or insulting language; nor unreasonably disturb or annoy others; be under the influence of intoxicants; do any act tending to or amounting to a breach of the peace nor conduct himself in any disorderly manner whatsoever.

Sec. 21-19. Gambling.

Gambling in any park is prohibited and no person shall bring into the park or have in his possession while there, any implement or device commonly used, or intended for gambling purposes.

Sec. 21-20. Intoxicating liquors or beverages.

It shall be unlawful for any person to consume or possess any alcoholic beverage, to be or become intoxicated, or to be under the influence of intoxicants within the confines of any park, except that possession and consumption of malt beverages and unfortified wine is permitted during any function, festival, or celebration organized and sanctioned by the City of Mount Holly pursuant to a written permit issued by the City Manager or his duly authorized representative. This permit, when issued, will be subject to all applicable ABC regulations and shall designate the boundaries of the event, which may include the Tuckasee Center, and temporarily close those portions of the park within the boundaries of the event for general public use. Applicants must demonstrate proof of proper insurance for the planned event and make adequate provision for traffic

control, if necessary, and public safety. The City Manager or his representative may place such additional restrictions on the event as he deems reasonably necessary to ensure public safety and convenience.

(Amended 02-05-2016.)

Sec. 21-21. Skateboard Park.

All persons riding a skateboard or similar device in a skateboard park owned by the City of Mount Holly shall at all times wear a helmet which shall meet the ASTM F1492 skateboard helmet standards, elbow pads and kneepads. All persons under the age of 16 riding a bicycle, skateboard, roller skates, scooter, or a similar device in any park shall at all times wear a protective helmet. Any person failing to wear this safety equipment shall be subject to a citation resulting in the penalties set forth in Section 21-28 of this Chapter and may be barred from further use of the facility and/or park.

(adopted 8-24-2009). (Amended 8-24-2015.)

Sec. 21-22. Advertising.

No sign, notice, or advertisement of any nature shall be erected or posted at any place within any park, nor shall any musical instrument, radio, talking machine, or drum be operated or any noise to be made for the purpose of attracting attention to any exhibition of any kind.

Sec. 21-23. Meeting 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.

Sec. 21-24. Alms and contributions.

No person shall within any park solicit alms or contributions for any purpose without a permit. (Amended 8-24-2015.)

Sec. 21-25. Hours.

No person except employees or officers of the Department shall be allowed within the park between dusk and dawn except under permit or under the supervision of the Mount Holly Recreation Department. (Amended 8-24-2015.)

Sec. 21-26. Reserved for future use.

Sec. 21-27. Charges.

No person shall make, use or gain admittance to the facilities in any park for the use of which a charge is made by the Department unless he shall pay the charge or price fixed by the Department.

Sec. 21-28. Penalties.

Any person who shall violate any provision of this Ordinance shall upon conviction, be punished by fine of not less than \$10.00 nor more than \$50.00, or by imprisonment of not more than thirty days. Nothing herein contained shall prevent the City of Mount Holly from taking such other lawful action as is necessary to prevent or remedy any violation, including arrest and/or banning violators from park property. (Amended 8-24-2015.)

Sec. 21-29. Separability clause.

Should any section or provision of the Ordinance be declared by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 21-30. Effective Date.

This Ordinance shall be in effect from and after August 10, 1992.