

**An Ordinance Amending Chapter 17 of The Code of Ordinances for the Town of  
Mooreville, North Carolina**

WHEREAS, North Carolina General Statute § 160A-351 authorizes the Town to create, establish, and provide recreational facilities for the public good and general welfare of its citizens; and

WHEREAS, North Carolina General Statute § 160A-353 authorizes the Town to operate and maintain parks, playgrounds, recreation centers, and recreation facilities; and

WHEREAS, North Carolina General Statute § 160A-174 authorizes a city or town by ordinance to define, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city; and

WHEREAS, an amendment to Chapter 17 is needed in order to establish reasonable rules and regulations for the Town's parks and municipal golf club;

NOW, THEREFORE, BE IT ORDAINED, that the Mooreville Code of Ordinances is hereby amended by repealing Chapter 17 in its entirety, and replacing it as follows:

**CHAPTER 17- PARKS AND RECREATION**

**ARTICLE I**

**IN GENERAL**

**Sec.17- 1. Purpose.**

The purpose of this chapter is to help ensure the safety and security of the Town of Mooreville parks and their patrons, to help provide an enjoyable park experience, and to provide consistent guidelines and levels of service throughout the park system.

**Sec.17- 2. Definitions.**

For purposes of this chapter, the following words, terms, and phrases shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

- (a) *Department*: The Parks & Recreation Department of the Town of Mooreville.
- (b) *Director*: The Director of the Town of Mooreville Parks & Recreation Department or such title as may be given to such person or designee.
- (c) *Manager*: The Town of Mooreville Manager or designee.
- (d) *Motorized vehicle*: Any wheeled conveyance (except a wheelchair) for transportation of persons or materials powered or drawn by motor such as an automobile, truck, golf cart, recreational vehicle, motorcycle, minibike, scooter, Segway, or hoverboard. A "motorized vehicle" does not include any Town of Mooreville fleet or emergency vehicle operating in the course of public safety or official Town of Mooreville business.
- (e) *Organized event*: Any organized activity that is open to the public, taking place on park property, and having as its purpose entertainment, recreation, or education, such as a festival or celebration, foot or vehicle race, parade, or concert.

- (f) *Park/park property*: Parks, parking areas, open space, greenspace, natural areas, playgrounds, ball fields, pools, pavilions, greenways, floodplains, creeks, streams or other water areas, buildings, and structures, that are within the Town of Mooresville park system, or any other area, building, structure, or place shown on the park system map, except where otherwise indicated within this chapter.
- (g) *Permit*: A document provided by the Department granting permission for use of reserved park property and which sets forth terms and conditions applicable to said use.
- (h) *Person*: Any person, firm, association, joint venture, partnership, company, corporation, entity, or organization of any kind.
- (i) *Pet*: Any domesticated animal kept for pleasure rather than utility, but excluding any animal that would normally be considered a farm animal or exotic animal.
- (j) *Plant*: Any tree, vine, shrub, flower, fungi, or related living organism.
- (k) *Service animal*: 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 be either 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 necessary for safe operation of the facility.
- (l) *Town*: The Town of Mooresville, North Carolina.

## **ARTICLE II**

### **PARKS**

#### **Sec. 17-3. Park hours and closures.**

- (a) All parks shall be open to the public from sunrise to sunset unless otherwise indicated. Lighted court facilities will be open until 10:00 PM unless conditions otherwise prohibit. Lighted, permitted athletic fields will be open until 11:00 PM unless conditions otherwise prohibit. The Director or Manager may modify all park hours as deemed necessary or appropriate.
- (b) It shall be unlawful for any person to enter any area of a park before its time of opening or enter or remain in any area of a park after its time of closing.
- (c) No person shall enter any area of a park posted as “Closed to the Public.”

- (d) The provisions of this section shall not apply to emergency personnel or Town employees, agents, or contractors while in the discharge of their duties, or to any person having permission of the Director to be or remain in any part of the parks.
- (e) In the interest of public safety, the Manager may close parks or areas within parks to public entry or otherwise restrict use until such time as the area can be made available for safe public use. Except in emergency circumstances, notice of closure shall be posted, and only authorized persons shall enter closed or restricted areas.

**Sec. 17-4. Buildings and other 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 a Department program or permitted event.

**Sec. 17-5. Use of cameras and recording devices.**

No person shall use any type of camera or similar device to record or produce a visual image in any park restroom, locker room, bath house, shower facility or other area used for dressing or changing clothes.

**Sec. 17-6. Reserved park areas.**

- (a) Parks and park property shall be reserved only by permit made in accordance with the Department's reservation policy. Reserved park areas may include athletic fields, group picnic shelters and associated amenities, recreation facility spaces, and those areas requested for the use of organized events.
- (b) No person shall use or occupy a reserved space except the person or party for whom the space is reserved.
- (c) Any person having a permit issued by the Department must comply with all applicable rules and regulations. Upon request, confirmation of the reservation must be displayed to Town of Mooresville police or public safety officers or Department employees charged with supervision or patrolling of parks. Violations of permit requirements or failure to display confirmation of a reservation as set out herein may result in immediate suspension or revocation of the permit.
- (d) Department employees, in the course of authorized business, shall have the right to enter the premises of any building, structure or enclosure on park property, including those rented or set aside for the private or exclusive use of any individual or group.

**Sec. 17-7. Interfering with events.**

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

**Sec. 17-8. 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 any park except as authorized by contract or permit issued by the Director.
- (b) No person shall place any stand, cart or vehicle for the transportation, sale, trade or display of any article, material or service within any park area unless approved by the Director in conjunction with a permitted use of a reserved park area.

**Sec. 17-9. Noise and amplified sound.**

Patrons shall preserve the peace and quiet enjoyment of the parks by observing all local ordinances and state laws governing noise and amplified sound while on park property.

**Sec. 17-10. Fireworks and explosives.**

No person shall possess or use any kind of firework or other explosive material or system, except by permit, in any park.

**Sec. 17-11. Litter and dumping.**

No person shall dump, deposit, place or throw any garbage, waste, or other trash in any park 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 or persons responsible for its presence.

**Sec. 17-12. Printed materials and advertising.**

- (a) No person shall distribute, display, post or affix any printed material, sign, notice, or advertisement within any park property or on any vehicle located in any parking area within park property unless the prior written permission of the Director is obtained and all applicable rules and regulations are met.
- (b) Notwithstanding subsection (a), it is permissible to distribute without charge to the receiver thereof printed materials to any person willing to accept it; announcements of Department-sponsored or sanctioned events; authorized signs located entirely within concession structures; and signs or distribution of printed materials approved by the Director in conjunction with a permitted use of a reserved park area.

**Sec. 17-13. Motorized vehicles and bicycles.**

- (a) Law enforcement officers may enforce all applicable state and local motor vehicle, traffic, and parking laws, and enforce all rules and regulations set forth by the Director within park property. Department personnel, authorized and designated by the Director, may direct traffic, and enforce the rules and regulations set forth by the Director within park property.
- (b) No motorized vehicles shall be driven on the trails or paths located within parks, except those vehicles designated for the expressed use of facilitating mobility for people with disabilities, or for emergency personnel or Department employees while in the discharge of their duties, or as otherwise permitted by the Director.

- (c) Bicycles, scooters, skates, or other human powered recreational equipment are allowed on concrete or asphalt paths within parks but are prohibited on natural surface trails unless expressly designated as bicycle trails.

**Sec. 17-14. Parking.**

- (a) No person shall park a vehicle on park property at any place other than in the expressly designated space provided for that particular type of vehicle unless directed otherwise by a law enforcement officer or Department employee, or by official signs or markings.
- (b) No driver or operator of any vehicle shall leave a vehicle parked on park property after posted closing hours without permission of the Director. Such permission shall be posted in a conspicuous location while the vehicle is parked after hours.
- (c) Vehicles parked in unauthorized areas that pose a threat to patron safety may be towed at the owner's expense.
- (d) No vehicle shall be parked on park property when the parked vehicle is for the purposes of sale, lease, gift, or repair.

**Sec. 17-15. Aircraft and radio-controlled devices.**

- (a) No person shall operate, direct or be responsible for any aircraft, drone, helicopter, glider, balloon, parachute, or other aerial apparatus that shall take off from or be operated within, or land within park property except in law enforcement or emergency situations or when permission has been obtained from the Director.
- (b) No person shall launch or operate any radio-controlled model rocket, aircraft, drone, glider, boat, car, or similar vehicle, within park property without permission from the Director or when used in law enforcement or emergency situations.

**Sec. 17-16. Firearms and other weapons.**

- (a) This section is subject to all provisions of Chapter 15 of this Code of Ordinances.
- (b) Except as otherwise authorized in Chapter 15 of this Code of Ordinances, no person except duly authorized local, state or federal law enforcement officers shall carry, possess, or discharge any type of firearm, handgun, explosive device, air gun of any description (such as, and without limitation, BB guns, paintball guns, pellet guns, airsoft guns, or such weapon or instrument that operates by ejecting or releasing any kind of projectile), knife, razor or deadly weapon as defined in the North Carolina General Statutes within any park.
- (c) No person shall shoot or otherwise discharge a firearm, weapon, bow, arrow, or similar device from within the park, or into any park from beyond the boundaries of such park.
- (d) Subject to the requirements of applicable state and federal law, the Director may permit the possession and use of weapons in a park for recreational, ceremonial, educational, wildlife or natural resource management purposes, or other departmental functions under supervision, written guidelines, or agreements.

### **Sec. 17-17. Metal detectors.**

No person shall use a metal detector in any park except for official activities authorized by the Director.

### **Sec. 17-18. Abandoned property.**

No person shall abandon a vehicle or other personal property in any park. Abandoned property shall be subject to impoundment and disposal as authorized by state law. For purposes of this section, abandonment shall mean leaving a vehicle or other personal property in a park after the park has closed for the day. Nothing herein is meant to preclude an employee of the Town taking immediate control of personal property that may immediately appear to be lost, abandoned, or pose a threat to persons or property.

### **Sec. 17-19. Animals and Pets.**

- (a) Except with the express written permission of the Director, no person shall bring an animal into a park, park property or a park building that does not qualify as a service animal or pet as that term is defined in this chapter. Service animals brought into park buildings must be housebroken. Any persons bringing a pet into parks shall keep the pet on a leash and under his or her immediate personal supervision and control. Leashes used to control pets shall not be more than six feet long. Dogs are allowed to be without a leash in park areas specifically designated as off-leash areas, provided that each dog therein remains under immediate personal supervision and control of a responsible person.
- (b) No person shall bring a pet into an enclosed park building except those qualified as service animals under the Americans with Disabilities Act, or as part of an authorized program or event.
- (c) Horses are not allowed in parks without written permission from the Director unless it is a miniature horse as defined by the ADA and this chapter.
- (d) Any pet or service animal not under the immediate personal supervision and control of a responsible person, or any pet or service animal creating a disturbance or nuisance, may be restrained or removed from the park by authorized personnel.
- (e) No person shall allow a pet for which he or she is responsible to be in the water of a swimming pool or designated water play area, and no such person shall allow a pet except for those qualified as service animals under the ADA, to be within the land area adjacent to the water of a swimming pool or designated water play area without written permission from the Director. Pets are not permitted to enter any natural or constructed body of water except in areas dedicated for such purpose.
- (f) Persons bringing pets or any service animal onto park property are required to carry appropriate material to place any fecal waste left by their pets or service animal into a trash bag or similar item and deposit it into a trash or other receptacle intended for such waste. Where receptacles are not provided, such fecal waste shall be removed from park property.
- (g) Current rabies and appropriate inoculation tags must be displayed on pets at all times.

- (h) No person shall abandon or leave any pet or animal in a park.

**Sec. 17-20. Swimming and wading.**

No person shall swim, bathe, wade or play in any natural or built water area within a park except where specifically designated, and in compliance with such rules and regulations set by the Director.

**Sec. 17-21. Camping and overnight use.**

No person may park a vehicle overnight at any park, 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 at any park except as authorized by permit, and only in areas designated or marked for such purpose. Any unauthorized camping at a park shall be deemed a public nuisance and the Town may summarily remove said shelter, bedding, or personal belongings.

**Sec. 17-22. 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 authorized by the Director. If authorized by the Director, open flames or other devices emitting flames, fire, or heat (whether or not such device is battery or electric powered, uses flammable or combustible liquids, gas, or charcoal, and regardless of whether such device is a cooking device or any other device designed to emit heat or flame), are not permitted within 20 feet of a tent or structure.
- (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 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 Mooresville Fire Department, or similar agency.

**Sec. 17-23. Personal risk in natural areas.**

Personal risks associated with the natural environment are inherent in parks. Native wild animals, poisonous plants, rough terrain, and other natural conditions are considered a part of the visitor's experience. Park staff will make reasonable efforts to forewarn users of natural areas where assumed risks might exist; however, park users are responsible for their own health and welfare and assume all risks regarding natural elements and other environmental conditions when they elect to enter such areas.

**Sec. 17-24. Natural resource protection and preservation.**

- (a) No person shall dig, cut, break, move, remove, destroy or otherwise harm or tamper with any soil, trees, shrubs, plants, down-timber or other wood or materials without 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, including eggs and nests, except upon authorization of the Director.
- (c) No person shall feed any non-domesticated animal in any park unless authorized by the Director.

**Sec. 17-25. Pollution of waters and park property.**

- (a) No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any creek, pond, stream, river, or other body of water within park property any substance, matter or thing, liquid or solid, unless done so under the authority and direction of the Town.
- (b) No person shall bury, discharge, or intentionally dispose of a toxic or hazardous substance in parks or on park property.

**Sec. 17-26. Vaping and Smoking.**

Vaping of any substance and the use of tobacco products are prohibited on park property except in outdoor public areas of the Mooresville Golf Club. 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, but is not limited to, 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.

**Sec. 17-27. Alcoholic beverages.**

Possession or consumption of alcoholic beverages is prohibited in parks except as may be allowed in Chapter 15 of this Code of Ordinances.

**Sec. 17-28. Penalty for a violation of this Article.**

It shall be unlawful for any person to violate any of the provisions of this article. Upon violation of any section of this article, violators may be subject to one or more of the following actions:

- (a) The violator may be ejected from any park, and any officer of the Mooresville Police Department shall have the authority to eject any person acting in violation of this article.
- (b) The violator may be subject to a civil penalty in the amount of \$100.
- (c) The violator may be charged with a Class 3 misdemeanor, punishable upon conviction by a fine of at least \$50 but no more than \$500.
- (d) The violator may be subject to any other remedy authorized in Section 1-14 of the Code of Ordinances.



**Secs. 17-29—17-39. - Reserved.**

**ARTICLE III  
MUNICIPAL GOLF CLUB**

**Sec. 17-40. Certain vehicles prohibited.**

Only golf carts or motorized vehicles authorized by the Town may be used on the property of the Mooresville Golf Club. All golf carts must be rented or secured from the golf club pro shop. Private golf carts are prohibited unless otherwise approved by the golf course manager.

**Sec. 17-41. Walkers, joggers, bicycles, etc.**

- (a) Running, jogging, and recreational walking, are prohibited on the golf course property during operating hours unless part of an approved recreational event.
- (b) The use of bicycles, skateboards, roller blades, roller skates, or any other wheeled devices, whether human-powered or powered by any other means, are prohibited on the golf course unless part of an approved recreational event. This subsection does not apply to approved golf carts, approved self-propelled bag carts, or items used for golf course maintenance.

**Sec. 17-42. Animals.**

Unless specifically exempted hereunder, all animals, including pets, are prohibited in the clubhouse and on the golf course property. This restriction does not apply to:

- (a) Any service animal as defined by the ADA or in this Chapter 17.
- (b) Dogs or other animal associated with law enforcement or fire department operations.
- (c) An animal that provides a service to the golf course and is approved by the Director.

**Sec. 17-43. Sledding, snowboarding, etc.**

Sledding, snowboarding, snowshoeing, skiing, or any snow-related activities are prohibited on the golf club property.

**Sec. 17-44. Golf club landscape.**

All persons, except for employees, contractors, or agents of the Town, are prohibited from cutting, mowing, or otherwise altering the golf club landscape or natural materials on golf club property.

**Sec. 17-45. Fishing.**

Fishing of any kind is prohibited from any of the streams, ponds, or waterways located within the golf club property.

**Sec. 17-46. Ponds, Streams, and Water Features.**

No person shall swim, bathe, wade, or play in any natural or built water area within the golf club property. Retrieval of golf balls, except when done as part of authorized play on the golf course property, is prohibited in any pond, stream, or other water feature located on golf club property unless authorized by the golf club manager.

**Sec. 17-47. Penalty for a violation of this Article.**

It shall be unlawful for any person to violate any of the provisions of this article. Upon violation of any section of this article, violators may be subject to one or more of the following actions:

- (a) The violator may be ejected from the golf club property, and any officer of the Mooresville Police Department shall have the authority to eject any person acting in violation of this article.
- (b) The violator may be subject to a civil penalty in the amount of \$100.
- (c) The violator may be charged with a Class 3 misdemeanor, punishable upon conviction by a fine of at least \$50 but no more than \$500.
- (d) The violator may be subject to any other remedy authorized in Section 1-14 of the Code of Ordinances.

**Secs. 17-48—17-60. Reserved.**