

8.1 – Parks and Recreation Ordinance

Chapter 50 - PARKS AND RECREATION¹¹

Footnotes:

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Cross reference— Loitering in parks, § 46-7; depositing refuse in parks, § 62-5; street and park trees, § 78-26 et seq.; rules, regulations, § 86-26 et seq.; parking vehicles at certain parks restricted, § 86-29.

State Law reference— Parks and recreation generally, G.S. 160A-350—160A-356.

ARTICLE I. - IN GENERAL

Sec. 50-1. - Interference with park activities prohibited.

- (a) Any person who willfully interrupts, disturbs, disrupts or interferes with any program or activity being conducted at a city-owned park or recreation facility and who, upon being directed to leave the park or recreation facility by the recreation director, or the recreation department employee in charge thereof, willfully refuses to leave the park or facility, shall be guilty of a misdemeanor.
- (b) Any person who willfully interrupts, disturbs, disrupts or interferes with any program or activity being conducted at a city-owned park or recreation facility, or who willfully engages in disruptive or disorderly conduct in or about such premises, may be denied the use of city parks and recreation facilities, by the recreation director of the city, for a period not to exceed ten days for the first offense, 60 days for the second offense, and for an indefinite period for any subsequent offense. Notice of such denial (suspension of privileges) shall be reduced to writing in the form of a letter to the offender and shall be served upon the person to whom it is directed by a recreation department employee, an officer of the police department, or by certified mail, return receipt requested, as pleadings and civil cases are served under the North Carolina Rules of Civil Procedure. Should any person who has been served such a notice go upon the premises of any city-owned park or recreation facility during the period stated in the notice, he shall be guilty of a misdemeanor.
- (c) The word "activity," as used herein, shall include, but not be limited to, the daily work routine of recreation department employees.

(Code 1971, § 15½-3)

Sec. 50-2. - Fees.

Fees and charges for the use of public park facilities, recreation department facilities, buildings, and grounds, and for participation in the various programs and activities sponsored or offered by the city's parks and recreation department shall be established from time to time by the board of aldermen and set forth and maintained in the city schedule of fees and charges.

(Ord. No. 2011-108, § 1, 5-24-11)

Secs. 50-3—50-25. - Reserved.

ARTICLE II. - RULES, REGULATIONS

DIVISION 1. - GENERALLY

Sec. 50-26. - Protection of property.

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- (a) It shall be unlawful to move, deface, or destroy any property in city parks and recreation areas including, but not limited to, signs, picnic tables, trash cans, grills, trees and shrubs.
- (b) It shall be unlawful to utilize self-propelled vehicles, known as skateboards, and in-line skates (roller-blades) in the city park located at Union Point in the City of New Bern, in the city park located on Middle Street in the City of New Bern, known as Bear Plaza, or in the city park located on Pollock Street in the City of New Bern known as James Reed Lane.

It shall also be unlawful to utilize skateboards or in-line skates on the following properties owned by the City of New Bern:

Police Headquarters Complex	601 George Street
Emergency Communications Complex	3600 Windhill Court
Fire Headquarters Station	1401 Neuse Boulevard.
Station 2	800 West Thurman Road
Station 3	1700 National Avenue
Station 4	3101 Elizabeth Avenue
Electric Department Offices	303 First Street
City Warehouse	205 First Street
City Garage Complex	110 Rhem Street
Leaf & Limb Offices	116 Rhem Street
Collections & Accounting Offices	606 Fort Totten Drive
Water & Sewer Offices	2825 Neuse Boulevard
Waste Treatment Plant	307 Glenburnie Drive"

- (c) It shall also be unlawful to utilize self-propelled vehicles, known as skateboards, and in-line skates (roller-blades) on the streets and sidewalks, and other publicly owned property, in the downtown area of the city, bounded by the northerly right-of-way line of New Street on the north, the westerly right-of-way line of George Street on the west, the northern right-of-way line of Pollock Street between George Street and Eden Street, the westerly right-of-way line of Eden Street from Pollock Street to Trent River, Trent River on the south and Neuse River on the east. The use of skateboards

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and rollerblades is permitted on private property located in said downtown area, but only with written permission of the property owner.

- (d) It shall be unlawful to use staked tents in city parks and recreation areas without written approval of the parks and recreation director. Approval may require deposit(s) and insurance as determined by the city's event committee or parks and recreation director.
- (e) It shall be unlawful to use amusement apparatus in city parks and recreation areas, including, but not limited to, bounce houses, slip and slides, climbing walls and rain towers without the written approval of the parks and recreation director. Approval may require deposit(s) and insurance as determined by the city's event committee or parks and recreation director.
- (f) It shall be unlawful to hit golf balls in city parks and recreation areas outside of areas designated specifically for such activity.

(Code 1971, § 15½-1(B)(1); Ord. No. 1998-29, § 1, 4-28-98; Ord. No. 1998-60, § 1, 9-8-98; Ord. No. 2001-14, 2-27-01; Ord. No. 2011-108, § 2, 5-24-11)

Sec. 50-27. - Littering.

It shall be unlawful to litter or deposit trash in areas other than designated trash cans.

(Code 1971, § 15½-1(B)(2))

Sec. 50-28. - Use of motor vehicles restricted.

Motor vehicles, including minibikes and motorcycles, are prohibited from city parks and recreation areas, except on roadways open to motor vehicles generally, and where signs specifically permit their use in a designated area.

(Code 1971, § 15½-1(B)(3))

Cross reference— Traffic and motor vehicles, ch. 70.

Sec. 50-29. - Sale of goods, services restricted.

It shall be unlawful for any person to sell goods or services on any city property other than through concession stands authorized in writing by the recreation department, unless the same shall have been authorized by the board of aldermen of the city.

(Code 1971, § 15½-1(B)(4); Ord. No. 1997-13, § 1, 4-8-97)

Cross reference— Businesses, ch. 14.

Sec. 50-30. - Consumption of alcoholic beverages.

Except as authorized by a public assembly alcohol permit issued pursuant to section 66-85(g), or a sidewalk café permit issued pursuant to section 66-70, no person shall consume alcoholic beverages in or upon any city-owned park or recreation area.

(Code 1971, § 15½-1(B)(5); Ord. No. 2012-140, § 1, 2-28-12)

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Cross reference— Drinking in public, § 46-5.

Sec. 50-31. - Gymnasiums at recreation centers.

The following rules and regulations shall govern the use of the gymnasiums at recreation centers:

- (1) No smoking in gymnasium.
- (2) No food or drink in gymnasium.
- (3) Only tennis or gym shoes worn on courts.
- (4) No deliberate bouncing of balls on walls, doors, windows.
- (5) Team and staff members only in dressing rooms before, during, and after games.
- (6) All spectators must be seated during games.
- (7) No spectators on court at half-time, during time-outs or between scheduled games.
- (8) Fighting in or outside of centers will result in expulsion for a length of time to be determined by the department.

(Code 1971, § 15½-1(C))

Sec. 50-32. - Possession of firearms prohibited.

It shall be unlawful for any person to possess any firearm within a recreational structure owned by the city, whether or not the same shall be concealed; provided, however, this prohibition shall not apply to sworn law enforcement officers who are permitted by law to carry firearms.

(Ord. No. 1996-63, § 1, 9-24-96)

Secs. 50-33—50-40. - Reserved.

DIVISION 2. - GLENBURNIE PARK

Sec. 50-41. - Use of picnic shelters, reservations.

Persons who wish to use any of the picnic shelters located in city parks are encouraged to make reservations for same through the parks and recreation department. Fees apply for reservations, with some exceptions. Proof of reservation forms will be given applicants when reservations are made. Proof of reservation forms must be in the possession of the authorized person when using a reserved shelter. It shall be unlawful for persons without valid proof of reservation forms to deny use of a picnic shelter to a person who has properly reserved the same at that particular time, and who has a valid proof of reservation form for the same. Anyone using a shelter who has not reserved the same shall relinquish it immediately to persons with valid reservation forms.

(Code 1971, § 15½-1(A)(1); Ord. No. 2011-108, § 3, 5-24-11)

Sec. 50-42. - Noise control.

Loud music and noise, which can be heard beyond the immediate area of the picnic shelter from which it originates, is prohibited. This includes radios, record players, loudspeakers, amplifiers, or persons playing musical instruments.

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(Code 1971, § 15½-1(A)(2))

Sec. 50-43. - Fires restricted.

No person shall start a fire in or at any parks and recreation facility or area, other than in grills and fireplaces which are provided for that purpose, without written permission by the parks and recreation director.

(Code 1971, § 15½-1(A)(3); Ord. No. 2011-108, § 4, 5-24-11)

Cross reference— Fire prevention and protection, ch. 30.

Sec. 50-44. - Use by groups.

Groups consisting of 50 persons or more are considered an event and are required to complete an events application, whether or not picnic shelters are used. Fees apply for events, with some exceptions.

(Code 1971, § 15½-1(A)(4); Ord. No. 2011-108, § 5, 5-24-11)

Sec. 50-45. - Park hours.

Anyone who wishes to enter or stay in a city park before or after hours for any purpose other than as described herein must first obtain permission in writing from the director of parks and recreation or his or her designee. Unless a city offered or sponsored athletic program or special event is scheduled in a specific city park, park hours are dawn to dusk unless otherwise posted and approved.

Posted park information is as follows:

(1) D. E. Henderson Park	Dawn to dusk unless athletics in season (court lights out at 10:00 p.m.)
(2) Seth West Parrott Park	Dawn to dusk unless athletics in season (court lights out at 10:00 p.m.)
(3) Donald Miller Park	Dawn to dusk
(4) Fort Totten Park	Dawn to dusk unless athletics in season (field lights out at 10:00 p.m.)
(5) George Street Park	Dawn to dusk
(6) Kafer Park	Dawn to dusk unless athletics in season (field lights out at 10:00 p.m.)
(7) Leander Morgan Park	6:00 a.m. to 11:00 p.m.
(8) Mary White Park	Dawn to dusk
(9) Monk Mallard Park	Dawn to dusk

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(10) Pierce Park	Dawn to dusk unless athletics in season
(11) Pleasant Hill Park	Dawn to dusk
(12) Speight Park	Dawn to dusk
(13) Council Bluff Green Park	6:00 a.m. to 11:00 p.m.
(14) Glenburnie Park	Dawn to dusk
(15) Lawson Creek Park	6:00 a.m. to 10:00 p.m.
(16) Union Point Park	6:00 a.m. to 11:00 p.m.

(Ord. No. 2011-108, § 6, 5-24-11)

Editor's note— Ord. No. 2011-108, § 6, adopted May 24, 2011, amended section 50-45 in its entirety to read as herein set out. Formerly, section 50-45 pertained to permission to stay in park after 11:00 p.m. and derived from the Code of 1971, § 15½-1(A)(5).

Sec. 50-46. - Speed of vehicles.

No motor vehicle shall be operated at a speed greater than 15 miles per hour on any service road or street in any park.

(Code 1971, § 15½-1(A)(6); Ord. No. 2011-108, § 7, 5-24-11)

Cross reference— Traffic and vehicles, ch. 70.

Secs. 50-47—50-60. - Reserved.

Editor's note— Ord. No. 2011-108, § 8, adopted May 24, 2011, repealed the former section 50-47 in its entirety, which pertained to limitations of persons and derived from the Code of 1971, § 15½-1(A)(9).

DIVISION 3. - COMMERCIAL ADVERTISING SIGNS²

Footnotes:

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Cross reference— Businesses, ch. 14.

Sec. 50-61. - General prohibition.

Except as provided in this division, no signs advertising commercial establishments, products or any other thing, shall be erected in any park or recreation area owned by the city.

(Code 1971, § 15½-1(D)(1))

Sec. 50-62. - Baseball fields.

- (a) With the prior approval, in writing, of the city manager and the recreation director, private, nonprofit organizations which utilize the several regulation-size baseball fields owned by the city and operated by the city recreation department, may erect signs along the inside of the outfields of such baseball fields which advertise commercial establishments or products, and may utilize the proceeds from the sale of such advertising to defray the expenses of the athletic activities conducted by such organizations, including the renovation or improvement of the ball field being used by such organizations.
- (b) No portion of the funds raised may inure to the benefit of any individual or group of individuals less than the entire organization. The organization shall report all receipts and disbursements annually to the recreation director of the city.
- (c) Size, shape and advertising content of each of such signs shall be subject to approval by the recreation director of the city; provided, however, no sign shall advertise tobacco products or alcoholic beverages of any kind, or anything which is or may be offensive to the general public.
- (d) No organization shall acquire any vested right to continue the practice hereby permitted. Upon ten days notice from the city manager, the organization responsible for placing such signs shall remove the same at no expense to the city.

(Code 1971, § 15½-1(D)(2))