

AN ORDINANCE AMENDING ORDINANCE 07-07, AN ORDINANCE OF TOWN
COUNCIL OF THE TOWN OF DUCK, NORTH CAROLINA, ESTABLISHING
USAGE POLICIES FOR THE TOWN OF DUCK PARK PROPERTY

Ordinance No. 09-01

WHEREAS, the Town of Duck has purchased property and is in the process of developing a park on the property; and

WHEREAS, the Town wishes to ensure that the park may be enjoyed by all residents, property owners, and visitors to the Town; and

WHEREAS, in order to provide a reasonable framework within which the park may be enjoyed certain usage policies should be adopted.

NOW, THEREFORE, BE IT ORDAINED, THIS 4TH DAY OF FEBRUARY, 2009, that the Town Council of the Town of Duck, North Carolina, does hereby adopt the following usage policies for the Town of Duck Park Property.

Section 1. Purpose

The Town of Duck Municipal Property (park) has been developed to serve as a passive recreational area for residents, property owners and visitors to enjoy. The following usage policies are designed to maximize the public's enjoyment of the park.

Section 2. Waiving of Certain Policies

The Town Manager has the authority to waive applicable park policies for Town-sponsored events.

Section 3. Hours of Operation

The park shall be open every day from dawn until dusk.

Section 4. Usage Policies, Generally

A. COMMERCIAL ACTIVITY:

Commercial activity within the park is prohibited.

B. PARKING:

Parking is allowed only in designated areas and only during the park's operating hours. Parking areas at the park are reserved for park use only. Parking may not be reserved for events or activities unrelated to the Town. The Town reserves the right to tow vehicles in violation of this policy.

C. CANOES/KAYAKS:

Canoes and kayaks may only be launched, tied up or left in designated areas. Canoes and kayaks left unattended are the sole responsibility of the owner. Canoes and kayaks may not be left within the park overnight.

D. OTHER WATERCRAFT:

Watercraft of any type, including but not limited to personal watercraft, other than canoes and kayaks, may not be launched from within the park. In addition, watercraft may not be tied off or tethered to any boardwalk or pier within the park or to any feature along the shoreline of the park. The anchoring of watercraft within 200 feet of the shoreline of the park is prohibited.

E. PETS:

Pets are allowed within the park area and must be on a leash in accordance with Town Ordinances. Pet owners are required to dispose of any waste left by the animal in waste containers.

F. WILDLIFE:

Hunting, chasing, feeding or otherwise harassing wildlife within the park area is prohibited.

G. FISHING AND CRABBING:

Fishing and crabbing are allowed on the boardwalk in designated areas only. Fishing and crabbing from the shoreline are prohibited.

H. SWIMMING:

Swimming, wading, diving, or otherwise entering the water from the shore or any pier or boardwalk within the park, that is not related to the launching, docking, or rescue of authorized watercraft is prohibited.

I. ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

The use, possession, sale or distribution of alcoholic beverages or controlled substances is prohibited within the park.

J. LITTERING:

Littering or dumping of waste within the park is prohibited. All waste shall be disposed of in waste containers.

K. WEDDINGS

Neither the park itself, nor any park amenities, may be reserved for weddings. Weddings are not prohibited; however, no portion of the park may be closed to accommodate the event and additional equipment, including, but not limited to chairs, tables, tents, cooking devices, etc. are strictly prohibited.

L. SPECIAL EVENTS

Special events not associated with Town activities are generally prohibited. However, permission to hold a special event may be requested in writing from the Town Manager provided that the event is to be held during the period between November 1 and March 1 of each year and provided that the event is opened to the general public free of charge and provided that the event is sponsored by or to benefit a not-for-profit organization.

M. CHILDREN

Children under the age of 12 should be under the supervision of an adult.

N. FIREARMS/FIREWORKS

Firearms and fireworks (including sparklers) are prohibited within the park.

O. GAZEBO/PICNIC SHELTER

The gazebo and picnic shelter are available within the park on a first come-first serve basis. The use of the gazebo or picnic shelter for Town-sponsored events shall take precedence over all other uses.

P. OPEN FIRES/GRILLS

Open fires, including the use of grills or cooking devices of any kind are prohibited.

Q. DAMAGE TO TOWN PROPERTY

It shall be unlawful for any person to damage town property, including, but not limited to defacement of property with graffiti, damaging furniture or fixtures, or damaging trees or vegetation.

R. BICYCLES/ROLLERBLADES/SKATEBOARDS

Bicycles, rollerblades, skateboards and similar apparatus are prohibited on the trails, pier and boardwalks within the park.

S. RADIOS/MUSICAL INSTRUMENTS

The playing of radios and musical instruments is allowed provided that the volume of such devices does not affect the peaceful repose of others within the park.

Section 5. Laws of General Applicability

Nothing in this ordinance shall prohibit the enforcement of other laws, rules or regulations applicable to a specific offense.

Section 6. Penalties

Any person who violates the provisions of this ordinance for which another penalty has not been provided for within the North Carolina General Statutes or other Town ordinance shall be guilty of a Class 3 Misdemeanor and shall be fined \$250.00.

Section 7. Effective Date

This ordinance shall be effective upon its adoption.

Neil Morrison, Mayor

ATTEST:

Town Clerk

Date adopted: February 4, 2009

Motion to adopt by: Councilor Bart Smith

Vote: 5 AYES 0 NAYS