

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 93: PARKS, OF THE TOWN OF DUCK CODE OF ORDINANCES TO PROMULGATE RULES FOR THE DUCK TOWN PARK, BOARDWALK AND BOAT PIER

Ordinance No. 11-03

WHEREAS, the Town of Duck has purchased and developed property as the Duck Town Park and has acquired easements to enable the construction of the northern extension of the soundside boardwalk and the construction of a four slip boat pier; and

WHEREAS, the Town wishes to ensure that each of these amenities may be enjoyed by all residents, property owners, business owners and visitors to the Town; and

WHEREAS, in order to provide a reasonable framework within which these amenities may be enjoyed, certain usage policies were previously adopted; and

WHEREAS, in order to further clarify certain aspects of the usage policies regarding the use of these amenities, it is necessary to amend Title IX: General Regulations, Chapter 93: Parks, of the Town of Duck Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED, THIS 6<sup>th</sup> DAY OF APRIL, 2011, that the Town Council of the Town of Duck, North Carolina, does hereby amend Title IX: General Regulations, Chapter 93: Parks, of the Town of Duck Code of Ordinances as follows:

§ 93.01. PURPOSE.

The Duck Town Park, Soundside Boardwalk and Boat Pier have been developed to serve as recreational areas for residents, property owners, business owners and visitors to enjoy. The following usage policies are designed to maximize the public's enjoyment of these amenities of the Town of Duck.

§ 93.02. DEFINITIONS

**PARK.** The area of the Town located at 1200 Duck Road comprising approximately 11 acres and that includes the Duck Town Hall – Community/Meeting Hall, gazebo, picnic shelter, amphitheater, playground, trails, and parking areas.

**BOARDWALK.** The structure adjacent to the Currituck Sound, located between 1200 Duck Road and 1240 Duck Road, which is approximately 10 feet wide in most areas and constructed of wood, and serves as a public walkway connecting the park with commercial areas and to provide passive access to the Currituck Sound. The boardwalk ties into and includes commercial areas and also includes the canoe/kayak/stand up paddle board launch and the willow swamp trail located at the park.

**BOAT PIER.** The structure located at 1240 Duck Road that extends approximately 130 feet into the Currituck Sound and includes four slips for motorized and non-motorized watercraft and space for canoes/kayaks/stand up paddle boards and similar watercraft to be temporarily moored.

§ 93.03. WAIVING OF CERTAIN POLICIES.

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

§ 93.04. HOURS OF OPERATION.

The park grounds shall be open every day from dawn until dusk. The boardwalk and boat pier shall be open daily except between the hours of 1 a.m. and 5 a.m. Overnight mooring of watercraft is prohibited.

§ 93.05. USAGE POLICIES.

(A) COMMERCIAL ACTIVITY:

Commercial activity within the park, and on the boardwalk and boat pier, including, but not limited to the vending and the solicitation of products or services is prohibited. In addition, except as may otherwise be permitted, the boardwalk and boat pier shall not be used for private, commercial or business use including, but not limited to the use of tables, chairs, bandstands, signs, or use for social or business functions, which in any way interferes with the public use of the boardwalk or boat pier.

(B) PARKING:

Parking for the park and to access the boardwalk from the park grounds is allowed only in designated areas. Parking areas at the park are reserved for park and boardwalk 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. Although the park is closed at dusk, the parking areas within the park shall be open except between the hours of 1 a.m. and 5 a.m. and individuals shall be allowed to traverse the park at times when the park is closed but the parking area is open, provided they are doing so for the sole purpose of leaving from or returning to a vehicle within the parking area.

(C) CANOES/KAYAKS/STAND UP PADDLE BOARDS AND SIMILAR WATERCRAFT:

Canoes, kayaks, stand up paddle boards and similar watercraft may only be launched, tied up or left for a period not to exceed four hours per day in designated areas within the park, along the boardwalk or on the boat pier. Canoes, kayaks, stand up paddle boards and similar watercraft left unattended are the sole responsibility of the owner. Canoes, kayaks, stand up paddle boards and similar watercraft may not be left within the park along the boardwalk or on the boat pier overnight.

(D) OTHER WATERCRAFT:

Watercraft of any type, including but not limited to personal watercraft, other than canoes, kayaks, stand up paddle boards and similar watercraft, may not be launched from within the park. In addition, watercraft of any type may not be tied off or tethered to the boardwalk or to any feature along the shoreline of the park. The anchoring of watercraft within 100 feet of the boardwalk of the park is prohibited.

(E) BOAT PIER USAGE:

The Boat Pier, located at the northern terminus of the boardwalk, is intended for the mooring of motorized and non-motorized watercraft. Watercraft utilizing the pier may only moor in designated areas. Slips associated with the pier are reserved for watercraft that can seat four or more individuals and may only be utilized for a period not to exceed four hours per watercraft per day. Canoes and kayaks may be launched or tied up to the boat pier in designated areas.

(F) PETS:

Pets are allowed within the park on the boardwalk and on the boat pier and shall be on a leash in accordance with Town Ordinances. Pets are prohibited from entering the water from the park along the boardwalk or on the boat pier. Pet owners shall dispose in waste containers any waste left by the animal.

(G) WILDLIFE:

Hunting, chasing, feeding or otherwise harassing wildlife within the park and on the boardwalk and boat pier is prohibited.

(H) FISHING AND CRABBING:

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

(I) SWIMMING:

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

(J) ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES:

The use, possession, sale or distribution of alcoholic beverages or controlled substances is prohibited within the park, on the boardwalk and on the boat pier.

(K) SMOKING:

The use of cigarettes, cigars, or similar products is prohibited within the park, on the boardwalk and on the boat pier.

(L) LITTERING:

Littering or dumping of waste within the park, on the boardwalk and on the boat pier is prohibited. All waste shall be disposed of in waste containers.

(M) WEDDINGS:

The park, park amenities, including, but not limited to the gazebo, picnic shelter and amphitheater, the boardwalk and the boat pier, shall not be reserved for weddings. Weddings are not prohibited; however, no portion of the park, boardwalk or boat pier shall be closed to accommodate the event. The use of additional equipment, including, but not limited to chairs, tables, tents, cooking devices, sound amplifying devices, etc. is strictly prohibited.

(N) 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 May 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.

**(O) CHILDREN:**

Children under the age of 12 shall be under the supervision of an adult who is physically present within the park, on the boardwalk and on the boat pier.

**(P) FIREARMS/FIREWORKS:**

Firearms and fireworks (including sparklers) are prohibited within the park on the boardwalk and on the boat pier.

**(Q) GAZEBO/PICNIC SHELTER/AMPHITHEATER:**

The gazebo, picnic shelter and amphitheater are available within the park on a first come-first serve basis. Features of these amenities, such as electricity, lighting, storage areas and dressing rooms, shall not be available for general or casual use. The use of the gazebo, picnic shelter or amphitheater for Town-sponsored events shall take precedence over all other uses.

**(R) OPEN FIRES/GRILLS:**

Open fires, including the use of grills or cooking devices of any kind are prohibited within the park, on the boardwalk and on the boat pier.

**(S) 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 within the park, on the boardwalk and on the boat pier.

**(T) BICYCLES/ROLLERBLADES/SKATEBOARDS:**

The use of bicycles, rollerblades, skateboards and similar apparatus is prohibited on the trails and grounds, within the park, on the boardwalk and on the boat pier.

**(U) MOTORIZED VEHICLES:**

Motorized vehicles of any kind, whether powered by gasoline, diesel or other fuel source, batteries, or similar devices, are allowed only in designated parking areas within the park and are prohibited within other areas of the park, on the boardwalk and on the boat pier. This prohibition shall not apply to town employees or contractors working on behalf of the town or to persons who are required to use a motorized vehicle due to a disability.

**(V) ELECTRIC PERSONAL ASSISTIVE DEVICES (“EPAMDS”):**

Electric Personal Assistive Mobility Devices (“EPAMDs”) (including but not limited to Segways and similar devices as defined in N.C.G.S. § 20-4.01(7a), are not permitted within the Central Village Commercial Area of the Town in accordance with Chapter 70 of the Town of Duck Code of Ordinances. This area includes the park, boardwalk, and boat pier. This prohibition shall not apply to town employees or contractors working on behalf of the town or to persons who are required to use a motorized vehicle due to a disability.

(W) RADIOS/MUSICAL INSTRUMENTS:

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

(X) TENTS, UMBRELLAS:

The erection of tents, umbrellas, or similar products is prohibited within the park.

(Y) FOOTWEAR REQUIRED:

For the safety of the individuals using the park, boardwalk and boat pier, the use of footwear is required.

(Z) ACCESSING PRIVATE PROPERTY FROM BOARDWALK  
PROHIBITED:

Unless otherwise permitted, it shall be unlawful to access private property from the boardwalk.

§ 93.06. LAWS OF GENERAL APPLICABILITY.

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

§ 93.99. PENALTY.

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.

This ordinance shall be effective upon its adoption.

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Mayor

ATTEST:

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Town Clerk

Date adopted: April 6, 2011

Motion to adopt by: Mayor Pro Tempore Kingston

Vote:   5   YES   0   NAYS