ORDINANCE NO. 91

AN ORDINANCE ESTABLISHING THE REVISED RULES FOR THE USE, OCCUPANCY OF, AND CONDUCT OF PARKGOERS OF THE PARK AT FLAT ROCK

I. AUTHORITY TO ENACT

The Council of the Village of Flat Rock, pursuant to the authority granted by the North Carolina General Assembly, particularly Chapter 160A, Articles 8 and 18, and the authority vested in the Village of Flat Rock by its charter, hereby ordains and enacts into law this ordinance.

II. TITLE

This ordinance shall be known and may be cited as the Ordinance Establishing Rules for the Use and Occupancy of, and the Conduct of Parkgoers in, The Park at Flat Rock hereafter referred to as "The Park".

III. APPLICABILITY

This ordinance shall be applicable to all land, waterbodies, and improvements owned by the Village of Flat Rock and comprising The Park at Flat Rock.

IV. EFFECT OF ENACTMENT

This ordinance amends the rules established by, annuls and supersedes in its entirety Ordinance No. 91, An Ordinance Establishing Park Rules for the Village of Flat Rock, adopted by the Village Council on November 15, 2014.

V. RULES AND GENERAL APPLICATION

The rules set out in this article regulate the use, occupancy of, and conduct of parkgoers of The Park at Flat Rock, a public park owned and operated by the Village of Flat Rock. A parkgoer is defined as any person on the Park property for the purpose of recreation. Neither the Village of Flat Rock nor any of its elected or appointed officials, agents or employees or authorized volunteers shall be responsible or liable for any damage to or theft of any property or for any personal injury suffered by any individual while using The Park or any of The Park's facilities. All parkgoers utilize The Park and all facilities at their own risk. Failure to adhere to any rule or regulation may result in expulsion from the facility for the day, expulsion for an extended period of time, or being subject to arrest for trespassing.

VI. Rules for the Use and Occupancy of, and Conduct of Persons in, The Park at Flat Rock

6.1 PARK ACCESS

1. **ENTRANCE.** The only entrance that may be used to legally enter The Park is through the gated Highland Golf Drive entrance.

2. **HOURS OF OPERATION.** The Park shall be open between dawn and dusk. The Village Administrator or Park Director may approve special events which occur outside the normal hours of operation; they may also close The Park for weather related or other reasons. It shall be unlawful to use or be inside The Park anytime when The Park is closed.

3. **OFF LIMITS AREAS.** Parkgoers may not enter temporary or permanent areas that are designated as off-limits or restricted spaces.

4. **CONSTRUCTION AREAS.** All construction areas within The Park are always strictly off limits. During the time when any portion of The Park or a park facility is under construction and not open for use by the public, no parkgoer who is not involved in the construction process shall be on or about any area of construction activity.

5. **SIGNS.** Rules on official signs must be obeyed at all times by all parkgoers and others when they are in the Park.

6. **CHILDREN.** Children under the age of 14 shall be directly supervised by an adult the age of 18 or older at all times. Adults must ensure their supervised children follow all rules.

7. **SEX OFFENDERS.** No person registered with the State of North Carolina or any other state or federal agency as a registered sex offender may enter The Park.

6.2 PRESERVATION OF PARK RESOURCES

1. **PRESERVATION OF PARK PROPERTY.** It shall be unlawful for any parkgoer to remove, destroy, excavate, mutilate or deface any village structure, monument, planter, fountain,

wall, fence, railing, vehicle, bench, signage, trees, plants, or any other property in The Park.

2. **TREATMENT OF WILDLIFE**
   - All parkgoers shall maintain safe viewing distances from wildlife.
   - It shall be unlawful for any parkgoer to hunt or trap any bird or animal, or to molest or rob any nest of any bird or any lair, den or burrow of any animal, or the beehives in The Park.
   - The feeding of wildlife is strictly prohibited.
   - Fishing in park waterbodies is prohibited.
   - It shall also be unlawful to release or place any animal within The Park for the purpose of allowing such animal to roam freely on such land. Animals equipped with animal control devices and used by professionals or park staff may be excepted from such rule with the Village Administrator's or Park Director's written approval.

3. **USE OF WATERBODIES.** No use, including wading, swimming or fishing, may be made of any waterbody within The Park.

4. **DUMPING AND LITTERING.** No parkgoer shall deposit, dump, throw, cast, lay or place, or cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, soil or earth, paper, garbage, oil, refuse, debris, plant clippings or limbs or leaves in or upon The Park or park lands or in any pond or watercourse within The Park. No household trash is allowed to be placed in any village trash receptacle. The use of confetti, party poppers, and silly string inside The Park is strictly prohibited.

6.3 CONDUCT

1. **DISORDERLY AND DANGEROUS CONDUCT.** It shall be unlawful for any parkgoer to use any boisterous or insulting language, to engage in any threatening behavior, or to be guilty of any crime or disorderly or dangerous conduct of any kind in The Park.

2. **MOTORIZED VEHICLES IN THE PARK.**
   - "Motorized vehicle" is defined to include e-bikes, pedal assisted bikes, hoverboards, electric scooters, mini-bikes, go-carts, motorbikes, golf carts, ATVs and any other motorized vehicle, but exclude power-driven mobility devices used by people with mobility disabilities.
   - It shall be unlawful for any parkgoer to drive any motorized vehicle anywhere in The Park, except upon the regularly established roadways and in parking areas; it shall be unlawful for any parkgoer to park or permit to be parked any vehicle anywhere except

upon designated parking areas authorized by the Village Administrator or Park Director.

- Parkgoers operating a licensed vehicle must possess a valid driver's license or learner's permit (and be accompanied by a licensed operator, as required by law) to operate a vehicle on park property.
- Vehicles left unattended for more than 24 hours within The Park , without authorization, will be towed away at the owner's expense. Temporary housing (i.e., recreational vehicles, motor homes, campers, tents, house trailers) may not be parked overnight on park property.
- This section shall not apply to law enforcement officers or emergency medical, security or maintenance personnel in the discharge of their duties.

3. **BICYCLES.**
   - Cyclists shall observe all North Carolina statutes controlling or regulating the operation of bicycles, including, but not limited to the North Carolina Child Bicycle Safety Act (NCGS §§20-171.6 – 171.9). All cyclists are encouraged to wear helmets and appropriate safety gear in the Village of Flat Rock. Bicycles shall be allowed only on designated areas and trails, and on public roadways.
   - Pedestrians have the right of way; cyclists shall slow when approaching pedestrians and yield to them.
   - Cyclists shall travel on the right, pass on the left, and give an audible warning before passing any pedestrian or other bicycle.

4. **SKATES, ROLLERBLADES, AND SKATEBOARDS.** The use of skates, rollerblades, and skateboards is prohibited in The Park.

5. **SCOOTERS.** Non-motorized scooters with brakes may be used in The Park following the same rules as for bicycles.

6. **PLAYGROUND RULES.**
   - Adult supervision is required. The Tot Lot is designed for and appropriate for children ages 3 - 5 years old. The Bryan Playground is designed for and appropriate for children ages 5-12.
   - The playground equipment may only be used for its intended purposes. Do not climb up slides. Do not climb over barriers. Do not jump off structures. No food or drink are allowed on the play structures.
   - Do not modify or attach anything to playground equipment.
   - Balls, jump ropes, and other toys are not permitted within the play area or on the playgrounds.
   - To prevent choking hazards, the following items are not permitted on the playgrounds: necklaces, scarves, backpacks, helmets, hood and neck drawstrings.

- Bicycles and scooters are expressly forbidden in the play area or on any equipment or structures.
- Pets are expressly forbidden in the play area or on any equipment or structures.
- Report any issue with the playground to Park Staff. In case of emergency, call 911.

7. **WEAPONS, FIREARMS AND INCENDIARY DEVICES.** It shall be unlawful for any parkgoer, at any time or under any circumstances within The Park to discharge, forcibly hurl, or cause to be discharged or forcibly hurled any edged weapon, including but not limited to knives, arrows, spears, and other similar devices. It shall also be unlawful for any parkgoer, at any time or under any circumstances, within The Park to discharge, shoot, fire or explode, or cause to be discharged, shot, fired, or exploded any firearms, including, but not limited to air rifles, toy pistols, paintball guns, toy guns or other toy arms designed to forcibly hurl a projectile or missile. This section shall not apply to law enforcement officers when engaged in the discharge of their duties.

8. **FIRE AND FLAMMABLE DEVICES.** Open fires and fireworks of any type are expressly prohibited within The Park except as specifically allowed at Village of Flat Rock approved events. All fires and fireworks must comply with the rules, regulations and requirements of the Henderson County Fire Marshall, National Fire Protection Association Codes and Standards, and Chapter 33 of the International Fire Code.

9. **FIRES, GRILLS, AND GREASE FRYERS.** It shall be unlawful for any parkgoer to make or kindle a fire in The Park. Grills are not permitted in The Park. The use of any type of grease fryer (deep fryer) is strictly prohibited due to the potential for personal and facility damage from fire and the harmful slippery conditions the grease may develop on floors, tables, and benches.

10. **ANIMALS RUNNING AT LARGE.** It shall be unlawful for any parkgoer to allow or permit any horses, dogs or other domestic animals to run at large in The Park, and it shall be unlawful to ride any animal in The Park except at a special event or activity approved by the Village Administrator or Park Director. Animals must be leashed at all times and controlled to prevent unwanted interaction with other park users and wildlife. Pet owners are required to clean up, and properly dispose of, any pet excrement prior to leaving the immediate area.

11. **CONTROLLED SUBSTANCES, TOBACCO.** The use of controlled substances and tobacco products of any kind is prohibited in The Park.

12. **BEER, WINE, ALE AND OTHER ALCOHOLIC BEVERAGES.** It shall be unlawful for any parkgoer to possess, consume or display publicly any beer, wine, ale or any other alcoholic beverage in The Park except as specifically permitted by the Village Council; and it shall be

unlawful for any parkgoer under the influence of an intoxicating beverage or a controlled substance to enter or remain in The Park.

13. GAMES AND SPORTS.

- Activities involving throwing or striking objects, such as football, soccer, baseball, disc golf, and lacrosse, are generally permitted in The Park.
- It shall be unlawful for any parkgoer to engage in these activities in close proximity to playground equipment, park structures, or trails, where they may pose a threat to the safety of other parkgoers or cause damage to park structures.
- Hitting golf balls from or to any point inside The Park is strictly prohibited.

14. **AMPLIFIED SOUND.** Sound systems and musical devices that produce a sound that carries more than 50 feet or is loud enough to disturb other patrons using any park facility are prohibited. Motor vehicles are not to be used as outdoor sound systems. The judgment of the level of disturbance is up to the Village Administrator or Park Director. Special events approved by the Village Administrator or Park Director may be exempted from this rule.

15. **REMOTE CONTROL TOYS OR SELF-PROPELLED DEVICES.** The use of remote control or self-propelled devices such as drones, cars, boats, airplanes, or rockets is prohibited within The Park unless the user is participating in a special event or activity approved by the Village Administrator or Park Director.

16. **PROFITEERING.** It shall be unlawful for any parkgoer or organization, including nonprofits, to engage in soliciting, advertising, peddling, begging or selling at any park within the village without permission of the Village Council.

17. ADVERTISING AND SIGNAGE IN THE PARK. It shall be unlawful for any parkgoer to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatsoever in The Park, or to attach any notice, bill, poster, sign, wire, rod, or cord to any tree, shrub, fence, railing, post, pole, or structure within any park, except by such parkgoers as are authorized by the Village Administrator or Park Director.

18. **GAMBLING.** It shall be unlawful for any parkgoer to conduct or carry on any game of chance at which any money, property or other thing of value is bet, whether the same be in stake or not, in The Park.

6.4 SCHEDULING OF EVENTS AND PARK FACILITIES

1. **EXCLUSIVE EVENTS.**

- Exclusive events may be permitted with the permission of the Village Council. Any such event must have a written contract, lease, or agreement specifying a rental or percentage of sales to be received by the village.
- An exclusive event is defined as any event where the applicant (including a 501(c)(3) nonprofit organization) is applying for exclusive use of all or any portion of The Park outside of the Staton Pavilion or the Rudnick Community Room.
- The applicant obtaining permission shall be responsible for payment of all applicable license fees.
- The application for exclusive events is available on the Flat Rock Village website: **Park Area Reservation Information and Application**.
- Any activity at The Park that will be widely advertised on social media or through other means is required to be accompanied by an approved exclusive event application.

2. **PARK FACILITY RESERVATIONS.**
   - The Staton Pavilion and the Rudnick Community Room are available for rent. Groups and individuals are required to pay a fee and a refundable security deposit in amounts established by the Village Council to reserve these facilities for their exclusive use. A facility will be reserved exclusively for the time period specified on the rental agreement.
   - The facilities must be left clean and free of excessive debris, or patrons will be excluded from renting another facility for one year. The Village Administrator or Park Director has the authority to ban an individual or revoke rental privileges for the day reserved due to repeated violations of rules and regulations. The Village Council may ban a group or individual from future use for violation of these rules.
   - Patrons refusing to leave the facility when ordered to do so because of rules and regulations violations are subject to prosecution for trespassing.
   - The Staton Pavillion application is available on the Flat Rock Village website: **Park Pavilion Reservation Information and Application**.
   - The Rudnick Community Room application is available on the Flat Rock Village website: **Park Welcome Center Reservation Information and Application**.

3. **FEES.** Final determination of Use fees and the terms of payment for such fees are set by the Village Council.

VII. ENFORCEMENT

These rules may be enforced by any and all remedies authorized by applicable law. In addition, anyone violating any of these rules may be required to leave immediately by the Park Director or any other member of the Village staff and, for failing to do so, may be subject to prosecution for trespassing. Authority to enforce this ordinance and impose stated and statutory penalties vests with the Village Administrator or Park Director and with appropriate law enforcement bodies and is granted under NCGS §160A-285 and §160A-286.

VIII. PENALTIES

Violation of this ordinance constitutes a Class 3 Misdemeanor and is punishable by a fine of an amount not to exceed $500.00 or incarceration not to exceed 30 days, or both, pursuant to NCGS §160A-175(a) and §14-4(a).

IX. AMENDMENT OF RULES

The rules established hereby may be amended from time to time by resolutions adopted by the Village Council at its monthly meeting at which action on any such resolution of amendment appears on a duly adopted agenda for the meeting.

X. SEVERABILITY

Each article of this ordinance and each park rule established hereby constitutes a separate and distinct provision. Whenever possible, each such provision shall be interpreted in such a manner as to be effective and valid under applicable law. In the event that any provision of this ordinance shall finally be determined by a competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from the ordinance, but every other provision hereof shall remain in full force and effect.

ADOPTED and effective on and after this July 10th, 2025.

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Michelle Parker, CMC
Village Clerk

Anne Coletta
Mayor

As to form:

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Village Attorney