

CHAPTER 15 - TOWN PROPERTY

Article I - Definitions and Applicability

Section 15-1 Definitions.

(A) Unless otherwise specifically provided or clearly required by the context, the following words and phrases shall have the meaning indicated when used in this chapter:

(1) **Administrator.** Unless otherwise directed by the Board, the term administrator shall refer to the recreation director to the extent that the power or authority granted in this chapter to the administrator is exercised with respect to the town's parks and recreation areas or other town property under the jurisdiction of the recreation department. In other cases, the term administrator shall refer to the person or persons designated by the Board to perform the functions assigned by this chapter to the administrator.

(2) **Town Property.** All real property (including land and buildings) owned, leased, occupied, or otherwise in the possession of the Town of Blowing Rock other than areas within public street and sidewalk rights-of-way.

Section 15-2 Applicability.

This chapter shall be applicable to all town property located within and without the town except to the extent that its provisions overlap or conflict with any other provisions of this town code that more specifically deal with particular town property. By way of illustration, without limitation, Chapter 13 of the town code deals specifically with town cemeteries.

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Article II - Occupancy of Town Property

Section 15-3 Opening and Closing Hours.

(A) Subject to Section 15-4, all town property that is held primarily for recreational purposes and that is subject to the supervision and maintenance of the town's recreation department shall be open to the public for the maximum number of hours each day that is consistent with the town's ability to provide any necessary supervision of and security for such property and the persons using it, as well as the town's responsibility to avoid unreasonable interference with the use and enjoyment of neighboring properties. Consistent with this objective, the administrator may establish opening and closing hours for such property (and may establish different hours for different portions of the same property, e.g., lighted and unlighted areas) and shall post such hours at convenient locations to give the public adequate notice thereof.

(B) No unauthorized person may enter or remain in or on any town property covered under subsection (A) while such property is closed to the public pursuant to that subsection.

Section 15-4 Temporary Restriction on Use of Fields, Courts, etc.

(A) Whenever the administrator determines that it is necessary to keep persons temporarily off any land, playfield, court, or similar areas for the purpose of maintaining, improving, or preventing damage to the same or for other good cause, he may post sufficient signs on or around such facilities to give adequate notice that the use of such facilities is temporarily forbidden.

(B) Whenever signs or notices are posted in accordance with subsection (A), no person, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator, may enter upon such lawn, playfield, court, or similar area, nor may any person tamper with or remove such signs.

Section 15-5 Private Use of Public Park Facilities.

(A) The administrator may establish a reservation system for recreational facilities on Town property, including but not limited to ball fields, basketball and tennis courts, picnic shelters, picnic tables, etc. When such a system has been established, no person may, after notice, occupy or refuse to vacate a reserved facility during the time such facility has been properly reserved by another.

(B) Private groups, desiring to assemble or parade on park property, must obtain a permit in accordance with the provisions of Article IV of this Chapter. It is hereby declared, however, that the gazebo building in Memorial Park, because of its location, design, and high public use, shall not be available for private reservation or use. The restriction on the use of the Memorial Park gazebo shall not apply to public programs sponsored by the Town of Blowing Rock or the Blowing Rock Chamber of Commerce.

Any permit that is issued for private groups to assemble or parade on park property shall stipulate that no microphone, loudspeaker, or sound amplification equipment shall be used in conjunction with said assembly or parade. *[Amended August 13, 1996]*

(C) It shall be understood that no activities or programs on behalf of any private organization or group shall take precedence over any of the scheduled activities or programs that are administered by the Blowing Rock Parks and Recreation Department. *[Amended August 13, 1996]*

(D) Except as provided in this section, all recreational facilities shall be available for proper use during regular hours on a first-come, first-served basis, and no person may disrupt or interfere with the use by another of such facilities. *[Amended August 13, 1996]*

Section 15-6 Requests to Vacate Town Property.

(A) No person may refuse to vacate any town property, including any building or facility located thereon, when requested to do so by any sworn police officer or the administrator in charge of such town property.

(B) Any sworn police officer or the administrator in charge of town property may request any person to vacate such town property if there is reasonable cause to believe that such person is engaging or has just prior to the request engaged in:

(1) Any violation of state law or local ordinance or policy applicable to the occupancy of, use of, or conduct on such town property.

(2) Any violation of a rule or regulation adopted and promulgated under Section 15-28.

(3) Any conduct that (i) is contrary to the health or safety of persons lawfully using town property, (ii) seriously interrupts or impedes the conduct of regular public business or recreational programs, (iii) unreasonably interferes with the lawful use and enjoyment by others of town property, or (iv) poses a substantial likelihood of damage to town property.

(4) Loitering within the town hall, police or fire station, or any other public building owned, leased, or occupied by the town or on the grounds of the water plant, sewer plant, or public work's site without any legitimate purpose related to the public business being conducted there.

Sections 15-7 through 15-9 Reserved.

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Article III - Use Of and Conduct On Town Property

Section 15-10 Certain Recreational Activities Generally Prohibited.

(A) Subject to subsection (B), no person on town property may engage in horseback riding, hitting golf balls, model airplane flying, archery; overnight camping or other recreational activities that tend to damage or disrupt the use of town property or pose a hazard to other occupants.

(B) The provisions of subsection (A) shall not apply to persons engaged in the activities described therein while participating in events or programs authorized by the town, so long as such activities are conducted only at the locations and times authorized.

Section 15-11 Water Related Activities at Town Reservoir Site.

(A) The provisions of this section shall apply to the town reservoir site.

(B) No person may swim or wade in the town reservoir.

(C) No person may launch or ride in or upon any boat, sailboat, canoe, raft, or similar device at the town reservoir except at the times and under the circumstances authorized and approved by the administrator.

(D) No person may engage in fishing at the town reservoir site or place in the reservoir any line, net, hook, or other fishing device, except at the times and under the circumstances approved by the administrator.

Section 15-11.01 Fishing Restrictions for Mayview Lake in Broyhill Park

Anyone over the age of 11 years fishing in Mayview Lake must release any fish caught.

[Adopted May 12, 1998]

Section 15-11.02 Dogs in Town Parks and Town Property

(A) Dogs, except service animals, are not permitted within Memorial Park behind the Main Street bench area [as defined in subsection (B) below], on the playing surface of Davant Field, nor at the Grover C. Robbins Memorial Pool and play area.

(B) Dogs will be allowed in the Memorial Park concrete bench area above Main Street between the rock wall and the grass; on the path surrounding Davant Field; within Broyhill Park; within Annie Cannon Gardens; and in the Glen Burney Trail area. In these locations, dogs must be restrained at all times by a leash consistent with Section 10-2 of this ordinance. Consistent with Section 10-3.01 of this ordinance, no person owning or having possession, charge, custody or control of any dog may cause, permit, or allow said animal to defecate upon any public street, sidewalk, or other public property without immediately cleaning up or restoring said public property.

[Amended May 12, 2009]

Section 15-12 Use of Motor Vehicles; Speed Limit.

(A) No person, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator may drive or ride on any automobile, tractor, truck, motorcycle, gocart, moped, or other motorized vehicles (whether designed for use on or off the highways) on any town property except in those areas clearly designated or intended for the public. Without limiting the generality of the foregoing, the driving of motorized vehicles is specifically forbidden on:

- (1) Areas without surfaces (such as paving or gravel) resistant to damage from traffic by motorized vehicles.
- (2) Pedestrian paths or bicycle paths.
- (3) Service drives clearly marked as closed to the public.

(B) No person may operate any motor vehicles on town property at a speed in excess of ten miles per hour.

Section 15-13 Parking.

(A) No person, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator may park or leave standing any automobile, tractor, truck, motorcycle, moped, or other motor vehicle or any trailer camper or similar device on town property except in those areas clearly designated or intended for public parking.

(B) No person may park or leave standing any automobile, tractor, truck, motorcycle, moped, or other motor vehicle or any trailer camper or similar device for the purpose of washing, repairing, performing maintenance work on, displaying for sale, or storing such vehicle or device or for the principal purpose of advertising any commercial venture or enterprise.

Section 15-14 Fires on Town Property.

(A) No person may light any fires on town property except in areas authorized or intended for picnicking, and then only in grills or fireplaces (permanently established by the town or portable) designed to accommodate such fires.

(B) The person igniting a fire authorized under subsection (A) shall insure that the fire is completely extinguished before leaving the fire site unattended.

(C) No person may dump any ashes or coals into a refuse receptacle on town property unless such person has ascertained that no live embers remain in such ashes and all coals have been completely and totally extinguished.

Section 15-15 Molesting or Removing Animals.

(A) No person on town property may hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile, or bird, except that snakes known to be deadly poisonous (such as rattlesnakes) or other deadly reptiles may be killed on sight.

(B) No person on town property may give or offer or attempt to give to any animal or bird any alcohol or other known noxious substance.

(C) No person other than an authorized agent or employee of the town may remove from town property or possess while on town property any live or dead animal, reptile or bird not owned by such person or any nest or egg of any animal, reptile, or bird.

Section 15-16 Excavation and Removal of Soil Prohibited.

No person may, without specific authorization of the administrator dig or remove any soil, rock, stones, sand, gravel, or similar material from town property or make any excavation on such property by any means.

Section 15-17 Weapons on Town Property.

(A) Subject to subsection (B), no person on town property may possess or carry, whether openly or concealed, any deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes.

(B) Subsection (A) shall not apply to federal, state, or local law enforcement officers acting in the discharge of their official duties if such officers are authorized by law to carry weapons.

(C) ***Posting of Signs Required.*** The Town Manager is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed, or controlled by the Town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

(D) ***Location of Signs.*** Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Town Manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

[Amended November 14, 1995]

Section 15-18 Use of Restrooms.

(A) No person on town property may force entry into any restroom or washroom that is locked or bolted.

(B) No person over five years of age, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator, may enter or use any restroom, washroom or locker on town property designated for the opposite sex.

Section 15-19 Commercial Activity Restricted.

(A) Subject to subsection (B), no person may engage in commercial activity on town property. For purposes of this section, commercial activity means any activity conducted by any person (other than the Town of Blowing Rock) for the purposes of collecting admission charges or fees of any kind in excess of the costs of the activity as well as any sale, attempted sale, or advertisement of sale of any goods, merchandise, equipment or services.

(B) The provisions of subsection (A) shall not apply to:

- (1) Sales of goods, merchandise and services by persons authorized by the town to sell the same at town sponsored events;

(2) Sales of goods and merchandise by persons acting as agents of the town when the town determines that such goods and merchandise should be available primarily as a service to persons using the town's recreational facilities or other town property.

Section 15-20 Smoking in Town Buildings and Vehicles Regulated.

(A) Smoking in Town owned buildings and/or vehicles is restricted to areas so designated and identified by departmental policy subject to review and approval by the Mayor and Board of Commissioners.

(B) Designated "smoking areas" shall be so identified and shall remain ventilated while smokers are present.

[Amended September 14, 1993]

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Article IV - Parades, Assemblages, and Other Uses of Public Places

Section 15-21 Definitions.

(A) The following definitions shall apply in the interpretation and the enforcement of this article:

(1) ***Parade.*** Any march, procession, motorcade, pageant, ceremony, or procession of any kind, consisting of persons, animals, vehicles, or a combination thereof, having a common purpose, design, destination, or goal, which moves upon or along any public street, sidewalk, alley, park, or other public place and which does not comply with normal and usual traffic regulation or control.

(2) ***Assemblage or Assembly.*** Any meeting, gathering, or group, consisting of persons, animals, vehicles or a combination thereof, having a common purpose, design, destination, or goal, which is located upon any public street, sidewalk, alley, park, or other public place and which substantially inhibits the usual flow of pedestrian or vehicular traffic.

(3) ***Spontaneous Event.*** An unplanned or unannounced coming together of persons, animals, or vehicles as described above which was not anticipated beforehand by any participant therein and which is caused or in response to unforeseen circumstances or events.

(4) ***Dangerous Weapon.*** Any device designed or capable of being used to inflict serious injury upon persons or property, including but not limited to firearms, knives of any kind or any type having a blade in excess of three inches in length, razors and razor blades, metallic knuckles, clubs, blackjacks and night sticks, dynamite cartridges, bombs, grenades, mines, other powerful explosives, and loaded canes.

(5) ***Town Manager.*** The person selected or appointed by the Town Council to serve as the Town Manager of Blowing Rock, or his or her designee.

[Adopted August 13, 1996]

Section 15-22 Permit Required.

(A) It shall be unlawful for any person to conduct, manage, or participate in any parade, assembly, rally, gathering, or other assemblage on the public streets, sidewalks, parks, or other public places unless a permit has been issued in accordance with the provisions of this chapter.

(B) The provisions of this chapter shall not apply to the following:

(1) funeral processions supervised by a licensed mortuary;

(2) students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

(3) a governmental agency acting within the scope of its functions;

- (4) spontaneous events.

[Adopted August 13, 1996]

Section 15-23 Application for Permit.

(A) Any person desiring to conduct a parade or assemblage shall make written application to the Town Manager on such forms as may be required by the Manager. The application shall be filed not less than fifteen days prior to the date on which the event is proposed to be conducted; provided, however, that where good cause is shown, the Town Manager at his or her discretion may consider an application that is filed less than fifteen days prior to the event.

(B) A non-refundable fee of \$10.00 shall be paid at the time of application to cover expenses incidental to the processing of the application.

(C) The application shall be signed by the applicant and shall include the following information:

- (1) The name, address, and telephone number of the person requesting the permit;
- (2) The name, address, and telephone number of the organization or group that the applicant is representing;
- (3) The name, address, and telephone number of the person who will act as parade or assembly chairman and who will be responsible for the conduct of the parade or assembly;
- (4) The date and time (starting and ending) during which the parade or assemblage is to be conducted;
- (5) The number of monitors to be provided by the permittee, if any, and the identifying marks, badges, or symbols to be worn or used by the monitors;
- (6) If a parade, the specific assembly and dispersal locations; the specific route to be traveled; and the plans, if any, for assembly or dispersal; also, whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (7) If an assemblage, the location at which the assemblage is to be held;
- (8) The approximate number of persons, vehicles, and/or animals that will participate in the parade or assemblage; the type of animals; and a description of the vehicles.
- (9) Whether any costumes, masks, or unusual attire will be worn;
- (10) Such other information that the Town Manager may deem necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, and for the protection of public health, safety, and welfare.

[Adopted August 13, 1996]

Section 15-24 Issuance of Permit.

(A) The Town Manager may refuse to issue a permit if any of the information supplied by the applicant is found to be false or intentionally misleading.

(B) The Town Manager will issue the permit if the proposed parade or assemblage will not endanger the public health, welfare, or safety after applying the following criteria:

(1) Whether the time, duration, route, and size of the parade or assembly will unreasonably disrupt the safe and orderly movement of other traffic on or contiguous to its route;

(2) Whether the temporary closing of streets, sidewalks, parks, or other public facilities to accommodate the parade or assembly will unreasonably inconvenience residents, visitors, adjacent businesses, or other persons who would normally make use of such places;

(3) Whether the parade or assemblage is of a size or nature that it would require the diversion of so great a number of law enforcement, emergency medical, and fire personnel so as to impair adequate protection for the remainder of the Town;

(4) Whether the concentration of persons, animals, and/or vehicles participating in the parade or assemblage will unreasonably interfere with adequate police, emergency medical, and fire protection in areas on or adjacent to its route or location;

(5) Whether the applicant has provided for monitors sufficient to control the orderly conduct of the parade or assembly in conformity with such permit;

(6) Whether the parade will move from its assembly area to its disbanding area expeditiously without stopping en route except when reasonably required for the safe and orderly conduct of the parade;

(7) Whether the conduct of the parade or assembly is reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance;

(8) Whether the parade or assembly is to be held for the primary purpose of advertising a product, goods, or an event, and is to be held primarily for private profit or gain;

(9) Whether the applicant will provide and assure adequate cleanup of litter and/or debris resulting from the activity;

(10) Whether the proposed activity will violate the provisions of Sections 5-1 and 5-2 (Noise Regulations) or any other provisions of the Town Code of Ordinances.

(C) The Town Manager shall act upon any application for a permit, which is sufficient in meeting the requirements of Section 15-23 of this Article, within five working days from the receipt of the application. In approving an application, the Town Manager may attach any reasonable terms, conditions, restrictions, or limitations that would be consistent with the criteria outlined in this Section.

(D) If the application is approved, a copy shall be sent to the Chief of Police, Fire Chief, Chief of Emergency Medical Services, and the Public Works Director.

[Adopted August 13, 1996]

Section 15-25 Alternative Permit.

(A) If the Town Manager denies an application for a parade or assemblage permit based upon one or more of the criteria prescribed in Section 15-24, the Town Manager or his designee shall, upon the request of the applicant, confer with the applicant for the purpose of trying to negotiate modifications of the planned activity that will eliminate the objections found under Section 15-24. The Town Manager is authorized to grant an alternative permit specifying a date, time, route, or location that is different from that contained in the original application, but that more readily complies with the criteria prescribed in Section 15-24.

(B) An applicant, desiring to accept an alternate permit, shall, within 72 hours after notice of the action of the Town Manager, file a written notice of acceptance with the Town Manager.

[Adopted August 13, 1996]

Section 15-26 Conditions; Revocation of Permit.

(A) The permit shall be limited to the date, time, location, size, route, or other terms and conditions specified in the approved permit. The permittee shall comply with all permit directions and conditions and with applicable laws and ordinances.

(B) The parade chairman or other person leading the parade shall carry the parade permit upon his person during the conduct of the parade. The parade chairman shall be physically present at the parade and shall be responsible for compliance with all provisions of the parade permit.

(C) In case of an accident or other emergency along or adjacent to the parade route, or in the vicinity of the assemblage, the Chief of Police or police officer in charge is hereby given full authority to divert, suspend, or cancel the parade or assemblage as public health, safety, and welfare would reasonably require.

(D) Any permit issued pursuant to this Chapter may be revoked if any term, condition, restriction, or limitation of said permit has been violated or is being violated; or if due to changed circumstances, the criteria specified in Section 15-24 have not or will not be met.

[Adopted August 13, 1996]

Section 15-27 Conduct During Parade or Assembly.

(A) ***Interference.*** No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or assembly or with any person, vehicle, or animal participating in a parade or assembly.

(B) ***Driving through parade.*** No driver of any vehicle shall drive between the vehicles, persons, or animals comprising a parade when such vehicles, persons, or animals are in motion and are conspicuously designated as a parade.

(C) ***Parking along parade route.*** The Town Manager shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway that constitutes part of the parade route. The Town Manager shall cause signs to be posted to this effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(D) ***Hand-carried signs.*** No sign or poster carried by hand in the parade or assembly shall be of greater density than eight-ply, .030 thickness cardboard. No support for such sign or poster shall be of metal or thicker than one inch by three-fourths inches.

(E) ***Dangerous weapons.*** No dangerous weapons of any kind may be possessed, whether exposed or concealed, by any participant in the parade or assembly, any person affiliated with and present at the parade or assembly, or any person upon any street, sidewalk, or other public place within five hundred feet of the parade or assembly. This subsection shall not apply to law enforcement officers, officers and soldiers of the armed forces and National Guard, students of military science in an accredited program, park rangers, and animal control officers.

[Adopted August 13, 1996]

Section 15-28 Appeal.

Any person aggrieved by the refusal of the Town Manager to grant a permit, or by the revocation of a permit after one has been issued, shall have the right to appeal the matter to the Town Council, and the Council shall hear the appeal at its first regularly scheduled meeting after receipt of the appeal. Said appeal shall be filed with the Town Clerk within seven calendar days of the receipt of the decision of the Town Manager. *[Adopted August 13, 1996]*

CHAPTER 15 - TOWN PROPERTY

Article V - Miscellaneous

Section 15-29 Supplementary Rules and Regulations.

The administrator may adopt reasonable supplementary rules and regulations governing the occupancy and use of town property. Such rules and regulations shall be consistent with the provisions of this chapter and shall be designed to protect and safeguard town property and the persons using town property and to facilitate the safe and convenient use and enjoyment by all of town property. Without limiting the generality of the foregoing, the administrator may adopt rules and regulations governing the use of the town swimming pool, tennis courts, basketball courts, ball fields, parking lots, etc. Whenever practicable, such rules and regulations shall be posted at the particular facility they affect and in all cases shall be kept on file and available for public inspection in the administrator's office.

[Editor's note: This section was previously numbered as Section 15-28.]

Section 15-30 Penalties and Remedies.

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of one hundred dollars (\$100.00). If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of a debt.
[Amended July 13, 1993]

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any one or combination of the foregoing remedies.

[Editor's note: This section was previously numbered as Section 15-29.]