



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances be amended as follows:

ARTICLE I.

That **Town Code Section Sec. 26-13 – Town of Nags Head park use regulations**, be amended as follows:

Sec. 26-13 – Town of Nags Head park use regulations.

The regulations contained in this section shall apply to the Town Park located at 415 West Health Center Drive, Dowdy Park located at 3005 South Croatan Highway, the Harvey Soundside Access located at 6912 South Croatan Highway, the Dog Park located at 227 West Satterfield Landing Road, and Whalebone Park located at 7300 South Virginia Dare Trail.

- (a) Hours of operation. The parks shall be open every day from 6 am to 9 pm an hour before sunrise to an hour after sunset.
- (b) Commercial activity. Commercial activity within the parks, including, but not limited to, the vending and the solicitation of products or services, is prohibited.
- (c) Events or activities. Organizations, groups, or private individuals who wish to schedule an event or activity may do so only in accordance with the Town of Nags Head Use of Town Park Policy, as amended.
- (d) Pets. Except as otherwise provided in this section, ~~P~~pets must be on a leash at all times. Owners must clean up after pets.
- (e) Alcoholic beverages. The use and possession of alcoholic beverages is prohibited within the parks, except as otherwise permitted as part of a town sponsored/authorized event. The sale and distribution of alcohol shall be prohibited at all times. For the purposes of this section, alcoholic beverages means any beverage containing at least 0.5 percent alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.
- (f) Smoking. The use of cigarettes, cigars, or similar products is prohibited.
- (g) Littering. Littering or dumping of waste within the park is prohibited. All waste shall be disposed of in waste containers.
- (h) ~~Firearms/Fireworks. Firearms and fireworks~~ (including sparklers) are prohibited within the parks.
- (i) Children. Children under the age of 12 shall be under the supervision of an adult who is physically present within the park.
- (j) Open fires/grills. Open fires shall be limited to the permanently installed grill facilities located at the parks.
- (k) 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.
- (l) Bicycles/rollerblades/skateboards/scooters. Except as otherwise provided in this section, ~~T~~the use of bicycles, rollerblades, skateboards, scooters and similar apparatus is strictly limited to the sidewalks and walkways within the parks. Use of bicycles, rollerblades, skateboards, scooters and similar apparatus on playground equipment, play dunes, or on the lawn areas is strictly prohibited. Use of skateboards at Dowdy Park shall be prohibited.
- (m) 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. 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.

(n) Tents, umbrellas. The erection of tents, umbrellas, or similar products not associated with an approved activity is prohibited within the parks. When approved by the town as part of a scheduled activity, tents shall be secured with sandbags or weights. No stakes shall be used in lawn areas.

(n) Dog Park.

- (1) Dogs shall remain leashed until securely inside the dog park.
- (2) Owners are legally responsible for the actions and behavior of their dog(s). Owners shall be within the dog park and supervising their dog(s) at all times.
- (3) Aggressive dogs shall be leashed and removed from the dog park immediately. Dogs that have been previously declared dangerous shall be prohibited from entering the dog park.
- (4) Dogs in heat and puppies under four months of age are not allowed within the dog park.
- (5) Dogs shall be licensed and vaccinated for rabies and DHLPP. Current license and rabies tags shall be worn on the dogs collar at all times.
- (6) There shall be a limit of three dogs per person within the dog park.
- (7) Food (dog or human) and glass containers shall not be allowed within the dog park.
- (8) Owners shall fill all holes dug by their dog and immediately pick up and dispose of any dog waste left by their dog.
- (9) All dogs and owners use the dog park at their own risk.

ARTICLE III. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE IV. Effective Date.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 2nd day of August 2017.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: August 2, 2017

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES
_____ NAYS