



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

**WHEREAS**, pursuant to N.C.G.S. § 160A-174, the Town of Nags Head (the "Town") may enact and amend ordinance provisions that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, the Town intends operate and maintain a skateboard park located at 3000 South Croatan Highway on property leased from the Young Men's Christian Association (YMCA); and

**WHEREAS**, the skateboard park will be open to the general public as a Town recreation facility; and

**WHEREAS**, the Town must adopt regulations for proper use of the facility in accordance with best practices as well as the provisions of N.C.G.S. § 99E-21-25 which regulates Hazardous Recreation Parks Safety and Liability; and

**WHEREAS**, the Town finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Code of Ordinances (the "Town Code") as stated below.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Nags Head, North Carolina:

**PART I.** That the Town Code, is hereby amended by adding a section, to be numbered **Town Code Sec. 26-15. Skateboard parks**, which reads as follows:

**Sec. 26-15. - SKATEBOARD PARKS**

(a) Definitions.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Hazardous recreational activity.* Skateboarding, inline skating or freestyle bicycling.

*Inherent risk.* Those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, inline skating and freestyle bicycling.

*Skateboard parks.* A facility established on Town owned or Town leased property which is designed for the purpose of engaging in hazardous recreational activities and which is specifically designated by the Town for such use, or any such facility which is operated by the Town and designated by the Town for such use that is not established on Town-owned property.

(b) Responsibility of users.

(1) All users of a skateboard park shall wear a helmet, elbow pads and kneepads at all times while engaging in hazardous recreational activities.

(2) Any person who observes, participates in or assists in hazardous recreational activities assumes the known or unknown inherent risks in these activities, irrespective of age, and is legally responsible for all damages, injury or death to himself or herself or other persons or property that result from these activities.

(3) While engaged in hazardous recreational activities, irrespective of where such activities occur, a participant is responsible for doing all of the following:

a. Acting within the limits of his or her ability and the purpose and design of the equipment used.

b. Maintaining control of his or her person and equipment used.

c. Refraining from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons or property.

(4) Failure to comply with the requirements of division (C) above shall constitute negligence.

(c) Notice.

(1) The Town shall post signs at all skateboard parks that afford reasonable notice to all users of the following:

a. Any person engaged in a hazardous recreational activity at the skateboard park must wear a helmet, elbow pads and kneepads at all times;

b. The Town does not provide regular supervision of the skateboard park;

c. Users of the skateboard park assume all risks associated with the use of the skateboard park; and

d. Failure to comply with these requirements for use may subject the violator to sanctions as provided for under this subchapter.

(2) The signs required herein shall be posted at the skateboard park in prominent locations that may be readily viewed by users of the skateboard park.

(d) Town Immune from Liability.

The Town, including its officials, employees and agents, shall not be liable to any person who voluntarily participates in hazardous recreational activities for any damage or injury to property or persons that arises out of the person's participation in the activity and that takes place at a skateboard park.

(e) Penalty.

(1) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in Section 1-6 of this code.

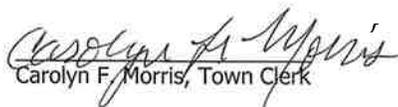
(2) In addition to other penalties provided for in this code, any person who violates the provisions of this section may be subject to sanctions imposed by the Town of Nags Head, including, but not limited to, suspension or permanent revocation of the privilege to use the skateboard/inline skating park and assessment for the full costs of any damages to the skateboard park caused by the person.

**PART II. Effective Date.** This ordinance amendment shall be in full force and effect from and after the 3<sup>rd</sup> day of June 2015.



Robert C. Edwards, Mayor  
Town of Nags Head

ATTEST:



Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

\_\_\_\_\_  
John Leidy, Town Attorney

Date adopted: June 3, 2015

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS