



**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 4-42. - Permit**, shall be amended as follows:

(b) *Application.* A permit application, if required under subsection (a) of this section, shall be submitted to the town manager by any person, group or organization sponsoring an outdoor performance or event which is expected to draw 100 or more participants and spectators. Such application shall be presented not less than three weeks prior to the scheduled event and shall contain the following information:

- (8) The amount, type, and location of temporary signage, subject to the following:
- c. Temporary signs shall not be located on town owned property, except in instances where the event is located on Town property.

ARTICLE II. That **Town Code Section 26-13 Possession and/or consumption of alcoholic beverages on town property**, shall be replaced in its entirety with the following language:

~~Sec. 26-13. – Possession and/or consumption of alcoholic beverages on town property.~~

- (a) ~~For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:~~
- ~~*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.~~
- ~~*Town property* means the Nags Head Town Park located at 410 W. Health Center Drive.~~
- (b) ~~It shall be unlawful to possess and/or consume any alcoholic beverage on town property.~~
- (c) ~~It shall not be unlawful for unopened alcoholic beverages to be stored in vehicles in coolers or other storage devices.~~

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, and Whalebone Park located at 7300 South Virginia Dare Trail.

- (a) Hours of operation. The parks shall be open every day from dawn until dusk.
- (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. 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. 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.
- (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.

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 5th day of April 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: April 5, 2017

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES

_____ NAYS