

ARTICLE VII. RECREATION

Sec. 3-48. Town park and greenway trail hours of operation; remaining after closing.

- (a) Unless otherwise authorized by the town manager, or the manager's designee, all town parks are closed from 30 minutes past sunset until 7:00 a.m. Use of a park outside of these operating hours must be authorized by the Town of Hillsborough through an approved special event permit.
- (b) Unless otherwise authorized by the town manager, or the manager's designee, all town greenway trails are closed from 30 minutes past sunset until sunrise. Use of a greenway outside of these operating hours must be authorized by the Town of Hillsborough through an approved special event permit.
- (c) It shall be unlawful to remain upon the park or greenway grounds during the time the facility is closed.

(Ord. No. 2006.006.12-11.E, § 1(3-48), 6-12-2006; Ord. No. 20090413-8.I, § 1, 4-13-2009; Ord. No. 20150413-9.G, § 1, 4-13-2015; Ord. No. 20240513-6.H, § 1, 5-13-2024)

Sec. 3-49. Rules and regulations for town parks and greenways.

The rules and regulations for town parks and greenways are as follows:

- (1) All persons in any park or greenway shall obey all posted regulations, signs and directions.
- (2) No person shall willfully mark, deface, disfigure, injure, tamper with, displace, dig, or remove any structure, equipment, facility, vegetation or any other real or personal property that is located within the park or greenway and belonging to the town unless authorized by the Town of Hillsborough. This includes but is not limited to the removal of any artifacts, plants, flowers, or foliage from town parks or greenways.
- (3) No person shall park, drive or ride motorized vehicles in town parks or greenways, except in designated roadways and parking areas unless authorized by the Town of Hillsborough. Parking areas at town parks are restricted to park users and patrons.

(4) Non-motorized vehicles may use town parks and greenways so long as any user of such a vehicle complies with all traffic regulations and so long as the operator shall stop or otherwise yield the right-of-way to pedestrian traffic. No non-motorized vehicle shall exceed a speed of ten (10) miles per hour while being operated in parks or greenways.

(5)(4) No person shall dump, deposit, leave or place trash, balloons, confetti, ashes, broken glass or other waste within any park or greenway except in designated waste or recycling receptacles provided for the purpose. No person shall dispose of household garbage or rubbish within any town park or greenway. All pet waste shall be picked up and disposed of in pet waste receptacles or removed from the site.

(6)(5) No person shall camp or stay overnight in any town park or greenway.

(7)(6) No person shall carry, possess or use any firearm or other dangerous weapon within any town park. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment.

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(8)(7) No person shall use, consume or possess any alcoholic beverages, beer or wine within any town park or greenway unless authorized by the Town of Hillsborough through a special event permit. No person shall use, consume or possess any narcotic drug or hallucinogen or any other controlled substance within any town park or greenway without a valid physician's prescription for the substance.

(9)(8) No person shall engage, either verbally or physically, in any loud, disruptive or offensive conduct, or engage in any activity or sport in a manner which threatens the safety or welfare of other patrons of the town park or greenway, or which unreasonably impairs the public's opportunity to use and enjoy the park.

(10)(9) No person shall ride or bring livestock or other animals, with the exception of leashed domesticated pets, to a town park or greenway. Unleashed dogs are prohibited outside of designated dog parks. Pets must be supervised at all times.

(11)(10) Dogs are prohibited from being in any playground area in a town park. A playground area is a fenced or unfenced area containing manufactured or naturally derived play equipment or elements used by children. ~~It~~ A playground area may also contain adult equipment or elements if developed as an intergenerational play space. Play equipment has prescribed use zones requiring safety surfacing to protect against impact injury. The area may have associated features such as a sand play area, play lawn or water play feature, as well as amenities such as benches, picnic tables, waste receptacles and signage.

(12)(10) No person shall access or use any body of water in or adjacent to a town park or greenway where there is not properly permitted public access to the body of water.

(13)(11) Advertising, commercial or income generating activity is prohibited in town parks and greenways unless authorized by the Town of Hillsborough through a special event permit. This includes but is not limited to fitness classes, personal instruction, and selling of goods or services.

(14)(12) The following activities are prohibited in town parks and greenways:

- a. Balloon releases.
- b. Bounce house or inflatables.
- c. Climbing walls.
- d. Fire, fire pits, fireworks.
- e. Game trailers.
- f. Golf.
- g. Petting zoos, circuses, carnivals.
- h. Waterslides, water balloons, pools, and other water toys.
- i. High voltage electrical items. Outlets in picnic shelters are limited to 200 amps or lower. Electricity is not provided in all shelters.
- j. Paints, spray paints, and permanent markings on fields, buildings, equipment, walkways, and trails.
- k. The use of cleated shoes on playing fields.

(Ord. No. 2006.006.12-11.E, § 2(3-49), 6-12-2006; Ord. No 20150727-8, § 1, 7-27-2015; Ord. No. 20170410-10.G, §§ 1, 2, 4-10-2017; Ord. No. 20240513-6.H, § 1, 5-13-2024)

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Sec. 3-49.a. Skateboard park regulations.

(a) *Definitions.* The following definitions apply to this section:

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

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

Skateboard park. A facility established on town-owned property which is designed for the purpose of engaging in hazardous recreational activities, and which is specifically designed by the town for such use.

(b) *Responsibilities of the user.*

- (1) All users of the skateboard park shall wear a helmet, elbow pads, and knee pads 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 and 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 results 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. Refrain from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons or property.
 - d. Failure to comply with the requirements of this section shall constitute negligence as provided in G.S. 99E-24c.

(c) *Notice.* The town shall post signage at its skateboard park, affording reasonable notice to all users, as follows:

- (1) Any person engaged in hazardous recreational activity at the skateboard park must wear a helmet, elbow pads, and kneepads at all times.
- (2) The town does not provide regular supervision of the skateboard park.
- (3) Users of the skateboard park assume all risks associated with the use of the skateboard park.
- (4) Failure to comply with these requirements for use may subject the violator to sanctions as provided in this section.

(d) *Sanctions.* In addition to any other penalties stated in the Town Code of Ordinances, any person who violates the provisions of this section may be subject to sanctions imposed by the town, including, but not limited to, suspension or permanent revocation of the privilege to use the skateboard park and assessment for the full cost of any damage to the skateboard park caused by the person.

(e) *Town immune from liability.* The Town of Hillsborough, 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 the person's participation in the activity and that takes place at a skateboard park.

(f) *Hours of operation.* It shall be unlawful for any person to be present on the premises of the town's skateboard park and recreation facility outside the posted normal hours of operation,

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except for town employees or contractors conducting town business thereon and for emergency and law enforcement personnel on official business.

(Ord. No. 20240812-5.D, § 1, 8-12-2024)

Sec. 3-50. Reservation of facilities within town parks.

- (a) The town may allow the reservation of certain facilities within town parks for private use for limited periods when such use does not conflict with enjoyment of the park by the general public or other town policies.
- (b) A person seeking to reserve a town park facility must submit a reservation permit application a minimum of 14 days in advance of the reservation date. The reservation request must be approved by town staff in advance of the reservation date for the reservation to be effective. Fees associated with the reservation are non-refundable and are due on the date specified by town staff after the reservation request is reviewed. Cancellations made seven days prior to the reservation date may be issued a credit toward a future reservation of the facility, to be used within one calendar year. Reservation cancellations made within seven days of the reservation date are not eligible for credit.
- (c) The reservation shall be on a form provided by town staff and require sufficient information to identify the person requesting the permit, emergency contact information, the facility to be reserved, the proposed use and duration of use, and proof of liability insurance if deemed necessary by the town.
- (d) The public space manager or their designee is authorized to approve park facility reservation permits.
- (e) The reservation permit-issuing staff may issue a reservation permit when they find that the proposed activity or use of the park:
 - (1) Will not unreasonably interfere or detract from the general public enjoyment of the park;
 - (2) Will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) Is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (4) Will not entail unusual, extraordinary or burdensome expense or police operation by the town;
 - (5) Has not been reserved for other use at the day and hour required in the application.
- (f) Not to limit the generality of paragraph (e), the following activities are prohibited and may not be permitted as part of a park reservation but can be considered and approved during the review of a special event permit:
 - (1) Archery;
 - (2) Sound amplifying equipment including but not limited to PA systems and stereos;
 - (3) Temporary chalk markings associated with sports and games on playing fields.
- (g) Events that meet a threshold specified in section 7-18 shall seek a special event permit rather than a park reservation permit. Special event fees and park reservation fees apply to all events, unless hosted by the town. The following regulations apply to all special events and park reservations in town parks excluding town-hosted events:
 - (1) Events at town parks are limited to a total number of 75 persons excluding events conducted by schools and academic institutions held during school operating hours which may be permitted through a special event permit for up to 150 persons up to four times per calendar year.
 - (2) Events at town parks must comply with chapter 5, article I, Noise, of the Code of Ordinances.

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(Supp. No. 54)

- (3) Event sponsors and hosts are responsible for the collection and disposal of all trash and waste that is not located within a provided trash bin or receptacle. No trash may be left on site or placed outside of the provided waste receptacles.
- (h) Town parks and greenways may not be reserved for exclusive, non-public use unless approved by the Hillsborough Board of Commissioners through a special event permit.
- (i) Town parks and greenways may not be reserved as the starting or ending point for walk, run, or bicycle events but may be used as a portion of the route for permitted events.

(j) Town greenways, including greenway trails within Gold Park, may not be reserved for special events on Saturdays between the hours of 10 a.m. and 3 p.m.

(Ord. No. 20090413-8.J, § 1, 4-13-2009; Ord. No. 20150713-10.H, §§ 1, 2, 7-13-2015; 20150511-10.D, § 1, 5-11-2015; Ord. No. 20170410-10.G, §§ 3, 4, 4-10-2017; Ord. No. 20240513-6.H, § 1, 5-13-2024; Ord. No. 20241014-5.H, § 1, 10-14-2024)

Sec. 3-51. Town parks are tobacco free zones.

All designated parks owned by the Town of Hillsborough are tobacco free zones. No person within a park boundary may possess a lighted tobacco product, including but not limited to cigarette, cigar, or pipe.

(Ord. No. 20090914-10.K, § 1, 9-14-2009)

Editor's note(s)—Ord. No. 20090914-10.K, § 1, adopted Sept. 14, 2009, set out provisions intended for use as § 3-50. For purposes of classification, and at the editor's discretion, these provisions have been included as § 3-51.

Sec. 3-52. Park naming procedure.

- (a) *Policy.* The Hillsborough Parks and Recreation Board shall be the responsible agency for receiving suggestions for park names and recommending all names for parks, recreation areas and facilities within the Town of Hillsborough. Upon approval from the parks and recreation board, the recommendation shall be sent to the Town Board for final approval and official designation.
- (b) *Procedure, rule.*
 - (1) *Presentation to parks and recreation board.* The board will receive written applications only. These requests may come from any citizen, organization, or the planning department. The application request shall include as much data as possible in order to determine why a particular name shall be attached to a certain park or facility.
 - (2) *Statement of reference.* Generally, the parks and recreation board will accept applications from any citizens in honor of a person, historical or ecological relationships indigenous to the park, recreation area or facility.
 - (3) *Statement of criteria.*
 - a. The parks and recreation board will accept applications from any citizens or group of citizens who wish to recommend the naming of facility or area in honor of a person, historical event, natural phenomenon or geographical location.
 - b. The parks and recreation board may recommend the name of an individual for a particular area or facility when that individual has made exceptional contributions to the town. Contributions in

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money, time or in the overall promotion of parks and recreation or in exceptional service to the town in areas other than parks and recreation are equally acceptable.

- c. Generally, the board believes that facilities within a park should not have separate names, but should bear the name of the park itself. Where a facility (within a park that has an existing name) is to be named, the proposed name of the facility will in some manner denote its affiliation with the park. The name of the park will precede the facility name (example, the Wilson Park Smith Shelter).
- d. The name must not duplicate, or be exceptionally similar to, any other name existing within the parks and recreation system so as to cause confusion to the public.
- e. When the proposed name is for an individual who is no longer living, the board will not consider that request unless a period of time of at least one year has elapsed from the time of death of the individual.
- f. When the board feels that the contribution of a particular individual warrants his name to be associated with a facility or park that already has a name, the board may add that name to the existing name. Such an addition to the name of a facility may not be made until at least five years has elapsed from the time of the original naming of the facility. Only one additional name may be added to the name of a park, recreation area or facility. The original name will take priority in order of arrangement (example: Wilson/Smith Park).
- g. A proposal to change the name of a previously named park, area or facility shall require a petition, including reasons, with the signatures of at least 200 residents of the Town of Hillsborough. This does not apply to parks, areas and facilities named for clubs, organizations or individuals pursuant to an agreement with the Town of Hillsborough. The terms of the agreement will apply and the name of the park cannot be changed if so stipulated by the agreement.
- h. Unless otherwise petitioned or requested, newly constructed parks, areas and facilities will use the name determined by the town administration for contract documents during construction. However, as in all cases involving disagreement between staff and citizens, any citizen may appeal to the parks and recreation board in writing and be heard with the board making a formal recommendation for Town Board action. A proposal for naming can be accepted at this time as well.

(c) *Procedure for submitting proposals.*

- (1) *Requirements.* The board will only accept proposals, which have been submitted in writing to planning department staff at least ten days before a regularly scheduled meeting. The parks and recreation board will discuss and hear public discussion at the public meeting. The parks and recreation board will vote on the proposal at the meeting following the meeting at which the proposal was originally heard, unless an objection is received, in writing, ten days before the second meeting.
 - a. In the event that there is an objection to a proposal, those objecting will also have to complete a statement identifying the reasons for their objection, and allow the parks and recreation board to question them, upon appearance before the board. The board may require the objectors to provide a petition.
 - b. When objection occurs to a naming request, the parks and recreation board will delay action on the naming of the park or facility for at least two months, in order to evaluate the objector's information.
- (2) *Public notice.* The planning department will notify local media through a press release and post notices at the park site at least five business days before the meeting to inform citizens that the parks and recreation board is considering the naming of a park or facility or a name change proposal.

(Ord. of 7-11-2005, § 1; Ord. No. 20230109-7.A, § 2, 1-9-2023)

Editor's note(s)—Formerly § 3-29, see editor's note at article V.

Secs. 3-53—3-59. Reserved.