

Sec. 20-6. Park event permit applications.

- (a) *Application.* An application for a park event permit must be completed and submitted to the parks and recreation department not less than 45 days prior to the date of the proposed activity, and not more than 12 months prior to the proposed activity. The application is online and can be accessed via the city's website at www.ci.king.nc.us ~~www.ci.king.nc.us/parksrecreation~~ or by calling the parks and recreation department at ~~336-985-1115~~. The application must be approved by the applicable city departments as prescribed in the application. Upon application approval, the applicant will pay the required fees to the collections department located in City Hall, 229 S. Main St.
- (b) *Permit requirements.* The person or organization applying for the permit shall agree to comply with all policies, procedures, rules and regulations pertaining to the use of public parks within the city ordinances. A fee shall be assessed by the parks and recreation director based on the schedule of fees and charges as adopted by the city council and as amended from time to time. Proof of liability insurance indemnifying the city and the applicant against any perils, suits, claims and losses, which may arise in connection with the proposed activities, is required to be submitted prior to permit approval. Exceptions may be allowed, based on and in accordance with the city's current liability insurance policy. Permittees are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of a permittee's failure to clean and/or restore the site following the event will be borne by the permittee.
- (c) *Permit approval process.* ~~The parks and recreation director and police chief~~ Staff, as noted on the application, shall have the authority to grant or deny park event permits. The following criteria shall be considered for permit approval:
- (1) Activity will not generate excessive or unreasonable traffic, noise, or will not adversely affect the health, safety or welfare of participants or citizens not associated with the event.
 - (2) Activity will not interfere unduly with the primary use or uses for which such park is designed or intended, including previously or regularly scheduled activities at the park or recreational area.
 - (3) The permittee will be required to pay for adequate police and/or EMS personnel as required in the special events application and in accordance with the city's policies and procedures pertaining to the use of public parks.
 - (4) Parking options are adequate.
 - (5) Designated area is compatible with anticipated crowd size and proposed activities.
 - (6) All special events that necessitate a state road closure, lane closure, or the repurposing of travel lanes or shoulders on state roads shall be subject to relevant provisions of North Carolina General Statutes and special event guidelines set forth by the North Carolina General Statutes.
 - (7) Other criteria deemed relevant to the public safety by the police chief and fire chief.
- (d) *Prior violation.* If within the preceding two years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, statute or regulation relating to the use of the parks, ~~the parks and recreation director or police chief may deny~~ the permit may be denied.
- (e) *Application review.* ~~The parks and recreation director or police chief~~ Designated staff on the application shall approve or deny an application within a reasonable time frame after receipt of application. If denied, a notice of denial shall be provided to the applicant(s), which notice shall include: (i) the grounds upon which the permit was denied; (ii) a summary of the application appeals process, and may include; (iii) suggested measures for remedying any defects in the application. For example, if an application is denied because of a conflict with another event, an alternative time may be suggested ~~by the parks and recreation director~~.

- (f) *Notifications required.* ~~The parks and recreation director shall provide~~ a copy of the application, including any approval or denial decision, shall be provided to the applicant and to relevant city personnel as soon as practical. Notice of all event application approvals shall be sent to the city manager, mayor and city council, before the event occurs.
- (g) *Appeals.* If an application is denied an applicant may: (i) resubmit an application with the appropriate changes and/or corrections; or (ii) appeal the denial of an application, but the appeal must be made in writing to designated staff ~~the parks and recreation director~~ within five business days after the denial has been received. ~~The parks and recreation director will forward~~ the appeal will be forwarded to the city manager or designee. Within five business days (not including city holidays) of receipt of the appeal, the city manager or designee will schedule a conference with the applicant to review the appeal. The appeal must be filed with the city clerk's office at City Hall within the aforementioned time. The applicant shall have the right to present evidence at said hearing. Within five business days (not including city holidays) following the hearing, the city manager or designee will make a decision regarding approval of the permit application and notify the applicant of that decision. The decision to approve the application or to uphold the denial shall be based solely on the approval criteria set forth by City Code. Further requests for appeal following the city manager's decision may be made to the city council at a regular council meeting.
- (h) *Cancellations.* ~~The parks and recreation director, police chief~~ Designated staff or city manager, in his or her good judgment and discretion and in consideration of the safety of any member(s) of the public, may cancel any event previously approved when good and compelling causes are presented. If such a cancellation is made, ~~the police chief or city manager cancelling the event~~ staff will notify the permit applicant as soon as is practical.
- (i) *Vending at special events.* All vendors shall preregister with the events coordinator/applicant at least five days prior to the event. The event coordinator/applicant shall collect all required information from each vendor and submit a copy to designated staff ~~the parks and recreation director~~ at least three business days, excluding city holidays, prior to the event. ~~The parks and recreation director~~ Staff shall then provide a vending permit to the coordinator/applicant for each vendor to display during the entire duration of the event. Vendors for events at Recreation Acres shall not sell items that are being offered at the park concessions building.
- (1) *Fees.* Each vendor shall pay a registration fee per the city's schedule of fees and charges as adopted by the city council and as amended from time to time. The events coordinator/applicant is responsible for obtaining these fees and remitting them to the city prior to the event.
 - (2) *Location.* Each event coordinator/applicant shall provide a sketch map/plan showing the location of each vendor in the park as appropriate. The city shall decide whether such vendor locations are appropriate prior to the event.
 - (3) *City-sponsored special events.* Events that are sponsored or co-sponsored by the city shall be excluded from the above-listed requirements.
 - (4) *Fire inspection.* In addition to the above, a fire inspection by the King Fire Department may be required.

(Amend. of 5-2-11; Ord. No. 2013-05, 3-4-13; Ord. No. 2016-01, 2-1-16; Ord. No. 2024-01, 1-2-24)

Sec. 20-10. Prohibited acts relating to the use of public parks and recreation facilities.

The city council, with the advice of the parks and recreation committee, is authorized and empowered to adopt rules and regulations governing the use of the city parks and recreation facilities. All persons entering or using any park, playground, greenway trails, recreation or community areas or centers, or facilities (collectively "park") owned or operated by the city shall be obedient to the rules and regulations governing the use of such park. All such rules and regulations and other provisions of this chapter pertaining to a park shall be enforced in the same manner that other ordinances of the city may be enforced pursuant to section 20-14 of this Code. Any person seeking an exemption from any park rule under section 20-10 shall make a request in writing to the city council. The following acts are specifically prohibited, except such prohibition shall not apply to the servants, employees or officers of the city actually and necessarily engaged in the duties of their office or employment:

- (1) No person shall willfully mark, deface, disfigure, damage, tamper with or without the authorization of the town, displace or move any structure, equipment, facility, or any other real or personal property that is the property of or under the control of the city.
- (2) No person shall willfully damage, cut, carve, transplant or remove any tree, shrub, bush or plant within any park.
- (3) No person shall drive, park or ride any motorized vehicle in any park except in areas so marked, signed or designated for motorized vehicular traffic, and except in motorized wheel chairs for the disabled or in a golf cart where the driver and/or passenger is handicapped and holds a valid North Carolina handicapped parking placard or license plate issued in accordance with G.S. 20-37.5 or a valid handicapped parking placard or license plate from another state.
- (4) No person shall dump, deposit, leave or place trash, garbage, ashes, wastes, broken glass or other rubbish within any park, except in garbage, trash recycling or other proper receptacles provided for the purpose. No person shall dispose of garbage or rubbish within any park.
- (5) No person shall camp or stay overnight in any park, except with written permission from the city council or its designee.
- (6) No person shall erect or use a tent, camper, canopy, hut, bedding, or portable heater/fireplace, or make use of the city's electricity, in any city park except:
 - a. In conjunction with city-sponsored events;
 - b. When such person has submitted a reservation request and paid a reasonable usage fee in compliance with section 20-7; or
 - c. When such person has obtained a special event permit and paid a reasonable usage fee in compliance with section 20-6. Any usage of city electricity may occur only at the park shelter where a reservation has been made (or at such areas as are designated in a special event permit) and where one or more electrical outlets are located. The use of one or more electrical extension cords more than 20 feet from an outlet is prohibited.
- (7) No person shall enter any park or remain in any park during the hours the park is closed to the public.
- (8) Dogs and horses are allowed within the public parks, subject to the provisions of the city's animal control regulations in chapter 4, except in those areas specifically marked and designated that no dogs or horses shall be allowed, provided, however, that horses are not allowed on public greenways within the city's municipal corporate limits. Service animals are exempt from this section. Dog and horse manure must be removed and placed in an appropriate designated area.
- (9) Reserved.

- (10) No person shall carry, possess or use any firearms or other dangerous weapons within any park except that a person may carry a concealed handgun provided they possess a concealed handgun permit in accordance with G.S. ch. 14, art. 54B.
- (11) No person shall use, consume or possess any narcotic drug or hallucinogen or any other controlled substance within any park. No person shall use, consume or possess alcoholic beverages, beer or wine within any park unless approved by a special events permit or approval by the city council and must abide by the following regulations:

It shall be lawful for the city, the operator or a renter, during a special event, to provide or to provide for the serving or selling of beer or wine on city property designated by the city council by resolution, or on city property designated in a special event permit application approved by designated staff either with or without charge being made; therefore, provided:

- (a) All applicable health and ABC laws are complied with.
- (b) The contents of beer bottles or cans or wine bottles shall be poured into appropriate cups or glasses.
- (c) All empty bottles or cans shall be handled and stored in such a manner as not to be broken or left on the city property.
- (d) A statement releasing and forever discharging the city, its officers, agents and employees, from any and all claims, demands, expenses, costs and liabilities of any kind or nature directly or indirectly related to any personal injury, including death, and/or property damage arising out of the use of the city's property and the service of alcoholic beverages, beer, or wine, except those claims that were proximately caused by the negligence of the city or of a city employee acting within the scope of his employment with the city.
- (e) A statement agreeing to indemnify, defend and hold harmless the city, its officers, agents and employees from and against all claims, demands expenses, costs and liabilities of any kind or nature to the extent proximately caused by the intentional, negligent or reckless acts or omissions of the lessee, renter or operator, or their respective agents, officers, employees or guests; and

Permission to sell or serve beer, wine or other alcoholic beverages at any city facility or amenity addressed in this section shall be withdrawn for failure of the renter or operator, or the employees, officers, guests, invites of either to comply with the requirements set forth in this section or any applicable laws.

- (12) All persons in any park shall obey all posted traffic regulations, signs and directions.
- (13) No person shall hit golf balls in park areas except as where permitted.
- (14) No person shall engage, either verbally or physically, in any loud, indecent acts, 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 park, or which unreasonably impairs the public's opportunity to use and enjoy the park.
- (15) No person shall operate a bicycle, skateboard, scooter, or roller blades on a public trail or within a designated park area within the city unless they are wearing a protective helmet on his or her head, with the chin strap fastened under the chin. Said helmet shall be fitted to the size of the operator and shall meet or exceed the ANSI (American National Standards Institute) Z90.4 or subsequent bicycle helmet standards, or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling or subsequent standards.

- (16) No person shall or attempt to trap, catch, wound, kill or cause to be injured, treated cruelly, tease any form of wildlife in or upon any land owned, leased or operated by the city. No person shall release any form of wildlife in or upon any land owned, leased or operated by the city.
 - (17) No person shall place, maintain or erect any sign, poster, notice or advertising device within any park.
 - (18) No person shall fish at the city pond within Central Park unless they comply with the following conditions:
 - a. Fishing is only allowed from the banks of the pond or from the pier;
 - b. Fishing is only allowed between 5:30 a.m. to 9:00 p.m., or for such shorter times as the city park may be open;
 - c. The city is not responsible for any fishing license required by the North Carolina Wildlife Commission; and
 - d. Any fish caught from the pond must be returned to the pond in such a manner as not to harm the fish.
 - (19) All starting or kindling of fire may be prohibited by the city manager or his designee if weather conditions occur that would make such activity unduly dangerous or risky. No person shall leave a picnic area before the fire is completely extinguished. No person shall drop throw or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco paper or other inflammable material within any park area.
 - (20) No person shall practice, play or use horseshoes, spears, javelins, archery, discus, or similar items in park areas except in areas specifically designated or provided for such activities.
 - (21) It shall be unlawful to possess or set off, discharge, explode or burn any firecrackers or other forms of fireworks within park settings unless a special events permit is acquired from the fire chief.
 - (22) No person shall conduct or carry on any game of chance at which money, property, or any other thing(s) of value is wagered, whether such money, property or other thing of value is present in the park (in stake) or located elsewhere.
 - (23) No person shall swim, bathe or wade in any ponds, waterways or fountains within any park, except in such waters and at such places as are provided for such activity.
 - (24) No child or children, 12 years old and under, shall be on any city park property, including the "Skate Park", without being supervised by an adult (over 18 years of age) at all times.
- (Amend. of 5-2-11; Amend. of 7-5-11; Ord. No. 213-05, 3-4-13; Ord. No. 2013-06, 5-6-13)