

ORDINANCE NO. _____

AMENDING CHAPTER 20

**AN ORDINANCE AMENDING CHAPTER 20, PARKS AND RECREATION, OF THE
CODE OF ORDINANCES OF THE CITY OF KING, NORTH CAROLINA, TO
REGULATE THE DURATION OF VEHICLE PARKING AND VEHICLE
OCCUPANCY WITHIN PARK PARKING FACILITIES AND TO PROHIBIT
SLEEPING IN A VEHICLE WITHIN A CITY PARK**

WHEREAS, the City of King has a substantial governmental interest in protecting the health, safety, and welfare of the public through the regulation and management of its parks and recreational facilities, as reflected in Chapter 20 of the Code of Ordinances (“Chapter 20”); and

WHEREAS, Chapter 20 currently prohibits camping or staying overnight in any city park without written permission (Sec. 20-10(5)) and establishes park hours of opening and closing (Sec. 20-2), but does not otherwise address the length of time a motor vehicle, whether occupied or unoccupied, may remain parked in a park parking facility during hours when the park is open to the public; and

WHEREAS, the City Council finds that parking facilities at city parks are a limited public resource intended primarily to serve persons visiting the park for recreational, athletic, cultural, or educational purposes, and that the prolonged, non-recreational occupancy of parking spaces by parked vehicles — whether occupied or unoccupied — reduces the availability of parking for the visiting public and interferes with the intended use and enjoyment of park facilities; and

WHEREAS, the City Council desires to establish reasonable, objective, and duration-based standards governing the parking and occupancy of vehicles in park parking facilities, so that this ordinance regulates conduct rather than status, provides clear notice of prohibited conduct to persons of ordinary intelligence, and avoids enforcement based on an officer's subjective assessment of a person's circumstances; and

WHEREAS, the City Council does not intend, by this ordinance, to prohibit or discourage the ordinary and legitimate use of park parking facilities by members of the public, including persons who park briefly to eat a meal, rest, or otherwise use their vehicle incidental to visiting the park, and this ordinance accordingly includes exceptions for active park use, authorized events, emergencies, and other legitimate purposes; and

WHEREAS, pursuant to G.S. 160A-174(a), the City may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, the City Council further finds that a person's continued presence within a park or park parking facility after having been lawfully directed to leave by a law enforcement officer or authorized city personnel for a violation of this ordinance is properly subject to prosecution for trespass under North Carolina law, including second degree trespass under G.S. 14-159.13, in the same manner as other unauthorized remaining on public property after notice to leave; and

WHEREAS, the City has authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to adopt ordinances to protect the health, safety, and welfare of its residents and to provide for the enforcement of its ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of King, North Carolina, that:

Section 1. Section 20-10 of the Code of Ordinances of the City of King is amended by adding new subsections (25) and (26), to read as follows (new language shown as underlined text):

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

...

(25) Vehicle parking duration; occupied vehicles in parking facilities.

a. Definitions. For purposes of this subsection, the following definitions shall apply:

“Parking facility” means any parking lot, parking area, driveway, or other paved or unpaved surface designated for the parking of motor vehicles at a city park.

“Continuous period” means an uninterrupted span of time during which a motor vehicle remains parked in the same parking space or parking facility, regardless of whether the vehicle’s occupants exit and re-enter the vehicle during that period.

“Occupied vehicle” means a motor vehicle in which one or more persons are present.

“Active park use” means participation in recreational, athletic, cultural, or educational activities conducted at the park, including walking, jogging, playing sports, attending organized programs or events, using playground equipment, picnicking in designated areas, or utilizing other park amenities.

b. Maximum parking duration. No person shall park or cause to be parked any motor vehicle in a parking facility for a continuous period exceeding two (2) hours during park hours, except as provided in paragraph e. below.

c. Occupied vehicle time limitation. No person shall remain in an occupied vehicle parked in a parking facility for a continuous period exceeding thirty (30) minutes during park hours, except as provided in paragraph e. below.

d. Renewed parking prohibited. The time limits set forth in this subsection shall not be considered to reset or restart by moving a vehicle from one parking space to another within the same parking facility. A vehicle that has been parked for the maximum duration permitted under paragraph b. or c. must be removed from the parking facility entirely and may not return to that parking facility until at least two (2) hours have elapsed.

e. Exceptions. The limitations in paragraphs b. and c. above shall not apply to:

1. Persons engaged in active park use, provided such persons exit the vehicle and engage in active park use within five (5) minutes of parking, and provided that persons

returning to their vehicle for brief periods incidental to ongoing active park use shall not be deemed in violation of paragraph c.;

2. Persons attending or participating in an event, program, class, or activity authorized under section 20-6 or reserved under section 20-7, provided the vehicle occupant(s) exit the vehicle to attend such event, program, class, or activity within five (5) minutes of parking;

3. Persons experiencing a medical emergency, vehicle mechanical failure, or other exigent circumstance that reasonably necessitates remaining in a parked vehicle, provided the person contacts law enforcement or park personnel to report the emergency within a reasonable time;

4. City employees, contractors, vendors, or other persons authorized by the city to perform work, maintenance, or official duties at the park, while acting within the scope of such authorization;

5. Law enforcement officers, firefighters, emergency medical personnel, and other emergency responders acting in an official capacity; and

6. Areas within a parking facility specifically designated by posted signage as permitting parking or vehicle occupancy for periods longer than those specified above, subject to any time limit posted for such areas.

7. Persons granted written permission to park for longer periods of time in conjunction with facility reservation or event permit.

f. Relationship to other sections. This subsection is in addition to, and shall not be construed to limit, modify, or replace, the prohibition on camping or staying overnight in a park under subsection (5) of this section, the park hours established under section 20-2, or any other provision of this chapter.

g. Enforcement; trespass. A violation of paragraph b. or c. of this subsection is subject to citation and penalty as provided in section 20-14. In addition, a law enforcement officer, or city personnel authorized under section 20-15, may direct a person violating this subsection to leave the parking facility. A person who fails or refuses to leave after being so directed, or who returns to the parking facility within two (2) hours after being directed to leave, is subject to prosecution for trespass, including under G.S. 14-159.13, in addition to any penalty under section 20-14.

(26) Sleeping in a vehicle.

No person shall sleep in a motor vehicle parked within a park during park hours, except a person experiencing a bona fide medical emergency who has notified law enforcement or park personnel within a reasonable time. A violation of this subsection is a separate and additional violation of, and shall not be construed to limit, the prohibition on camping or staying overnight in a park under subsection (5) of this section. A law enforcement officer, or authorized city personnel, may direct a person violating this subsection to leave the park. A person who fails or refuses to leave after being so directed, or who returns to the park within two (2) hours after

being directed to leave, is subject to prosecution for trespass, including under G.S. 14-159.13, in addition to any penalty under section 20-14.

Section 2. Except as amended herein, all other provisions of Chapter 20 of the Code of Ordinances of the City of King shall remain in full force and effect.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective _____, 2026.

ADOPTED this ____ day of _____, 20__.

CITY COUNCIL OF THE CITY OF KING, NORTH CAROLINA

By: _____

[NAME], Mayor

ATTEST:

[NAME], City Clerk