

GENERAL ORDINANCES OF THE VILLAGE OF LAKE PARK

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As Amended Through September 12, 2023

Sec. 1. Animal Control Ordinance

Sec. 1-1 Policy, Purpose & Findings

Pursuant to the authority granted by the North Carolina general Assembly, this animal control ordinance is enacted and adopted to provide for the health, safety and welfare of the citizens of The Village of Lake Park by regulating, restricting or prohibiting, if necessary, dogs, cats and other animals; by protecting the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals; by making unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; by protecting animals from abuse or conditions harmful to their well-being; and by carrying out any other lawful duties authorized by the laws of the State of North Carolina and other applicable ordinances.

- A. It is hereby found by enactment of this ordinance by The Village of Lake Park Council that animals kept or allowed to be in violation of any of the provisions of this ordinance are detrimental to the health, safety and welfare of the citizens of The Village of Lake Park and jeopardize the peace, safety and dignity of the Village of Lake Park.
- B. Nothing in this ordinance shall be construed to prevent any law enforcement officer contracted for service by The Village of Lake Park or any other law enforcement officer exercising proper jurisdiction or authority from enforcing any of the provisions of this ordinance or from exercising their authority as law enforcement officers.
- C. The Village of Lake Park further acknowledges and confirms the previous authority granted to Union County, NC by adoption of its regulatory ordinances to include the Union County Animal Control ordinance which covers in various respects and details offenses pertaining to the following subjects:
 1. Female Dogs and Cats at Large.
 2. Animal Waste.
 3. Dangerous Dogs.
 4. Public Nuisance Animals.
 5. Cruelty to Animals.
 6. Wild Animal and Exotic Pets.
- D. The Union County Animal Control Ordinance also addresses the requirements for rabies immunizations, the procedures for seizure and impoundment of animals, and the penalties for violation of the County ordinance. Nothing in the enactment and adoption of this ordinance shall be construed to limit the authority of Union County, the Union County Sheriff's Department or the Office of Union County Animal control to enforce the provisions of the Union County Animal Control Ordinance. Furthermore, The Village of Lake Park continues to request and require the enforcement of the county animal control ordinance by the authorities referred to herein. Union County Animal Control Ordinance can be found [here](https://library.municode.com/nc/union_county/codes/code_of_ordinances?nodeId=UNCOCO_CH6AN)
https://library.municode.com/nc/union_county/codes/code_of_ordinances?nodeId=UNCOCO_CH6AN.

Sec. 1-2 Definitions

Animal at large - Any domesticated animal off the premises of the owner and not under the control of the owner, a member of his immediate family or custodian, either by leash, cord, or chain.

Control Officer – means an animal control officer, law enforcement officer, or person duly authorized by the Sheriff or Village of Lake Park.

Cat - Both male and female of the feline species.

Dog - Both male and female of the canine species.

Dangerous dog – Means:

(1) A dog that without provocation has killed or inflicted severe injury on a person;

(2) Any dog owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting;

or

(3) A potentially dangerous dog.

Owner - means any person or legal entity that has a possessory property right in an animal.

Owner's residence or real property - means any real property owned or leased by the owner or owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Potentially dangerous dog - means a dog that has or determined to have:

- (1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- (2) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- (3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Restraint - Any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by an adequate leash or lead, or confined within a secure enclosure.

Secure enclosure - means a locked enclosure from which an animal cannot escape. An animal control officer may, at their sole discretion, determine that there is a suitable secure enclosure on the premises

Sec. 1-3 Powers

Restrictions and Prohibited Acts

A. Identification.

1. All dogs or cats which are allowed outside the owner's primary residence shall be required to wear identification. The identification may be in the form of a current rabies immunization tag, a pet registration service tag, or a commercially available tag or collar which identifies either the owner's current address or phone number.

B. Dogs and Cats as Nuisances.

1. It shall be unlawful for any person to own, keep, possess or maintain a dog or cat in a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of a dog or cat are hereby declared to be a public nuisance and are therefore unlawful:
 - a) Allowing or permitting the dog or cat to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables; or
 - b) Failing to remove feces deposited by any dog or cat on property other than the owner's by any dog or cat of which the person has ownership, possession, charge, control or custody; or
 - c) Maintaining a vicious dog or cat as described by the laws of the State of North Carolina or Union County, North Carolina; or
 - d) Staking or tying any animal where it can get upon public sidewalks or streets in the Village of Lake Park; or
 - e) Maintaining dogs or cats in an environment of unsanitary conditions which results in offensive odors or is dangerous to the dogs or cats or to the public health, welfare or safety of the Village of Lake Park; or
 - f) Maintaining his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the dogs or cats on the property (includes, but not limited to, broken fences and fence latch's not working appropriately); or
 - g) Allowing or permitting the dog or cat to bark, whine or howl in an excessive or continuous fashion or make noise in a manner or at the times so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises; or
 - h) Maintaining a dog or cat that is diseased and dangerous to the public health; or
 - i) Maintaining a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles; or

- j) Failing to confine a female dog while in heat in a building or secure enclosure in a manner that she will not be in contact with another dog or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred.

C. Compliance with this section shall be required as follows:

1. When a control officer observes (or determines through investigative means) that a violation has occurred, the real property owner and/or owner or both will be provided written notification of such violation and will be given 24 hours from time of notification to abate the nuisance. The owner or keeper shall be required to provide a written statement to the control officer confirming that the nuisance has been abated.
2. Complaints:
 - a. Upon receipt of a written, detailed and signed complaint made to the sheriff or control officer by any person stating that any other person is maintaining a nuisance, the sheriff or control officer shall cause the owner or keeper of the animal in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.
 - b. If the written findings indicate that the complaint is justified, then the sheriff, or control officer, or person duly authorized by the sheriff, shall cause the owner or keeper of the animal in question to be so notified in writing, and ordered to abate such nuisance within 24 hours by whatever means necessary. The owner or keeper shall be required to provide a written statement to the sheriff or control officer confirming that the nuisance has been abated.
3. In the event the owner of the animal is unknown and cannot be ascertained, the animal shall be impounded. A notice and order, along with a general description of the animal, shall be posted for 72 hours at the animal shelter. If the owner of the animal remains unknown, the animal may be adopted according to the provisions of this Ordinance or humanely destroyed.

D. Restraint of Animals. It shall be unlawful for any person owning or having possession, charge, custody or control of any animal to allow his or her animal to run at large within the corporate limits of The Village of Lake Park. Animals which are not in a properly secured private residence or vehicle shall be restrained by a leash, secure enclosure, fence, invisible fence or similar effective device unless said animals are on the owner's property and are under the continuous supervision and control of the owner or members of the owner's family.

E. Farm Animals. It shall be unlawful for any person to have or maintain any farm animals such as but not limited to chickens, cows, hogs, turkeys, mules, swine, llamas, donkeys, goats and sheep on his or her premises within The Village of Lake Park.

F. Dangerous Dog:

1. It shall be unlawful for any person owning, harboring, or having care, custody or control of a dangerous dog to permit it outside of a secure enclosure unless necessary to obtain veterinary care for the dog, or to sell or give away the dog, or to comply with commands or direction of a control officer, or to comply with the provisions of this section. In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding more than three feet in length, and shall be under the direct control and supervision of the owner or keeper of the dangerous dog who must be physically able to restrain said animal.
2. It shall be unlawful for the owner of a dangerous dog to transfer ownership or possession of the dog to another person without providing written notice to the control officer stating the name and address of the new owner or possessor, and written notice to the person taking ownership or possession of the dog indicating the dog's dangerous behavior, which notice shall be acknowledged in writing by the new owner and said acknowledgment delivered to the control officer.
3. This section shall not apply to: a dog being used by a law enforcement officer to carry out the law enforcement officer's duties; or a dog being used in a lawful hunt; or a dog where the injury or damage

inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or a dog where the injury inflicted was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

4. In the event that the owner or keeper of the dangerous dog is a minor, the parent or guardian of such minor shall be held liable for noncompliance with the provisions of this section.

Sec. 1-4 Penalties

A. Impoundment. Any animal found to be abandoned, abused, neglected, stray, running at large in violation of this ordinance or the subject of an allegation of animal cruelty shall be subject to immediate seizure and impoundment. Any animal whose owner is subject to a third violation of the other Restrictions and Prohibited Acts Sec. 1-4 of this ordinance shall also be subject to seizure and impoundment. Such animal shall be taken up by any authorized law enforcement or animal control officer having jurisdiction within The Village of Lake Park and held for impoundment by the Union County Animal Control. The animal shall not be released to the owner until there has been compliance with all county impoundment procedures which are incorporated by reference herein as if fully set out and all applicable Village of Lake Park and County fees, fines and costs have been paid in full.

B. Fees, Enforcement and Fines.

1. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall subject the offender to civil penalties as set forth below. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.
2. This ordinance may also be enforced by any appropriate equitable action authorized by law, including any method set forth within this ordinance or by injunctive relief, whether or not there is an adequate remedy at law.
3. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation. Any person violating the restrictions, and prohibited acts of the Restrictions and Prohibited Acts Sec. 1-4 of this ordinance shall be subject to the issuance of a civil citation and civil penalties according to the following schedules.

a) First Offense:	\$ 25.00
b) Second Offense:	\$ 50.00
c) Third and continuing offenses:	\$ 100.00
4. Any one, all or any combination of the foregoing penalties and remedies within this entire ordinance may be use to enforce this ordinance.
5. Violations of the provisions of this ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provides in G.S. 14-4, unless any specific penalty set forth elsewhere provided to the contrary.

C. Alternate Remedies for Enforcement. In addition to the foregoing provisions, any provision of this or any other ordinance of The Village of Lake Park, NC may be enforced by any one or more of the remedies authorized by G.S. 160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

Sec. 1-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 1-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 13th day of September 2011. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 2. Firearms and Pellet Gun Ordinance

Sec. 2-1 Policy, Purpose & Findings

Whereas North Carolina General Statute Section 160A-189 and 160A-190 authorizes municipalities to regulate, restrict or prohibit the discharge of firearms and pellet guns at any time or place within the boundaries of the municipality; and Whereas the purpose of this ordinance is to protect the public safety by regulating the indiscriminate shooting of firearms and pellet guns within the corporate limits of The Village of Lake Park;

Sec. 2-2 Definitions

Firearm/Pellet gun - Shall include but not be limited to any shotgun, rifle, handgun, B-B gun, air rifle, CO2 rifle, CO2 pistol or any other mechanism or device designed or used to project a missile by compressed air or mechanical action with less than deadly force. Misdemeanor; GS 14-4;

Sec. 2-3 Powers

It shall, therefore, be unlawful to discharge a firearm or pellet gun within the corporate limits of The Village of Lake Park, except when used in defense of person or property or pursuant to the lawful directions of law enforcement officers.

Sec. 2-4 Penalties

Violation of this Firearms and Pellet Gun Ordinance shall be considered a misdemeanor and punishable as provided for by North Carolina General Statute Section 14-4.

Sec. 2-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 2-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 14th day of November 2000. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 3. Littering Ordinance

Sec. 3-1 Policy, Purpose & Findings

The General Ordinance provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village of Lake Park.

Sec. 3-2 Definitions

- A. General Rule - Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. For the purposes of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Common area - Any area that is designated as a common area by The Village of Lake Park within its corporate limits on the most recent map of The Village of Lake Park as is maintained in the office of the Clerk for The Village of Lake Park.

Litter - Any trash, refuse, garbage, building material, food product, cans, bottles, broken glass, paper, rubbish, container, wrapper, tire, appliance, tool, wood, mechanical parts, grains, seeds, breads, crackers, food waste products or any other type of litter. Litter shall not include those items left out for collection by a waste collection contractor within 24 hours on a designated collection day, signs posted for the advertisement of services or political campaigns or any written material the unsolicited distribution of which is protected by the Constitution the State of North Carolina or the Constitution of the United States of America.

Sec. 3-3 Powers

It shall be unlawful for any person to throw or deposit litter upon any street, sidewalk, crosswalk, park, pond, common area or private property.

Sec. 3-4 Penalties, Enforcement

- A. The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this ordinance. A warning, either verbal or written, may, but is not required to, be issued upon a first incident. A citation for a second or subsequent violation shall be issued. Nothing in this ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.
- B. Violations of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those otherwise responsible for the person to a civil penalty in the amount of \$50.00 upon the issuance of a citation. If a citation is issued to a minor child for a violation of this ordinance, the minor child's parent or guardian shall be responsible for the payment of the penalty. The civil penalty shall be paid within 48 business hours of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize The Village of Lake Park to initiate civil action against the person or those otherwise responsible for the person to establish a debt to The Village of Lake Park.

Sec. 3-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.

- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 3-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 12th day of December 2006. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 4. Loitering Ordinance

Sec. 4-1 Policy, Purpose & Findings

The General Ordinance provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village of Lake Park.

Sec. 4-2 Definitions

- A. General Rule - Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. For the purposes of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Public place - Any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot, common area, or transportation facility, or the doorways and entranceways to any building which fronts on any of these places, or a motor vehicle in or on any of those places, or any property owned by The Village of Lake Park.

Loitering - Persons remaining or occupying certain places for illegal purposes.

Sec. 4-3 Powers

- A. PROHIBITIONS; It shall be unlawful for any person to occupy or be present upon a public place in The Village of Lake Park in such a way as to obstruct or interfere with the free passage into, out of or across any public business, street, sidewalk or private property.
- B. It shall be unlawful for a person to remain or wander about in a public place with the intent of engaging in a violation of the North Carolina Controlled Substances Act, N.C.G.S. Chapter 90. Circumstances evidencing such an intent can include, but are not limited to the following:
 - 1. Repeatedly beckoning to, stopping or attempting to stop passers-by in conversation;
 - 2. Repeatedly stopping or attempting to stop motor vehicles;
 - 3. Repeatedly interfering with the free passage of other persons or vehicles;
 - 4. Such person behaving in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity;
 - 5. Such person repeatedly passing to or receiving from passers-by, whether on foot or in a vehicle, money or objects;
 - 6. Such person taking flight upon the approach or appearance of a law enforcement officer;
 - 7. Such person being at a location frequented by persons who use, possess, or sell drugs.
- C. The prohibitions set forth herein shall not be interpreted to prohibit any activity that is protected by the First Amendment to the United States Constitution.

Sec. 4-4 Penalties, Enforcement

- A. The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Ordinance. A warning, either verbal or written, shall be issued upon a first incident. Nothing in this Ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.
- B. Upon the issuance of a warning the activity in question shall immediately cease and the individual or individuals shall immediately disperse upon the direction of law enforcement.

- C. Violation of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those other responsible for the person to a civil penalty in the amount of \$100.00 upon the issuance of a citation. If a citation is issued for a violation of this ordinance by a minor child, the minor child's parent or guardian shall be responsible for the payment of the penalty. The civil penalty shall be paid within five (5) business days of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize The Village of Lake Park to initiate a civil action against the person or those otherwise responsible for the person to collect in the penalty in the nature of a debt.

Sec. 4-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 4-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 8th day of January 2013. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 5 Minor Curfew Ordinance

Sec. 5-1 Policy, Purpose & Finding

Whereas, North Carolina General Statute Section 160A-198 authorizes municipalities to impose a curfew on any persons of any age less than eighteen (18), the purpose of this ordinance is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of sixteen (16) years in the Village of Lake Park. The minor curfew ordinance is intended to reinforce and promote the role of the parent in raising and guiding children, and to promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and safety for all concerned.

Sec. 5-2 Definitions

For the purposes of this Ordinance, the following words and phrases shall have the following meanings:

Direct route - The shortest reasonable path of travel or a commonly used route to reach a final destination without and detour or stop along the way.

Emergency - An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to serious bodily injury.

Establishment - Any privately owned place of business operated for profit to which the public has access or is invited including, but not limited to, any place of amusement or entertainment.

Guardian - A person who is court-appointed to be the guardian of a juvenile or a sibling who is 18 years of age or older.

Juvenile - Any person under the age of sixteen (16) years.

Owner/Operator - Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

Parent - A person who is a natural parent, adoptive parent, foster parent or step-parent of another person, or a person to whom legal custody of another person has been given by court order.

Public place - Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including, but not limited to, streets, sidewalks, highways, alleys, right of ways, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business and amusement, playgrounds, parks, similar areas that are open to the public and other common areas open to or accessible to the public.

Remain - To linger or stay in a public place, or to fail to leave the premises when requested to do so by a law enforcement officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

Restricted hours - The time of night referred to herein is based upon the prevailing standard time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the Village of Lake Park, North Carolina. Restricted hours shall mean:

1. 11:00 PM on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 AM of the following day; and,
2. 12:01 AM until 6:00 AM any Saturday or Sunday.

Sec. 5-3 Offenses

Except as provided by subsection 5-5, the following offenses constitute a violation of this Ordinance.

- A. A juvenile commits an offense by being present in or remaining in a public place or on the premises of any establishment within the Village of Lake Park during the restricted hours.
- B. A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the Village of Lake Park during the restricted hours. The term “knowingly” includes knowledge that a person should reasonably be expected to have concerning the whereabouts of a juvenile in that parent’s legal custody. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
- C. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term “knowingly” includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for “knowingly” shall be applied through an objective test: whether a reasonable person in the operator’s or employee’s position should have known that the patron was a juvenile in violation of this Ordinance.
- D. It shall be a violation of this Ordinance for any person sixteen (16) years of age or older to aid or abet a juvenile in the violation of subsection (1).
- E. It shall be a violation of this Ordinance for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

Sec. 5-4 Exceptions

- A. A Juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this Ordinance if the juvenile is:
 - 1. Accompanied by their parent(s) or guardian.
 - 2. Accompanied by an adult eighteen (18) years if age or older authorized by the parent or guardian of such juvenile to take the parent or guardian’s place in accompanying the juvenile for a designated period of time and purpose within a specified area.
 - 3. On an errand, using a direct route, at the direction of the juvenile’s parent or guardian until the hour of 12:30 AM.
 - 4. Occupying a motor vehicle which is being operated on a public right-of-way or alleyway.

Sec. 5-5 Defense

It is a defense to prosecution under section 5-3(3) that the owner, operator, or employee of an establishment promptly notified the Union County Sheriff’s Department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

Sec. 5-6 Enforcement

- A. Before taking any enforcement action under this ordinance, a Law Enforcement Officer shall ask the apparent offender’s age and reason for being in the public place or establishment during restricted hours.
- B. The Law Enforcement Officer shall not prepare an incident/ investigation report, issue a citation, make an arrest of an adult, or take a juvenile into custody under this Ordinance unless the officer has response and other circumstances, no exception or defense in section 5-4 or 5-5 present.

Sec. 5-7 Penalties

- A. A juvenile who violates any provision of this Ordinance is guilty of a misdemeanor and is therefore, subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is adjudicated delinquent pursuant to this

ordinance. A violation of this provision by a juvenile shall be considered a class three misdemeanor as set forth in North Carolina General Statute Section 14-4.

- B. Any person other than a juvenile who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed one hundred dollars (\$100.00), and imprisonment in the discretion of the court in accordance with North Carolina General Statute Section 14-4.

Sec. 5-8 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 5-9 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 14th day of October 2003. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 6 Stopping, Standing and Parking Generally* Ordinance

***State law reference(s)** - Authority of city to regulate on street parking, N.C.G.S. Section 160A-301, parking generally, N.C.G.S. Section 20-161-20-163; Prima facie rule of evidence for enforcing parking regulations, N.C.G.S. Section 20-162.1; N.C.G.S. 160A-175, enforcement of ordinances.

STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES AND FOR CERTAIN PURPOSES

Sec. 6-1 Policy, Purpose & Findings

It shall be unlawful for the driver of any vehicle to stop such vehicle in or upon any street or alley within the corporate limits of the Village of Lake Park, except for purpose of parking as provided for in this Ordinance, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral procession, by the stopping of a public conveyance, by the reason of traffic signals, in the exercise of the rights of turning at an intersection or upon entering an intersection, by the passing of another vehicle, for a pedestrian, by reason of any emergency or by order of a law enforcement officer.

Sec. 6-2 Definitions

Driver/Operator - A person in actual physical control of a vehicle which is in motion or which has the engine running. The terms Operator and Driver and their cognates are synonymous.

Emergency vehicles - Vehicles of the Fire Department, Police Department, ambulances and rescue squad vehicles or any other such vehicle recognized by the state as an emergency vehicle.

Intersection - The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways, which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate Intersection. In the event that such also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highway shall be regarded as a separate Intersection.

Motor vehicle - Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27).

Traffic signal - Any device not inconsistent with this Ordinance, whether manually, electrically or mechanically operated, placed or erected by authority of the Town Council, by which traffic is alternately directed to stop and to proceed.

On-street parking - Where parked spaces are adjacent to the motor-vehicle traveled way.

Parking - The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Pedestrian - Any person afoot.

Law Enforcement Officer - Any officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Street/Highway - The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms Highway and Street and their cognates are synonymous.

Vehicle - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 6-3 Powers

A. Prohibited In Certain Places.

No person shall stop, stand or park a motor vehicle, tractor-trailer, commercial vehicle, recreation type vehicle including motor homes or detached trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or a traffic-control device in any of the following places:

1. On a sidewalk;
2. On a crosswalk;
3. In front of a public or private driveway;
4. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway;
5. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
6. On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;
7. In, or on the space between a sidewalk and a public street;
8. In, or on the area between a public street and the first six (6) feet of grass on the side of a public street where there is no sidewalk;
9. Within a street intersection;
10. Within fifteen (15) feet of a fire hydrant;
11. Within twenty (20) feet of a crosswalk;
12. Within thirty (30) feet of an intersection;
13. Within the circular portion of any cul-de-sac;
14. In, or on any common area of the Village of Lake Park;
15. In, or on any park;
16. At any place where official signs prohibit stopping.

These provisions do not apply to emergency vehicles.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

State law reference(s) – Parking near fire hydrant, fire station or private driveway, G.S. Section 20-162.

B. Prohibited For Certain Purposes

It shall be unlawful for any person to stand or park a vehicle upon any street or alley of the Village of Lake Park for the principal purpose of:

1. Displaying it for sale;
2. Greasing or repairing such vehicle, except for repairs necessitated by an emergency;
3. Storage thereof by garages, dealers or other persons when such storage is not incident to the bona fide use and operation of such automobile or other vehicle;
4. Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another;
5. Unless otherwise regulated, parking of any tractor-trailer, commercial vehicle, or recreation type vehicle including motor homes, boats, etc., for more than one hour on any given day.

C. Parking Not To Obstruct Traffic

In any area within the corporate limits of the Village of Lake Park where parking spaces are not marked on the pavement, are not designated as “no parking” zones and are not otherwise restricted by this Ordinance from the parking of a vehicle, all vehicles shall be parked, stopped or standing parallel to the curb or the edge of the pavement and as far right of the centerline as possible, leaving at least 12 feet of clear unobstructed roadway for the safe passage of other vehicles. At no time may a vehicle be directly across the street from another vehicle unless there will be 12 feet of roadway open between the two vehicles.

D. Parking In Alleys

No person shall park, stand or stop any vehicle within an alley in such a manner or under such conditions as to leave available less than twelve (12) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property or to park on the grass.

E. No Parking For Purposes Of Advertising

It shall be unlawful for any person to stand or park any vehicle on any street for the primary purpose of advertising unless such owner or driver thereof shall have obtained written permission from the Village of Lake Park Council.

F. Standing Or Parking On One-Way Roads

In the event a street or roadway is restricted to one direction upon any such street or roadway, no person shall stop, stand or park a vehicle upon the left-hand side of such one-way street or roadway unless signs are erected to permit such stopping, or parking.

G. Handicapped Parking Spaces

When official signs are erected indicating no parking except for the handicapped, no person other than the handicapped shall park a vehicle in such designated place.

H. Prohibited At All Times In Certain Locations

Parking, standing or stopping a vehicle shall be prohibited at all times and at all locations:

1. When signs are placed, erected or installed giving notice thereof or the curbing has been painted yellow in lieu of such signs, no person shall stop, stand or park a vehicle at any time upon any of the streets designated within the corporate limits of the Village of Lake Park as areas where parking is prohibited at all times.
2. No commercial vehicle of over three fourths (3/4) ton capacity shall be parked upon either side of any residential street or alley so designated within the corporate limits of the Village of Lake Park.
3. No person shall park any recreational vehicle, boat or trailer of any kind on any public street within the corporate limits at any time.
4. No person shall stop, stand, or park any commercial vehicle, bus, trailer, etc., on any street except for the temporary purpose of transacting business (e.g. moving vans, parcel delivery vehicles, etc.).
5. When the vehicle has any of the following conditions:
 - a. One or more flat tires;
 - b. Is covered by a tarp, casing, sheet or other covering that does not allow for proper identification of the vehicle registration plate, vehicle make or vehicle model; or
 - c. Has affixed to the vehicle any registration plate that is expired, altered, disguised, illegible or concealed in any manner in violation of Chapter 20 of the North Carolina General statutes.

I. Prohibitions Regarding Other Miscellaneous Vehicles

It shall be unlawful for any person to stop, stand, park or otherwise leave unattended any commercial motor vehicle, dump truck, excursion passenger vehicle, horse trailer, property hauling vehicle, school bus, school activity bus or any other type of passenger or commercial vehicle that exceeds two rear axles or four tons in or on any driveway, street, common area, park, front yard or alley provided, however, the provisions of the section do not apply to the following:

1. The temporary parking for the loading or unloading of moving vans or trucks;
2. The stopping, standing or parking when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or traffic-control device;
3. The normal stoppage of commercial vehicles or buses for taking on and discharging passengers or freight;
4. The stopping, standing or parking of any governmental, emergency or utility vehicle as required by the performance of a legitimate governmental, emergency or utility-related function;
5. The stopping, standing or parking of any construction or demolition equipment, provided such equipment is being used during an active and ongoing construction or demolition project;
6. An emergency resulting from a breakdown that requires repairs to the vehicle;
7. The parking of any campers or trailers in the rear yard of any single-family dwelling;

8. Any other purpose that has been reviewed and authorized by the Village of Lake Park Council.

J. Limited In Certain Locations

No person shall park a vehicle between the hours of 12:00 am and 6:00 am upon the parking lot immediately adjacent to the Village of Lake Park Community Center.

K. Time Limits In Certain Locations

1. When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than two (2) hours at any time upon any of the streets designated within the corporate limits of the Village of Lake Park as areas where parking is limited to two hours.
2. When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than one (1) hour at any time upon any of the streets designated within the corporate limits of the Village of Lake Park as areas where parking is limited to one hour.
3. The changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

L. Sleeping in vehicles.

It shall be unlawful to sleep in a vehicle parked on any property owned by the Village of Lake Park, in a Village of Lake Park owned parking area or on a public street or public street right-of-way, or on a public access area within the Village of Lake Park.

M. Portable Storage Containers

Portable storage containers are temporarily allowed at your home for a 7-day period during moving. This time period may be extended in hardship situations. It is unlawful for any portable storage container to obstruct traffic as described in section 6-3 C.

Sec. 6-4 Penalties

- A. Notwithstanding any other provisions of this Code or Ordinance, violations of the provisions of this Ordinance shall subject the offender to a civil penalty as authorized by N.C.G.S. Section 160A-175(c) upon the issuance of a citation for said violation as hereinafter provided.
- B. Upon the issuance of a citation provided for herein the owner or operator, if different from the owner, of the motor vehicle in violation shall pay a civil penalty in the amount of \$10.00 within fifteen (15) calendar days after the issuance of the citation. Upon failure to pay the citation within fifteen (15) calendar days, a late penalty of \$40.00 will be assessed for each citation not paid within the time required.
- C. If the penalty is not paid as provided in subsection (b) herein above a notice shall be mailed via the United States Postal Service to the operator, if known, or the registered owner of the vehicle in violation if the operator is not known, within ninety (90) days of the date of occurrence enclosing a copy of the citation and stating that unless the civil penalties set forth are paid within thirty (30) calendar days after mailing of the notice or the operator or owner complies with subsection (d) herein below, the Village of Lake Park will seek civil remedies in the nature of a debt to collect same.
- D. If the notice prescribed in subsection (c) herein above is mailed to the registered owner of the vehicle in violation it shall contain a further statement that if the registered owner of the vehicle in violation or his or her duly authorized agent did not commit the violation or the vehicle was leased or rented to another person or entity, then the registered owner must come to the office of the Village of Lake Park Administrator within the thirty (30) period provided for in subsection (c) herein above and sign an affidavit to that effect and further providing the name and all known contact information for the person or entity in violation. Upon signing said affidavit further proceedings for the collection of said civil penalty against said registered owner shall cease. If said registered owner shall fail to sign said affidavit within the time prescribed herein it shall be prima facie evidence in any court in the State of North Carolina that the registered owner of said vehicle in violation was the person, firm or corporation committing the violation.

- E. The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Ordinance. Nothing in this Ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties. The provisions contained herein shall not prohibit or prevent the implementation or use of any other enforcement provision as authorized by this Ordinance, or State or Federal law.
- F. The enforcement and interpretation of this Ordinance shall not include an interpretation that any violation of its conditions is subject to being a misdemeanor or infraction as provided by North Carolina General Statute 14-4.
- G. Each day of a continuing violation shall constitute a separate violation subject to citation and enforcement under the terms and conditions set forth within this ordinance.

Sec. 6-5 Towing of Vehicles in Violation

- A. Any car or other vehicle parked on any street or other area where parking is prohibited under the provisions of this ordinance may be removed, towed away and stored as authorized by North Carolina General Statute 160A-303. All notice and hearing procedures required by North Carolina General Statute Section 160A-303 and Article 7A, Chapter 20 are to be complied with by the Village of Lake Park.
- B. The Mayor or Village of Lake Park Administrator, in compliance with Section 6-5B(a) of this ordinance, may authorize the removal, towing and storage of any car or vehicle in violation of this ordinance.
- C. The owner of the motor vehicle shall be liable for any costs incurred in the removal, storage, and subsequent disposition of a vehicle, cargo, or other personal property under the authority of this section.

Sec. 6-6 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 6-7 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 15th day of November 2000. The most recent amendment was adopted by The Village of Lake Park Council on the 11 day of July 2023.

Sec 7. Regulation of Personal, Real Property On or Within the City Limits of The Village of Lake Park Ordinance

Sec. 7-1 Policy, Purpose & Findings

This General Ordinance provision is enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village of Lake Park.

- A. It shall be unlawful to place, leave, or abandon or cause to be placed, left or abandoned any personal property or any portion thereof, **other than motor propelled conveyances, boats or trailers**, within or on any of the following locations:
1. On a sidewalk;
 2. On a crosswalk;
 3. In any park;
 4. In any designated common area of the Village of Lake Park;
 5. In or on the space between a sidewalk and a public street; or
 6. On any island area that separates traffic flowing in opposite directions.
- B. It shall be unlawful to leave, place or abandon or cause to be placed, left or abandoned as defined in the definitions section above any **motor propelled conveyance, boat or trailer** within the city limits of the Village of Lake Park.
- C. Overhanging or protruding trees, shrubs, fences and the like.
1. No person may cause or allow (from property under their control) any tree limb, bush, shrub or other growth or any trellis, fence or other obstruction to overhang a public street at a distance of less than 12 feet above the traveled portion of such street or a public sidewalk at a distance of less than seven feet above such sidewalk.
 2. No person may cause or allow grass, vines, weeds or other vegetation to grow from property under their control over, onto or across any public street or sidewalk.
 3. Any violation of 7-1(C)1 or 7-1(C)2 above is declared to be a public nuisance, and if not corrected by the responsible person within three days after being notified of the violation by the Village of Lake Park, the Village of Lake Park may summarily abate such nuisance.

Sec. 7-2 Definitions

- A. General Rule - Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. For the purposes of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Common area - Any area that is designated as a common area on the most recent survey, plat or map of the property in question contained within the office of the Clerk for the Village of Lake Park.

Personal/Real property - Personal property which is not considered real property. Real property is land and anything affixed to it or a part of it, such as buildings, fences, water, growing things and minerals in the ground. All other property shall be considered personal and shall include but not be limited to motor vehicles, motor propelled conveyances, portable basketball goals, athletics equipment, and furniture of any type.

Placing, leaving or abandoning Personal property other than motor-propelled conveyances, boats or trailers - Any act which causes an item of personal property, excluding any motor propelled conveyance (whether operational or not), boat or trailer, to be placed in the same or substantially similar location for a period of 24 hours or for any time period without the supervision of its owner. Any motor propelled conveyance (whether operational or not), boat or trailer shall be subject

to the provisions regarding prohibited acts set forth herein below and the definition of “placing, leaving or abandoning motor propelled conveyances, boats or trailers” set forth herein below.

Placing, leaving or abandoning motor-propelled conveyances, boats or trailers - Any act which causes a motor propelled conveyance, boat or trailer to be placed for any time period, whether operational or not operational and whether or not under the supervision of its owner, in any common area or in any park of the Village of Lake Park.

Sec. 7-3 Powers

- A. The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Ordinance. A warning, either verbal or written, shall be issued upon a first incident. A citation for a second or subsequent violation shall be issued. Each day of a continuing violation shall be a separate and distinct offense. Nothing in this Ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.
- B. Upon the issuance of a warning and/or citation the personal property in question shall be immediately removed by its owner(s) and taken to a location that is not in violation of the provisions of this Ordinance or in violation of the restrictive covenants of the Village of Lake Park.
- C. Overhanging or protruding trees, shrubs, fences, etc. The actual cost incurred by the Village of Lake Park in removing or otherwise remedying a public nuisance pursuant to Section 7-1(C) shall be charged to the owner of the offending property, and the owner shall pay these charges within 30 days after receiving from the Village of Lake Park a statement of charges under this subsection. If the charges are not paid within 30 days after receipt of the statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

The enforcement and interpretation of this ordinance shall not include an interpretation that any violation of its conditions is subject to being a misdemeanor or infraction as provided by North Carolina General Statute 14-4.

Sec. 7-4 Penalties

For Section 7-1(A) and Section 7-1(B), a citation issued for a second or subsequent violation shall subject the offender to a civil penalty as authorized by N.C.G.S. 160A-175. Upon the issuance of a citation the offender cited shall pay a civil penalty in the amount of \$25 within 15 calendar days after the issuance of the citation. Each successive violation shall cause the civil penalty to increase by \$25 for each such violation. Upon failure to pay the citation within the 15 day period a late fee of \$40 will be assessed for each citation not paid within the time required. The maximum civil penalty, excluding late fees, for each violation shall be \$100.00.

Each day of a continuing violation shall constitute a separate and distinct violation subject to citation and enforcement under the terms and conditions set forth within this ordinance.

Sec. 7-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 7-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 9th day of March 2004. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 8 Public Parks Within The Corporate Limits of The Village of Lake Park Ordinance

Sec. 8-1 Policy, Purpose & Finding

The General provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 16A-174 for the purpose of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village of Lake Park.

Sec. 8-2 Definitions

- A. General Rule – Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. For the purposes of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Park - Any park, reservation, playground or other area or structure within the corporate limits of the Village of Lake Park which is owned, leased or used by the Village of Lake Park and devoted to active or passive recreation

Vehicle - Any wheeled conveyance, whether motor-powered, animal drawn or self-propelled excluding wheelchairs and similar vehicles, baby carriages and vehicles in the service of or acting at the direction of the Village of Lake Park.

Sec. 8-3 Prohibitions

- A. Buildings and other property. No person in a park shall:
 - 1. Mark, deface, disfigure, adulterate, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, fountains, ponds, or other bodies of water, public utilities, public utility equipment, fences, signs, notices or placards, receptacles, monuments, stakes, posts or other boundary markers, or other structures, improvements, facilities or park property which is either real or personal property.
 - 2. Dig or remove any soil, rock or stones, or any trees, shrubs, plants, plantings, grass, down-timber or other wood or materials.
 - 3. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character.
- B. Trees, Shrubbery and lawns. No person in park shall:
 - 1. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick flowers or seeds of any tree or plant.
 - 2. Attach any rope, wire or other contrivance to any tree or plant.
 - 3. Attach, tie or hitch an animal to any tree or plant.
 - 4. Climb, Stand, sit upon monuments, vases, fountains, railings, fences, trees or upon any other property not designated or customarily used for such purposes.
- C. Animals, birds or plants. No person in a park shall:
 - 1. Hunt, molest, harm, frighten, kill, feed, trap, chase, tease, shoot, or throw projectiles at any animal, reptile, bird or waterfowl of any nature.
 - 2. Remove or possess the young, eggs or the nest of any animal, reptile, bird or waterfowl of any nature, except that of snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles may be killed on sight.
 - 3. Give or offer or attempt to give any animal, bird or waterfowl of any nature tobacco, alcohol or other known noxious substances.
 - 4. Intentionally or accidentally, in either a temporary or permanent manner, introduce, release, abandon, stock, place or cause to be placed any animal, fish, reptile, bird or plant specimen of any type or kind in or on park property.

- D. Sanitation. No person in or from outside of a park shall:
1. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or other body of water in or adjacent to any park any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
 2. Discharge, place or cause to be placed any oil, petroleum product or chemical of any kind or sort in or within any drainage easement, storm water receptacle or like location which will or may result in the pollution, regardless of degree, of any pond or other body of water in or adjacent to any park.
 3. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash anywhere on or in the park, except that such matter may be placed in proper receptacles where provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- E. Traffic. No person in a park shall:
1. Drive any vehicle on any area except the paved portion on the park roads or parking area or such other areas as may on occasion be specially designated as temporary parking areas by the Parks and Recreation Commission of the Village of Lake Park.
 2. Park a vehicle in other than an established or designated parking area and such use shall be in accordance with the posted directions and with instructions of any police officer or other duly designated agent of the Village of Lake Park who may be present.
 3. Operate any all-terrain vehicle, trail bike, go-cart, motorcycle of any type or mini-bike at any location within any park other than such places, if any, as are specifically designated for such purpose by the Parks and Recreation Commission of the Village of Lake Park.
 4. Ride a bicycle on other than the right-hand side of a paved vehicular road or path designated for that purpose or fail to keep in single file when two or more bicycles are operated as a group. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- F. Recreational Vehicles. No person in a park shall:
1. Swim, bathe, wade or ice skate in or on any waters in or adjacent to any park.
 2. Bring into or operate any boat, raft, jet-ski or other watercraft, whether motor-propelled or not, upon any waters.
 3. Take part in or abet the playing of any games or activities involving thrown, or otherwise propelled, injurious objects such as stones, arrows, javelins or spears unless otherwise permitted to do so by the Parks and Recreation Commission of the Village of Lake Park or its designee.
 4. Take part in or abet in the use of any model airplane which is powered by means of combustion, which has a propeller length of greater than 30 inches in length.
 5. Ride a horse or other animal.
 6. Fish in any pond without having first obtained a permit to do so from the Parks and Recreation Commission of the Village of Lake Park. All permits to fish in any pond must be carried and/or displayed openly when fishing and all regulations established by the Parks and Recreation Commission associated with fishing in any pond shall be followed.
- G. Behavior. No person in a park shall:
1. Consume or possess any malt beverage or unfortified wine or spiritous liquor, as defined in N.C.G.S. Chapter 18b.
 2. Possess, use, consume any illegal drugs or be under the influence of any illegal drugs while in a park.
 3. Build or attempt to build a fire, or throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material.
 4. Lie or sleep in a prone position on seats, tables or benches.
 5. Disturb or interfere with the activities of any other person occupying an area of a park with the intent to disrupt the activities of the other person. Such intent can be inferred from a request of the person disturbed for the person or persons to cease the disruption.

6. Take any dog(s) of which the person has ownership, possession charge, control or custody of into or allow the dog to enter any park without being at all times under the restraint of a lease, except while in designated off-leash areas. This subsection shall not apply to the following:
 - a) Parks that have been designated as leash-free parks by the Parks and recreation Commission.
 - b) Guide or hearing-aid dogs that are in the company of blind or deaf persons or being trained for such purposes.
 - c) Dogs employed or hired by the law enforcement agencies or by the Parks and Recreation Commission to perform a governmental purpose within the park.
 7. Fail to remove feces deposited by any dog of which the person has ownership, possession, charge or custody.
 8. Enter or remain in a park at any time which is not designated as an hour of operation. This provision is excepted when a park is being utilized for an activity being held by the Village of Lake Park or authorized by any other exception set forth herein.
 9. Enter or remain in a park when the park has been designated as closed.
- H. Merchandising, advertising and signs. No person in a park shall:
1. Expose, offer for sale or advertise any Ordinance or service, except regularly licensed concessionaires acting by and under the authority and regulation of the Parks and Recreation Commission of the Village of Lake Park or its designee.
 2. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, except as authorized by the Parks and Recreation Commission of the Village of Lake Park. This provision shall not apply to the regular practices of the Village of Lake Park to post and notify its citizens of upcoming public meetings, hearings and other official business of the Village of Lake Park.
 3. Solicit contributions for any purpose whether public or private, except charitable solicitations specifically approved by the Parks and Recreation Commission of the Village of Lake Park or its designee.
- I. Exceptions
1. A person, organization, group or other entity may be excepted from the prohibitions set forth herein upon applying for and obtaining a permit pursuant to Section 7.4 herein below so long as the issuing permit specifically excepts the prohibited action from application during the time period for which the permit has been issued. All prohibitions set forth herein will remain in full force and effect during the permit period unless specifically excepted pursuant to this section.

Sec. 8-4 Park Operation

- A. The hours of operation of all parks within the corporate limits of the Village of Lake Park shall be set by the Parks and Recreation Commission of the Village of Lake Park and such hours will be posted or available at the Village of Lake Park office.
- B. The opening or closing of any park shall be left within the discretion of the Parks and Recreation Commission of the Village of Lake Park.
- C. Any section of the park may be declared closed to the public at any time by the Parks and Recreation Commission of the Village of Lake Park and for any interval of time.
- D. Any section of part of any park may be restricted to certain uses or hours of availability as determined by the Parks and Recreation Commission of the Village of Lake Park.
- E. A permit shall be obtained from the Parks and Recreation Commission of the Village of Lake Park before participating in any park activity which the Parks and Recreation Commission shall from time to time designate as requiring such a permit.
 1. A person seeking issuance of a permit under this subsection shall file an application with the Parks and Recreations Commission of the Village of Lake Park. The application shall state and/or include the following:
 - a) The name and address of the applicant.
 - b) The name and address of the person, corporation of association sponsoring the activity, if any.

- c) The day and hours for which the permit is desired.
 - d) The park or portion thereof for which such permit is desired.
 - e) An estimate of the anticipated attendance.
 - f) A copy of any certificate of insurance held by the applicant.
 - g) Any other information which the Parks and Recreation Commission shall find reasonably necessary to a fair determination as to whether a permit should issue under this subsection.
2. The Parks and Recreation Commission of the Village of Lake Park shall issue a permit when it is found that:
 - a) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - b) The proposed activity or use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
 - c) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
 - d) The facilities desired have not been reserved for use at the date and hour required in the application.
 3. An applicant and all those participating in a permitted event, activity or use shall be bound by all park rules and regulations and all applicable ordinances fully as though the rules and regulations were inserted within the permit.
 4. The Park and Recreation Commission of the Village of Lake Park or their designee shall have the authority to revoke a permit upon the finding of a violation of any rule or ordinance or upon good cause shown.
 5. The Parks and Recreation Commission of the Village of Lake Park shall have the authority to deny the issuance of a permit upon consideration and determination that the requested activities or uses involve risks and potential liabilities to the Village of Lake Park which are not in the best interest of the Village of Lake Park to allow within its borders. This consideration and determination shall include the review of any certificates of insurance provided by the applicant wherein the Village of Lake Park is designated as an additional insured for the requested event/activity/use of the execution of an acceptable release and waiver signed by the applicant(s) and its participants holding the Village of Lake Park harmless from any liability associated with the event/activity/use. The Parks and Recreation Commission of the Village of Lake Park shall have the authority to determine if the provision of the certificate of insurance, release or waiver will provide adequate protection to the Village of Lake Park and may require the execution of provision of additional documents before issuance of a permit.
 6. The Parks and Recreation Commission of the Village of Lake Park shall establish a fee schedule for the use of the parks and park facilities subject to the approval of the Village of Lake Park Council.
 7. The Parks and Recreation Commission of the Village of Lake Park shall have the authority to implement any other policies and procedures deemed necessary for the use and enjoyment of the parks within the Village of Lake Park consistent with the provisions of this ordinance and the resolution of the Village of Lake Park creating the Parks and Recreation Commission.

Sec. 8-5 Enforcement

- A. The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Ordinance and shall have the authority to eject from any park for an indefinite period of time any person acting in violation of this Ordinance or any section of this Code or any law of the State or Federal Government. Nothing in this Ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties. Any person ejected indefinitely pursuant to this subsection shall only be allowed to re-enter any park of the Village of Lake Park upon request and approval of the Parks and Recreation Commission of the Village of Lake Park. The Village of Lake Park reserves the right to enforce the provisions of Section 8.3- Prohibitions, subsection (C) d referred to herein above by the removal of such animal, bird or plant which the Village of Lake Park or its designee determines to be detrimental to the health, safety and welfare of its citizens and property or to the peace and dignity of the Village of Lake Park.

- B. A warning, either verbal or written, shall be issued upon a first incident. A citation for a second or subsequent violation may be issued. Nothing in this Ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.
- C. A civil penalty may be waived as to any first-time violator of Section 7.3- Prohibitions, subsection F (f) referred to herein above upon presentation of evidence that the violator has purchased or procured a permit authorizing the activity and demonstrating the intention of complying with the terms and conditions of this Ordinance.
- D. Each and every violation shall be a separate and distinct offense.
- E. Violations of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those otherwise responsible for the person to a civil penalty in the amount of \$50.00 upon the issuance of a citation. If a citation is issued for a violation of this ordinance by a minor child, the minor child's parent or guardian shall be responsible for the payment of the penalty. The civil penalty shall be paid within 48 business hours of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize the Village of Lake Park to initiate civil action against the person or those otherwise responsible for the person to establish a debt to the Village of Lake Park.
- F. The Parks and Recreation Commission of the Village of Lake Park or its designee in their sole discretion are granted the authority to remove any animal, fish, reptile, bird, waterfowl of any nature or plant of any kind which is within any park and place such in any suitable alternative location outside the corporate limits of the Village of Lake Park.

Sec. 8-6 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If there is any conflict between the provisions of the ordinance and the rules and regulations promulgated by the Parks and Recreation Commission of the Village of Lake Park then, in that event, the terms of this ordinance shall control. Any such conflict shall not operate to invalidate the rest of the ordinance or the rules and regulations promulgated by the Parks and Recreation Commission.
- C. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 8-7 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 10th day of February 2005. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 9 Regulation of Nonresidential Buildings Within the Village of Lake Park Ordinance

This General Ordinance is enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village of Lake Park. The regulation of nonresidential buildings is intended to address the need to take reasonable measures to minimize discordant, unsightly and offensive surroundings, to preserve the beauty and usefulness of the commercial environment within the Village of Lake Park, to prevent the diminution of property values within the Village of Lake Park, to preserve the integrity and character of the Village of Lake Park and to ensure a basic level of access to nonresidential buildings by public safety personnel in order to ensure the health, safety and general welfare of the public.

Sec. 9-1 Policy, Purpose & Findings

- A. The provisions of this Ordinance shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the Village of Lake Park.
- B. Every nonresidential building or structure and the property on which it is situated shall comply with the provisions of this ordinance, whether or not such building or structure shall have been constructed, altered or repaired before or after the enactment of this Ordinance.
- C. It shall be unlawful to erect or place upon any nonresidential building any barrier or cover to any storefront, doorway, window or other point of access to the building. Such barriers or covers shall include but not be limited to boards or boarding of any type, bars, gates or any other item or substance that serves to act as a barrier or cover to any storefront, doorway, window or other point of access. This prohibition shall be applicable whether such barrier is placed or erected on the exterior or interior of the building.
- D. It shall be unlawful to engage in any alteration of any nonresidential building for purposes of constructing or creating any barrier or cover to any storefront, doorway, window or other point of access to the building.

Sec. 9-2 Definitions

- A. General Rule - Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. For the purposes of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alteration - A change or rearrangement in the structural parts or in the exit facilities.

Building/Structure - Any structure built for the shelter or enclosure of persons, animals or property of any kind. The term "building" shall also be construed as if followed by the phrase "or part thereof."

Nonresidential structure - Any building or structure that is not a dwelling, lodging establishment, manufactured home or rooming house.

Owner - The holder of title in fee simple and every mortgagee of record.

Sec. 9-3 Powers

- A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the Owner of the property to civil penalties. If the Owner of the property fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.
- B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including any method set forth within this Ordinance or by injunctive relief, whether or not there is an adequate remedy at law.
- C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.

Sec. 9-4 Penalties

- A. Any person violating the restrictions, and prohibited acts of this ordinance shall be subject to the issuance of a civil citation and civil penalties according to the following schedule:
 - 1. First Offense: \$ 100
 - 2. Second Offense: \$ 200
 - 3. Third and continuing offenses: \$ 500
- B. Any one, all, or any combination of the foregoing penalties and remedies within this entire Ordinance may be used to enforce this Ordinance.
- C. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.
- D. The prohibitions set forth in this ordinance shall not be enforced at such times and places when the National Weather Service has issued a specific alert or warning for Union County, North Carolina that would justify erecting or placing a barrier upon a nonresidential building for purposes of protecting the structure from an imminent weather condition. After the cessation of any such warning or alert any owner who has erected or placed any such barrier upon its property shall remove the barrier within 14 business days.
- E. ALTERNATE REMEDIES FOR ENFORCEMENT.
In addition to the foregoing provisions, any provision of this or any other ordinance of the Village of Lake Park, NC may be enforced by any one or more of the remedies authorized by G.S. 160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

Sec. 9-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 9-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 20th day of November 2012. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 10 Skateboards, Scooters, Roller Skates, In-Line Skates and Motorized Skateboard Ordinance

Sec. 10-1 Policy, Purpose & Finding

Whereas North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village of Lake Park.

Sec. 10-2 Definitions

For the purposes of this Ordinance, the following words and phrases shall have the following meanings:

Common area - Any area that is designated as a common area by the Village of Lake Park within its corporate limits on the most recent map of the Village of Lake Park as is maintained in the office of the Clerk for the Village of Lake Park.

Skateboard - A non-motorized vehicle with two (2) pairs of wheels tandem mounted below a single horizontal board which the rider stands and is propelled by pushing off the travel surface with one (1) foot. Steering is achieved by shifting body weight from one side to the other.

Roller skates - A non-motorized vehicle with two (2) pairs of wheels tandem mounted on shoes worn by the roller-skater. The roller-skater stands and is propelled by pushing off the travel surface with each foot. Steering is achieved by shifting the body weight from one side to the other.

In-line skates - A non-motorized vehicle with three (3) to five (5) wheels mounted inline on shoes worn by the skater. The skater stands and is propelled by pushing off the travel surface with each foot. Steering is achieved by shifting the body weight from one side to the other.

Scooter - A non-motorized vehicle consisting of a footboard mounted between two (2) wheels tandem with an upright steering handle attached to a front wheel.

Motorized skateboard - Any device consisting of a deck or riding surface of any design upon which, a person may stand or sit, having any number of wheels, and is propelled by any type of motorized power, including any hoverboard, go-ped, pocket motorcycle, motorized skateboard, motorized scooter and the like. Provided, however, that a device designed and used for the transport of disabled persons or for the transport of law enforcement shall not be considered a motorized skateboard within the meaning of this Ordinance.

Helmet - A device intended to provide protection from head injuries that meets or exceeds the safety standards set forth by the U.S. Consumer Products Safety Commission.

Sec. 10-3 Offenses

- A. The following offenses constitute a violation of this Ordinance and are prohibited.
1. Riding a skateboard, scooter, roller skates or inline skates to attach it or himself to any motorized vehicle which is in motion.
 2. Riding a skateboard, scooter, roller skates, in-line skates, motorized skateboard or other such devices in or on the following locations:
 - a) Any municipal building.
 - b) Any municipal parking area.
 - c) Any sidewalk directly adjacent to any business operating within the corporate limits of the Village of Lake Park, North Carolina.
 - d) All brick surfaces including but not limited to brick planters and brick fences. This shall not include brick surfaces being used as street crosswalks.
 - e) Recreational facilities of the Village of Lake Park including but not limited to; basketball courts, tennis courts and swimming pools.
 - f) Any part of a gazebo which is in or on public property.

- g) Any equipment or piece of equipment being used to provide public utility services including but not limited to lamp posts, utility boxes and other like equipment.
- h) Any public park benches or tables.
- 3. Any person riding a skateboard, scooter, roller skates, in line skates or motorized skateboard on any public sidewalk who fails to yield the right of way to any pedestrian on the same sidewalk or crossing over to the same sidewalk.
- 4. Any person under the age of sixteen (16) years to ride a skateboard, roller skates, in-line skates or motorized skateboard in or on any location within the corporate limits of the Village of Lake Park unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.
- 5. Any parent or guardian to knowingly allow their child or ward under the age of sixteen (16) years to so operate or ride a skateboard, scooter, roller skates, in-line skates or motorized skateboard without wearing a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.

Sec. 10-4 Enforcement

- A. The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Ordinance. A warning, either verbal or written, shall be issued upon a first incident. A citation for a second or subsequent violation shall be issued. Nothing in this Ordinance shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.
- B. Upon issuance of a warning the activity in question shall immediately cease and the skateboard, roller skate, in-line skate or motorized skateboard shall be removed by its possessor and taken to a location that is not in violation of the restricted covenants of the Village of Lake Park.

Sec. 10-5 Penalties

- A. Violations of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those otherwise responsible for the person to a civil penalty in the amount of \$50.00 upon issuance of a citation. If a citation is issued for a violation of this ordinance by a minor child, the minor child's parent or guardian shall be responsible for payment of the penalty. The civil penalty shall be paid within five (5) business days of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize the Village of Lake Park to initiate civil action against the person or those otherwise responsible for the person to establish a debt to the Village of Lake Park.

Sec. 10-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 10-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 10th day of August 2004. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 11. Speed Limit Ordinance

Sec. 11-1 Policy, Purpose & Findings

This General Ordinance is to set Speed Limits within the city limits of the Village of Lake Park.

Sec. 11-2 Definitions

City Limit - Means the boundaries of the Village of Lake Park.

Streets – Means all streets, roads, alleys, avenues, lanes, etc. located within the city limits of the Village of Lake Park.

Sec. 11-3 Powers

The speed limit within the city limits of the Village of Lake Park shall be 25 miles per hour on all streets unless otherwise posted.

Sec. 11-4 Penalties, Enforcement

Any person violating the provisions of this Ordinance shall be responsible for an infraction and subject to a fine of \$50.00 as governed by North Carolina General Statute 14-4(b).

Sec. 11-5 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 11-6 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 8th day of July 1997. The most recent amendment was adopted by The Village of Lake Park Council on the 13 day of June 2023.

Sec. 12 Village of Lake Park State of Emergency Ordinance

Sec. 12-1 Policy, Purpose & Findings

This is an ordinance authorizing the declaration of a State of Emergency and the imposition of prohibitions and restrictions during a State of Emergency. Under the authority of Article 36A of Chapter 14, Chapter 160A of the North Carolina General Statutes and Chapter 166A of the North Carolina General Statutes, the Village of Lake Park Council of the Village of Lake Park, North Carolina does hereby ordain as follows:

Sec. 12-2 State of Emergency Definitions and Restrictions Authorized

- A. A State of Emergency shall be deemed to exist whenever the Mayor of the Village of Lake Park makes a finding and declaration that such an Emergency exists. "Emergency" is defined to mean an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made, accidental, military, paramilitary, weather-related, or riot-related cause.
- B. In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within corporate borders of the Village of Lake Park, North Carolina, or threatening damages to or destruction of property, the Mayor of Lake Park, North Carolina is hereby authorized and empowered under G.S. 14-288.12, 160A-174(a) and 166A-19.22 to issue a public Declaration declaring to all persons the existence of such a State of Emergency, and, in order to more effectively protect the lives and property of people within the Village of Lake Park, to place in effect any or all of the restrictions herein after authorized.
- C. The Mayor is hereby authorized and empowered to limit by the Declaration the application of all or any part of such restrictions to any area specifically designated or described within the Village of Lake Park and to specify hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel (whether State or Federal), on-duty employees of public utilities, public transportation companies and newspaper, magazine, radiobroadcasting, television broadcasting corporations operated for profit, members of the clergy and members of the Village of Lake Park Council; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the Village of Lake Park.

Sec. 12-3 Declaration Imposing Prohibitions and Restrictions

- A. The Mayor of the Village of Lake Park, North Carolina by Declaration may impose the prohibitions and restrictions specified in sections 3 through 8 of this ordinance in the manner described in those sections. The Mayor may impose as many of those specified prohibitions and restrictions as he or she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The Mayor shall recite his findings in the Declaration.
- B. The Declaration shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the Declaration to those affected by it and shall within his/her reasonable abilities to do so in the context of the emergency being declared post a copy of the declaration at the Community Center, the Village of Lake Park kiosk, on the Village of Lake Park Website and in the Union County Courthouse. The Mayor shall send reports of the substance of the Declaration to the mass communications media which serves the affected area. The Mayor shall retain a text of the Declaration and furnish upon request certified copies of it.

Sec. 12-4 Evacuation

The Mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of Lake Park; prescribe routes, modes of transportation, and destination in connection with evacuation; and control ingress and egress of an emergency area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent Declaration which shall be well publicized.

Sec. 12-5 Curfew

The Declaration may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The Declaration shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for preservation of the public health, safety, and welfare. The Declaration shall state the exempted classes and the restrictions from which each is exempted. Unless otherwise specified in the Declaration, the curfew shall apply during the specified period each day until the Mayor by Declaration removes the curfew.

Sec. 12-6 Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages

The Declaration may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the area of Lake Park described in the Declaration. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverage Control stores as well as by anyone else within the geographical area described.

Sec. 12-7 Restriction on Possession, Transportation, and Transfer of Dangerous Weapons and Substances

- A. The Declaration may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Mayor may exempt from some or all of the restrictions classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety, or welfare. The Declaration shall state the exempted classes and the restrictions from which each is exempted.
- B. Except as stated in subsection below, "dangerous weapon or substance" means:
 - 1. Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S. 14- 288.8(c)(5), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
 - 2. Any other instrument or substance that is capable or being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.
 - 3. Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.
- C. Notwithstanding anything in this ordinance to the contrary, "dangerous weapon or substance" shall not be deemed to include "lawfully possessed firearms or ammunition." The term "firearm" shall have the same meaning as that term is used in G.S. 14- 409.39(2): a handgun, a shotgun, or rifle which expels a projectile by action of an explosion. The term "handgun" shall have the same meaning as that term is used in G.S. 14- 409.39(3): a pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

If imposed, the restrictions shall apply throughout the jurisdiction of Lake Park or such part thereof as designated in the Declaration.

Sec. 12-8 Restrictions on Access to Areas

The Declaration may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

Areas to which access is denied or restricted shall be designated by the Sheriff and his subordinates or other law enforcement officer when directed in the Declaration to do so by the Mayor. When acting under this authority, the Sheriff and his subordinates or other law enforcement officer may restrict or deny access to any area, street, highway or

location within the jurisdictional borders of the Village of Lake Park if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

Sec. 12-9 Declaration Prohibitions and Restrictions

A. The Declaration may prohibit or restrict:

1. Movements of people in public places;
2. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and
3. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the State of Emergency, within the areas designated in the Declaration.

Sec. 12-10 Removal of Prohibitions and Restrictions

The Mayor shall by Declaration terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the Village of Lake Park Council.

Sec. 12-11 Superseding and Amendatory Proclamation

The Mayor in his discretion may invoke the restrictions authorized by this ordinance in a separate Declaration and may amend any Declaration by means of a superseding Declaration in accordance with the procedures set forth in Section 2.

Sec. 12-12 Declaration Expiration

Any Declaration of a State of Emergency issued under this ordinance shall expire when it is terminated by the Mayor. Prohibitions and restrictions imposed pursuant to the authority granted by this ordinance shall expire upon the earliest occurrence of either of the following: (1) The prohibition or restriction is terminated by the Mayor or (2) The State of Emergency is terminated.

Sec. 12-13 In Case of Absence or Disability of Chairman

In case of the absence or disability of the Mayor, the Mayor Pro Tem of the Village of Lake Park Council of the Village of Lake Park, or such other person as may be designated by the Village of Lake Park Council, shall have and exercise all of the powers herein given the Mayor.

Sec. 12-14 Penalty for Violation

Any person violating any prohibition or restriction imposed by a Declaration authorized by this ordinance shall be guilty of a Class 2 misdemeanor, as provided by G.S. 166A-19.31 and G.S. 14-288.20A.

Sec. 12-15 Conflicting Ordinances

Whenever the provisions of this Ordinance conflict with other Ordinances of Union County, this Ordinance shall govern to the extent permitted by law.

Sec. 12-16 Conjunction with Similar Declaration by the Chairman of the Board of County Commissioners, the Governor of the State of North Carolina or President of the United States

This Ordinance is intended to work in conjunction with any similar Declaration by the Chairman of the Board of Union County Commissioners, the Governor of the State of North Carolina or the President of the United States. The Mayor shall work together with the County, State and Federal agencies designated under its respective authority to ensure that there are no material conflicts between any declaration made pursuant to this ordinance and that made by the County, State or Federal Governments that would negatively impact the public health, safety, or welfare of the citizens of Lake Park. More specifically, the Mayor shall make any necessary findings or directives under the declaration authorized by this Ordinance to ensure that the citizens of the Village of Lake Park are provided every service and attention that can

be as part of any similar County, State or Federal declaration. Such intent in this regard is evidenced by the prior resolution of the Village of Lake Park Council consenting to the application of the Union County State of Emergency Ordinance.

Sec. 12-17 Validity

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Sec. 12-18 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 8th day of July 1997. The most recent amendment was adopted by The Village of Lake Park Council on the 13th day of June 2023.

Sec. 13 Golf Cart Ordinance

Sec. 13-1 Policy, Purpose & Findings

The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the Village of Lake Park to promote the health, safety, and welfare of all persons within the Village, including those operating a golf cart within the Village of Lake Park. This ordinance also seeks to protect the safety of all golf cart passengers and others utilizing the public streets, roadways, highways, alleys and property within the Village. It is understood that golf carts are not designed or manufactured to be used on public streets, roads, or highways, hereinafter "road(s)," and the Village of Lake Park in no way advocates or endorses their operation on roads. The Village of Lake Park, by regulating such operation is addressing safety issues with the operation of golf carts within the Village, and adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable even if done in accordance with this terms of this Ordinance. All persons who operate or ride upon golf carts on roads of the Village do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Village of Lake Park has no liability under any theory of liability and the Village assumes no liability, for permitting golf carts to be operated on public streets and roads under the special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance in the amounts set forth herein below to cover the risks involved in using a cart on the roads of the Village of Lake Park.

Whereas, pursuant to North Carolina General Statute Section 160A-300.6, the Village of Lake Park is authorized, by ordinance, to require the registration of, and regulate the operation of golf carts on public streets, roads or highways where the speed limit is 35 MPH or less within its municipal limits or on property owned or leased by the Village.

Sec. 13-2 Definitions

For the purpose of this section, the following words and phrases shall have the following meanings:

Golf Cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH. N.C.G.S. 20-4.01(12a).

Driver's License: A valid license issued to operate a motor vehicle issued by the State of North Carolina or any other state of the United States of America.

Driver/Operator: A person in actual physical control of a vehicle which is in motion. The terms Operator and Driver and their cognates are synonymous. Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on the public streets or roads of the Village subject to the limitations and requirements set forth herein below.

Sec. 13-3 Rules and Regulations

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

- A. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.
- B. Golf carts shall not be operated on or alongside Faith Church Road.
- C. Golf carts may cross a road with a posted speed limit greater than 35 mph or Faith Church Road. However, once this segment of road has been traversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a control access facility other than at bridges which cross over or under a control access facility.
- D. Any person who operates a golf cart is responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount equal to or greater than the minimum amount required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

- E. Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads, and highways of North Carolina and then, only in accordance with such valid driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.
- F. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations, and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
- G. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Village of Lake Park which governs the operation of motor vehicles.
- H. An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.
- I. In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.
- J. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
- K. Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. No parking on sidewalks is allowed.
- L. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear "Slow Moving Vehicle" triangle reflector no less than 12 inches in height and width, as required by North Carolina law.
- M. Golf carts without lights may be operated only during Dawn to Dusk. Golf carts meeting the requirements set forth below may operate from Dawn to 11:00 PM:
 - 1. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating taillights, one on each side of the rear of the cart, all four (4) lights must be visible from a distance of 500 feet.
 - 2. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.
- N. No golf cart shall be operated on or across any public or private properties without the permission of the property owner.
- O. During any emergency or special event, any law enforcement officer, Village employee or Village Council person may direct that any golf cart be operated other than permitted by this Ordinance.
- P. When not in use, golf carts must be parked according to traffic rules and regulations adopted by the State of North Carolina and including but not limited to all HOA and Village of Lake Park rules and regulations.
- Q. At no time shall a golf cart be operated on a sidewalk, in a park or in any area other than the road or street except when operated by any Village Official whom is carrying out official duties.

Sec. 13-4 Registration, Inspection and Fee Prior to Usage

- A. All golf carts must submit a golf cart registration application to the Village of Lake Park (Clerk's Office) for approval and have an inspection completed by a designated Union County Sheriff Deputy. Before driving on public roads, the operator of a golf cart must have a validly issued Village of Lake Park registration.
- B. The golf cart registration fee is due upon application to the Village of Lake Park.
- C. Golf cart owners must have the cart inspected by a designated Union County Sheriff Deputy to ensure it is outfitted with the following safety equipment:
 - 1. Operable brakes
 - 2. Reflective orange triangle affixed to the rear
 - 3. Rubber tires that are in good condition
 - 4. Lifted carts are allowed, but may not be more than 22 inches, measured from the ground to the floorboard
 - 5. Reflector or reflective tape affixed to the front and both sides
 - 6. Headlights (only for intended nighttime use)
 - 7. Taillights (only for intended nighttime use)
- D. Each owner must have proof of ownership, liability insurance which identifies coverage for the registered golf cart, and a completed Waiver of Liability, releasing the Village of Lake Park from liability that may arise as a result of operation of a golf cart inside the Village of Lake Park.

Upon passing the safety inspection, the inspecting Deputy Sheriff will affix a registration decal to the cart on the right side of windshield or cowl area.

- E. All golf carts must meet the requirements or minimum standards of safety equipment as set forth above in this Ordinance.

All golf cart operators driving a golf cart on the public street or road must, upon request of a law enforcement officer or designated Village official, present a valid driver's license, proof of liability insurance and a current registration issued by the Village of Lake Park.

- F. The registration sticker shall be valid for the current calendar year, expiring at the end of that calendar year, and must be visible on a golf cart operated on a public street or road. Registrations can be renewed up to 30 days in advance.
- G. Lost or Stolen Registration/Stickers are the responsibility of the owner and must be replaced by re-registering with the Village of Lake Park before the golf cart is operated on a public street or road.
- H. Carts used or owned by the Village and operated for special events or official business shall be exempt from registration fees but shall otherwise comply with the above requirements.

Sec. 13-5 Enforcement

- A. All golf cart operators are subject to citation, charge or arrest for violation of any law set out within the general statutes of the State of North Carolina.
- B. Cart registration cards and decals are the property of the Village of Lake Park. Violations involving alcohol or narcotics, careless driving, or failure to produce registration and insurance information can result in an immediate revocation in sole discretion of a UCSO Deputy Sheriff, of the Registration Decals and Registration Card, rendering the cart unlawful for street operation in the Village of Lake Park for a period of 365 days.
- C. The Union County Sheriff's Office has the right to revoke in its sole discretion any registration for any reason deemed to be in the best interests and safety of the citizens or visitors of the Village of Lake Park.

Sec. 13-6 Penalties

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina

General Statutes, the maximum penalty for which shall be \$25 (dollars) per each infraction. Notwithstanding the foregoing, persons who, while engaged in the operation of a golf cart on the public streets or roads of the Village, violate any other motor vehicle or criminal laws of the State of North Carolina shall be subject to the same penalties for those offenses as provided for by the general statutes of the State of North Carolina.

Sec. 13-7 Conflict and Severability

- A. If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.
- B. If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

Sec. 13-8 Administration

This ordinance shall be applicable within the corporate limits of The Village of Lake Park, North Carolina. This ordinance was originally adopted by The Village of Lake Park Council on the 12th day of September 2023. The most recent amendment was adopted by The Village of Lake Park Council on the 12th day of September 2023