



ORDINANCE NO. 04-561

An Ordinance to Amend Chapter 11 Parks and Recreation, Article IV Freeman Park

The Town Council of the Town of Carolina Beach hereby amends Chapter 11 Parks and Recreation to include Article IV Freeman Park as follows:

Article IV Freeman Park

Sec. 11-43 Description of Freeman Park

“Freeman Park” at Carolina Beach is the area of unincorporated New Hanover County, beginning at the northern boundary of the Town of Carolina Beach, and including all land from that boundary to the Carolina Beach Inlet on the north, which area is bounded by Atlantic Ocean on the east, and the Intracoastal Waterway on the West.

Sec. 11-44 Freeman Park Management Plan

It is the intent of the Freeman Park Management Plan to protect the environment and public interest along the unincorporated northern boundary of the Town of Carolina known as Freeman Park. The management plan not only addresses activity in the designated public vehicular areas (east of the designated no trespassing areas) but also addresses private property located west of the public vehicular areas.

The Freeman Park Management Plan shall apply to all vehicles, vessel(s), owners and guests entering Freeman Park. Any violators of federal law(s) or regulations, North Carolina laws or regulations, New Hanover County codes or ordinances or Carolina Beach codes or ordinances would result in cause for eviction from Freeman Park and revocation of Freeman Park vehicular access permit and shall be grounds for immediate prosecution under the provisions of North Carolina statutes and/or town or county codes or ordinances.

Sec. 11-45 Liability

The Town of Carolina Beach assumes no liability for the use of Freeman Park. The town neither assumes or accepts responsibility for personal possessions, vehicles, vessels or

their contents or use while said vehicles and vessels are located within Freeman Park. Persons using Freeman Park shall assume all risk of personal injury and damage and loss of their property. The town assumes no risk due to accident, fire, theft, vandalism or acts of God.

Sec. 11-46 Only Operational Vehicles

Only operational vehicles that are legally licensed, insured and properly inspected and in compliance with North Carolina statutes particularly the operational and safety standards shall be allowed within Freeman Park. Motorcycles, ATV's, trailers (including boat and campers) are prohibited from being operated and/or parked within Freeman Park. This is to insure that only passenger vehicles that are functional and operational are allowed in the park, in the interest of public safety and to minimize environmental impact.

Section 11-47 Repairs within Freeman Park

Major repairs of vehicles including any activity that could result in deposition of any materials into the sound waters or onto the beach are strictly prohibited since significant water quality violations or other environmental violations would result in an adverse impact on public health.

Sec.11-48 Abandonment

If a vehicle is left unattended for more than 24 continuous hours without giving prior notification to the police department, the vehicle shall be considered abandoned. If the vehicle is determined abandoned, it may be stored in a secured location during which time the police department shall make a reasonable effort to locate the owner. If the vehicle is not reclaimed within 30 days the vehicle shall be sold under process prescribed by North Carolina statutes at fair market value which will cover the cost of towing and any fees due for storage.

Sec. 11-49 Public Vehicular Area

- (a) *Restricted areas.* Closed areas refer to areas west of markers, fences and other visible marking devices that establish boundaries which prohibit entry by vehicles and pedestrians. At no time shall any vehicle or pedestrian be allowed to cross into these restricted areas. All dunes and vegetation areas are included in these prohibited areas. Vehicles will not be driven between the water line and high tide crest (this area is commonly known or referred to as the wet sand area).
- (b) *Authorized areas.* Areas are established for operation of motor vehicles east of markers, fences and other visible marking devices that establish boundaries for prohibited areas. This public vehicular area (PVA) may be utilized by permitted vehicles to travel throughout authorized areas of Freeman Park. Vehicles operated in the PVA are

subject to all state and local ordinances as cited in Section 11-44. At no time will vehicles travel within 10 feet of any dune or vegetation line regardless of markers, boundary lines, etc.

Sec. 11-50 Permits

The annual permit must be displayed on the lower right hand corner of the front windshield of the passenger side of the vehicle. One day permits must be hung from the rear view mirror. Permits are not transferable to another vehicle. A permit may be revoked without refund as a result of the violation of any local or state laws or ordinances.

The daily and annual fee shall be established by the annual budget of the Town of Carolina Beach.

Sec. 11-51 Fees

Every vehicle entering Freeman Park shall be obligated to obtain a permit which will be valid for not more than 24 consecutive hours. Daily permits shall expire at 8:00 a.m. the next morning and the vehicle must be removed from the park at that time.

Special permit fees shall be set by the town manager.

Sec. 11-52 Hours

Freeman Park shall remain open 24 hours a day 7 days a week unless a decision is made by the Town Council of the Town of Carolina Beach to close it. Public notification of any such closures will be made via the media.

Sec. 11-53 Conduct of Visitors

Visitors to Freeman Park shall use discretion in using any sound producing devices which may include but is not limited to televisions, radios, stereos, musical instruments, generators or other noisy machinery so not to create a nuisance to others.

Sec. 11-54 Speed Limit

All areas of Freeman Park including incorporated and non-incorporated parcels or areas shall have a speed limit of 15 mph.

Sec. 11-55 Wildlife

- (a) *Sea Turtles* are under the protection of the Endangered Species Act therefore it is unlawful to harass, harm, capture or collect sea turtles and live or dead

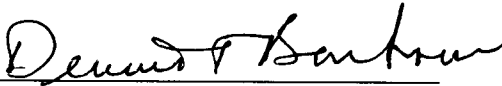
hatchlings, juvenile or adult sea turtles. Violators can be prosecuted under criminal or civil laws and assessed penalties. Extreme caution shall be used while driving on the beach in order to avoid turtle nests.

- (b) *Feeding of Wildlife* is prohibited.
- (c) *Endangered Species* is animal or plant species that is in danger of extinction throughout al or a significant part of its range as defined by federal statute.

Sec. 11-56 Litter

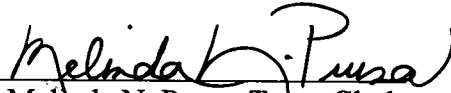
Littering of Freeman Park in any form is strictly prohibited. Glass containers are prohibited. All litter must be removed by discarding it in public receptacles. Burning trash or debris is strictly prohibited and will result in fines. Cigarette butts are considered litter and must be disposed of in public receptacles.

Adopted this 10th day of August, 2004.


Dennis T. Barbour, Mayor

(SEAL)

Attest:


Melinda N. Prusa, Town Clerk

