

ORDINANCE NO. 2017 – 663 (Corrected)

AN ORDINANCE TO REQUIRE A PERMIT TO DIG WITHIN PARK PROPERTY, REMOVE EARTH OR ARTIFACTS FROM THE PARKS SYSTEM, OR TO SCATTER REMAINS AT A PARK FACILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 9-2018 of the Raleigh City Code is repealed, re-written, and enacted as follows:

“Sec. 9-2018. INJURING PLANTS PROHIBITED; PERMIT REQUIRED TO EXCAVATE OR REMOVE EARTH/ARTIFACTS OR TO SCATTER CREMATED REMAINS.

(a) It shall be unlawful for any person to pull or forage any flowers or fruits, whether wild or cultivated, vegetable or plant life, cut down trees or saplings, break limbs or branches of trees or bark trees, or injure shrubbery or plants, or to girdle any tree within any of the City parks, City park facilities, City lakes and ponds, City cultural and historic resources, City cemeteries, or City greenways.

(b) It shall be unlawful for any person to excavate any earth from any City park, City park facility, City lake or pond, City cultural and historic resource, City cemetery, or City greenways, or remove earth and artifacts therefrom, except by written authorization of the Parks, Recreation, and Cultural Resources Department Director or the Director’s designee.

(c) It shall be unlawful for any person to scatter cremated remains on or within Parks System property, except by written authorization of the City Manager or the Manager’s designee.”

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 5. This ordinance shall become effective upon adoption.

ADOPTED: January 17, 2017

EFFECTIVE: January 17, 2017

DISTRIBUTION: Management Team

This ordinance prepared by the Raleigh City Attorney's Office