

**ORDINANCE NUMBER SEVEN HUNDRED SIXTY-EIGHT
TOWN OF MINT HILL, NORTH CAROLINA
BOARD OF COMMISSIONERS MEETING JULY 9, 2020**

Upon the motion of Commissioner Dalton, seconded by Commissioner Cochrane, the Board unanimously approved the following:

Chapter 16 - PARADES, PROCESSIONS AND DEMONSTRATIONS^[1]

Footnotes:

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Cross reference— Streets and sidewalks, ch. 24; traffic and vehicles, ch. 28.

ARTICLE I. - IN GENERAL

Secs. 16-1—16-30. - Reserved.

ARTICLE II. - PUBLIC ASSEMBLIES AND PARADES^[2]

Footnotes:

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Editor's note— Ordinance No. 612, adopted May 10, 2012, deleted Art. II, Parades, and enacted similar provisions to read as herein set out. Former Art. II was comprised of §§ 16-31—16-57, and derived from ch. 7.7 of the 1983 Code.

State Law reference— Picketing and parading, G.S. 14-225.1; regulation of motor vehicles in parades, G.S. 20-169; municipal authority to regulate mass gatherings, G.S. 130A-258.

Sec. 16-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Appeals official means the ~~town manager~~Town Manager, or his designee who shall be a ~~deputy~~Deputy or ~~assistant~~Assistant town managerTown Manager.

Demonstration means a public display of sentiment for or against a person or cause, including protesting.

Festival means an outdoor concert, fair, community event, or similar event that is primarily commercial and/or recreational in nature.

Parade means an athletic event, march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.

Permit official means the person or persons designated by the ~~town manager~~Town Manager as being responsible for issuing and revoking permits under this article. The ~~town manager~~Town Manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.

Public assembly means:

- (1) A gathering or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any street and that is collected together in one place; and
- (2) A gathering on the Town Hall ~~lawn~~ traffic circle or any Town-controlled property.

(Ord. No. 612, 5-10-2012)

Sec. 16-32. - Public assembly and parade permits.

- (a) *Permit required.* No public assembly or parade is permitted unless a permit allowing such activity has been obtained and remains unrevoked pursuant to this section.

- (b) *Permit application.* An application for a public assembly or parade permit shall be made in writing on a form prescribed by the permit official at least ~~30~~ 60 days before the commencement of the event. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than ~~30~~ 60 days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown. Applications for a Minor Event or Major Event in a Town park, as defined in Chapter 18 - PARKS AND RECREATION, Section 18-2. - Definitions, shall observe application deadlines stated in Section 18-12. – Minor Events and Section 18-13. – Major Events.

The application must contain the following:

- 1) ~~(1)~~ The name, address and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");
- 2) ~~(2)~~ The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;
- 3) ~~(3)~~ The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband, and any requested street closings;
- 4) An event staffing plan that ensures proper management and control of the event logistics and operation;
- 5) ~~(4)~~ The anticipated number of persons and vehicles, and the basis on which this estimate is made;
- 6) The location of all parking areas to be used for the event, including off-site parking areas. The use of off-site parking areas must include written permission from the property owner(s);
- 7) A plan-view exhibit (map) with a coincident list showing the number, type, dimensions and locations of the following equipment and facilities:
 - a. Restroom locations (fixed and portable) and handwashing stations.
 - b. On-site and off-site parking areas, including vehicle capacities.
 - c. Refuse collection and disposal.
 - d. Tents and canopies.
 - e. Outside equipment and portable event facilities, including, but not limited to inflatable play equipment, fair/carnival games, portable stages, public address (PA) systems, rides, concessions, vending, and food preparation facilities.
 - f. Light towers, generators, electrical distribution lines.
 - g. Event signage, including entry signs, banners, way-finding and directional signs.
- 8) List all vendors proposed for the event, include business name, type of merchandise/food sold, and facilities used (e.g. truck, cart, etc.);
- 9) Copies of all Temporary Food Permits required by the Mecklenburg County Health Department;
- 10) Copies of all tent and/or structure permits required by the Mecklenburg County Code Enforcement Department (f/k/a Building Standards);
- 11) ~~(5)~~ A list of the number and type of animals that will be at the event and all necessary health certificates for such animals;
- 12) For public assemblies and parades on town-controlled property, all applicants shall provide a certificate of liability insurance, naming the Town of Mint Hill and Mint Hill Events, Inc. as

co-insured, with a minimum coverage policy of \$1,000,000.00 covering the use of all outside facilities included in the event.

~~13) (6)~~ Such other information, attachments, and submissions that are requested on the application form or by the Permit Official; and

~~14) (7)~~ Payment of a nonrefundable application fee established by the ~~town's~~ Town's fee schedule. User fees and required deposits are calculated during the application review process.

(c) *Permitting criteria.* An application may be denied or revoked for any of the following reasons:

- (1) The application is not fully completed and executed;
- (2) The applicant has not tendered the required application fee or has not tendered other required user fees, indemnification agreements, insurance certificates, or security deposits within times prescribed;
- (3) The application contains a material falsehood or misrepresentation;
- (4) The applicant is legally incompetent to contract or to sue and be sued;
- (5) The applicant has or on prior occasions made material misrepresentations regarding the nature or scope of an event;
- (6) The applicant has previously permitted a violation or has violated the terms of a public assembly or parade permit issued to or on behalf of the applicant;
- (7) The applicant has on prior occasions damaged ~~town~~ Town property and has not paid in full for such damage;
- (8) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple simultaneous events;
- (9) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the ~~town~~ Town and/or Mint Hill Events, Inc. and previously scheduled at or near the same time and place;
- (10) The proposed event would present an unreasonable danger to the public health or safety;
- (11) The proposed event would substantially or unnecessarily interfere with traffic;
- (12) The event would likely interfere with the movement of emergency equipment and police protection in areas contiguous or in the vicinity of the event;
- (13) There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and nonparticipants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
- (14) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services;
- (15) The use or activity intended by the applicant is prohibited by law;
- (16) For non-First Amendment protected public assemblies or parades, the following criteria shall also apply:

- a. The cultural and/or educational significance of the event;
- b. The extent to which the event contributes to the economic revitalization and business development of the ~~town~~Town. Preference and consideration shall be given to Mint Hill businesses and local non-profit organizations;
- c. The impact and/or cost of the event to ~~town~~ Town support services;
- d. The impact of the event to the public health, safety and welfare;
- e. The impact of the event on business and resident populations within or adjacent to the proposed event site. Preference and consideration shall be given to Mint Hill businesses and local non-profit organizations;
- f. The evaluation of any previous event produced by the event organizer with regard to planning, quality, public safety, and payment of invoices;
- g. The frequency and timing of the event or similar events.

Unless subject to subsection (c)(16), nothing in this section shall authorize the permit official to deny or revoke a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.

The permit official may attach reasonable conditions to any permit approval.

- (d) *Costs and fees.* The applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the ~~city~~ Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers and ~~fire~~Fire/EMS personnel, or reimbursing the ~~town~~Town for the costs of providing on-duty law enforcement officers and ~~fire~~Fire/EMS personnel to provide internal festival safety and security.

The permit official or his/her designee in consultation with the Mint Hill Police Department and Fire Department, shall determine the number of officers and ~~fire~~Fire/EMS personnel needed to appropriately police street closures and for internal safety and security, and the time when such services shall commence and end, taking into consideration the following:

- (1) The proposed location of the ~~special event~~public assembly or route of the parade;
- (2) The time of day that the public assembly or parade is to take place;
- (3) The date and day of the week proposed;
- (4) The general traffic conditions in the area requested, both vehicular and pedestrian. Special attention is given to the rerouting of the vehicles or pedestrians normally using the requested area;
- (5) The number of marked and unmarked intersections along the route requested, together with the traffic control devices present;
- (6) If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;
- (7) The estimated number of participants;
- (8) The estimated number of viewers;

- (9) The nature, composition, format and configuration of the ~~special event~~public assembly or parade;
- (10) The anticipated weather conditions;
- (11) The estimated time for the ~~special-event~~public assembly or parade;
- (12) ~~The number and location(s) of alcohol service stands, music stages, and retail stands for festivals where alcohol will be served, live music offered, or retail sales stations provided. For festivals, whether alcohol will be served, live music offered, or retail sales stations provided, and the number and location of alcohol service stands, music stages, and retail stands.~~

In addition, for festivals located in the ~~town~~Town's downtown overlay district, the applicant shall reimburse the ~~town~~Town for the costs of providing street and sidewalk cleaning, trash receptacle placement, trash removal, and trash disposal.

Notwithstanding the foregoing, the ~~town~~Town may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the ~~city~~ Town desire to provide such support to the public assembly or parade. ~~such~~ Such action regarding fees is not a waiver of a regulatory requirement based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed, but instead is an affirmative act of the ~~town~~Town association or speech.

(e) *Time and notice of decision.* The permit official shall approve or deny an application within 20 days of receipt. A notice of denial or revocation shall clearly set forth the grounds upon which the permit was denied or revoked and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the permit official shall propose an alternative space, if available for the same time, or an alternative time, if available for the same place.

(f) *Appeals.*

(1) An applicant may appeal the denial or revocation of an application in writing within ten (10) days after notice of the denial/revocation has been received. Within five (5) business days, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial or revocation. The applicant shall have the right to present evidence at said hearing. The decision to issue or uphold the denial or revocation shall be based solely on the approval criteria set forth in this section. The appeals official shall render a decision on the appeal within five (5) business days after the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(2) The decision of the appeals official is subject to review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the ~~town~~Town shall stipulate to certiorari no later than five (5) business days after the petitioner requests such a stipulation. The ~~town~~Town shall transmit the record to the court no later than five (5) business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the ~~town~~Town shall file its brief within 15 days after it is served with the petitioner's brief. If the

petitioner serves his or her brief by mail, the ~~town~~Town shall add three (3) days to this time limit, in accordance with G.S. 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time period shall control. The North Carolina Rules of Appellate Procedure shall govern an appeal by an applicant from the Superior Court of Mecklenburg County.

- (g) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.

(Ord. No. 612, 5-10-2012)

Sec. 16-33. - Public assembly and parade regulations.

- (a) It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a public assembly or parade, or with any person, vehicle, or animal participating or used in the public assembly or parade.
- (b) It shall be unlawful for the operator of a motor vehicle to drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) Spectators of a public assembly or parade and persons attending or participating in a public assembly or parade picketing shall be subject to all applicable local, state and federal laws including, but not limited to G.S. 14-277.2 (weapons).
- (d) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with G.S. 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.
- (e) At public assemblies and parades on town-controlled property, all dogs must be leashed. For specific events, the Town reserves the right to prohibit any and all animals from the event in the interest of preserving the safety and welfare of all event attendees.

(Ord. No. 612, 5-10-2012)

Secs. 16-34—16-60. - Reserved.

ARTICLE III. - PICKETING

Sec. 16-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section except where context clearly indicates a different meaning:

Picket or *picketing* means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

Sidewalk means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights-of-way.

Street means 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 or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and their cognates are synonymous as used herein.

(Ord. No. 612, 5-10-2012)

Sec. 16-62. - Notice of intent to picket.

- (a) *Notification required.* The organizer of a picket that the organizer knows, or should ~~reasonable~~ ~~reasonably~~ know will be by a group of 50 or more individuals, shall give notice of intent to picket to the ~~chief of police~~ ~~Chief of Police~~ or designee at least 48 hours before the beginning of the picket. The notice of intent to picket shall include the following information:
- (1) The name, address and contact telephone number for the organizer of the picket;
 - (2) The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
 - (3) The name of the organization or group sponsoring the picket;
 - (4) The location where the picket is to take place;
 - (5) The date and time the picket will begin and end; and
 - (6) The anticipated number of participants, and the basis on which this estimate is made.
- (b) *Receipt of notification.* Upon notice of intent to picket given in accordance with subsection (a), the ~~chief of police~~ ~~Chief of Police~~ or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other ~~town~~ ~~Town~~ official.
- (c) It shall be unlawful for any person to violate any provision of this section.

(Ord. No. 612, 5-10-2012)

Sec. 16-63. - Picketing regulations.

- (a) Picketing may be conducted on public sidewalks or other ~~city~~ ~~Town~~-owned areas normally reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of public roadway used primarily for vehicular traffic. Picketing may be conducted in a ~~town~~ ~~Town~~-owned park during normal park hours.
- (b) Notwithstanding subsection (a), picketing may not be conducted:
- (1) On a median strip; or
 - (2) At a location directed, focused, or targeted at a particular private residence.
- (c) Picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
- (d) Written or printed placards or signs, flags, or banners carried by individuals engaged in picketing shall be of such a size and/or carried on the sidewalks or other ~~town~~ ~~Town~~-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch ($\frac{3}{4}$ ") in diameter at any point. A staff or pole must be blunt at both ends.

- (e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.
- (f) Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.
- (g) Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:
 - (1) The ~~town~~Town's noise ordinance;
 - (2) The ~~town~~Town's handbill ordinance;
 - (3) Obstructing justice;
 - (4) Weapons;
 - (5) Health care facilities; and
 - (6) Disorderly conduct.
- (h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with G.S. 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.
- (i) It shall be unlawful for any person to violate any provision of this section.

(Ord. No. 612, 5-10-2012)

Chapter 18 - PARKS AND RECREATION^[1]

Footnotes:

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Editor's note— Ord. No. 491, adopted April 28, 2005, amended ch. 18 in its entirety to read as herein set out. Former ch. 18 pertained to similar subject matter. See the Code Comparative Table for the amendatory history.

Cross reference— Environment, ch. 10; streets and sidewalks, ch. 24.

State Law reference— Parks and recreation generally, G.S. 160A-350 et seq.

Sec. 18-1. - Title.

This chapter shall be known and may be cited as the "Mint Hill Park Ordinance."

(Ord. No. 491, 4-28-2005)

Sec. 18-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Major event shall consist of an event that lasts more than one day and/or reserves multiple facilities or sections of the park for either public or private use that does not meet any of the specifications for minor events. All major events shall be subject to the policies and regulations listed in section 18-13.

Minor event shall consist of a ~~one day~~one-day event that requires the reservation of other facilities or sections of the park in addition to the large group picnic shelter for either public or private use, provided that it meets the regulations of section 18-12 and the following regulations:

- Attendance for the event will not exceed 250 persons;
- Parking for the event is not expected to exceed over one-half of the park parking spaces on a weekend or three-quarters of the parking spaces on a weekday;
- Security and medical assistance personnel are not required by the ~~town~~Town for the event;
- The event will involve only the use of limited outside equipment and portable facilities subject to approval of the ~~town manager~~Town Manager or designee and will not involve animals or mechanical rides;
- No outside vendors of food or merchandise are used in the event.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power not operated upon rails. This does not include mopeds as defined in G.S. 20-4.01(27)(d)1.

Park facility shall be defined as all or any portion of the following: any and all fields, tennis courts, volleyball courts, horseshoe pits, and picnic shelters located at any facility designated as a ~~town~~Town park.

Semi-organized groups shall be defined as a group made up of more than six (6) individuals engaged in similar activities (i.e., game, match, picnic, etc.) on, about, or near the same park facility.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a

vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for use both inside and outside a building, and whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment.

(Ord. No. 491, 4-28-2005; Ord. No. 508, 9-22-2005)

Cross reference— Definitions generally, § 1-2.

Sec. 18-3. - Hours.

- (a) Mint Hill Park on Wilgrove shall open and close at times so posted by ~~town~~Town personnel on the park property.
- (b) Mint Hill ~~Park on Fairview~~Veterans Memorial Park shall open and close at times so posted by ~~town~~Town personnel on the park property.
- (c) Individuals shall not be permitted to be on park property when the park is closed. Individuals found trespassing on park property after normal operating hours may be subject to a civil citation. The ~~town~~Town police department or a ~~town~~Town code enforcement officer is empowered to issue such citations to any person if there is reasonable cause to believe that the person has violated these regulations subject to a civil penalty in the amount of \$25.00. All citations shall be paid within 15 days. If the violator does not make such payment, the payment may be recovered by the ~~town~~Town in a civil action in the nature of debt.

(Ord. No. 491, 4-28-2005; Ord. No. 526, 9-14-2006)

Sec. 18-4. - Vehicles.

- (a) No person shall operate a motor vehicle in a ~~town~~Town park except upon a street or driveway clearly designated for the use of such vehicle or in a parking area clearly designated for the purpose of parking such vehicle. This does not apply to ~~town~~Town-owned equipment or other motorized vehicles obtaining prior approval from ~~town~~Town staff. No person shall park a motor vehicle within a public park except in a clearly designated parking area.
- (b) No operator of a motor vehicle shall enter the park prior to the time for opening as provided in this chapter, and operators of motor vehicles within the park shall leave the park by the closing hour ~~posted by Town personnel on the park property designated in this chapter.~~
- (c) All persons operating a motor vehicle shall abide by the posted speed limit signs while in a ~~town~~Town park.

(Ord. No. 491, 4-28-2005)

Cross reference— Traffic and vehicles, ch. 28.

Sec. 18-5. - Animals.

- (a) No animals are allowed in designated areas where park signs prohibit such animals.
- (b) No person shall lead, ride or in any other manner bring a horse into or onto a ~~town~~Town park except in those areas and places where motor vehicles are allowed to operate.
- (c) All dogs must be on a leash, as per Chapter 4 while in ~~town~~Town parks.

(d) Animals shall not be permitted in activities associated with minor park events.

(Ord. No. 491, 4-28-2005)

State Law reference— Application of traffic laws to persons riding animals, G.S. 20-171.

Sec. 18-6. - Littering.

No person shall litter upon the premises of a public park, nor shall any waste or trash be left anywhere in such park except in those receptacles clearly designated as depositories for such waste and trash. This section and section 18-11 shall not preclude the ~~town~~Town from prosecuting violations under G.S. 14-399.

(Ord. No. 491, 4-28-2005)

Cross reference— Solid waste management, ch. 22.

State Law reference— Littering, G.S. 14-399.

Sec. 18-7. - Picnic shelters.

The picnic shelters within ~~town~~Town parks may be used on a first come, first served basis with the exception of the largest picnic shelter in each park, which shall first be made available on a reservation basis in accordance with the ~~town~~Town's policy and fee schedule for such use. Upon approval ~~of such reservation~~ by the ~~town~~Town's ~~administrative staff~~Administrative Staff ~~of such reservation~~, a written permit will be issued by the ~~town~~Town stating the time, date and facility covered by the permit along with pertinent rules covering the use. The holder of the permit shall have exclusive use of the shelter described in the permit for the period covered by the permit as long as rules governing the use are not violated.

The maximum capacity of the large picnic shelter is 57 persons. Groups that exceed this limit or that otherwise disturb other persons or parties in the park or on adjoining properties may be asked to leave the park by public security personnel and/or may be barred from future shelter reservations. Sound reproduction devices (e.g., loud speakers) are prohibited unless specifically approved by the ~~town~~Town staff for the picnic shelter event.

The large picnic shelter in each park is available to nonprofit organizations for fundraising purposes upon approval by the ~~town~~Town parks and recreation staffAdministrative Staff and the ~~town manager~~Town Manager's office. Use of shelters for financial gain by any for-profit organizations or individuals is prohibited. The Town of Mint Hill reserves the right to decide whether a group qualifies for use of a picnic shelter for fundraising purposes. permits for use of picnic shelters for fundraising purposes are nontransferable. All other policies for reservation and use of picnic shelters shall apply.

~~No refunds will be given due to inclement weather or for cancellations. Inclement weather dates may be rescheduled, if a date is available, but must be requested no more than two business days following the original reservation date.~~

The ~~town~~Town permits catering of events at large picnic shelters. However, caterers shall be prohibited from bringing grills and other cooking devices into the park. All food must be cooked off-site, or by using on-site grills as provided by the ~~town~~Town.

(Ord. No. 491, 4-28-2005)

Sec. 18-8. - Fires.

No fires shall be built within any public park except in grills provided for that purpose. Cooking fires in such grills shall be extinguished by the users prior to ~~their~~ leaving the park.

No grills of any type are to be brought into a park, except as approved with major and minor event permits.

(Ord. No. 491, 4-28-2005)

Sec. 18-9. - Tennis courts.

The ~~town~~Town park and recreation committee Administrative Staff is authorized to make regulations governing the use of tennis courts within ~~town~~Town parks. Such regulations shall relate to the appropriate shoes, dress and time allowed for court use when persons are waiting to use the courts; such regulations shall be posted in clear view at the tennis courts. No person shall use a tennis court within a ~~town~~Town park except in conformity with the posted regulations.

Members of the general public may use tennis courts in accordance with regulations and procedures posted at the courts.

Tennis leagues and public school groups officially recognized by the ~~town~~Town may reserve the exclusive use of tennis courts for one or more days use. All such reservations shall be done in accordance with ~~town~~Town policies for league use of park facilities. During sessions of reserved play, the ~~town~~Town will make an effort to post signs at the courts advising the public.

Other organized groups or clubs may reserve courts following the procedures for court reservation by members of the general public. There shall be at least one court open and available at the facility for use by the general public. If no individuals of the general public are waiting to use a court, a group or club may temporarily occupy all courts at a facility. However, if there are any members of the general public waiting to use a court, groups and clubs must vacate at least one court at the facility.

Private individuals operating on a for-profit basis and non-profit organizations may provide tennis instruction on park courts with advance approval of the ~~parks and recreation staff~~Town Administrative Staff and the ~~town manager~~Town Manager. In addition, ~~the private~~ individuals providing ~~the tennis~~ instruction must rent the needed number of courts at the non-resident facility reservation rate as provided for in the current park fee schedule.

(Ord. No. 491, 4-28-2005)

Sec. 18-10. - Reservation of athletic facilities.

Groups may reserve athletic fields and tennis courts within ~~town~~Town parks for exclusive use in accordance with this chapter.

- (1) A written request for such reservation shall be filed with the ~~town~~Town no earlier than three months and no later than two weeks prior to the date of the proposed use.
- (2) The ~~park and recreation committee~~Town Administrative Staff shall issue a written permit for such use stating the time, date and facility covered by the permit along with pertinent rules covering such use. The holder of the permit shall have exclusive use of the facility described in the permit for the period covered by the permit as long as the rules governing the use are not violated.

- (3) Such exclusive-use permits shall be issued on a first come, first served basis with the exception that current holders of ~~special~~exclusive-use permits have the right of first refusal in subsequent years provided they state their intent no later than three months prior to the next year's use.
- (4) At the discretion of the ~~town~~Town Administrative ~~S~~staff, after fulfilling obligations previously committed to, the facilities may be reserved on a first come, first served basis.

(Ord. No. 491, 4-28-2005)

Sec. 18-11. - Alcoholic beverages.

- (a) It shall be unlawful for any person to possess any alcoholic beverage within a public park. It shall be unlawful for any person to drop, throw, cast or deposit any used alcoholic beverage container upon the premises of any public park.
- (b) It shall be unlawful for any person to consume or display any beer, malt beverage, unfortified wine or any other alcoholic beverage within any public park.
- (c) Pursuant to existing ~~town~~Town regulations, the consumption or sale of alcoholic beverages shall be prohibited at all times on park property including during all major and minor events.

(Ord. No. 491, 4-28-2005)

State Law reference— Municipal authority to regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets, G.S. 18B-300.

Sec. 18-12. - Minor events.

Minor park events shall be limited to no greater than eight (8) events per calendar year in ~~Fairview Veterans Memorial~~ Park and eight (8) events per calendar year in Wilgrove Park.

For all proposed minor events, a completed ~~Mint Hill Minor Event Application form~~~~Public Assembly and Parade Application~~ shall be submitted to ~~town~~Town parks and recreation staff~~Administrative Staff~~ along with ~~required documentation, fees and deposits in accordance with the most recently adopted fee schedule~~all submittal criteria found in ARTICLE II. - PUBLIC ASSEMBLIES AND PARADES of Chapter 16 - PARADES, PROCESSIONS AND DEMONSTRATIONS. Priority for event reservations shall be given based on the order in which reservation applications, including required fees and deposits, are received by staff. Applications must be submitted to the ~~town~~Town no later than 30 days before the event. Once eight complete applications for minor events during the same calendar year are submitted for a park and approved by the ~~parks and recreation committee~~Town Administrative Staff, subsequent applications will be placed on a waiting list. Applications on the waiting list for the calendar year will be considered for approval in the event of a cancellation of a previously approved event.

For minor events, all event set-up, take-down, and cleanup activities must take place and be completed on the day of the event.

~~All event applications shall address parking needs for event attendees (i.e., how many persons are expected to attend and the number of available parking spaces at the park facility). In the event that parking for the event is expected to exceed over one-half of the park parking spaces on a weekend or three-quarters of the parking spaces on a weekday, the applicant shall be required to arrange for additional parking and shall be required to apply for a major event permit.~~

In the interest of public safety, the town manager or their designee reserves the right to review the minor event application and make a determination whether or not security and medical assistance personnel are needed. Based on the nature of the event, the town manager or their designee shall make a determination to require security or medical assistance personnel, the applicant shall be required to apply for a major park event.

The applicant shall be responsible for ensuring that adequate restroom facilities are available for the event by limiting attendance to 250 or fewer attendees. Any additional cleaning costs for park restrooms shall be borne by the applicant.

Cleanup and disposal of all trash generated by event activities and attendees shall be the responsibility of the event organizer. Subject to specific town approval, bagged trash will be collected by the town following events having 250 or fewer attendees that generate low quantities of trash.

For any event using a tent, the organizer shall be responsible for obtaining all required permits and inspections from the Mecklenburg County Building Standards Department prior to the event. Permit copies must be submitted, at least five working days before the event, to the town and posted at the tent.

The applicant is responsible for securing additional electricity, lighting, tents, and any other facilities or services related to set-up of event from town approved sources at the applicant's own expense. The applicant must list all outside equipment and portable event facilities proposed to be brought onto the park property for use during the event. Examples of outside equipment and portable event facilities that are suitable for minor events include but are not limited to items such as tents, inflatable play equipment and portable stages. Mechanical rides are not allowed in conjunction with minor events. The town reserves the right to prohibit any equipment it deems hazardous to the public health, safety or welfare. The town, in its discretion, may require a deposit to cover potential damage to park grounds by portable event facilities, including tents. The town reserves the right to deny an application for an event where, in its discretion, it determines that noise levels generated by the event will have a negative impact on surrounding properties.

Food or merchandise vendors are not permitted at minor park events.

Pursuant to existing ~~town~~Town regulations, the consumption or sale of alcoholic beverages shall be prohibited at all times on park property including during all park events.

Animals shall not be permitted in activities associated with minor park events.

All applicants for minor events shall provide a certificate of liability insurance, naming the Town of Mint Hill and Mint Hill Events, Inc. as co-insured , with a minimum coverage policy of \$1,000,000.00 covering the use of all outside facilities included in the park event.

The town parks and recreation staff shall review the application based on the applicant's demonstration that he/she has adequately addressed issues of parking, security, garbage disposal, and liability for the proposed event. In addition, the town reserves the right to deny any application for a park event that endangers the public health, safety and welfare.

Signage for any major event at a ~~town~~Town facility shall be in accordance with all applicable zoning regulations.

(Ord. No. 491, 4-28-2005)

Sec. 18-13. - Major events.

Major park events shall be limited to no greater than four (4) events per calendar year in Fairview Veterans Memorial Park and four (4) events per calendar year in Wilgrove Park.

For all proposed major park events, a completed Public Assembly and Parade Application Mint Hill Major Event Application form shall be submitted to town Town Administrative Staff parks and recreation staff along with all submittal criteria found in ARTICLE II. - PUBLIC ASSEMBLIES AND PARADES of Chapter 16 - PARADES, PROCESSIONS AND DEMONSTRATIONS required documentation, fees and deposits in accordance with the most recently adopted fee schedule. Priority for event reservations shall be given based on the order in which reservation applications, including required fees and deposits, are received by staff. Such exclusive-use permits shall be issued on a first come, first served basis with the exception that current holders of special exclusive-use permits have the right of first refusal in subsequent years provided they state their intent no later than three months prior to the next year's use. Applications must be submitted to the Town no later than three months ninety (90) days before the event. Once four complete applications for major events in a park during the same calendar year are submitted and approved by the Town Administrative Staff parks and recreation committee, subsequent applications will be placed on a waiting list. Applications on the waiting list for the calendar year will be considered for approval in the event of a cancellation of a previously approved event.

All event applications shall address parking needs for event attendees (i.e., how many persons are expected to attend and the number of available parking spaces at the park facility). In the event that parking for the event is expected to exceed over one-half of the park parking spaces on a weekend or three-quarters of the parking spaces on a weekday, the applicant shall be required to arrange for additional parking. The applicant may request use of designated overflow areas within the park or arrange for off-site parking. Use of designated overflow parking areas shall be subject to town approval and permission of owner of parking area. A written statement of permission from each off-site parking area owner must be submitted to the town at least 30 days prior to the event. It shall be the responsibility of the event organizer to clean up any off-site parking areas used and assume responsibility for any damages to the premises. For events generating exceptionally large traffic volumes in the vicinity of the park, the town, at its discretion, may require the use of off-duty policemen, contracted at the applicant's expense, to direct traffic. The town reserves the right to deny use of the facility for such event when, in its discretion, such event (1) would create an unreasonable amount of traffic on public streets and/or inadequate parking; or, (2) would create safety problems for persons walking to the facility from designated off-site parking facilities; or (3) would cause any situation town staff feels would impair the safety and welfare of Mint Hill residents.

The town reserves the right to require additional security and medical assistance personnel at any park event. Only security and medical assistance provided by the town or pre-approved by the town shall be allowed. Expenses for any additional park security or medical assistance, excluding routine non-event park security provided by the town, shall be borne by the applicant.

The applicant shall be responsible for ensuring that adequate restroom facilities and related materials are available for the event. Any additional cleaning costs for park restrooms shall be borne by the applicant. If event attendance is expected to exceed 250 people, the applicant shall be responsible for providing on-site portable temporary restroom facilities. The type, number and location of temporary restroom facilities shall be subject to town approval. All portable toilet facilities shall be removed from the facility by 8:00 a.m. the day after the event ends. All such facilities shall be locked during periods when they are not in use for the major event.

Cleanup and disposal of all trash generated by event activities, vendors and attendees shall be the responsibility of the event organizer. Subject to specific town approval, bagged trash will be picked up by

the town for events having 250 or fewer attendees that generate low quantities of trash. For all other events, the applicant shall be responsible for providing for removal of all trash from the park by 8:00 a.m. of the day following the event. In approving an application for a major event, the applicant shall demonstrate that adequate refuse disposal and removal procedures will be in place, up to and including having adequate personnel to provide such services.

For any event using a tent, the organizer shall be responsible for obtaining all required permits and inspections from the Mecklenburg County Building Standards Department prior to the event. Permit copies must be submitted, at least five business days, to the town and posted at the tent.

The applicant is responsible for securing additional electricity, lighting, tents, and any other facilities or services related to set-up of event from appropriate sources at his own expense. Any permanent changes to park grounds, facilities or equipment are strictly forbidden without prior approval of the town. The applicant must list all outside equipment and portable event facilities proposed to be brought onto the park property for use during the event. Examples of outside equipment and portable event facilities include but are not limited to items such as inflatable play equipment, fair/carnival games, portable stages, tents, rides, concession, vending, and food preparation facilities. The town reserves the right to prohibit any equipment it deems hazardous to the public health, safety or welfare. The town, in its discretion, may require a deposit to cover potential damage to park grounds by portable event facilities, including tents. The town reserves the right to deny an application for an event where, in its discretion, it determines that noise levels generated by the event will have a negative impact on or are deemed not compatible with surrounding properties.

Food or merchandise vendors are not permitted at events unless licensed and listed on the event application. The town shall not enter into any agreement with any such vendor and the town shall bear no responsibility for any damage that may occur to any vendor equipment or merchandise at the park site.

Pursuant to existing ~~town~~Town regulations, the consumption or sale of alcoholic beverages shall be prohibited at all times on park property including during all park events.

Any animals used in conjunction with any major events must be specifically approved by the ~~town~~Town prior to such event taking place. The applicant must state the type and number of animals, how animals will be housed or tethered, describe degree of access to or contact with animals by public, and means that will be used for disposal of animal waste. Any injury to park users or damage to park vegetation or facilities caused by the animals will be the sole responsibility of the applicant. The ~~town~~Town reserves the right to require additional security deposits for events involving animals, if, in the ~~town~~Town's judgment, there exists potential for such damage. The ~~town~~Town will review all applications for events involving animals on a case-by-case basis. In addition, all dogs brought by persons attending events must be leashed while in ~~town~~Town parks. For specific events, the ~~town~~Town reserves the right to prohibit any and all animals from the event in the interest of preserving the safety and welfare of all event attendees.

All applicants for major events shall provide a certificate of liability insurance, naming the Town of Mint Hill and Mint Hill Events, Inc. as co-insured , with a minimum coverage policy of \$1,000,000.00 covering all proposed activities and outside facilities included in the park event.

After review of a major event application for completeness by the town parks and recreation staff, the town parks and recreation committee shall consider the application. Consideration shall be based on the applicant's demonstration that he/she has adequately addressed issues of parking, security, restroom facilities, garbage disposal, and liability insurance for the proposed event. In addition, the town reserves the right to deny any application for a park event that endangers the public health, safety and welfare.

~~Applicant may also be required to obtain other permits as deemed necessary by the Mint Hill Planning department, and any other applicable state and local agencies.~~

Signage for any major event at a ~~town~~Town facility shall be in accordance with all applicable zoning regulations.

(Ord. No. 491, 4-28-2005)

Sec. 18-14. - Use of facilities by semi-organized groups.

Semi-organized groups may not use park facilities in a manner so as to prevent the use of park facilities by other park patrons for more than one and one-half hours without prior reservations approved in accordance with this chapter and applicable policies and procedures.

(Ord. No. 508, 9-22-2005)