

**ORDINANCE NUMBER EIGHT HUNDRED SEVENTEEN
TOWN OF MINT HILL, NORTH CAROLINA
BOARD OF COMMISSIONERS MEETING MARCH 10, 2022**

Upon the motion of Commissioner Long, seconded by Commissioner Dalton, the Board unanimously accepted the following changes to the Mint Hill Park Ordinance Chapter 18:

Chapter 18 PARKS AND RECREATION¹

Sec. 18-1. Title.

This chapter shall be known and may be cited as the "Mint Hill Park Ordinance."
(Ord. No. 768 , 7-9-2020)

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:

Alcoholic Beverages: The words "alcoholic beverage", "malt beverage", "unfortified wine", "open container", "fortified wine", "spirituous liquor", and "mixed beverages" shall have the same definition as given said terms in Chapter 18B of the North Carolina General Statutes.

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 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 for the event;
- The event will involve only the use of limited outside equipment and portable facilities subject to approval of the 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 park.

¹Editor's note(s)—Ord. No. 768 , adopted July 9, 2020, amended Ch. 18 in its entirety to read as herein set out.

Former Ch. 18, §§ 18-1—18-14, pertained to similar subject matter, and derived from Ord. No. 491, adopted April 28, 2005; Ord. No. 508, adopted Sept. 22, 2005; and Ord. No. 526, adopted Sept. 14, 2006.

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

State law reference(s)—Parks and recreation generally, G.S. 160A-350 et seq.

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. 768 , 7-9-2020)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 18-3. Hours.

- (a) Mint Hill Park on Wilgrove shall open and close at times so posted by Town personnel on the park property.
- (b) Mint Hill Veterans Memorial Park shall open and close at times so posted by 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 police department or a 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 in a civil action in the nature of debt.

(Ord. No. 768 , 7-9-2020)

Sec. 18-4. Vehicles.

- (a) No person shall operate a motor vehicle in a 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-owned equipment or other motorized vehicles obtaining prior approval from 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.
- (c) All persons operating a motor vehicle shall abide by the posted speed limit signs while in a Town park.

(Ord. No. 768 , 7-9-2020)

Cross reference(s)—Traffic and vehicles, ch. 28.

Sec. 18-5. Animals.

- (a) No animals are allowed in designated areas where park signs prohibit such animals.

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- (b) No person shall lead, ride or in any other manner bring a horse into or onto a 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 parks.
 - (d) Animals shall not be permitted in activities associated with minor park events.

(Ord. No. 768 , 7-9-2020)

State law reference(s)—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 from prosecuting violations under G.S. 14-399.

(Ord. No. 768 , 7-9-2020)

Cross reference(s)—Solid waste management, ch. 22.

State law reference(s)—Littering, G.S. 14-399.

Sec. 18-7. Picnic shelters.

The picnic shelters within 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's policy and fee schedule for such use. Upon approval of such reservation by the Town's Administrative Staff, a written permit will be issued by the 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 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 Administrative Staff and the 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.

The 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.

(Ord. No. 768 , 7-9-2020)

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 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. 768 , 7-9-2020)

Sec. 18-9. Tennis courts.

The Town Administrative Staff is authorized to make regulations governing the use of tennis courts within 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 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 may reserve the exclusive use of tennis courts for one or more days use. All such reservations shall be done in accordance with Town policies for league use of park facilities. During sessions of reserved play, the 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 Town Administrative Staff and the Town Manager. In addition, private individuals providing 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. 768 , 7-9-2020)

Sec. 18-10. Reservation of athletic facilities.

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

- (1) A written request for such reservation shall be filed with the Town no earlier than three months and no later than two weeks prior to the date of the proposed use.
- (2) The 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 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 Administrative Staff, after fulfilling obligations previously committed to, the facilities may be reserved on a first come, first served basis.

(Ord. No. 768 , 7-9-2020)

Sec. 18-11. Alcoholic beverages.

- (a) ~~It shall be unlawful for any person to possess any open container of alcoholic beverage, to consume any alcoholic beverage, or to possess any alcoholic beverage on property subject to the jurisdiction of this Ordinance unless obtained pursuant to a Special Consumption Permit issued by the Town Manager or his/her designee. Possession of an open container of any alcoholic beverage shall be prima facie evidence of consumption. 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 regulations, the consumption or sale of alcoholic beverages shall be prohibited at all times on park property unless authorized pursuant to a Special Consumption Permit issued by the Town Manager or his/her designee.~~including during all major and minor events.~~

(Ord. No. 768 , 7-9-2020)

State law reference(s)—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 Veterans Memorial Park and eight (8) events per calendar year in Wilgrove Park.

For all proposed minor events, a completed Public Assembly and Parade Application shall be submitted to Town Administrative Staff along with 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 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 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.

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

Pursuant to existing 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.

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

(Ord. No. 768 , 7-9-2020)

Sec. 18-13. Major events.

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

For all proposed major park events, a completed Public Assembly and Parade Application shall be submitted to Town Administrative Staff along with 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. Such exclusive-use permits shall be issued on a first come, first served basis with the exception that current holders of 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 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, 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.

~~Pursuant to existing 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 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 reserves the right to require additional security deposits for events involving animals, if, in the Town's judgment, there exists potential for such damage. The 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 parks. 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.

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.

Signage for any major event at a Town facility shall be in accordance with all applicable zoning regulations.
(Ord. No. 768 , 7-9-2020)

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. 768 , 7-9-2020)

Sec. 18-15. Special Consumption Permit.

A) A special consumption permit for malt beverages and unfortified wine may be issued, subject to town rules and regulations, as follows.

1) By the Town Manager or his/her designee to the sponsor of town approved events to be held at a town park.

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- 2) By the Town Manager or his/her designee to the sponsor of any athletic contest or similar sporting event held in a town park, if such sponsor is a manufacturer or distributor of malt beverages or unfortified wine and if such permit is to allow only the participants in the athletic contest or similar sporting event to consume during or after the contest or other sporting event the malt beverages or unfortified wine manufactured or distributed by the sponsor having the permit.
 - 3) By the Town Manager or his/her designee to any promoter, sponsor or beneficiary of any park event having a town park event permit.
- B) The Town Manager or his/her designee shall be authorized to establish and promulgate regulations for the issuance of special consumption permits authorized by this subchapter. These rules and regulations shall include, but not be limited to, the following requirements.
- 1) The permittee shall be required in the discretion of the Town Manager or his/her designee to either procure or reimburse the town for procuring such insurance coverage with such limits and with such other terms as may be required by the town.
 - 2) The permittee may be required in the discretion of the Town Manager or his/her designee to make arrangements for and to bear the costs of additional law enforcement presence at the event where consumption occurs.
 - 3) The permittee shall be required to obey all federal, state, county and town laws and regulations, including but not limited to noise, safety, public health, and laws relating to the consumption of alcohol.
 - 4) The permittee shall be required to sign an agreement which fully indemnifies the town, its officers, agents and employees from any liability arising from consumption of alcohol pursuant to the permit.
 - 5) The permittee shall be required to serve non-alcoholic beverages as an alternative beverage for all attending.
 - 6) The permittee shall not allow self-service of alcohol, nor shall the permittee allow participants to bring their own alcohol to the event. The permittee may be required, at the discretion of the Town Manager or his/her designee, to obtain the services of a professional bartender for dispensing alcoholic beverages.
 - 7) The permittee shall not allow consumption of alcohol to take place beyond the boundary area designated by the permit.
 - 8) The permittee shall post a sufficient number of signs, as determined by the Town Manager or his/her designee, which clearly state the prohibition on underage drinking of alcohol.
- C) No consumption permit shall be issued to an individual or organization which violated the provisions of a previously issued consumption permit. Further, no consumption permit shall be issued for events at which a majority of those attending will be 20 years old or younger.