

CHAPTER 14

TOWN PROPERTY (Amend. 5/11/82)

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Article I

DEFINITIONS AND APPLICABILITY

Section 14-1 Definitions

Unless otherwise specifically provided or clearly required by the context, the following words and phrases shall have the meaning indicated when used in this chapter:

(1) Administrator: Unless otherwise directed by the manager, the term administrator shall refer to the recreation director, to the extent that the power or authority granted in this chapter to the administrator is exercised with respect to the town's parks and recreation or other areas under the jurisdiction of the recreation department. In other cases, the term administrator shall refer to the person or person designated by the manager to perform the functions assigned by this chapter to the administrator, except that, with respect to the Farmers' Market, the term administrator shall mean the market attendant appointed in accordance with the 'Memorandum of Understanding' between the town and the Farmers' Fair organization that operates the market on behalf of the town. (Amend. 7/27/82)

(2) Town Property: All real property (including land and buildings) owned, leased, occupied, or otherwise in the possession of the Town of Carrboro, including without limitation the town hall property, public works site property, the town cemeteries, all town parks, town parking lots, and the bikeway and greenway system properties, but excluding areas within public street rights-of-way, and bikeway and sidewalk rights-of-way adjacent thereto. (Amend. 3/14/89)

Section 14-2 Applicability

This chapter shall be applicable to all town property located within and without the town except to the extent that its provisions overlap or conflict with any other provisions of this town code that more specifically deal with particular town property. By way of illustration, without limitation, Chapter 13 of the town code deals specifically with town cemeteries.

Article II

OCCUPANCY OF TOWN PROPERTY

Section 14-3 Opening and Closing Hours

(a) Subject to Section 14-4, all town property that is held primarily for recreational purposes and that is subject to the supervision and maintenance of the town's recreation department shall be open to the public for the maximum number of hours each day that is consistent with the town's ability to provide any necessary supervision of and security for such property and the persons using it, as well as the town's responsibility to avoid unreasonable interference with the use and enjoyment of neighboring properties. Consistent with this objective, the administrator may establish opening and closing hours for such property (an may establish different hours for different portions of the same property, e.g., lighted and unlighted area) and shall post such hours at convenient locations to give the public adequate notice thereof.

(b) No unauthorized person may enter or remain in or on any town property covered under subsection (a) while such property is closed to the public pursuant to that subsection.

Section 14-4 Temporary Restriction on Use of Fields, Courts, etc.

(a) Whenever the administrator determines that it is necessary to keep persons temporarily off any land, playfield, court, or similar areas for the purpose of maintaining, improving, or preventing damage to the same or for other good cause, he may post sufficient signs on or around such facilities to give adequate notice that the use of such facilities is temporarily forbidden.

(b) Whenever signs or notices are posted in accordance with subsection (a), no person, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator, may enter upon such lawn, playfield, court, or similar area, nor may any person tamper with or remove such signs.

Section 14-5. Reservation of Town Facilities and Property. (Amend. 2/12/91)

(a) The administrator may establish a reservation system for town property and facilities including, but not limited to the Town Commons, ball fields, basketball and tennis courts, picnic shelters, picnic tables, and the Town Hall. Once such a system has been established, no person may, after notice, occupy or refuse to vacate reserved properties or a facility during the time such property or facility has been properly reserved by another. In addition, no person may occupy or use Town property or facilities that have been reserved pursuant to this section in a manner that is inconsistent with any limitations or restrictions imposed by the town at the time such property or facilities are reserved. (Amend. 6/7/05)

(b) Except as provided in subsection (a), the Town Commons and all recreational facilities shall be available for proper use during regular hours on a first-come first-serve basis, and no person may disrupt or interfere with the use by another of such property or facilities.

(c) With respect to the Town Commons, once an individual, organization or group has requested a Public Assembly (as that term is defined in a Town Commons Administrative Policy

promulgated by the Town Manager) by reservation or notification in accordance with a Town Commons Administrative Policy promulgated by the Town Manager, no other individual, organization or group may conduct a Public Assembly on the same day.

Section 14-6 Request to Vacate Town Property

(a) No person may refuse to vacate any town property, including any building or facility located thereon, when requested to do so under the circumstances set forth in subsection (b) by the town manager, any sworn police officer, or the administrator in charge of such town property.

(b) The town manager, any sworn police officer, or the administrator in charge of town property may request another to vacate such town property if there is reasonable cause to believe that such person is engaging or has just prior to the request engaged in:

- (1) Any violation of state law or local ordinance or policy (including policies related to the operation of the Farmers' Market as set forth in the 'Memorandum of Understanding' between the town and the Farmers' Fair organization selected by the town to operate the Farmers' Market) applicable to the occupancy of, use of, or conduct on such town property. (Amend. 7/27/82)
- (2) Any violation of a rule or regulation adopted and promulgated under Section 14-28.
- (3) Any conduct that is contrary to the health or safety of persons lawfully using town property, seriously interrupts or impedes the conduct of regular public business or recreational programs, unreasonably interferes with the lawful use and enjoyment of town property, or poses a substantial likelihood of damage to town property.
- (4) Loitering within the Town Hall, Century Center, Town Commons, Fire Station, Public Works Building, Town-owned or leased parking lots, or Town bus shelters, without any legitimate purpose related to the public business being conducted. (Amend. 1/21/2003)

Sections 14-7 through 14-9 Reserved

Article III

USE OF AND CONDUCT ON TOWN PROPERTY

Section 14-10 Certain Recreational Activities Generally Prohibited

(a) Subject to subsection (b), no person on town property may engage in horseback riding, hitting golf balls, model airplane flying, archery, overnight camping or other recreational activities that may tend to damage or disrupt the use of town property or pose a hazard to other occupants.

(b) The provisions of subsection (a) shall not apply to persons engaged in the activities described therein while participating in events or programs authorized by the town, so long as such activities are conducted only at the locations and times authorized.

Section 14-11 Water Related Activities at Community Park

(a) The provisions of this section shall apply to the pond or lake located within the Carrboro Community Park on Highway 54.

(b) No person may swim or wade in the Carrboro Community Park lake.

(c) No person may launch or ride in or upon any boat, sailboat, canoe, raft, or similar device at the Carrboro Community Park lake except at the time and under the circumstances authorized and approved by the administrator.

Section 14-12 Use of Motor Vehicles; Speed Limit

(a) No person, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator, may drive or ride on any automobile, tractor, truck, motorcycle, go-cart, mo-ped, or other motorized vehicles (whether designed for use on or off the highways) on any town property except in those areas clearly designated or intended for the public use of motor vehicles. Without limiting the generality of the foregoing, the driving of motorized vehicles is specifically forbidden on:

- (1) Areas without surfaces (such as paving or gravel) resistant to damage from traffic by motorized vehicles.
- (2) Pedestrian paths and bikeways (except that this restriction shall not apply to mo-peds). (Amend. 3/10/92)
- (3) Service drives clearly marked as closed to the public.

(b) No person may operate any motor vehicles on town property at a speed in excess of ten miles per hour.

Section 14-13 Parking

(a) No person, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator, may park or leave standing any

automobile, tractor, truck, motorcycle, mo-ped, or other motor vehicle or any trailer, camper, or similar device, on town property except in those areas clearly designated or intended for public parking.

(b) No person may park or leave standing on town property for any period of time any automobile, tract, truck, motorcycle, mo-ped, or other motor vehicle, or any trailer, camper, or similar device for the purpose of washing, repairing, performing maintenance work on, displaying for sale, or storing such vehicle or device or for the principal purpose of advertising any commercial venture for enterprise. (Amend. 3/14/89)

(c) Notwithstanding the provisions of subsection (a) above, no person may park or leave standing any automobile, tractor, truck, motorcycle, mo-ped, or other motor vehicle on town property in areas clearly designated or intended for public parking for a period in excess of two (2) hours. Each two-hour period, or portion thereof, that any above-described vehicle is parking or left standing in violation of the provisions of this subsection shall constitute a separate violation enforceable under Section 14-29. The administrator shall post two property parking areas with appropriate signs so as to notify the public as to the provisions of this subsection. The foregoing subsection applies only to the parking lot at the intersection of Roberson and Main Streets and to those spaces within the parking lot on the west side of North Greensboro Street just north of the post office building that are not leased by the town to businesses or individuals and that are therefore available to the general public. (Amend. 11/27/90, 1/5/93)

Section 14-14 Fires on Town Property

(a) No person may light any fires on town property except in areas authorized or intended for picnicking, and then only in grills or fireplaces (permanently established by the town or portable) designed to accommodate such fires.

(b) The person igniting a fire authorized under subsection (a) shall insure that the fire is completely extinguished before leaving the fire site unattended.

(c) No person may dump any ashes or coals into a refuse receptacle on town property unless such person has ascertained that no live embers remain in such ashes and all coals have been completely and totally extinguished.

Section 14-15 Molesting and Removing Animals

(a) No person on town property may hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile, or bird, except that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles may be killed on sight.

(b) No person on town property may give or offer or attempt to give to any animal or bird any alcohol or other known noxious substance.

(c) No person other than an authorized agent or employee of the town may remove from town property or possess while on town property any live or dead animal, reptile or bird not owned by such person or any nest or egg of any animal, reptile, or bird.

Section 14-16 Excavation and Removal of Soil, Trees and Shrubs Prohibited (Amend. 1/15/2008)

(a) No person may, without specific authorization of the administrator, dig or remove any soil, rock, stones, sand, gravel, or similar material from town property or make any excavation on such property by any means.

(b) No person may, without specific authorization of the administrator, remove from town property any tree, bush, shrub, or flower, or engage in other clearing or landscaping work, provided that this subsection is not intended to prohibit any person that owns or occupies property adjoining a public street from mowing the area that lies between the boundary line of such property (i.e. the street right-of-way line) and the paved or traveled portion of such street.

Section 14-17 Improper Climbing or Sitting

No person on town property may climb, stand, or sit upon any fountains, railings, fences, poles, or trees or other fixtures not intended for such use.

Section 14-18 Weapons on Town Property (Amend. 12/19/95)

(a) Subject to subsection (b), no person on town property may possess or carry whether openly or concealed, any deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes.

(b) Subsection (a) shall not apply to federal, state or local law enforcement officers acting in the discharge of their official duties, if such officers are authorized by law to carry weapons, nor to persons authorized to carry concealed handguns pursuant to N.C.G.S. Chapter 14, Article 54B. (However, possession of a concealed handgun on certain town property is prohibited pursuant to subsection (c) of this section).

(c) The town manager, or his designee, is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed, or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

- (1) Signs on buildings shall be visibly posted on the exterior or each entrance by which the general public can access the building. The manager or his designee shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.
- (2) The intent of this subsection is to direct the posting of town property such that, pursuant to N.C.G.S. 14-415.11(c), the carrying of concealed handguns on the posted premises will constitute a violation of N.C.G.S. Chapter 14, Article 54S.

Section 14-19 Use of Restrooms

(a) No person on town property may force entry into any restroom or washroom that is locked or bolted.

~~(b) No person over five years of age, other than a person performing maintenance work or carrying out some other legitimate function under the direction of the administrator, may enter or use any restroom, washroom or locker room on town property designated for the opposite sex. (Repealed 11/17/2009)~~

Section 14-20 Commercial Activity Restricted

(a) Subject to subsection (b), no person may engage in commercial activity on town property. For purposes of this section, commercial activity means any activity conducted by any person (other than the Town of Carrboro) for the purpose of collecting admission charges or fees of any kind in excess of the costs of the activity, as well as any sale, attempted sale, or advertisement of sale of any goods, merchandise, equipment or services. As used in this section, the term “commercial activity” shall not include the solicitation of donations at or in connection with any activity conducted on town property by a nonprofit organization. (Amend. 11/1/05)

(b) The provisions of subsection (a) shall not apply to:

- (1) Sales of goods, merchandise and services by persons authorized by the same at town sponsored events such as the annual Fourth of July celebration.
- (2) Sales of goods and merchandise by vendors at approved farm and craft markets operated by or on behalf of the Town or by nonprofit organizations who contract with the Town to operate farm and craft markets. (Amend. 6/6/98)
- (3) Sales of goods and merchandise by persons acting as agents of the town at Wilson Park, the Anderson Community Park, and other town property.
- (4) The following activities when conducted by nonprofit organizations: (Amend. 11/1/05)
 - a. Sales of goods, merchandise, equipment, or services, so long as such sales take place within or on town property that is subject to a reservation system pursuant to the provisions of Section 14-5.
 - b. Other fund raising activities conducted at the Century Center or Town Commons, so long as such activities are otherwise consistent with the rules applicable to the use of such facilities.
- (5) Sales of goods and merchandise at the Town Commons or Century Center by or with the authorization of persons that have reserved the Town Commons or Century Center pursuant to regulations regarding the reservation and use of the Town Commons or Century Center, promulgated pursuant to Section 14-28 of this Code. (Amend. 2/13/01)

Section 14-21 Smoking Prohibited in Town-Owned Buildings (Amend. 10/12/93)

(a) Subject to the provisions of subsections (b) and (c), no person may engage in the smoking of any cigarette, cigar, pipe, or other tobacco product within any building or motor vehicle owned, leased, or occupied by the town, including but not limited to the town hall, fire department, public works building, and any restroom facility within any town-owned park. The term "building" as used herein includes any structure or any portion of a structure that has a roof and is substantially enclosed, but shall not include open porches, open stairways, and open walkways.

(b) Notwithstanding the provisions of subsection (1), the manager may, by written policy, authorize smoking within limited areas of town buildings or within designated vehicles when he determines that there is a compelling reason to do so.

(c) Notwithstanding the provisions of subsection (a), the manager may, by written policy, prohibit smoking underneath roofed structures that are not substantially enclosed when he determines that there is a compelling reason to do so, so long as no smoking signs are prominently posted in such areas.

Section 14-22. Farmers' Market (Amend. 10/8/96)

(a) Spaces within the Carrboro Farm and Craft Market, operated on Saturday mornings or at other times by The Chapel Hill-Carrboro Farmers Market, Inc. (the "Attendant") as the Town's agent, shall continue to be available during the market only for the sale by vendors of food or non-food items that were grown, raised, baked, hand-crafted or produced by the vendors themselves.

(b) The Attendant shall operate the market in accordance with the policies established by the Board of Aldermen or by the town manager under Section 14-28 of this chapter, as set forth in an Agreement between the Town and the Attendant, and as implemented by rules and procedures adopted by the Attendant.

(c) Solicitation of signatures on a petition, solicitation of donations, or the sale, offering for sale, or distribution of any item, including written or printed material, other than items authorized under subsection (a) is prohibited during the period of operation of the farm and craft market within the area of the Town Commons circumscribed by the eighty vendors' spaces.

Sections 14-23 through 14-27 Reserved

Article IV

MISCELLANEOUS

Section 14-28 Supplementary Rules and Regulations

(a) The administrator may adopt reasonable supplementary rules and regulations governing the occupancy and use of town property. Such rules and regulations shall be consistent with the provisions of this chapter and shall be designed to protect and safeguard town property and the persons using town property and to facilitate the safe and convenient use and enjoyment by all of town property. Without limiting the generality of the foregoing, the administration may adopt rules and regulations governing the use of tennis courts, basketball courts, ball fields, parking lots, etc. Whenever practicable, such rules and regulations shall be posted at the particular facility they affect and in all cases shall be kept on file and available for public inspection in the administrator's office.

(b) No person may occupy or use town property in a manner that is inconsistent with the supplementary rules and regulations adopted pursuant to subsection (a). (Amend. 6/7/05)

Section 14-29 Penalties and Remedies

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(b) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of ten dollars (\$10.00). If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(c) The town may seek to enforce this chapter through any appropriate equitable action.

(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) The town may seek to enforce this chapter by using any one of a combination of the foregoing remedies.