

CHAPTER 98: CHILD SAFETY ZONES

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§ 98.01 TITLE

This chapter shall be known and may be cited as the "Child Safety Zone Ordinance of Haywood County, North Carolina."

§ 98.02 AUTHORITY

This chapter is established by the Haywood County Board of Commissioners pursuant to the authority and powers granted in Article 6 of Chapter 153A of the North Carolina General Statutes.

§ 98.03 PURPOSE

The purpose of this chapter is to restrict registered sex offenders from entering certain lands or facilities designated as a Recreation Facility Child Safety Zone by the Haywood County Board of Commissioners.

It is the intent of this chapter to promote the general welfare and safety of Haywood County's citizens by preserving the peaceful enjoyment of Haywood County Parks and Recreational Facilities by the children and citizens of the county, and by other persons.

(Ord. passed 5-5-08; Am. Ord. passed 10-2-2023)

§ 98.04 DEFINITIONS

For the purpose of this chapter, the following words and terms are defined as follows:

REGISTERED SEX OFFENDER. An individual who is registered in any state or federal agency as a sex offender as published on any state or federal registered sex offender listing, including, but not limited to, the sex offender registry established in Article 27A of Chapter 14 of the North Carolina General Statutes.

RECREATION FACILITY CHILD SAFETY ZONE. Any publicly owned land or facility which is designated by the Haywood County Board of County Commissioners as a Recreation Facility Child Safety Zone. In making such designation the Haywood County Board of County Commissioners shall issue a finding that the land or facility 1) is frequented by children of less than eighteen (18) years of age for recreational or athletic purposes and 2) lacks adequate adult supervision to protect the welfare and safety of children from registered sex offenders.

(Ord. passed 5-5-08; Am. Ord. passed 10-2-2023)

§ 98.05 ENTRANCE INTO A RECREATION FACILITY CHILD SAFETY ZONE BY REGISTERED SEX OFFENDERS

It shall be unlawful for any Registered Sex Offender to knowingly enter into or be on the premises of any publicly owned land or facility designated by the Haywood County Board of County Commissioners as a Recreational Facility Child Safety Zone, unless authorized by the Sheriff pursuant to Section 98.08.

(Ord. passed 5-5-08; Am. Ord. passed 10-2-2023)

§ 98.06 PENALTIES

Any person who violates this ordinance shall be subject to the criminal penalties of N.C.G.S. 14-4, with a maximum fine of \$500 per offense. Each separate entry into a Recreation Facility Child Safety Zone, regardless of the time period involved, shall constitute a separate offense under this Ordinance. (Ord. passed 5-5-08; Am. Ord. passed 1-3-22)

§ 98.07 NOTICE OF PROPERTY DESIGNATION AS A RECREATIONAL FACILITY CHILD SAFETY ZONE REQUIRED

Any property designated by the Haywood County Board of County Commissioners as a Recreational Facility Child Safety Zone shall, within sixty (60) days of such designation, have erected in a conspicuous place within that zone, signage informing the public that it has been so designated and generally referencing the prohibitory provision of Section 98.05.

(Ord. passed 5-5-08; Am. Ord. passed 10-2-2023)

§ 98.08 SPECIAL LIMITED PERMIT OF EXEMPTION ALLOWED

The Sheriff of Haywood County, or his designee, shall have authority to grant special limited exemption to individuals that are Registered Sex Offenders to be temporarily exempted from the prohibitions contained in this Ordinance. The temporary exemption shall set out, in writing, the time and circumstances for the exemption. Any person granted such exemption shall have a copy of it in his/her possession at all times while on the premises of Recreation Facility Child Safety Zone.

(Ord. passed 5-5-08; Am. Ord. passed 10-2-2023)

Ordinance Revised 10-2-2023

§ 98.09 Conflict with Other Ordinances

Should the regulations of this Chapter conflict with the requirements of another ordinance, the more restrictive standard shall govern.

§ 98.10 Severability

Should any section or provision in this Chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional, which shall remain in full force and effect.

§ 98.11 EFFECTIVE DATE AND REVISION OF ORIGINAL ORDINANCE

This revised ordinance revises and supplants the ordinance in Chapter 98 originally adopted May 5, 2008, and all subsequent amendments, and shall be effective on and after October 2, 2023.