

## CHAPTER 100: COUNTY GROUNDS USE ORDINANCE

### Public Use of County Grounds

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#### 100.01 GENERAL POLICY STATEMENT

County Grounds will be available for the use of the public for lawful purposes in accordance with the terms of this ordinance, applicable laws, and the policies contained in the County's Facility Use Policy.

(Ord. passed 6-6-2016; Am. Ord. passed 11-6-2023)

#### 100.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**COUNTY GROUNDS:** Those areas owned, leased by or used by Haywood County, including property requisitioned pursuant to GS 163-129 for election purposes during periods authorized by the Haywood County Board of Elections.

**CAMPING:** The use of the Grounds, for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or temporary shelters on the County Grounds, including sidewalk and parking, for living accommodation purposes.

**DANGEROUS WEAPON:** Any device or substance designed or capable of being used to inflict serious injury to any person or property, including, but not limited to, any items listed in G.S.14-269; air guns, knives or razors with a blade more than three (3) inches in length, metallic knuckles, clubs, blackjacks, nightsticks, dynamite cartridges, bombs, grenades, explosives, Molotov cocktails, and sword canes.

**NOXIOUS SUBSTANCE:** Any substance that is harmful, destructive, foul, or offensive to human beings, such as but not limited to, garbage, trash, refuse, animal parts or fluids, manure, urine, feces or other organic waste by-products.

**OBSTRUCT:** To interfere with pedestrian or vehicular movement on County Grounds, including sidewalks, entrances or exits, or any other area open to the public on the Grounds, but not including sidewalk areas under the jurisdiction of the Town of Waynesville.

**SIDEWALK and PARKING:** Those areas within the County Grounds that are paved or otherwise designated for pedestrian traffic and parking, including the parking garage.

**TEMPORARY SHELTER:** Tents, tarps, or any type of structure or cover that provides partial shelter from the elements.

### **100.03 SCOPE OF PERMISSIBLE USE**

Entrances, exits or sidewalks must not be blocked or obstructed.

The use of the interiors of any County building shall be in accordance with the Haywood County Facility Use Policy.

The use of County property requisitioned by the Haywood County Board of Elections shall be subject to the limitations on activities established pursuant to GS 163-166.4.

At the conclusion of any use authorized by this ordinance, the person or group making use of County Grounds shall conclude its event and clean up the grounds used. Any materials left after the event and not removed as required under this Ordinance may be removed and disposed of by the County at its discretion and convenience. Failure to clean up shall be a violation of this ordinance and subjects those responsible for the cost of cleanup.

County Grounds may be used for free public events for the benefit of the community or during times when the Main Street is closed.

Tents, canopies or other allowed structures must be secured with sandbags or some other noninvasive measure. No stakes may be driven into the ground to support any tent, canopy or other allowed structure. All tents, canopies, equipment, chairs or tables may be used only as approved by the County Facilities and Maintenance Director.

There shall be no use of electrical outlets without permission of the County Facilities Director.

There shall be no amplification of voice or music without permission of the County Facilities Director.

Any sign, placard, flag or other display which is posted or placed upon the County Grounds, may be immediately removed by the County Manager or his designee. Nothing herein shall prohibit the holding of a sign by an individual.

No use of the County Grounds shall be allowed which, in the judgment of the County Manager or his designee, and in consultation with law enforcement officials, would present a risk of damage to the County Grounds or endanger the safety of the public.

Applications requesting the use of the County Grounds for purposes not addressed under this Ordinance may only be approved by the Haywood County Board of Commissioners.

Permissions granted under this section shall not relieve an applicant from satisfying any other requirements of other units of local government.  
(Ord. passed 6-6-2016; Am. Ord. passed 11-6-2023)

#### **100.04 PROHIBITED ACTIVITIES ON COUNTY GROUNDS**

The following activities are prohibited on County Grounds:

1. Camping on County Grounds including public rights-of-way and sidewalk and parking areas. Camping on County Grounds is deemed a public nuisance and the County Manager or his designee shall cause to be removed temporary shelters, bedding or personal belongings.
2. Lighting or using a campfire, bonfire, or sustained open flame on County Grounds. Using a heating element, camp stove or other item for heating or cooking food on County Grounds without permission of County Manager or County Manager's designee.
3. Possession of any object or instrument with the intention of obstruction of a public sidewalk, public right-of-way, entrance or exit to private property or any area open to the public on County Grounds. County government employees or agents may at times obstruct areas in the lawful performance of their duties.
4. Attachment of an individual to another person, building, vehicle or fixture with the intent to obstruct pedestrian or vehicular movement on public sidewalks, public rights-of-way, entrances or exits to private property or any other area open to the public on County Grounds. County government employees or agents may at times have to obstruct movement on or near public sidewalks, public rights-of-way and entrances or exits, or other areas in the performance of their regular duties.
5. Hanging, fastening, or attaching any rope, wire, chain, sign, banner or electrical device or power cord to public property on County Grounds including buildings, vehicles, construction equipment, memorials, utility poles, trees or artwork unless express written permission has been granted by the County Manager or designee.
6. Possession, throwing, emitting, or causing to be used as a projectile, or otherwise dispersing any noxious substance with the intent to use the noxious substance to interfere with a lawful assembly or to interfere with emergency services or to interfere with a person's right of entry or right to leave an area.
7. Use of the County Grounds for an approved purpose for more than a maximum of four (4) hours, excluding setup and cleanup, during normal operating hours (7:30 a.m. to 5:30 p.m., Monday through Friday), unless an extension of time is granted by the County Manager or designee. Set up and cleanup of an event shall occur on the day of the event and within two hours of the event. Use of County Grounds for sanctioned purposes outside of normal business hours requires approval from the County Manager or designee.

8. Leaving trash, litter, a noxious substance, materials, equipment and other personal property on County Grounds. Any such personal property left after the use of the County Grounds and not removed as required under this Ordinance will be removed by the County at its discretion and convenience. Any cost incurred by the County in the removal and/or disposal of such trash or other personal property shall be reimbursed to the County by the person leaving such trash or other personal property and shall be an allowable basis for the County Manager or his designee to deny future requests for the use of County Grounds.
9. Placing or driving poles or stakes into the ground or attached to any tree or monument. Festival booths, canopies or other allowed structures must be secured with sandbags or some other noninvasive measure.
10. Possession on or about his person of any dangerous weapon of any kind, whether exposed or concealed, while participating in or being present on County Grounds. Firearms are covered by the provisions of Chapter 96 which regulates the carrying of concealed weapons and displaying of firearms. This section shall not apply to persons otherwise lawfully in possession of dangerous weapons lawfully leaving such weapons locked in a vehicle in the parking areas or possessing such items on the perimeter sidewalks in the State public right of way. Also, the County Manager may give prior written permission to historical reenactors, dancers and actors to possess such weapons for a particular event. This section shall not apply to the following persons while acting lawfully and within the course and scope of their official duties and authority:
  - a. Law enforcement officers,
  - b. Officers and soldiers of the armed forces and National Guard, and
  - c. County employees utilizing tools to perform their assigned duties.
11. Intentionally crossing over a law enforcement line or barricade. Law enforcement officers are authorized to establish law enforcement lines and barricades to preserve the public peace, arrest offenders and protect the rights of persons and property.
12. Bringing or allowing any vicious animal on County Grounds.
13. Violating Alcoholic Beverage Control Commission regulations and statutes.
14. Appearing on County Grounds in less than full dress attire, including a top, shirt or coat to cover the upper body.
15. Violating rules and regulations adopted by the Haywood County Department of Health and Human Services to protect and promote the public health.  
(Ord. passed 6-6-2016; Am. Ord. passed 11-6-2023)

## **100.05 UNMANNED AIRCRAFT SYSTEMS**

The following rules shall apply to unmanned aircraft operated on or over County grounds:

1. The operation of unmanned aircraft systems (UAS, as defined by Federal Aviation Regulations) over County Grounds at an altitude more than 400 feet above ground level (AGL) shall be in full compliance with Federal Aviation Administration regulations. Operation over County grounds at an altitude below 400 feet above ground level (AGL) is prohibited except in accordance with a permit from the County Manager or designee or in accordance with the provisions which follow.
2. No operator of an UAS shall stalk, threaten or harass any person on County Grounds. No operator of an UAS may attempt to view, transmit, or record images through the windows of a building on County Grounds.
3. Hobby or recreational use of an UAS is permitted at the Allen's Creek Park and other county green spaces designated by the County Manager subject to the follow additional conditions:
  - a. The space is not reserved or in use by another party.
  - b. There are no attachments to the UAS, including projectiles, fireworks, weapons or other dangerous objects.
  - c. The flight occurs under the supervision of a responsible adult who shall be legally responsible for all incidents from the flight.
  - d. The operator keeps the UAS within a visual line of sight at all times.
  - e. The flight is operated in accordance with FAA guidelines, including operation while being directly observed in the line of sight by the operator without devices for enhancing vision other than ordinary corrective lenses, and clear of any surrounding persons or obstacles.
  - f. There is no gathering of people or athletic events under the UAS.
  - g. Careless and reckless operations is prohibited.
  - h. If there is an accident with the UAS that causes any damage (property or personal) other than to the UAS itself, the UAS operator shall contact the Haywood County Sheriff's office immediately for proper reporting.
  - i. If the UAS is lost during the flight, the UAS operator shall contact the Haywood County Sheriff's office immediately for proper reporting.
  - j. Nothing in this article shall be construed to prohibit the use of a UAS by a law enforcement agency or to conduct governmental operations by or on behalf of Haywood County, the state of North Carolina, or the federal government.
  - k. This article shall not be construed to permit interference by any UAS operation with air traffic or airport operations or in a manner less restrictive than Federal Aviation Administration guidelines regarding unmanned aerial systems and regulations regarding air space obstructions.

(Ord. passed 6-6-2016; Am. Ord. passed 11-6-2023)

#### **100.06 PENALTIES**

Any person who fails or refuses to abide by or otherwise violates any provision of this Chapter shall be subject to the following sanctions or penalties:

1. Any violation of any part of this Chapter shall be subject to enforcement action under North Carolina G.S. Section 153A-123.
2. Among the specific penalties or sanctions are the following:
  - a. A violation of this ordinance shall be a Class III misdemeanor punishable as provided in G.S. Section 14-4 and GS Section 153A-123(b), for which the maximum fine shall be \$500.00, and each day's violation shall be a continuing offense.
  - b. A violation of this ordinance shall subject the offender to a civil penalty in the amount determined at the discretion of the court, payable within ten (10) days of the offense, as provided in G.S. Section 153A-123(c).
  - c. A violation of this ordinance may be enforced by an appropriate equitable remedy as provided in G.S. Section 153A-123(d).
  - d. In lieu of criminal prosecution for a violation of 100.04 (1) (“camping”), the individual may be referred and removed to an appropriate shelter if they are homeless.

#### **100.07 EFFECTIVE DATE AND REVISION OF ORIGINAL ORDINANCE**

This revised ordinance revises and supplants the ordinance in Chapter originally adopted June 6, 2016, and all subsequent amendments, and shall be effective on and after November 6, 2023.

