

Chapter 22

PARKS AND RECREATION*

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State law references—Boating and water safety, G.S. ch. 75A; conservation of marine and estuarine and wildlife resources, G.S. 113-127 et seq.; state parks and recreation authority, G.S. 143B-313.1 et seq.; municipal parks and recreation, G.S. 160A-350 et seq.

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ARTICLE I. IN GENERAL**Sec. 22-1. 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:

Department of Parks and Recreation includes recreation centers.

Recreation activities means those activities which fall within the general classification of arts and crafts, athletics, sports and games, dances, hobbies, music, nature and outings, reading, writing and speaking, social recreation, special events and activities and volunteer service.

Recreation areas and facilities means the outdoor and indoor properties on or in which people derive their opportunity for the pursuit of happiness, whether or not they are owned, controlled or operated within or without the corporate limits of the city.

(Code 1972, § 14-1; Code 1993, § 11-1)

State law reference—Recreation defined, G.S. 160A-352.

Sec. 22-2. Department of Parks and Recreation, Director of Parks and Recreation created.

Subject to the general control and supervision of the City Manager, there is hereby created a Department of Parks and Recreation and the office of the Director of Parks and Recreation. The Director of Parks and Recreation shall:

- (a) Be appointed by the City Manager.
- (b) Be paid such compensation as may be fixed by the City Council.
- (c) Have general supervision, direction and control, under the direction of the City Manager, over all matters pertaining to:
 - (1) Public recreation including public playgrounds, public parks, public centers, public docks, public restrooms and other public property used or intended for public recreational purposes in the city.
 - (2) Enterprise recreational facilities; the Hildred T. Moore Aquatic and Fitness Center.
- (d) Supervise generally, administer and control the use of all the:
 - (1) Public playgrounds, public parks, public centers, public restrooms and equipment owned by the city and used or intended for use for public recreation.
 - (2) Enterprise recreational facilities and equipment used; the Hildred T. Moore Aquatic and Fitness Center.

The Director shall have the duty and authority to promulgate reasonable rules and regulations not inconsistent with any ordinance adopted by the City Council for the proper and efficient administration of the Department of Parks and Recreation and for

the wholesome use of such recreational facilities and equipment by the general public to the end that the greatest benefit from the use of such facilities shall be gained by the citizens of the city.

- (e) Have authority to employ and to discharge, within the limits of the budget and with the approval of the City Manager, all center and playground leaders, supervisors, recreation specialists, maintenance personnel and such other employees as the Director may deem necessary and proper for the purpose of properly and efficiently carrying out the provisions of this chapter.
- (f) Enforce all the ordinances of the city regarding playgrounds and recreation centers, parks, athletic fields, docks, the Hildred T. Moore Aquatic and Fitness Center and their uses and may, in furtherance of such duty, have power to remove or cause to be removed and excluded from any of the city playgrounds, recreation centers, parks, docks, athletic fields, the Hildred T. Moore Aquatic and Fitness Center, any person violating any of such ordinances or any rules or regulations concerning their use for a period as the Director deems appropriate, according to the guidelines and procedures set forth by the Recreation Advisory Committee. He shall have the care and control of all equipment, grounds and paraphernalia owned or controlled by the city for use for parks or playground or recreation purposes and shall be responsible for the custody of such property.

(Code 1972, § 14-5; Code 1993, § 11-2)

Cross reference—Administration, ch. 2.

Sec. 22-3. Appropriation and disposition of funds.

The City Council may, at its discretion, appropriate such moneys as it may deem necessary for the purpose of carrying on the activities of the Parks and Recreation Department. The Parks and Recreation Director shall submit his annual budgetary request to the City Manager for his consideration. His recommendations shall be presented for consideration by the City Council. Funds received by the Recreation Advisory Committee and the Recreation Department, other than revenue from appropriations and facilities of the Parks and Recreation Department, shall be used to supplement the department's budget. Such funds shall be paid to the city, shall be disbursed for the purposes for which the funds were accepted and shall be disbursed in the same manner as other department funds.

(Code 1972, § 14-4; Code 1993, § 11-3)

State law reference—Parks and Recreation, G.S. 160A-353.

Sec. 22-4. Assistance by city officials.

All officers, departments and department heads of the city shall cooperate and render reasonable and necessary assistance to the Recreation Advisory Committee and to the Parks and Recreation Department.

(Code 1972, § 14-10; Code 1993, § 11-4)

Sec. 22-5. Rules and regulations.

The following rules shall apply at all recreation areas:

- (a) Persons drinking, intoxicated or otherwise under the influence of alcohol are not admitted; provided, however, that alcoholic beverages may be served and consumed during official outdoor special events for which all necessary ABC permits, liability insurance and the city's consent have been obtained.
- (b) Profane, vulgar, or threatening language is not allowed.
- (c) Gambling is not permitted.
- (d) Smoking is not permitted on athletic fields and in centers.
- (e) Animals and pets are not permitted without special permission, excluding service animals.
- (f) Fighting or scuffling are not permitted.
- (g) All persons using the facilities must adhere to the program schedule, unless deviation is authorized by the Director.
- (h) Game equipment must be used properly.
- (i) Furniture, fixtures and equipment must not be abused.
- (j) Trash and paper must not be thrown on floor or grounds.
- (k) Chairs and tables must not be taken from facilities, except with special permission.
- (l) Marking or defacing building walls or signs will not be permitted.
- (m) There shall be no peddling or soliciting on parks or recreation properties or facilities, except on the site of and as a part of a permitted special event.
- (n) The use of any smokeless tobacco products at organized recreational athletic activities on city properties and/or properties leased by the city is prohibited.

(Code 1972, § 14-2; Code 1993, § 11-5; Ord. No. 90-10, § 1, 7-9-1990; Ord. No. 07-04, § 1, 3-12-2007; Ord. No. 07-07, § 1, 10-8-2007)

Sec. 22-6. Penalty for violation of rules.

The policy for persons breaking the rules and regulations of section 22-5 is:

- (a) Verbal report of incident.
- (b) Written report and notification to the offender that a report has been filed.
- (c) Conference with offender according to severity.
- (d) Conference with parents of the offender, if person is under the age of 18.
- (e) Suspension for limited period.
- (f) Indefinite suspension.

Serious offenses and failure to observe suspensions will be reported to civil authorities.
(Code 1972, § 14-3; Code 1993, § 11-6)

Sec. 22-7. Participation assessments for designated activities.

All persons living or working in the county and participating in city recreation activities shall be assessed a fee. The year in which fees are assessed shall begin on July 1 and end on June 30 of any budget year. A schedule of fees and charges shall be approved by the City Council prior to the beginning of a budget year. The City Council shall have the power to amend such schedule at any time during the calendar year.

(Code 1972, § 14-30; Code 1993, § 11-7)

Secs. 22-8—22-32. Reserved.

ARTICLE II. RECREATION ADVISORY COMMITTEE*

Sec. 22-33. Created.

(a) *Composition, officers.* A committee to be known as the Washington Recreation Advisory Committee is established. The Committee shall be composed of nine (9) voting members appointed by City Council in accordance with section 2-531(a). Three (3) members shall reside outside the city. The members of the Committee shall meet within thirty (30) days after their appointment and shall elect a chairman and vice-chairman. The chairman and vice-chairman shall be elected from amongst the newly-appointed and incumbent members. The term of chairman, vice-chairman and other officers shall be for one (1) year with eligibility for re-election. The responsibility of the City Manager and/or Director of Parks and Recreation shall be to provide relevant information to the Committee on issues to be reviewed. The Director of Parks and Recreation or his designee shall attend each meeting to serve in an advisory capacity to the City Council.

(b) *Term.* Committee members shall serve three (3) year terms.

(c) *Term expiration.* Terms shall expire June 30. As the term of each member of the committee expires, a successor shall be appointed by the City Council as provided in subsection (a) of this section for a term of three (3) years. The City Council shall fill vacancies on the Committee occurring otherwise than by expiration of term, by appointment for the remainder of the unexpired term. All appointments shall be by majority vote of the membership.

(d) *Removal of members.* For removal of members and filling of vacancies, refer to section 2-531(b).

(Code 1972, § 14-6; Code 1993, § 11-26; Ord. No. 91-7, § 1, 7-8-1991; Ord. No. 97-12, 7-14-1997)

***Cross reference**—Administration, ch. 2.

Sec. 22-34. Committee member qualifications.

The members of the Recreation Advisory Committee shall be participants or past participants of Parks and Recreation Department activities and/or programs and shall be citizens of recognized ability and good judgment and standing, which, in the opinion of the City Council, can and will perform their official duties to the best interest of the city and the participants of the city Parks and Recreation Department activities. All efforts will be extended by the City Council to select individuals who are thus qualified and who represent the populous of the city and county.

(Code 1972, §§ 14-6, 14-7; Code 1993, § 11-27; Ord. No. 91-7, § 1, 7-8-1991; Ord. No. 97-12, 7-14-1997)

Sec. 22-35. Duties of Committee members.

The Recreation Advisory Committee shall act as an advisory body to the City Council, City Manager, and Director of Parks and Recreation. The Committee shall review all policy changes occurring within the Parks and Recreation Department operation. The Committee shall also perform other duties as the Council may direct. Decisions made by the Committee shall be consistent with all codes and policies of the city and the city Parks and Recreation Department. The Committee shall have a regular meeting each month, date and time to be decided at the organizational meeting, with special meetings called by the chairman.

(Code 1972, § 14-8; Code 1993, § 11-28; Ord. No. 97-12, 7-14-1997)

State law reference—Joint Parks and Recreation systems, G.S. 160A-355.

Sec. 22-36. Rules of procedure.

The Committee shall adopt rules of procedure in governance of its meetings in accordance with section 2-532.

Sec. 22-37. Records.

The Recreation Advisory Committee shall keep full and accurate records of all meetings held and official action taken.

(Code 1993, § 11-29; Ord. No. 97-12, 7-14-1997)

Sec. 22-38. Liability.

Neither the Recreation Advisory Committee nor any person representing said Committee shall incur any financial liability in the name of the City.

(Code 1972, § 14-11; Code 1993, § 11-30; Ord. No. 97-12, 7-14-1997)

State law reference—Financing Parks and Recreation, G.S. 160A-356.

Sec. 22-39—22-58. Reserved.

ARTICLE III. USE OF RECREATION AREAS

Sec. 22-59. Applications.

(a) Applications for use of Parks and Recreation Department facilities must be made in person, and in writing, at the department office at least one (1) week in advance.

(b) All applications must be approved by the Director of Parks and Recreation or his designee.

(c) The Parks and Recreation Department reserves the right to refuse the use of any recreation area to any applicant.

(Code 1972, § 14-19; Code 1993, § 11-51)

Sec. 22-60. Fees.

(a) A fee will be charged for use of the recreation area per hour for all nonrecreation-sponsored events. A schedule of such fees shall be approved by the City Council and kept in the office of the City Clerk.

(b) An hourly fee will be charged to all groups to pay recreation personnel who must be present at the event.

(c) If a fee is charged for admission, there is an additional charge for use of the facility.

(d) Payment for use of Parks and Recreation Department facilities shall be made at the Department office in advance.

(e) Fees in this section shall be as determined from time to time by ordinance.

(Code 1972, § 14-20; Code 1993, § 11-52)

Sec. 22-61. Supervision by Parks and Recreation Department.

A member of the Parks and Recreation Department staff or his appointed representative must be present at all activities conducted in department facilities.

(Code 1972, § 14-21; Code 1993, § 11-53)

Sec. 22-62. Liability for damages.

Persons using recreation facilities or grounds will be held liable for any unreasonable damage to or defacing of facilities or grounds or the equipment contained therein.

(Code 1972, § 14-22; Code 1993, § 11-54)

Sec. 22-63. Department-sponsored activities.

Parks and Recreation Department sponsored activities shall have precedence over all other activities. The schedule of such activities will be available one (1) week in advance.

(Code 1972, § 14-23; Code 1993, § 11-55)

Sec. 22-64. Use of gymnasium.

(a) For rental of a gymnasium by groups other than nonprofit groups, the fee will be a flat fee per period. If a nonprofit organization, such as, a church, school or civic group rents the facility for any function, they will pay a janitorial and utilities fee and shall pay a staff person by the hour to be present from the Parks and Recreation Department.

(b) The provisions of subsection (a) of this section refer to the rental of the facility for one (1) of the three (3) periods per day: morning, afternoon or night.

(c) These facilities are for recreation purposes and cannot be used for political or politically-related meetings.

(Code 1972, § 14-24; Code 1993, § 11-56)

Sec. 22-65. Susiegray McConnell Sports Complex.

(a) The Susiegray McConnell Sports Complex is closed to the public when the main gate is closed.

(b) Coolers are not allowed at any sporting event at the complex.

(c) Individual practices are not allowed on any athletic fields unless preapproved by the Director of Parks and Recreation or designee.

(d) Unauthorized vehicles allowed on designated roadways and right-of-way only.
(Code 1993, § 11-57)

Sec. 22-66. Use for charitable events.

Recreation facilities may be used for approved charitable events where an admission fee is charged upon approval of the application for such events by the Director of Parks and Recreation. This rule applies to civic clubs or other nonprofit organizations.

(Code 1972, § 14-26; Code 1993, § 11-58)

Sec. 22-67. School usage.

No fee will be charged for the use of recreation facilities for any official school approved student activity of the schools. The Parks and Recreation Department requires the following items be strictly observed in such cases:

(a) There shall be one (1) chaperon for each twenty-five (25) persons expected to attend. Couples are preferred as chaperones for large events.

(b) Reservations for such events, as well as special arrangements, must be made a minimum of one (1) week in advance. A nominal fee may accompany extra amenities.

(c) If special privileges are required, the Parks and Recreation Department may charge a minimum service fee which shall be as established from time to time.

(Code 1972, § 14-27; Code 1993, § 11-59)

Sec. 22-68. Closing time for dances.

All dances in city recreation facilities must close no later than 11:00 p.m., unless special permission is given by the Director of Parks and Recreation to continue until a later hour. (Code 1972, § 14-29; Code 1993, § 11-60)

Sec. 22-69. Use—The Hildred T. Moore Aquatic and Fitness Center.

(a) Use of the Hildred T. Moore Aquatic and Fitness Center shall be through membership fees, assessments, rentals and open swim fees. Fee schedules, policies and procedures may be obtained from the Hildred T. Moore Aquatic and Fitness Center.

(b) Operation of the Hildred T. Moore Aquatic and Fitness Center shall be subject to the Hildred T. Moore Aquatic and Fitness Center Policy adopted by the City Council. (Code 1993, § 11-62)

Sec. 22-70. Patrick Cochran Memorial Skatepark.

(a) *Skatepark designation.* Skateboarding, roller skating, inline skating, and similar activities are prohibited in city parks and recreational facilities, unless specifically authorized in areas designated by this section. The Patrick Cochran Memorial Skatepark (the Skatepark), owned by and located in the city, is hereby designated for skateboarding and inline skating. The boundaries of the Skatepark shall be defined by the signs required by this section.

(b) *Unlawful acts.* Within the Skatepark, it shall be unlawful for any person to:

- (1) Ride, operate, or use a skateboard or inline skates unless that person is wearing an appropriate helmet specifically designed for skateboard and/or inline skating use, with a properly fastened chin strap and elbow pads, specifically designed for skateboard and/or inline skating use, and knee pads specifically designed for skateboard and/or inline skating use; all of which equipment shall be in good repair at all times during use; or otherwise
- (2) Violate the rules and regulations for the Skatepark or the provisions of the waiver that is required to be executed prior to entering or using the Skatepark.

(c) *Waiver.* All participants are required to execute a waiver from the city before entering the Skatepark and display a decal furnished by the city at all times when using the Skatepark. In addition, the parent, guardian or custodian of a minor is required to execute a waiver from the city before the minor may enter or use the Skatepark.

(d) *Posted signs.* The Skatepark shall be posted with signs at the following locations:

- (1) At each entrance to the Skatepark; and
- (2) Along the exterior of the Skatepark.

(e) *Rules and regulations.* All persons entering or utilizing the Skatepark must comply with the rules and regulations established and as amended from time to time by the city for the use of the Skatepark. A copy of said rules and regulations can be obtained from the Office of Parks and Recreation and will be posted at the entrance to the Skatepark.

(f) *Penalties.* Any person who violates a provision of this section or fails to comply with any of the requirements of this section shall be guilty of a misdemeanor, may be prosecuted in accordance with N.C. Gen. Stat. §§ 160A-175 (G.S. 160A-175) and 14-4 (G.S. 14-4) and may be punished by a citation for trespassing, a fine not to exceed Five Hundred Dollars (\$500.00) and/or seizure of skating, skateboarding or other equipment.
(Ord. No. 08-1, § 1, 1-14-2008)

Secs. 22-71—22-91. Reserved.

ARTICLE IV. USE OF WATERWAYS, WHARVES, DOCKS, BOARDWALK AND PROMENADE

Sec. 22-92. Supervision of waterways, wharves and docks.

The public waterways, wharves, and docks within the city limits shall be under the supervision of and subject to regulation by the Parks and Recreation Department.
(Code 1972, § 26-1; Code 1993, § 11-81; Ord. No. 09-1, § 1, 2-9-2009)

Sec. 22-93. Refusal to move vessels unlawful.

It shall be unlawful for the officer in command of any boat or vessel lying in any of the public docks to refuse or neglect to move such vessel or boat upon being commanded to so do for cause by an officer of the city or the Parks and Recreation Director of the city.
(Code 1972, § 26-2; Code 1993, § 11-82)

Sec. 22-94. Restricted area and activities.

No person shall operate a boat in excess of four (4) miles per hour in Runyon's Creek upstream from the Washington Park Bridge on River Road or downstream within one hundred (100) yards of the bridge. It shall also be unlawful for anyone to ski or swim in this same area.
(Code 1972, § 13-3; Code 1993, § 11-83)

Sec. 22-95. Stewart Parkway bulkhead.

(a) *Free docking.* No vessel shall remain at such mooring for a period in excess of forty-eight (48) hours in seven (7) days along the main bulkhead (not T docks) having no water or electrical usage, without special permission from the City Manager or designee.

(b) *Commercial vessels.* A monthly fee will be negotiated by the City Manager, or his designee, with commercial vessels that bring value to the community (nonfishing vessels).

(c) *Private vessels.* All fees are payable in advance. Fees for temporary docking, transient fees, fees for permanent vessels, and fees for use of the pump-out station shall be as established from time to time by ordinance.

(d) *Rules and regulations.* All persons utilizing the Waterfront must comply with the Rules and Regulations for Washington Waterfront Docking. A copy of the rules and regulations can be obtained from the Office of Parks and Recreation.

(Code 1972, § 26-3; Code 1993, § 11-84; Ord. No. 02-14, 8-12-2002; Ord. No. 02-19, 10-7-2002; Ord. No. 06-19, § 1, 6-19-2006)

Sec. 22-96. Swimming, diving unlawful from Stewart Parkway or Havens Gardens bulkheads.

It shall be unlawful for anyone to swim or dive from the bulkhead of Stewart Parkway or Havens Gardens.

(Code 1972, § 13-4; Code 1993, § 11-85)

Sec. 22-97. Unlawful acts.

(a) *Dumping, etc., into river.* It shall be unlawful for any person navigating any boat in the Pamlico River to pump, unload or dump any bilge oil or other inflammable gases, oils or human waste in such river within the corporate limits or opposite the city.

(b) *Swimming.* It shall be unlawful to use any part of Havens Gardens or any part of the Stewart Parkway area for swimming purposes.

(c) *Throwing garbage, etc., into docks.* It shall be unlawful to throw garbage, rubbish or other refuse matter into any waterway within the city.

(d) *Fishing.* It shall be unlawful to fish on the Boardwalk.

(e) *Skateboards, roller skates, roller blades, or similar devices.* It shall be unlawful to ride in, upon or by means of skateboards, roller skates, roller blades, or similar devices in the Business District which includes Stewart Parkway, the adjacent parking lots, the Promenade and the Boardwalk. Wheelchairs and strollers are permitted. It shall be unlawful to ride bicycles on the Promenade and Boardwalk.

(f) *No walking or sitting on railing.* It shall be unlawful to walk or sit on the railing of the Boardwalk.

(g) *Pets on Boardwalk and Promenade.* It shall be unlawful to have a pet, on a leash or not on a leash, on the Boardwalk, excluding service animals. Pets are allowed on the Promenade on a leash. Failure to remove feces is a violation of section 4-40.

(h) *Authorized personnel only.* It shall be unlawful for unauthorized persons to go into the wetlands project. This is a restricted area.

(i) *Animal and bird feeding restrictions.* Restrictions upon feeding of animals and birds in specified areas.

- (1) No person shall do any of the following in the area bounded by Bridge Street on the west, Market Street on the east, Stewart Parkway and Main Street on the north and the federal channel of the Pamlico River on the south, except within any privately owned residential property:
 - a. Feed any bird or animal; or

- b. Disperse any food material or other matter edible by any bird or animal so as to make such material or matter available to other birds or animals for ingestion; or
- (2) No person shall leave any food or other matter edible by any bird or animal to remain on the ground after dispersing or dropping the same in or on the designated area.

(j) *Violation, penalty.* Any person violating any of the provisions of this section shall pay a civil penalty in the amount set forth on the violation notice issued by the city. Said penalty shall be an amount as established from time to time. Each person shall receive a violation notice for each separate violation of any provision of this section. The civil penalty shall be paid in fourteen (14) calendar days from the issuance of the violation notice. If the citation is not paid within fourteen (14) calendar days, then in that event, said civil penalty may be collected by the city through magistrate's court and the costs of magistrate's court will be assessed to the person responsible for the civil penalty.

(Code 1972, § 26-4; Code 1993, § 11-86; Ord. No. 01-11, 9-10-2001; Ord. No. 02-8, 6-24-2002; Ord. No. 02-14, 8-12-2002; Ord. No. 02-15, 9-9-2002; Ord. No. 06-10, § 1, 4-10-2006)

Chapter 23

RESERVED

