

**REGULAR MEETING
ASHEBORO CITY COUNCIL
CITY COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MARCH 6, 2014
7:00 p.m.**

This being the time and place for a regular meeting of the Asheboro City Council, a meeting was held with the following officials and staff members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Michael W. Hunter)
Walker B. Moffitt)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Jason Cheek, Police Lieutenant
Holly H. Doerr, CMC, NCCMC, City Clerk
Ronald N. Horrell, Jr., Police Lieutenant
Leigh Anna Johnson, Public Information Officer
Michael L. Leonard, P.E., City Engineer
Mark T. Lineberry, Police Captain
Ralph W. Norton, Chief of Police
Trevor L. Nuttall, Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Jonathon M. Sermon, Recreation Services Superintendent
Jeffrey C. Sugg, City Attorney
E. Todd Swaney, Police Captain
C. Maxine Wright, Master Police Lieutenant

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow for prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

3. Appearance and recognition of guests and citizens.

Mayor Smith welcomed everyone in attendance.

4. Recognition of retired Asheboro Police Sergeant Frank VonCannon for his years of dedicated service to the City of Asheboro.

On behalf of the City of Asheboro, Mr. Ogburn presented a retirement plaque to Master Police Sergeant Franklin Dale VonCannon for his years of service to the City of Asheboro. Additionally, Chief Norton and Captain Swaney presented Sergeant VonCannon with a plaque that included his badge as a token of gratitude for his loyal service to the City of Asheboro as a police officer from June 12, 1985 until March 1, 2014. In addition to his badge, Chief Norton presented Sergeant VonCannon with his service side arm that he carried at the time of his retirement.

5. Presentation of the Asheboro Pride Award to Mr. Larry McKenzie.

Mayor Smith presented Mr. Larry McKenzie, who was accompanied by his daughter and son, and McKenzie Properties with the Asheboro Pride Award for their outstanding support of the community. McKenzie Properties is responsible for rehabilitating and updating numerous buildings and properties within the community over the past 25 years. Mr. McKenzie thanked the elected officials and city staff members for supporting the various projects.

6. Approval of the minutes of the city council's regular meeting that was held on February 6, 2014.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to approve, as presented, the minutes of the city council's regular meeting on February 6, 2014.

7. Request by Al LaPrade, chairman of the Asheboro Downtown Business Association, for parking and enforcement changes in the downtown area.

Mr. Al LaPrade, Chairman of the Asheboro Downtown Business Association, presented a request from the Association to amend the Asheboro downtown parking plans for Bicentennial and Academy Street parking lots, Trade Street, City Hall parking lot, and North Street. Along with amendments to the parking plan, Mr. LaPrade requested improvements to the parking signs within the downtown area. More specifically, Mr. LaPrade requested the parking signs to be consistent with the other signs within the area so that visitors are aware of the parking time limits. Additionally, Mr. LaPrade requested the sustained presence of a law enforcement officer to enforce the parking limits on a regular schedule.

Mr. Michael Leonard presented maps to illustrate Mr. LaPrade's requests. The proposed amendments can be summarized as follows:

- The Bicentennial Park spaces would have 4-hour parking.
- With the potential exception of a limited area directly behind CUOC, the West Academy Street parking lot would have all day parking.
- Trade Street would have all day parking.
- With the exception of 8 parking spaces in close proximity to Trade Street, North Street would have all day parking.
- The parking spaces located on the south side of City Hall would be designated as 2-hour parking.

The above-described requests do not include any proposals to change previously established loading zones or parking for the disabled. With one exception, the Council did not have any opposition to these requests. The exception pertained to utilizing 4-hour parking at Bicentennial Park. The strong concern was that 4-hour parking, as a practical matter, turns into all day parking.

Mr. LaPrade acknowledged the validity of these concerns. After some discussion, all of the interested parties came to the consensus that 3-hour parking rather than 4-hour parking was a better alternative.

With the general consent of the Council, city staff will draft an ordinance reflecting the consensus approach to the parking plan. The proposed ordinance will be presented to the Council during the regular April 2014 meeting.

A copy of the visual presentation utilized by Mr. Leonard is on file in the City Clerk's office.

8. Presentation by Trevor Nuttall of Community Development Division Items:

- (a) Zoning Case RZ-14-01: A legislative hearing on the application filed by H.R. Gallimore (Agent for Bernard F. Phillips) to rezone property located at 1743 and 1745 East Salisbury Street from R40 (Low-Density Residential) and R10 (Medium-Density Residential) to B2 (General Commercial).**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented a request from Mr. H.R. Gallimore, agent for the property owner, to continue the above-referenced request until the Council's regular April 10, 2014 council meeting.

Upon motion by Mr. Baker and seconded by Mr. Swiers, Council voted unanimously to continue the above-referenced request until the April 10, 2014 regular council meeting.

- (b) Zoning Case RZ-14-02: A legislative hearing on the application filed by H.R. Gallimore (Agent for Bernard F. Phillips) to rezone property located at the western corner of East Salisbury Street and Coleridge Road from R7.5 (Medium-Density Residential) to B2 (General Commercial).**

Mayor Smith opened the public hearing on the following request.

Mr. Nuttall presented a request from Mr. H.R. Gallimore, agent for the property owner, to continue the above-referenced request until the Council's regular April 10, 2014 council meeting.

Upon motion by Mr. Burks and seconded by Mr. Bell, Council voted unanimously to continue the above-referenced request until the April 10, 2014 regular council meeting.

(c) Zoning Case RZ-14-03: A legislative hearing on the application filed by Charles S. Johnson to rezone property located at 1016 South Cox Street from R7.5 (Medium-Density Residential) to OA6 (Office-Apartment).

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 12,948 square feet of land owned by Charles S. and Sherry Johnson and located at 1016 South Cox Street. The area included within this request is more specifically as a portion of the parcel of land identified by Randolph County Parcel Identification Number 7750875799.

Mr. Nuttall presented the Community Development Division staff's analysis of the request submitted by Mr. Charles Johnson to rezone the above-described property from R7.5 (Medium Density Residential) to OA6 (Office-Apartment).

The staff report noted that the property is located within Tier 3 of the Center City Planning Area, and the area consists of a mix of residential and low intensity commercial uses. South Cox Street serves as a transition between the heavier commercial uses along South Fayetteville Street to the west and the residential uses to the east. Placing the property in the OA6 zoning district would allow all uses permitted by right in the OA6 district. The OA6 district allows both residential and non-residential uses. Permitted non-residential uses include, but are not limited to, office and institutional activities and limited service oriented commercial activities (such as barber shops, etc.). They do not include heavier commercial uses such as retail sales, restaurants, etc. Mixed uses may be located within the same structure in the OA6 district.

The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning:

"The Land Development Plan Proposed Land Use Map designates this property as part of the City Activity Center. The City Activity Center proposes a compatible and pedestrian oriented mix of uses including residential, office/institutional and lighter commercial uses as permitted in the OA6 district. In addition, the mix of residential, office, and lighter commercial land uses along South Cox Street have established a transitional patten between the commercial uses to the west on South Fayetteville Street and the residential uses to the east."

There being no comments and no opposition from the public, Mayor Smith transition to the deliberative phase of the public hearing.

Upon motion by Mr. Moffitt and seconded by Ms. Carter, Council voted unanimously to adopt the recommendation/analysis of the Community Development Division staff and the Planning Board and approved the requested rezoning as well as adopting the following consistence statement:

In consideration of the above factors, the zoning map amendment will allow a reasonable use of the property and ensure consistence with the Land Development Plan.

(d) Authorization to solicit applications for pending vacancy on the Redevelopment Commission due to retirement of Martha Norman.

Mr. Nuttall informed the Council Members of the vacancy on the Redevelopment Commission due to the retirement of Ms. Martha Norman. Upon motion by Mr. Bell and seconded by Mr. Baker, Council voted unanimously to authorize city staff to solicit applications for the vacancy on the Redevelopment Commission due to the retirement of Ms. Martha Norman.

Additionally, Mr. Nuttall reported to the Council that city staff has already received one application in reference to the vacancy.

(e) Reappointment of Linda Carter, David Jarrell, and Tommy Lemonds to the Redevelopment Commission for five year terms to begin April 1, 2014.

Mr. Nuttall reported that the terms for Redevelopment Commission Members Linda Carter, David Jarrell, and Tommy Lemonds will be expiring, and that these three individuals have expressed an interest in serving additional terms. Mr. Nuttall recommended that the Council reappoint Linda Carter, David Jarrell, and Tommy

Lemons to the Redevelopment Commission for additional five year terms beginning on April 1, 2014.

Upon motion by Mr. Burks and seconded by Mr. Bell, Council unanimously appointed Linda Carter, David Jarrell, and Tommy Lemonds to the Redevelopment Commission for five year terms to begin on April 1, 2014.

9. Public comment period.

Mayor Smith opened the floor for comments from the public.

Ms. Kris Caughron shared with the Council both specific and more general concerns regarding animal control issues within the community. Her specific concerns pertain to dogs running loose in her neighborhood, and the manner in which the animals are treated. Ms. Caughron's more general concerns pertained to the responsiveness of the animal control system to calls for assistance. After Ms. Caughron concluded her comments, the elected officials expressed their shared concerns about the level of responsiveness to requests for assistance with animals under the city's current framework for undertaking and providing animal control services.

Mr. Ogburn reported that arrangements were being reserached for the possibility of adding animal control personnel in the future to address these types of concerns.

10. Updates to regulations impacting the city's cultural and recreation services:

On the meeting agenda, the ordinances found below were listed as separate items for consideration, specifically item (a) entitled "Proposed amendments to the departmental policy manual for cultural and recreation services" and item (b) Proposed amendments to Chapter 130 (Offenses against Public Peace and Safety) of the Code of Asheboro."

During his presentation, Mr. Sermon discussed these items as a package of regulatory updates. At the conclusion of his presentation, Mr. Sermon recommended adoption of both ordinances as a package, and the Council Members in fact voted on the ordinances as a package.

During the Council's discussion of these ordinance amendments, Ms. Carter expressed her concerns and reservations about the proposals within the package of updates to remove certain restrictions on the possession and consumption of alcoholic beverages.

Upon motion by Bell and seconded by Mr. Moffitt, Council voted to adopt the following ordinances by reference. Council Members Baker, Bell, Burks, Hunter, Moffitt, and Swiers voted in favor of the motion. Council Member Carter voted no.

ORDINANCE NUMBER 01 ORD 3-14
CITY COUNCIL OF THE CITY OF ASHEBORO

Cultural and Recreation Services

WHEREAS, Chapter 98 of the Code of Asheboro contains regulations pertaining to the cultural and recreation services offered by the City of Asheboro; and

WHEREAS, over time, the City of Asheboro has modified the methodology utilized to deliver these services by the city's Cultural Services Department and Recreation Services Department; and

WHEREAS, in furtherance of the evolution of the methodologies used to deliver these services, the city's Recreation Services Superintendent has recommended, with the advice and consent of the City Manager, updating Chapter 98 (Cultural and Recreation Services) of the Code of Asheboro to reflect the current and proposed changes in the delivery of cultural and recreation services; and

WHEREAS, the Asheboro City Council concurs with the recommendations received from the City Manager and the Recreation Services Superintendent;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 98.01 (Adoption by Reference) of the Code of Asheboro is hereby rewritten to provide as follows:

The City of Asheboro Cultural and Recreation Services Division Policy Manual (formerly initially known as the Parks and Recreation Department Policy Manual and subsequently known for a limited period of time as the City of Asheboro Cultural and Recreation Services Division Policy Manual), which was originally approved by the City Council on March 5, 1998, and as amended, is hereby adopted by reference and made a part of this code as if set forth at length herein.

Section 2. The policy manual identified as the "City of Asheboro Cultural and Recreation Services Policy Manual" in the immediately preceding paragraph is attached to this ordinance as EXHIBIT 1 and is incorporated into this ordinance by reference as if copied fully herein. The manual attached hereto as EXHIBIT 1, with the indicated revisions, is hereby adopted as the most current edition of the City of Asheboro Cultural and Recreation Services Policy Manual that, by virtue of the above-cited Section 98.01, is incorporated by reference into the Code of Asheboro.

Section 3. Section 98.02 (Required Safety Equipment at Asheboro Skate Park) of the Code of Asheboro is hereby rewritten to provide as follows:

- (A) It shall be unlawful for any person to ride, operate, or utilize in any manner a skateboard or inline skates, specifically including sneakers or other types of shoes with one or more wheels embedded in each shoe's sole, on the premises of the Asheboro Skate Park unless such a person is wearing a helmet, elbow pads, and kneepads in strict compliance with the instructions provided by the manufacturer of the safety equipment.
- (B) The City Manager, in consultation with the city police department and the **Cultural and Recreation Services Department Division**, shall cause signage to be erected on the premises of the Asheboro Skate Park in order to provide notice of the safety equipment requirements imposed by this section.

Section 4. Section 98.03 (Failure to Vacate Rented Recreation Facilities) of the Code of Asheboro is hereby rewritten to provide as follows:

- (A) It is unlawful for any person to occupy or otherwise utilize in any manner **a recreation facility managed by either the City of Asheboro Cultural Services Department and or the City of Asheboro Recreation Services Department Division**, specifically including by way of illustration and not limitation shelters in city parks and the Rotary Pavilion at Bicentennial Park, when signage displayed at such a facility indicates that the facility is rented and documentation from **either the Cultural Services Department and or the Recreation Services Department Division** authorizing the use of the facility by another individual, group, or entity is displayed to the person(s) attempting to unlawfully occupy or utilize the facility.
- (B) In accordance with G.S. § 14-4, any person who violates this section is guilty of a Class 3 misdemeanor and is subject to a fine of not more than \$500.

Section 5. A new Section 98.04 is hereby enacted as part of the Code of Asheboro, and this new section shall provide as follows:

§ 98.04 PROHIBITION OF ACTIVITIES THAT DAMAGE CITY PROPERTY

It is unlawful to engage in any action on the premises of a park or facility administered by the city's Cultural Services Department or Recreation Services Department that has not been explicitly approved by either of these departments as sanctioned cultural or recreational programming and has the effect of damaging the city's real or personal property. By way of illustration and not limitation, an activity that would fall within the scope of this prohibition is the use of a shovel or spade to disturb the ground in response to an alert signal from a metal detector. It is not the intent of this section, and the text of this section shall not be interpreted in any manner, that reduces or impairs the ability of the city to pursue civil actions to recover damages and/or seek the prosecution of individuals for committing criminal offenses such as trespass, injury to personal property, and injury to real property.

Section 6. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 7. This ordinance shall be in full force and effect upon and after March 15, 2014.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of March, 2014.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

EXHIBIT 1

**CITY OF ASHEBORO
CULTURAL AND RECREATION SERVICES
POLICY MANUAL**

Originally adopted by the Asheboro City Council on March 5, 1998, with the most recent revision effective March 15, 2014.

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ARTICLE I. REC CARD

SECTION 1.1 QUALIFICATIONS

1. The Rec Card is for all Residents who live within the City Limits. The card entitles holders to City Resident rates at the Municipal Golf Course, Lake Lucas, Lake Reese, Memorial Pool, North Asheboro Park Pool and various Recreation Programs.
2. Rec Cards are available at the Parks Cultural and Recreation Services office during regular business hours.
3. In order to qualify for a Rec Card, you must:
 - a. Currently live in the City Limits.
 - b. Present a valid Government Issued ID with current Address.
 - c. Present a current (within the month) bill with your street address.
4. Children age 15 and younger must be accompanied by their parents with the above information plus the following:
 - a. Government Issued Picture ID or:
 - b. Birth Certificate or
 - c. School ID.
5. Rec Cards are valid for 1 year.
6. City Residents who choose not to obtain a Rec Card will be charged the non-resident rate at all Parks & Cultural and Recreation Services facilities.
7. The Rec Card must be presented each time to receive the City Resident Rate.
8. The Rec Card is Free of charge. A replacement fee of \$5.00 will be charged if the card is misplaced.

SECTION 1.2 SENIOR'S REC CARD QUALIFICATIONS

1. To qualify, The Senior must:

- a. Reside in the City Limits.
 - b. Be at least 62 years of age.
 - c. Present information prescribed in the Rec Card Section.
2. The Senior Rec Cards are valid for 1 year periods. At the end of the period, you will need to come back to the Recreation **Services** Department to reverify that you are still a resident of the city.
 3. City Residents who choose not to get a Senior's Rec Card will be charged the non-resident rate at all **Parks & Cultural and Recreation Services** facilities.
 4. The Senior's Rec Card must be presented each time to receive the City Resident Rate.
 5. The Senior's Rec Card is Free of charge. A replacement fee of \$5.00 will be charged if card is misplaced.

ARTICLE II. SENIOR CITIZENS

SECTION 2.1 ELIGIBILITY

Summaries of benefits for Senior Citizens are described below.

To qualify for the benefits of the **Parks Cultural and Recreation Services** facilities, the following conditions must be met.

- A. Be a resident of the City of Asheboro
- B. Be a minimum of 62 years of age
- C. Present a Seniors Rec Card to the operating personnel of each facility.
- D. Adhere to the prescribed policies at each facility.

SECTION 2.2 LAKES

Free Fishing / Boat Launch

To receive free boat launch, the boat must be registered to the individual senior citizen.

SECTION 2.3 POOLS

Free admission during periods of public swim

SECTION 2.4 GOLF COURSE

Reduced membership

ARTICLE III. CITY EMPLOYEES

The following recreational benefits will be issued to current Full-time City Employees and retirees. These benefits are for City Employees and retirees only and NOT for immediate family, relatives or friends. To qualify for these benefits, an individual must be qualified as a full time employee or retiree from the city under the guidelines specified in the city personnel policy and procedure manual. Current City employees must present their city issued ID cards to receive the following benefits. Retirees of the City may use their city issued ID cards.

SECTION 3.1 FISHING

Free Fishing & boat launch privileges will be extended to all employees and retirees. Municipally owned rental boats and private dock space will carry the standard rates.

SECTION 3.2 TENNIS - W.W. THOMAS TENNIS CENTER

Employees and retirees will pay a pro-rated fee for lights (1/2 regular rate) and will pay full fees in all tennis leagues and Tournaments.

SECTION 3.3 SWIMMING

Free Public day and night swim admission to all City Employees and retirees at Memorial Pool and North Asheboro Park Pool.

SECTION 3.4 GOLF

Free Greens Fees will be extended to all City employees and retirees. City Employees and retirees will pay full fees for the use of golf carts.

SECTION 3.5 SHELTER USE

Free use of Park Shelters will be extended to all City employees and retirees. They must follow appropriate guidelines for reserving shelters.

SECTION 3.6 SKATE PARK USE

Free admission will be extended to all City employees and retirees.

All City Employees and retirees must adhere to established policies at each recreational facility or forfeit those benefits.

ARTICLE IV. YOUTH PROGRAM POLICY

SECTION 4.1 OBJECTIVE

The objectives of the Asheboro Parks and Recreation Services Department in Youth Programs shall be to provide the opportunity for organized recreation activities in an environment where physical and emotional growth is possible. To recognize that each child is an individual and that programs should be diversified as to reach the various recreational interests. To emphasize the high ideals of sportsmanship, honesty, loyalty, teamwork and fair play. We will strive to achieve these objectives through quality supervised programs. Supervisors and participants should always bear in mind that the attainment of exceptional athletic skill or the winning of games is secondary. The molding of future citizens is of prime importance.

SECTION 4.2 ELIGIBILITY

- A. Date of birth of players shall be certified by an original registration of birth certificate issued by a governmental agency, or photo copy of original.
- B. Players are eligible if they reside in the City Limits of Asheboro or are residents of Randolph County. Player's legal residence is determined by the residence of their legal guardian or parent that has primary legal custody of said player at time of registration. Eligibility of other participants will be determined by the Parks & Recreation Services Superintendent Director on a case-by-case basis.
- C. Parents / legal guardian will be required to present proof of residence by a current tax document or utility bill.
- D. A player who moves outside of Randolph County after the beginning of the scheduled regular season shall be eligible to complete their current age eligibility.
- E. All players shall remain on the same team until their eligibility ends for that league.
- F. Players living outside the City Limits of Asheboro will be required to pay a non-resident fee before they can participate in the youth sports program.
- G. All user fees for the Youth Sports Program shall be set and approved by the Asheboro City Council.

SECTION 4.3 SPORTS RULES & REGULATIONS

- A. The Parks & Recreation Services Superintendent Director shall issue rules and regulations for each sport in consultation with the Sports Policy Advisory Committee.
- ~~B. Subject to the general oversight and control of the City Manager, the Recreation Services Superintendent is authorized to convene, on an ad hoc basis, a Sports Programming Advisory Committee in order to prepare plans, including planning for potential funding sources, that will contribute to the broadening and enhancement of the city's youth sports programs. When considering making appointments to such a committee, the Recreation Services Superintendent will give priority to the appointment of parents or guardians who have one or more children participating in the city's current youth sports programs, individuals who live within the Asheboro city limits or within the Asheboro City School District, and representatives of stakeholders such as, by way of illustration and not limitation, officials with the Asheboro City School System.~~
- ~~B. The chairperson of the Sports Policy Advisory Committee, which is appointed by City Council at the July Council meeting for a two-year term, shall appoint five persons to serve on the committee. These committee members shall be appointed for two-year terms that shall run concurrently with the chairperson's term. The committee members, including the chairperson, shall continue to serve on the committee until their successors are appointed in accordance with the provisions of this section. Prospective committee members shall live in the City Limits, within the City School District of Asheboro or have a child who is participating in the Parks & Recreation Program.~~
- ~~C. The Sports Policy Advisory Committee is authorized to adopt by-laws for the committee. The adopted by-laws shall be consistent with the Code of Asheboro and all other applicable constitutional provisions, statutes, ordinances and regulations.~~

- E. Twosomes will be permitted during the week at the discretion of the golf pro.
- F. Proper golf attire and etiquette are required at all times.

SECTION 6.4 PROGRAMS

- A. City Amateur
- B. Club Championship
- C. Ladies City-Am
- D. Ladies Club Championship
- E. Night Golf Tournament
- F. Parent/Child Tournament
- G. Juniors Tournament
- H. Youth Lessons

Lessons are to be taught only by employees of the City of Asheboro ~~Parks and Recreation~~.

- a. Individuals or groups may not use the course to teach individual or group lessons.
- b. Private golf lessons can be taught only by the Golf Pro or his designee.

ARTICLE VII. LAKE LUCAS

SECTION 7.1 OPERATION AND CONTROL

Lake Lucas and Lake Lucas Park will be administered by the ~~City of Asheboro, Department of Parks & Recreation Services Department~~ in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.

Under guidance from the ~~Parks & Recreation Services Superintendent Director~~, the Park Manager and ~~his/her~~ designated support staff (hereinafter, collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

All activities permitted on and around the lake must fully comply with the North Carolina State Board of Health and local regulations in protecting the watershed and the public water supply.

All user fees for Lake Lucas shall be set and approved by the Asheboro City Council.

SECTION 7.2 OPERATION

- A. It shall be the Staff's duty to enforce all ordinances, rules and regulations adopted by the City Council and all applicable State and Federal Laws and regulations. Staff shall also be responsible for the collecting of all fees and properly accounting for them.
- B. The Staff shall deny admission to any person having Alcoholic beverages in their possession or who shows evidence of being under the influence of alcohol. The Staff shall have the authority to deny admission for a maximum period of sixty days to anyone who has violated the rules and regulations as adopted. Anyone denied admission by the Staff has the right to appeal their decision to the ~~Parks & Recreation Services Superintendent Director~~. All appeals must be submitted in writing and within 2 business days. The Staff must submit ~~in writing a written report (within 24 hours) within 24 hours of the incident to the Parks and Recreation Services Superintendent Director.~~
- C. The Staff shall keep available a copy of these rules and regulations and make them available upon request

SECTION 7.3 PERMITS

- A. No person shall use Lake Lucas without a proper permit. The Staff shall issue permits. Failure to obtain said permit will constitute a criminal trespassing violation ~~subject to a \$50.00 fine or 30 days in jail or both.~~
- B. All persons using the lake shall sign in at the Lake Office
- C. A permit shall be valid only when used by the person to whom it was issued, and only on the same day it is issued.
- D. Every permit shall be issued subject to revocation or cancellation if the holder violates any of the rules and regulations governing the use of the lake and it's activities.
- E. The following Permits will be issued for Lake Lucas: Daily Fishing, Annual Fishing, Daily Launch & Annual Launch.
- F. In the event the Lake is closed in accordance with General Rule Section 7.4 (E), there will be **NO** refunds, rain checks and/or permit extensions.

SECTION 7.4 GENERAL

- A. No person shall fish, launch a boat, or have any contact whatsoever with Lake Lucas except at the designated entry points provided by the City of Asheboro. It shall be unlawful for anyone to wade or swim in Lake Lucas, unless such activity occurs incidental to the launching of a boat.

- B. Any action or conduct on Lake Lucas that endangers life or property shall be deemed unlawful and shall be cause for immediate expulsion from the Lake, possible **suspension of privileges** or legal prosecution.
- C. Hours of operation for Lake Lucas will vary with the season and the activity permitted. **The hours shall be set forth by the City Council. Unless and until the City Council directs otherwise, the standard hours of operation are as follows:**

HOURS OF OPERATION

(March 1 – November 15)
7:00am - Sunset
CLOSED WEDNESDAY

(November 16 – End of February)
8am – 5pm
CLOSED WEDNESDAY & THURSDAY

- D. All boats must be off the lake 30 minutes before sunset or closing. Sunset is considered to be the time listed in *The Courier-Tribune*.
- E. The City Manager shall have authority to close the lake when it has been determined that further activities would be detrimental to the City's water supply. The lake will also be closed if it is determined that low water levels, high water levels and/or dangerous weather conditions create an unsafe environment for those wanting to use the lake. **Any use of the lake at that time would is hereby be declared to be unlawful.**
- F. It shall be unlawful for any person to picnic, clean, or cook fish or other foods in an area not designated as a picnic area.

SECTION 7.5 BOATING

- A. Motor size: 15 HP
- B. Boats, Canoes, Kayaks, and Sail Boats are permitted on the lake.
- C. Jet skis and similar machines are not allowed on Lake Lucas. Windsurf boards are not permitted on Lake Lucas.
- D. Water Skiing is not permitted on Lake Lucas.
- E. Launching of boats shall be restricted to the points provided by the City of Asheboro. Boats may be launched only during days and hours when the lake is open to the public and when the Staff is present and on duty.
- F. No boat may be placed on Lake Lucas unless it has been approved and authorized by the Staff . The inspection shall consist of a standardized checklist used by the USCG Auxiliary. Inspection is not a certification or guarantee of boat safety and the City shall not be held liable in case of an accident. Boats are subject to inspection at any time while on the premises of the City of Asheboro.
- G. Every boat placed on the lake must be supplied with at least one Coast Guard approved life jacket per occupant.
- H. No boat shall be allowed past the Warning Buoys at the Dam. No boat will be allowed to tie up to a buoy designating the restricted area.
- I. At no time will boats be allowed to touch the shore except at launch ramps. Boats shall not come closer than 200 feet to shore in areas designated for bank fishing.
- J. All powerboats operating within 100 feet of shore, launch ramps or other no wake areas shall not exceed 5 mph.
- K. No person under 16 years of age shall be permitted to operate a powerboat.

SECTION 7.6 RENTALS

- A. Rental boats are available. Minimum age to rent is 18.
- B. The City of Asheboro prohibits private companies, individuals and/or boat space renters from renting boats to the general public.

SECTION 7.7 RENTAL SPACE FOR PRIVATE BOATS

- A. Rental Space permits are available for privately owned boats to be docked at Lake Lucas. **Parks and The Recreation Services Department** will keep a current waiting list for dock spaces and will assign them on a first come first serve basis as dock spaces become available.
- B. **Boat Space Permits are valid for 1 year, beginning April January 1 and expiring March December 31.**
- C. Not more than 2 persons will be recognized as the owners of any boat.
- D. Permits are not transferable.
- E. Boats with motors must have a current Wildlife Resources Commission sticker on the boat or a permit will not be issued.
- F. Boat owners should keep boats in a safe, operable and aesthetically pleasing condition.

- G. Boat spaces are subject to reassignment of spaces at the judgment in the sole discretion of the Parks & Recreation Services Department.
- H. Boat Owners should have a boat cover. Staff will not pump water out of your boat if left uncovered. Failure to maintain proper appearance of boat by letting it be swamped will result in automatic forfeiture of space and permit fees.
- I. This permit is for a Dock Space Only. It is not intended and may not be used as a launch permit.
- J. Failure to occupy the boat space for at least 6 months out of the year (unless approved by Parks & the Recreation Services Department) will result in losing assigned space in the future.
- K. Dock Space Renters may remove their boat from the Lake and re-launch their boat one (1) time per calendar month free of charge.
- L. Boat owners/users may not alter dock or space in any manner. If alterations/damages occur to dock/space, renters will forfeit their space and fees and will be responsible for paying for damages.
- M. The City of Asheboro will not be responsible for lost/stolen property or damages that may occur during excessively high or low lake levels. Boat owners will be notified in writing or by telephone when these situations exist. It will be the boat owner's responsibility to either remove or secure their boat. It is Not the Staff's Responsibility to take care of boats.

SECTION 7.8 FISHING

- A. The regulations of the Wildlife Resources Commission regarding licenses, the kinds and sizes of fish, number of fish to be taken, seasons when fishing is allowed and methods of catching fish shall be the fishing regulations for Lake Lucas.
- B. At the request of the Staff, each person's catch must be submitted for inspection at the conclusion of the fishing day.
- C. Minimum age for fishing shall be 16 years of age, unless accompanied by an adult.
- D. Bank fishing will be allowed only at designated areas.

SECTION 7.9 SANITATION

- A. It shall be unlawful for any person to dump trash, garbage or refuse of any kind into Lake Lucas or to commit any act either from boat, shore or any other means that would pollute the waters of Lake Lucas.
- B. No boat shall be allowed on Lake Lucas that is equipped with a direct sewage discharge system.

ARTICLE VIII. LAKE REESE

SECTION 8.1 OPERATION AND CONTROL

Lake Reese and Lake Reese Park will be administered by the City of Asheboro, Department of Parks & Recreation Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.

Under guidance from the general supervision of the Parks & Recreation Services Superintendent Director, the Park Manager and his/her designated support staff (hereinafter, collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

All activities permitted on and around the lake must fully comply with the North Carolina State Board of Health and local regulations in protecting the watershed and the public water supply.

All user fees for Lake Reese shall be set and approved by the Asheboro City Council.

SECTION 8.2 OPERATION

- A. It shall be the Staff's duty to enforce all ordinances, rules and regulations adopted by the City Council and all applicable State and Federal Laws and regulations. He/she shall also be responsible for the collecting of all fees and properly accounting for them.
- B. The Staff shall deny admission to any person having alcoholic beverages in their possession or who shows evidence of being under the influence of alcohol. The Staff shall have the authority to deny admission for a maximum period of sixty days to anyone who has violated the rules and regulations as adopted. Anyone denied admission by the Staff has the right to appeal their decision to the Parks & Recreation Services Superintendent Director. All appeals must be submitted in writing and within 2 business days. The Staff must submit in writing a written report (within 24 hours) within 24 hours of the incident to the Parks and Recreation Services Superintendent Department.
- C. The Staff shall keep available a copy of these rules and regulations and make them available upon request.

SECTION 8.3 PERMITS

- A. No person shall use Lake Reese without a proper permit. The Staff shall issue permits. Failure to obtain said permit will constitute a criminal trespassing violation **subject to a \$50.00 fine or 30 days in jail or both.**
- B. All persons using the lake shall sign in at the Lake Office.
- C. A permit shall be valid only when used by the person to whom it was issued, and only on the same day it is issued.
- D. Every permit shall be issued subject to revocation or cancellation if the holder violates any of the rules and regulations governing the use of the lake and it's activities.
- E. The following Permits will be issued for Lake Reese: Daily Launch & Annual Launch.
- F. In the event the Lake is closed in accordance with General Rule **Section 8.4 (E) (F)**, there will be **NO** refunds, rain checks and/or permit extensions.

SECTION 8.4 GENERAL

- A. No person shall fish, launch a boat, or have any contact whatsoever with Lake Reese except at the designated entry points provided by the City of Asheboro. It shall be unlawful for anyone to wade or swim in Lake Reese, unless such activity occurs incidental to the launching of a boat.
- B. Any action or conduct on Lake Reese that endangers life or property shall be deemed unlawful and shall be cause for immediate expulsion from the Lake, possible **suspension of privileges** or legal prosecution.
- C. Hours of operation for Lake Reese will vary with the season and the activity permitted. The hours shall be set forth by the City Council. **Unless and until the City Council directs otherwise, the standard hours of operation are as follows:**

HOURS OF OPERATION

(March 1 through November 15)
OPEN WEDNESDAY through SUNDAY
7:00am - Sunset

(November 16 through End of February)
OPEN FRIDAY through SUNDAY
8am – 5pm

- D. Sunset is considered to be the time listed in the *The Courier-Tribune*.
- E. All boats must be off the lake 30 minutes before sunset or closing.
- F. The City Manager shall have authority to close the lake when it has been determined that further activities would be detrimental to the City's water supply. The lake will also be closed if it is determined that low water levels, high water levels and/or dangerous weather conditions create an unsafe environment for those wanting to use the lake. **Any use of the lake at that time would is hereby be declared to be unlawful.**
- G. It shall be unlawful for any person to picnic, clean, or cook fish or other foods in an area not designated as a picnic area.

SECTION 8.5 BOATING

- A. Motor size: Unlimited. Speed Limit: 25 mph
- B. Boats, Canoes, Kayaks, and Sail Boats are permitted on the lake.
- C. Jet skis and similar machines are not allowed on lake Reese. Windsurf boards are not permitted on the lake.
- D. Water Skiing is not permitted on the Lake.
- E. Launching of boats shall be restricted to the points provided by the City of Asheboro or it's designees. Boats may be launched only during days and hours when the lake is open to the public or when the Staff is present and on duty.
- F. No boat may be placed on Lake Reese unless it has been approved and authorized by the Staff **or his designee**. The inspection shall consist of a standardized checklist used by the USCG Auxiliary. Inspection is not a certification or guarantee of boat safety and the City shall not be held liable incase of an accident. Boats are subject to inspection at any time while on the premises of the City of Asheboro.
- G. Every boat placed on the lake must be supplied with at least one Coast Guard approved life jacket per occupant.
- H. No boat shall be allowed downstream of the Warning Buoys or within 150 feet of the Dam. No boat will be allowed to tie up to a buoy designating the restricted area.
- I. At no time will boats be allowed to touch the shore except at launch ramps. Boats shall not come closer than 200 feet to shore in areas designated for bank fishing.
- J. All powerboats operating within 100 feet of shore launch ramps or other no wake areas shall not exceed 5 mph.
- K. No person under 16 years of age shall be permitted to operate a powerboat.

SECTION 8.6 FISHING

- A. The regulations of the Wildlife Resources Commission regarding licenses, the kinds and sizes of fish, number of fish to be taken, seasons when fishing is allowed and methods of catching fish shall be the fishing regulations for Lake Reese.
- B. At the request of Staff, each person's catch must be submitted for inspection at the conclusion of the fishing day.
- C. Minimum age for fishing shall be 16 years of age, unless accompanied by an adult.
- D. Bank fishing will be allowed only at designated areas.

SECTION 8.7 HUNTING

- A. North Carolina Wildlife Resources Commission Regulations shall be adopted as the Duck/Goose Hunting regulations for Lake Reese.
- B. All Activities on the lake will be suspended for the day when Duck/Goose hunting is permitted.
- C. The **Parks & Recreation Services Department** will recommend Duck/Goose hunting dates to be approved by the City Council.
- D. Portable blinds only. Must be removed daily. Limit 3 people per blind.
- E. Hunters must use steel shot or other approved non-toxic materials.
- F. Hunting will be permitted only in designated areas. Reservations for Hunting will be taken by phone. No show reservations will be required to pay before the scheduled hunt to reserve a space.
- G. Minimum age for hunting shall be 18 years of age unless accompanied by an adult.

SECTION 8.8 SANITATION

- A. It shall be unlawful for any person to dump trash, garbage or refuse of any kind into Lake Reese or to commit any act either from boat, shore or any other means that would pollute the waters of Lake Reese.
- B. No boat shall be allowed on Lake Reese that is equipped with a direct sewage discharge system.

ARTICLE IX. SWIMMING POOLS

SECTION 9.1 OPERATION AND CONTROL

The city-owned swimming pools, including the entirety of facilities/premises in and upon which the pools are located, (hereinafter collectively referred to as the "Pools") shall be administered by the **City of Asheboro Cultural and Recreation Services Department Division** in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity to participate in a high quality, comprehensive aquatic program.

The Cultural and Recreation Services Superintendent Director shall designate an employee within the Cultural and Recreation Services Department Division to operate and manage the Pools in compliance with all applicable laws and regulations and in the best interest of the City of Asheboro. In order to be designated as the employee with operational responsibility for the Pools, an individual must be a Certified Pool Operator (CPO) and a certified Water Safety Instructor (WSI). Lifeguard instructor certification is preferred, but the absence of such certification will not disqualify an employee from consideration for designation as the employee with operational responsibility for the Pools. The Cultural and Recreation Services Department Division employee with operational responsibility for the Pools shall report to the Recreation Services Superintendent.

SECTION 9.2 FEES

All user fees and charges shall be set by the Asheboro City Council and will be incorporated into the **Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments Division.**

SECTION 9.3 HOURS OF OPERATION

The Pools shall be open for operation each year during designated periods of time that begin during the month of May and extend into the month of August. **The Cultural and Recreation Services Superintendent Director** will establish the hours of operation for the Pools during each summer season and will adjust, in his/her discretion, the published operational hours on an as-needed basis during the course of a summer season. Prior to the seasonal opening of the Pools, **the Cultural and Recreation Services Superintendent Director**, in concert with the City Manager, shall provide written notice to the Asheboro City Council of the operational hours proposed for the Pools. The proposed operational hours are subject to amendment, in the sole discretion of the Asheboro City Council, by means of the adoption of a resolution by the City Council that establishes a final schedule of operational hours for the Pools. **If no**

action is taken by the Asheboro City Council after its receipt of notice from the ~~Cultural and Recreation Services Superintendent~~ ~~Director~~ of the proposed operational hours, the ~~Superintendent's Director's~~ proposed schedule shall be deemed to be the schedule in effect for the duration of the ensuing summer season.

SECTION 9.4 SWIM LESSONS

As part of its comprehensive aquatic program, the ~~Cultural and Recreation Services Department~~ ~~Division~~ will offer swimming lessons for youth and adults.

- A. Group Swimming Lessons: Three (3) to four (4) sessions of group swimming lessons will be offered each season. Classes will be offered in parent/child aquatics for ages from six (6) months to three (3) years, preschool aquatics for ages from four (4) to five (5) years, and in the learn to swim program for ages from six (6) years to adulthood. Participants in the parent/child aquatics and the preschool aquatics program will receive a minimum of four (4) hours of instruction time per session. Participants in the learn to swim program will receive a minimum of six (6) hours of instruction time per session.
- B. Private Swimming Lessons: Three (3) to four (4) sessions of private swimming lessons will be offered each season. Classes will be offered in parent/child aquatics for ages six (6) months to three (3) years, preschool aquatics for ages from four (4) to five (5) years, and in the learn to swim program for ages from six (6) years to adulthood. Participants in the parent/child aquatics and the preschool aquatics program will receive a minimum of two and one-half (2.5) hours of instruction time per session. Participants in the learn to swim program will receive a minimum of five (5) hours of instruction time per session. Minimum instruction time is less for private lessons due to the increased one-on-one interaction between student and instructor.
- C. Registration for Swimming Lessons: Registration will begin each year on the first Monday of May. Day care centers may reserve a maximum of one-half (½) of the allotted class space for an individual class. Additional spaces may be added if available. When a daycare makes a reservation, payment in full is required for the number of spaces reserved for the anticipated participants regardless of whether the individuals for whom reservations are made ultimately participate in the class.

SECTION 9.5 RULES AND REGULATIONS

- A. The following conduct is prohibited within the Pools, and, in addition to any potential criminal and civil liability, individuals engaging in the prohibited conduct listed in this subsection will be subject to immediate and long-term expulsion from the Pools:
 1. Possession of alcoholic beverages, regardless of whether the container is open or closed, and the possession of any controlled substance for which the individual in possession of the controlled substance does not have a valid prescription.
 2. Engaging in criminal conduct, including by way of illustration and not limitation gambling, fighting, disorderly conduct, or larceny, and any other improper or offensive noncriminal conduct that intimidates or otherwise prevents other members of the public of all ages and backgrounds from utilizing the Pools. Such improper or offensive noncriminal conduct includes by way of illustration and not limitation the use of profane or vulgar language.
 3. Interfering with the operation and administration of the Pools.
 4. Destroying, damaging, or defacing any real or personal property located at the Pools.
- B. In addition to the prohibited conduct listed above, the following rules govern the use of the Pools by patrons. Depending on the severity and frequency of the non-compliance, individuals who fail to comply with these rules are subject to enforcement actions that range from a warning to immediate expulsion from the Pools:
 1. All patrons must shower before entering the Pools.
 2. Glass is prohibited at the Pools.
 3. Coolers, large bags, etc. are allowed at the Pools on the condition that the patron wishing to bring these types of container(s) onto the premises must consent to the search of such container(s) in order to ensure that prohibited materials such as glass and/or alcoholic beverages are not present.
 4. Noise making devices such as whistles, horns, etc. are prohibited.
 5. Individuals with a communicable skin disease, open sores, rashes, or any bandages are not allowed to enter the water.
 6. No one is allowed to enter the water until the lifeguards have signaled that such entry is permissible.

7. In furtherance of the city's interest in meeting the varied needs of a diverse clientele, patrons shall promptly comply with signals given by Lifeguards to exit the water in order to allow specific activities to safely and efficiently occur. For example, a signal will be given every hour, at ten (10) minutes before the hour, for individuals who have not reached the age of seventeen (17) to exit the water and allow other patrons to conduct water activities such as swimming laps.
8. Only authorized personnel are allowed to enter the filter room and storage areas.
9. With the exception of service animals, pets are prohibited in the facilities.
10. Foods or beverages are prohibited in the water or within five feet (5') of the edge of the water.
11. Smoking is not permitted at the Pools, unless signage designating a specific portion of the premises away from the water as a smoking area is posted.
12. The use of chewing tobacco, snuff, etc. within the facilities is prohibited.
13. Chewing gum is prohibited in the water.
14. Running within the facilities at the Pools is prohibited.
15. Swimmers must be in bathing suits. No cut-off jeans, sports bras, underwear, etc. are allowed as substitutes.
16. No horseplay of any kind is allowed.
17. With the exception of individuals who are entering the facilities for the sole purpose of supervising minors, everyone who enters the facilities at the Pools must pay the admission fee. The above-stated exception for an individual who enters the facilities for the sole purpose of supervising minors does not apply if such an individual engages in any act of sunbathing or swimming.
18. Regardless of whether an admission fee has previously been paid by an individual, any person who leaves the facility without first obtaining an appropriate hand stamp from an authorized city employee must pay the admission fee to re-enter.
19. No refunds or rain checks will be issued.
20. The only flotation devices automatically allowed in the water are flotation devices approved by the United States Coast Guard, and these flotation devices are not permitted beyond the safety line in five feet (5') of water. Any other types of flotation devices as well as toys, balls, masks, fins, and snorkels must be approved by city employees with managerial authority prior to use in the pool and are subject to removal in the sole discretion of the city employees with managerial responsibility at the Pools.
21. Squirt guns are prohibited.
22. Talking to lifeguards while they are on duty is prohibited.
23. Patrons are hereby expressly required to obey instructions and warnings issued by lifeguards and staff members responsible for the safe operation of the Pools.
24. While at the Pools, children of diaper age must wear diapers approved for swimming pool use.
25. Patrons utilizing the diving boards must comply with the following regulations:
 - (a) Before going off the diving boards, a swim test is required. Wristbands will be issued daily to those who successfully pass the swim test, and these wristbands must be worn by those patrons who wish to utilize the diving boards.
 - (b) Only one (1) person may be on the board, including the ladder, at a time.
 - (c) When waiting to dive, a diver must wait until the immediately preceding diver has surfaced and cleared the area. A diver will not be deemed to have "cleared the area" until he or she has made physical contact with a diving well ladder.
 - (d) Running is prohibited on the diving boards.
 - (e) Divers must jump/dive straight off of the board.
 - (f) When on the diving board, only one (1) bounce is permitted.
 - (g) Swimming under the diving boards is prohibited.
 - (h) No gainers or back dives.
 - (i) Exit the diving well by ladders only.
 - (j) Flotation devices, masks, goggles, etc. are prohibited on the diving boards or in the diving well.
26. Patrons utilizing the drop slides must comply with the following regulations:
 - (a) Before going down the slide, a swim test is required. Wristbands will be issued daily to those who successfully pass the swim test, and these wristbands must be worn by those patrons who wish to utilize the drop slides.

- (b) One (1) rider at a time, and a rider must wait until the landing area is clear before entering the slide.
- (c) Riders must slide in either a sitting position or on the back.
- (d) The acts of stopping, changing positions, and/or forming "chains" are prohibited.
- (e) Do not attempt to stop on the slide.
- (f) After completing a slide, riders must leave the landing area immediately.
- (g) Riders are hereby warned that the water depth is four and one-half feet (4½') deep.
- (k) Flotation devices, masks, goggles, etc. are prohibited on the slide or in the landing area.

SECTION 9.6 MISCELLANEOUS

- A. The granting of permission to enter the facilities at the Pools is revocable, and such permission may be revoked by city employees indefinitely or for a specified period of time when patrons do not comply with the rules and regulations adopted for the Pools. Regardless of whether an individual is able to utilize the facilities during the entirety of the posted hours of operation, the fees and/or charges paid to enter and utilize the facilities are non-refundable. By way of illustration and not limitation, an individual who is asked to leave the premises because of a violation of the above-stated rules and regulations is ineligible for a refund of any of the fees/charges paid to access and utilize the facilities.
- B. The City of Asheboro assumes no responsibility for lost or stolen articles.

ARTICLE X. W.W. THOMAS TENNIS CENTER

SECTION 10.1 OPERATION AND CONTROL

- 1. The W. W. Thomas Tennis Center will be administered by the City of Asheboro, Department of Parks & Recreation Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.
- 2. Under guidance from the Director the general supervision of the Recreation Services Superintendent, a designated staff member will oversee the operation of the facility in the best interest of the City of Asheboro.
- 3. All user fees for the Tennis Center shall be set and approved by the Asheboro City Council.

SECTION 10.2 HOURS OF OPERATION

- A. The hours of operation of the tennis center will vary with the season and activities permitted. The tennis courts are open at all times.
- B. The Generally, the tennis center hours of operation are 3:30 pm to 11:00 pm Monday – Sunday.
- C. During the months of April – September the tennis center will close at 9:00 pm if no one is playing.
- D. During the months of October – March the tennis center will close at 7:30 pm if no one is playing.
- E. The tennis center will close if the temperature is below 32 degrees before 5:30 pm and 40 degrees after 5:30 pm. Parks and Recreation Services Department staff members will use the local time and temperature number to determine the temperature.

SECTION 10.3 RULES AND REGULATIONS

- A. Tennis shoes only - no street, basketball or jogging shoes.
- B. Play is limited to one hour if others are waiting.
- C. No spectators on court.
- D. Proper tennis etiquette will be observed at all times.
- E. Adults During the summer only, adults will have priority after 5:30 p.m. The purpose of this rule is to make the courts available to those who do not have an opportunity to play during the day.
- F. All players must report to the shop for court assignments.
- G. If a player is taken off the court after playing one hour, he may not sign up for another court until 30 minutes has elapsed. Any players coming in during the 30 minute time period will be assigned a court first. If a court comes open and there are no players waiting, the players who were taken off may go back on immediately.
- H. An individual player may use a court if the court is free. No individual may have two or more players taken off so he/she can use the court. An individual player would have to come off a court to make the court available to them multiple players if all other courts were in use. The Such an individual player would not have a court time counted against him/her in this situation.

- I. If the courts are all in use a player may not sign up for a court and then go on a court with someone else. If he does this he forfeits his right to receive a court assignment and the 30-minute waiting rule would apply to him as well as the people who got the court originally.
- ~~J.~~ The basic rule where adults have priority after 5:30 p.m. is in effect during the summer only. The general idea is to make the courts available to those who do not have an opportunity to play during the day.
- ~~K.~~ J. A player may have other players taken off the court only two times during the day (opening to closing time.) In other words only two sign ups per day if all courts are being used.
- ~~L.~~ K. During the high school tennis season - Fall (girls) Spring (boys), the team may reserve up to four (4) courts for practice from 3:30 p.m. until 5:30 p.m. each practice day. On home match days, the Tennis Courts will be closed to the public during match play. Courts will be open to the public before and after matches.
- ~~M.~~ L. Courts are for Tennis Play and practice only. Dogs, soccer, skateboards, bikes, scooters, and other forms of play and behaviors are strictly prohibited at the facility.

SECTION 10.4 PROGRAMS

- A. The city championship will be offered each year to residents of Randolph County. Age and ~~sex~~ gender divisions will be set according to the number of participants. There must be 8 players to have a division. All participants must provide a can of new balls.
- B. Tennis lessons are to be taught by city employees of the parks and recreation department. Lessons will be offered during the morning or night Monday – Friday. The following categories will be offered: beginners, advanced beginners, and intermediates. Classes with less than 6 participants will be cancelled or combined with other classes.
- C. Private tennis lessons may be taught only by instructors who have executed a court rental agreement approved by the Parks and Recreation Services Superintendent Director. Private lessons shall not be offered during lessons or events sanctioned Parks & Recreation Services Department tennis lessons, events or while the high school or other authorized groups use the courts. A fee shall be charged for court use as specified in the Asheboro Parks & Recreation schedule Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments.
- D. Non – profit organizations may provide tennis instructions with the approval of the ~~parks and recreation department~~ Recreation Services Superintendent.

ARTICLE XI. DOWNTOWN FARMERS' MARKET

SECTION 11.1 OPERATION AND CONTROL

The Downtown Farmers' Market (hereinafter referred to as the "Market") and the facility in which it is operated shall be administered by the City of Asheboro Cultural and Recreation Services Department Division in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience. The Asheboro City Council's primary goals and expectations for the Market are as follows: (1) The creation and maintenance of a permanent, safe space for local farmers to sell their goods and thereby increase awareness of the important continuing role of agriculture in Randolph County and the lives of the municipality's citizens; (2) The provision of opportunities for elementary school children to learn about local agricultural activities; and (3) The provision of opportunities for citizens to purchase farm fresh goods.

Subject to the general managerial authority of the Cultural and Recreation Services Director and the Recreation Services Superintendent, the Program Assistant (Cultural Services) within the City of Asheboro Cultural and Recreation Services Division shall function as the Market Coordinator with supervisory authority and operational responsibility for the Market. For purposes of implementing and interpreting the policies and regulations applicable to the Market, the Program Assistant (Cultural Services) will be referred to as the Market Coordinator. The Market Coordinator is responsible for maintaining the good order of the Market and operating the Market in a manner that furthers, consistent with all applicable laws and the best interests of the City of Asheboro, the City Council's above-stated goals and expectations.

In the interest of operational efficiency, the Market Coordinator is authorized to utilize one or more city employees within either the Cultural Services Department or the Recreation Services Department and Recreation Services Division as his or her on-site designee(s) with full authority to exercise and perform the powers and duties of the Market Coordinator when the Coordinator is unavailable to directly exercise the powers and duties specified herein. Any actions taken by such a designee are subject to final review and approval by the Market Coordinator.

SECTION 11.2 HOURS OF OPERATION

- A. The operational hours of the Market shall be set by the Cultural and Recreation Services Superintendent Director (hereinafter referred to as the "Director")

"**Superintendent**") on the basis of the availability of vendors and consumers that wish to sell and buy produce/goods that are eligible for sale at the Market. Unless issues of supply and demand lead the **Director Superintendent** to conclude otherwise, the Market shall be open between 7:00 a.m. and 1:00 p.m. on Tuesday, Thursday, and Saturday of each week during the months of May to October.

- B. Notwithstanding any other provision found within the adopted Market rules, the **Director Superintendent** is hereby granted the authority to exercise his or her professional judgment and adjust the Market's days and hours of operation when the available evidence, including by way of illustration and not limitation the impact of the weather on the availability of agricultural goods as well as the feedback received from vendors and consumers, leads to the conclusion that the Market's operating hours should be increased or decreased. Prior to the opening day of a new Market season or whenever a change in operating days and hours occurs during the season, written notice of the Market's days and hours of operation shall be transmitted by the **Director Superintendent** to the city's elected officials and chief executive officer no less than one (1) week in advance of the date upon which such a change in operational times becomes effective.

SECTION 11.3 DAILY FEES CHARGED TO VENDORS

If an individual or agricultural operation is found by the Market Coordinator to be eligible to participate in the Market as a vendor, the approved vendor will be required to pay a daily fee for the privilege of selling authorized items in an assigned space or spaces (a maximum of two spaces may be assigned to a vendor) during the Market's operational hours. This daily fee must be paid by each approved vendor on each day that the vendor is assigned a space or spaces at the Market. These daily fees for Market participants are non-refundable. Consequently, a vendor will not receive a refund of any fees if the Market Coordinator reassigns a vendor to a different space at the Market or orders the vendor to leave the premises due to a violation of the rules established for the operation of the Market.

The amount of the daily fee charged to and collected from approved vendors by the Market Coordinator is the amount established by the Asheboro City Council in the adopted Schedule of Deposits, Fees, and Charges ~~for Administered by the Cultural and Recreation Services Departments Division~~. This schedule of deposits, fees, and charges may be revised at any time and in the sole discretion of the Asheboro City Council.

SECTION 11.4 SUPPLEMENTAL OPERATIONAL RULES AND REGULATIONS

- A. The Market Coordinator shall enforce the rules and regulations specified herein on each day of the Market's operation. The Market Coordinator's regulatory duties specifically include, without limitation, daily inspection of the entirety of the items offered for sale at the Market in order to verify that each vendor is offering for sale only those items that fall within the scope of the certification listed in the posted Grower's Certification that was presented by the vendor as a prerequisite for obtaining permission to participate in the Market. The satisfactory completion of the prescribed daily inspections and the compliance or noncompliance of each vendor shall be documented by the Market Coordinator on a daily inspection form. The initials of staff on the daily inspection form shall signify, at a minimum, the payment of the required daily fee and compliance with the Grower's Certification.
- B. All goods offered for sale by a vendor must be grown or made by the person, family, or company selling the product at the market. Only home grown or home processed products from the following counties may be sold: Randolph, Alamance, Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley. The specific types of products that may be sold at the Market are more specifically described in subsection J.
- C. The Market Coordinator is authorized to designate and adjust on an as-needed basis vehicular and pedestrian traffic flow patterns designed, to the fullest extent that is practical and reasonable for the Market Coordinator, to facilitate the creation of a safe and inviting environment for Market participants. This broad authorization includes, without limitation, the authority and duty to assign a space or spaces to an eligible vendor on a daily basis. Subject to the guidelines established within this subsection for receiving priority consideration during the parking space assignment process, eligible vendors will be assigned spaces on a first come, first serve basis.

No space or combination of spaces at the Market can be utilized by a vendor without the express permission of the Market Coordinator. Subject to the rules stated herein, the Market Coordinator is expressly authorized and directed to assign spaces to vendors in a manner designed to facilitate for visitors an enjoyable and rewarding market experience that specifically includes a safe and efficient flow of pedestrian

and vehicular traffic on the premises of the Market. The assignment and reassignment of spaces by the Market Coordinator can continue throughout the course of the market day when deemed necessary by the Market Coordinator to maintain the good order of the Market and to maintain the safe flow of pedestrians and motor vehicles.

When assigning vendors to spaces at the Market, priority shall be given to vendors who have excellent rule compliance and attendance records at the Market. This space assignment priority system shall be utilized, without limitation, to determine which vendors are assigned to the spaces located under the shelter (hereinafter referred to as the "Preferred Area") at the Market facility. Regardless of a vendor's attendance record or any other evaluative factor prescribed herein, a vendor that has been found, at any point in time, to be in violation of one or more of the regulations established for the operation of the Market, including without limitation facilitating or in any way encouraging the impeding of a traffic flow pattern established within the Market by the Market Coordinator, will not be assigned a space in the Preferred Area unless and until all vendors with an unblemished compliance record have been assigned their spaces at the time of the official opening of the Market for business.

The space assignment priority system described herein will be used by the Market Coordinator to hold spaces in the Preferred Area for those vendors whose attendance and compliance with Market rules have enabled the vendors to obtain priority assignment status. Assigned spaces in the Preferred Area will be held for designated vendors with priority status until the Market's opening time. Vendors are to arrive no sooner than one hour before the designated time that the Market opens to obtain access to their assigned space. Once the Market has officially opened, the Market Coordinator is authorized to relocate and reassign vendors without regard to any sort of priority assignment system for the remainder of the day. Once a vendor is properly placed by the Market Coordinator in a space, such a vendor will not be asked to relocate to another location during the course of the day so long as he or she complies with the entirety of the Market rules and is located in the Preferred Area. Overflow areas are not to be used if space is available for a vendor in the Preferred Area.

When spaces are assigned during the opening month of the season, the attendance component of the evaluation process shall be based on the vendor's attendance record during the immediately preceding market season. Subsequent to the initial assignment of spaces at the beginning of the current season, the vendors' attendance record throughout the course of the then current season as well as the level of continuing compliance with Market rules will be reviewed in order to determine if the existing space assignment priorities are to be retained or adjusted.

Regardless of the space assignment priority a vendor might otherwise enjoy at the Market, the maximum number of spaces a vendor can be assigned on any single day is two spaces. If a vendor who has been assigned two spaces for use during the day fails to fully and properly utilize both spaces at any time during the market day, the Market Coordinator, in his or her sole discretion, may order the vendor to immediately consolidate his or her products into a single assigned space. The previously underutilized or improperly utilized space may then be reassigned by the Market Coordinator to another vendor.

If a vendor declines to accept the space(s) initially assigned by the Market Coordinator, such a vendor will not be eligible for the assignment of a space in the Preferred Area until the Market Coordinator has completed the assignment of spaces for all of the vendors who did not reject the Market Coordinator's initial assignment decision. Any vendor who refuses to accept the final space assignment decision of the Market Coordinator shall be asked to leave the Market premises.

- D. Each vendor authorized to sell at the Market is responsible for the safety and security of the vendor's products as well as for providing the vendor's own tables and other display items. Excess produce must be removed from the market and not dumped in market facility trash containers.
- E. In order to be a vendor at the Farmers' Market, a prospective vendor must submit a properly completed application and the appropriate fees in good funds to the designated city staff member personnel in the City of Asheboro Cultural and Recreation Services Division. Furthermore, the Market Coordinator may request additional information and/or documentation from potential applicants in order to research any question(s) that may arise in regard to the applicant's eligibility to be approved as a vendor at the Market. An application to be a vendor at the Market will not be approved until the Market Coordinator is provided with the requested information and is able to resolve all concerns about the applicant's eligibility to be a vendor.

- F. Staff shall review and approve each application. Applications should be received at least two weeks before the vendor plans to begin selling at the Market.
- G. All growers must have received a "Grower's Certification" from their local cooperative extension service agent. In order to be deemed valid and in compliance with these rules and regulations, a Grower's Certification must be dated as having been issued on or after April 1 of the market season during which the grower is currently offering goods for sale at the Market. Additionally, each grower must post his or her Grower's Certification for public inspection at the grower's assigned space while selling at the Market.
- H. All vendors shall display a sign bearing their name and address. This sign shall be prominently displayed by the vendor while selling at the market. **The sign shall be provided by the city the City of Ashboro Cultural and Recreation Services Division.**
- I. Prices must be posted for all items to be sold.
- J. Subject to the controlling provision within these regulations that any and all agricultural items offered for sale at the Market must be within the scope of the posted Grower's Certification, products that can be sold include:
 - a. Vegetables grown from seeds, sets, or seedlings;
 - b. Fruits, nuts, or berries;
 - c. Plants grown from seed, seedling transplant, or cutting;
 - d. Bulbs;
 - e. Eggs;
 - f. Meats;
 - g. Dairy products;
 - h. Honey;
 - i. Cut or dried flowers;
 - j. Straw;
 - k. Preserves, pickles, relishes, jams, and jellies produced at home by the seller;
 - l. Baked goods and any other low-risk packaged foods that are produced at home by the seller subsequent to a successful Home Processor Inspection conducted by the North Carolina Department of Agriculture and Consumer Services (hereinafter referred to as "NCDACS"); and
 - m. Any other commodity or product that comes directly from the farm without any additional processing beyond the customary process used to harvest the commodity or product, or in the case of edible products is made with a primary ingredient that comes directly from the farm, so long as such items are reasonably determined by the **Cultural and Recreation Services Superintendent Director** or his designee to fall within the range of commodities or goods produced by the agricultural sector of the economies in the counties of Randolph, Alamance, Chatham, Davidson, Forsyth, Guilford, Moore, Montgomery, Richmond and Stanley.
- K. No low-acid canned foods such as green beans, corn, peas, carrots, etc. may be sold. In addition, no canned tomato products may be sold.
- L. All products must be of top quality.
- M. All food must meet NCDACS and local health regulations. Members selling prepared foods must provide verification of current NCDACS inspection, specifically including the Home Processor Inspection for items produced in the home, when submitting their application.
- N. Food items must be labeled prior to sale with at least the following information:
 - a. Product name;
 - b. Manufacturer's name and address;
 - c. Net weight of the product in ounces/pounds and the gram weight equivalent; and
 - d. Complete list of ingredients in order of predominance by weight.
- O. Only standard canning jars with new rings and lids may be used.
- P. Home baked cakes, pies, cookies, and breads may be sold except cream pies.
- Q. All goods marketed as certified goods and/or mandated by any lawful authority to be subjected to an inspection program prior to entering the market place must be validated by the vendor offering the goods for sale as compliant with the applicable legal authorities. This validation shall be accomplished by the display at the vendor's assigned space of documentation evidencing the advertised or mandated

certification. Additionally, a copy of any such posted documentation must be provided to the Market Coordinator before the goods referenced in the certification are offered for sale.

- R. No live animals may be sold or given away at the market.
- S. No pets are allowed at the Market. Service animals are not deemed to be pets and are allowed at the Market. A service animal is any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- T. Any vendor selling meat, dairy, poultry, or other animal products that are regulated by the NCDACS and/or USDA are responsible for satisfying any regulatory requirements prior to selling of product. Vendors must file a copy of Department of Agriculture Form MP-2 (Registration of Poultry and Meat Handlers) with the Market Coordinator and keep a copy of this license with them at all times while selling at the market. Vendors also must inform the Staff of any change in licensing status immediately upon receiving notice of a change. All products must be stored in a new or like new condition refrigerator or freezer.
- U. Scales should be the type that can be or is approved and certified by the NCDACS.
- V. Any complaints, disputes, or violations of the rules shall be directed to the Market Coordinator for resolution.
- W. Neither the City of Asheboro nor its elected officials, officers, employees, agents or representatives, shall be responsible, in either an official or individual capacity, for loss through theft or otherwise of private property at the market. The Farmers' Market shall not be responsible for personal injuries or damages to individuals or personal property arising out of the actions or conduct of guests, invitees, or any type of third party not directly affiliated with the City of Asheboro.
- X. Each vendor shall be responsible for their own records, taxes, and compliance with all applicable regulations.
- Y. Without limitation as to additional enforcement actions that may be taken as deemed appropriate by city officials in light of the nature of a specific offense, the following enforcement protocols will be utilized when goods are displayed/offered for sale in violation of these rules and regulations during a particular season:
 - a. 1st Offense = A verbal warning will be issued to the offending vendor, and the goods displayed/offered for sale in violation of the rules and regulations must be immediately removed from the view of any member of the public. Goods subject to a verbal or written removal order cannot be sold at the market facility. Any vendor who refuses to comply with an order from a Market Coordinator to remove goods from display will be asked to leave the premises and will be guilty of trespassing if this order to leave the premises is not obeyed within the amount of time reasonably necessary to load all of the vendor's displayed items for transport. No vendor ordered to leave the facility due to a violation of the adopted rules and regulations is entitled to a refund of any fees that he or she may have paid in order to participate in the Market.
 - b. 2nd Offense = Upon discovery of a second violation of any of the rules and regulations prescribed for the Market, a vendor will be ordered to immediately leave the facility with the entirety of his or her goods. Such a vendor will not be permitted to sell any goods at the Market for a period of three (3) consecutive market days, inclusive of the date on which the second offense was discovered.
 - c. 3rd Offense = Upon discovery of a third violation of any of the rules and regulations prescribed for the Market, a vendor will be ordered to immediately leave the facility with the entirety of his or her goods. Such a vendor will not be permitted to sell any goods at the Market for the remainder of the current season.

SECTION 11.5 VENDOR FEEDBACK

Market meetings shall be held before and after the Market season. The purpose of the meetings shall be to give Market participants the opportunity to voice their opinions and make suggestions of the operation of the market. Other meetings may be held on an as needed basis. **The Cultural and Recreation Services Superintendent Director shall preside at all meetings.**

SECTION 11.6 FARMERS' MARKET FACILITY

1. Except as authorized in Subsection J(m) of Section 11.4 of this Article, no alcoholic beverages or controlled substances, other than those prescription medications lawfully in the possession of an individual, are permitted on the premises of the facility. In order to remain within the exception to the general prohibition of alcoholic beverages on the facility's premises, the retail sale of unfortified wine pursuant to Subsection J(m) of Section 11.4 shall be conducted in strict compliance with all applicable federal, state, and local laws, ordinances, and regulations.
2. No pets, other than service animals, are allowed.
3. No flea market items may be sold or displayed at any time.
4. Yard sales may not be held at the Facility.
5. Rental of the facility must be approved by ~~the Cultural and Recreation Services Department Division.~~
6. Security deposit and rental fees shall be set by City Council.
7. Vendors requiring electricity shall provide their own extension cords properly rated to meet their electrical requirements.
8. No items may be attached to any area of the Market structure, trees, etc.
9. Holding an event at the Market facility without authorization shall subject the event to immediate termination and other enforcement actions as deemed appropriate by ~~the Cultural and Recreation Services Superintendent Director.~~

ARTICLE XII. ROTARY PAVILION AT BICENTENNIAL PARK

SECTION 12.1 APPLICATION

~~The Asheboro Parks & Recreation Department sanctions the use of the Rotary Pavilion at Bicentennial Park and the contiguous city-owned property when used in support of events at the pavilion shall be administered by the City of Asheboro Cultural Services Department in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality experience, provided the use does not interfere with regular Parks & Recreation Department functions and operations. Under the general supervision of the Recreation Services Superintendent, the Cultural Services Department shall coordinate the use of the pavilion with the Recreation Services Department which is responsible for processing reservations at Bicentennial Park. This park may be rented to individuals or other types of legal entities, subject to the terms and conditions listed herein and elsewhere within the Code of Asheboro.~~

~~Application to use this venue shall be made on a prescribed form obtainable available from the Asheboro Parks & Cultural and Recreation Services Departments. Applications are subject to the approval by the Parks & Recreation Director final departmental review and decision making authority of the Recreation Services Superintendent.~~

SECTION 12.2 RULES AND REGULATIONS

1. ~~Alcoholic beverages are prohibited. Unless authorization to the contrary is listed on the prescribed application form as part of the written approval of an event by the Cultural Services Department, alcoholic beverages are prohibited. In those cases where the Recreation Services Superintendent has authorized the sale, possession, and/or consumption of unfortified wines and/or malt beverages on the premises in connection with and for the duration of the approved event, such sale, possession, and/or consumption of the listed beverages must be conducted in strict compliance with Section 12.3 of this manual, any conditions attached by the Recreation Services Superintendent to the event approval, and all applicable laws, ordinances, and regulations. No alcoholic beverages other than unfortified wines and malt beverages are permitted on the premises of the facility at any time.~~
2. The Park is open from 6am – 11pm. No activities may take place after the curfew time unless approved by ~~the Parks & Recreation Services Superintendent Director.~~
3. Items such as vehicles, tractors, heavy machinery, etc. shall not be parked on any area of grass at any time.
4. The person/organization renting the facility shall pay for and maintain, at all times during the individual or entity's use of the facility, Comprehensive and General Liability insurance coverage with primary limits of liability of no less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage. Furthermore, the City will be furnished with a Certificate of Insurance in a form satisfactory to the City. ~~A Certificate of Insurance must be in the possession of Asheboro Parks & Recreation at least, but not the Cultural Services Department no later than 48 hours prior to the scheduled event.~~ Failure to provide proof of insurance will result in the event being cancelled. Furthermore, the Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicants use of the Rotary Pavilion at Bicentennial Park.

5. The person/organization renting the facility must designate a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.
6. Upon request, trashcans will be provided by the City of Asheboro. The size of the event will determine the number of cans available.
7. Rental of Rotary Pavilion at Bicentennial Park does not automatically include the parking areas. **You Renters must request to use the parking areas. Blocking the parking lot during regular business hours Monday – Friday is discouraged and may only be approved at the sole discretion of the Parks and Recreation Services Superintendent Director.**
8. As appropriate, the renter is responsible for procuring the services of properly trained security/law enforcement personnel.
9. Portable toilets are to be provided by the renter and shall be placed at a designated location.
10. Portable Grills shall not be placed under the pavilion or on any grass areas. They shall be placed at a designated location.
11. No items may be sold, displayed, given, or exhibited on the premises without prior approval of **the Parks & Recreation Services Superintendent Director.**
12. **The Asheboro Police Department and employees in the Asheboro Parks & Cultural and Recreation Services Departments Staff shall have access to all areas of the park at all times before, during, and after the event.**
13. The person/organization renting the facility is responsible for clean up following the event. The facility must be cleaned prior to the normal park closing time on the day of the event. Failure to clean up, shall result in loss of security deposit.
14. No items may be attached to any area of the pavilion structure, trees, bushes, poles or artwork in the park.
15. Signs may not be placed in the park without written permission of the Parks & Recreation Director or his designee.
16. Tents may be set up in the field, however, if they need to be staked, they shall be placed in a designated area.
17. Anyone using a tent (700 sq ft. or larger) is responsible for obtaining the appropriate inspections from the building inspector, fire marshal and any necessary zoning permits prior to event.
18. Failure to adhere to these guidelines shall subject future rental applications to denial.
19. The Parks & Recreation Director reserves the right to cancel any event, at any time, based on rental agreement violations.
20. The Parks & Recreation Director reserves the right to co-sponsor an event.
21. A user fee shall be charged to all applicants for the use of Rotary Pavilion at Bicentennial Park. All Applicants shall be subject to the following charges:
 - a. Security Deposit \$75.00 (This refundable fee must be paid at time of application).
 - b. City Resident (with Rec Card) Rate: \$100.00
 - c. Non-Resident Rate: \$175.00
 - d. The rental rate must be paid at least 48 hours in advance of the event.

SECTION 12.3 SALE, POSSESSION, AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES

Regulations authorizing the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sale, possession, and consumption of malt beverages and unfortified wines on the premises of this facility are strictly prohibited.

ARTICLE XIII. SKATE PARK

SECTION 13.1 OPERATION AND CONTROL

The Asheboro Skate Park will be administered by **the City of Asheboro, Department of Parks & Recreation Services Department** in a manner that will provide the citizens of Asheboro and Randolph County with an opportunity for a quality recreation experience.

Under guidance from the Parks & the general supervision of the Recreation Services Superintendent, Director, his designated support staff city employees in the Recreation Services Department (hereinafter collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

- A. It shall be the Staff's duty to enforce all ordinances, rules and regulations adopted by the City Council and all applicable State and Federal Laws and regulations that pertain to the Skate Park operation. Staff shall also be responsible for the collecting of all fees and properly accounting for them.
- B. The Staff shall keep available a copy of these rules and regulations and make them available upon request.
- C. All user fees for the Asheboro Skate Park shall be approved by the Asheboro City Council.

SECTION 13.2 HOURS OF OPERATION

The Parks & Recreation Services Superintendent Director shall have the right to adjust the hours of operation as needed. The facility shall be closed during severe weather and on announced city holidays. The standard operating hours for the Skate Park are as follows:

(School Hours)

MONDAY – FRIDAY

4pm – 9 pm

SATURDAY

10am – 10 pm

SUNDAY

1pm – 8pm

(Non-School Hours)

MONDAY – SATURDAY

10am – 10pm

SUNDAY

1pm – 8pm

SECTION 13.3 RULES & REGULATIONS

1. Skateboarding and In-line Skating are inherently hazardous recreational activities. Additionally, experienced and inexperienced skateboarders and skaters use this facility. By way of illustration and without limitation, individuals utilizing this facility may receive serious injuries as a consequence of falling, colliding, or being hit by a skateboard. **Individuals utilizing this skate park are hereby expressly warned that use of this facility may result in death, paralysis, brain damage, concussion, broken bones, or other serious injury. Individuals who participate in, assist, or observe these hazardous recreational activities assume the known and unknown inherent risks in these activities. The City of Asheboro does not assume responsibility for injuries. Use this facility at your own risk.**
2. All individuals utilizing this facility, regardless of age, must complete a liability waiver form in order to use the facility, and waivers must be updated yearly. If an individual who wishes to enter the facility is under the age of 18, he or she must have on file a waiver form signed by a parental/legal guardian in the presence of a member of the Staff or a waiver form that has the notarized signature of a parent/legal guardian.
3. Skateboarders and skaters will be required to pay a daily admission fee or present a valid pass, as well as sign in on a daily attendance sheet in the office. A wristband pass will be issued for the day.
4. Patrons leaving the facility shall be charged unreduced admission rates for re-entry to the facility.
5. Anyone using this facility must wear appropriate safety equipment. At a minimum, this mandated safety equipment must include helmet, elbow pads, and kneepads as prescribed by Section 98.02 of the Code of Asheboro.
6. Individuals without proper safety equipment are prohibited from using the Skate Park.
7. All individuals are required to wear shirts and shoes while on the premises of the Skate Park facility.
8. Non-Skaters are not allowed on ramps. They may watch from designated viewing areas only
9. Skateboards and in-line skates must be in proper working condition in order to be used at the Asheboro Skate Park.
10. If equipment used by a participant is deemed unsafe, admission to the facility shall be denied. **The determination of whether specific equipment is deemed to be unsafe shall be in the sole judgment of the Staff. The admission of a participant to the facility shall not, and is expressly rejected by the city, as a determination that the equipment is in fact safe. Admission to the facility signifies only that no basis existed to warrant the refusal of entry to the facility. The use of the equipment and the facility is at the risk of the participant.**
11. Only one person is permitted to ride a skateboard at any given time. By way of clarification and without limitation, tandem riding is expressly prohibited.
12. Reckless or dangerous skating, including without limitation pushing, is expressly prohibited. Any individual(s) found to be in violation of this regulation shall be immediately ejected from the Skate Park.
13. Any person found to be attempting to or is in fact destroying, defacing, or damaging the facility/ equipment or found to be engaged in criminal conduct on the premises of the facility shall be immediately ejected from the Skate Park.
14. Any person found to be attempting to or is in fact touching or holding onto rafters while skating the half pipe shall be immediately ejected from the facility.
15. Equipment is allowed in designated areas only.
16. Use of the facility is permitted only during designated hours of operation. No

- trespassing is allowed on the premises of the Asheboro Skate Park.
17. In the event of inclement weather, the outside skate area will be closed.
 18. Food and beverages are allowed in designated areas only.
 19. No glass is permitted under any circumstances.
 20. All injuries, whether major or minor, are to be reported to the Staff immediately. In the event of a serious injury, do not move the injured person until trained medical personnel take charge of the care for the injured person. All activity on that ramp shall cease immediately.
 21. The City of Asheboro is not responsible for lost, stolen or damaged items.
 22. No refunds or rain checks will be given.
 23. No chewing gum is allowed.
 24. Drugs, alcoholic beverages, and tobacco products are prohibited.
 25. Smoking is not permitted.
 26. Profanity, graffiti, and fighting are prohibited.
 27. Staff reserves the right to deny entry to participants or spectators if there is evidence of attempts to circumvent the Skate Park's rules and regulations.
 28. No pets allowed.
 29. The Skate Park may be closed for certain events at the discretion of **the Parks & Recreation Services Superintendent Director**.
 30. Participants shall respect fellow participants and take turns on the ramps and rails.
 31. Lockers are available for use. Any locks left on a locker after the facility has been cleared of non-city personnel at the conclusion of operations for the day shall be subject to immediate forcible removal by members of the Staff. Any items left in the locker shall be deemed abandoned. Staff shall post signage indicating that participants have no expectation of privacy in these lockers.
 32. Only authorized personnel are allowed in the office and storage areas.
 33. Waxing or altering of city-owned equipment is prohibited.
 34. No personal ramps or other non-city owned devices are permitted.
 35. No personal music or sound devices are allowed.
 36. Violations of these regulations shall subject offenders to criminal and administrative sanctions including, without limitation, being ejected from the facility, the forfeiture of any user fees paid to the **Parks & Recreation Services Department**, and the prohibition during a defined time period of the offender's future use of the facility.

ARTICLE XIV. SUNSET THEATRE

SECTION 14.1 APPLICATION

~~The City of Asheboro Cultural and Recreation Services Department Division strives to administer~~ is responsible for administering the Sunset Theatre facility in a manner that will provide the citizens of Asheboro with an opportunity for a high quality experience. Under the general supervision of the guidance from the Cultural and Recreation Services Superintendent Director, designated city employees within the Cultural and Recreation Services Department Division (hereinafter collectively referred to as the "Staff") will operate the facility in the best interest of the City of Asheboro.

Subject to the regulations prescribed herein, this facility may be rented to individuals or other types of legal entities for events or activities that are consistent with the mission of the ~~Cultural and Recreation Services Department Division~~. The decision as to whether to rent the facility on any specific occasion is within the ultimate discretion of the ~~Cultural and Recreation Services Superintendent Director~~ as he or she evaluates the needs and priorities of the ~~department division~~. In order to request the use of this facility, an applicant shall accurately complete in its entirety the application form prescribed by and available from the ~~Cultural and Recreation Services Department Director~~. This form can be obtained from ~~employees in the Cultural and Recreation Services Division~~.

SECTION 14.2 RULES & REGULATIONS

1. ~~When noted on the prescribed application form as part of an approved event, the possession or consumption of unfortified wine and malt beverages is permitted on the premises in connection with and for the duration of the approved event so long as the possession or consumption of unfortified wine and malt beverages is undertaken in strict compliance with any conditions attached by the Cultural and Recreation Services Division to the event approval as well as all applicable laws, ordinances, and regulations. Unless authorization to the contrary is listed on the prescribed application form as part of the written approval of an event by the Cultural Services Department, alcoholic beverages are prohibited in the facility. In those cases where the Recreation Services Superintendent has authorized the sale, possession, and/or consumption of unfortified wines and/or malt beverages on the premises in connection with and for the duration of the approved event, such sale, possession, and/or consumption of the listed beverages must be conducted in strict compliance~~

- with Section 14.3 of this manual, any conditions attached by the Recreation Services Superintendent to the event approval, and all applicable laws, ordinances, and regulations. No alcoholic beverages other than unfortified wines and malt beverages are permitted on the premises of the facility at any time.
2. Smoking and tobacco products are prohibited in the facility.
 3. A \$100.00 security deposit must be paid at the time of reservation to secure a date. The fee shall be submitted to the Cultural and Recreation Services Department Division. Multiple dates will require multiple deposits.
 4. The Cultural and Recreation Services Superintendent Director reserves the right to co-sponsor an event.
 5. Violation of this agreement shall result in forfeiture of security deposit fees.
 6. The user fees, as described in the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments Division, must be paid at least 48 hours before the start of the event, or the event will be cancelled. In the event advance tickets have been sold, lessee is responsible for reimbursing ticket holders or to honor any advance tickets sold for a future event sponsored by the same lessee. Lessee is responsible for advertising the cancellation.
 7. Failure to pay the rental fee will result in denied access to the facility.
 8. The maximum daily rental period is one 8 hour period (unless otherwise noted in the Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments Division), which includes load-in and load-out. At the latest, closing time shall be Midnight, unless otherwise stated. Events that exceed their rental period shall result in loss of security deposit.
 9. In the event the facility is being rented for an event open to the public, or if admission is being charged, the person/organization renting the facility, hereinafter known as "lessee," shall pay for and maintain, at all times during the individual or entity's use of the facility, Comprehensive and General Liability insurance coverage with primary limits of liability of no less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury and property damage for any events open to the public. Furthermore, the City will be furnished with a certificate of insurance in a form satisfactory to the City. The certificate of insurance must be in the possession of the City of Asheboro Cultural and Recreation Services Department Division at least, but not no later than 48 hours prior to the scheduled event. Failure to provide proof of insurance will result in the event being cancelled. Furthermore, the Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands, attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicant's use of the Sunset Theatre.
 10. If the event is closed to the general public and no admission fee is charged, a liability waiver shall be required in lieu of liability insurance coverage.
 11. The Lessee must designate a representative who will be responsible for all phases of the event and who will be on site the entire time the event is taking place.
 12. The maximum number of tickets sold for any one event shall be determined by the total number of seats available and set up of the facility.
 13. Assignment: Lessee may not assign this lease agreement or any right contained in this lease agreement or sublet the Sunset Theatre or any adjoining property owned by the City of Asheboro.
 14. The Cultural and Recreation Services Division shall have by way of illustration and without limitation the right to deny the use of the facility if; **1)** It deems such use may result in damage to the facility, **2)** It deems such use is inconsistent with the policies of the division, **3)** It deems such use may lead to illegal activity at the facility, **4)** it deems such use may be detrimental to the character of the theatre as a multipurpose community facility.
 15. A Cultural and Recreation Services Department Division staff member will be in attendance to oversee and supervise all events held at the theatre. This staff member shall be equipped with a cell phone, first aid kit, be certified in First Aid & CPR, have the knowledge and ability to enforce facility rules & regulations, and knowledge of the electrical, HVAC, and lighting systems. This staff member shall have the authority to require anyone to leave the facility at any time for violation of the rules and regulations prescribed for the Sunset Theatre or for engagement in any other form of inappropriate conduct.
 16. Lessee agrees to a "walk-through" inspection prior to use of the facility. Any pre-existing, damaged, broken or malfunctioning equipment, or furnishings shall be noted. A second walk-through shall be made at the completion of the event, and any variance shall be noted and appropriate charges will be billed and due within 5 business days.
 17. No rice or birdseed is to be thrown inside the building.
 18. As appropriate, the lessee is responsible for procuring the services of properly trained security/law enforcement personnel.

19. The Asheboro Police Department and ~~staff members in the Cultural and Recreation Services Departments Division~~ staff members shall have access to all areas of the facility at all times before, during, and after the event.
20. Lessee is responsible for cleaning the facility after the event. The facility must be restored to the condition it was in at the start of the lease period.
21. Failure to clean up as required shall result in loss of security deposit.
22. Cleaning supplies and trash can liners are available for use. Trash shall be disposed of in the appropriate location.
23. Items left after the rental period will result in loss of deposit and shall be deemed to be abandoned property subject to removal and disposition in the sole discretion of the City of Asheboro.
24. No decorations, posters, pictures, banners, or other such items shall be fastened to walls, windows, woodwork, doors, or curtains nor placed on stands in any area of the facility without approval.
25. No nails, tacks, staples, or screws of any kind may be applied to any part of the interior or exterior of the building.
26. Only approved tapes, such as blue painters tape and gaff tape may be applied to the stage floor. If an approved tape is applied to the stage floor it must be removed by the lessee immediately following the event.
27. No painting, wood cutting, or drilling shall be done on the stage or in the adjacent support areas.
28. All scenery elements are to be flame retardant. The use of open flame (candles, matches, lighters, etc.) is expressly prohibited.
29. At no time shall any of the lessee's scenery, stage furniture, props, costumes, or equipment block any exits, loading doors, storage rooms, sidewalks, or parking areas.
30. Any stage props that have power must meet current electrical codes and are subject to inspection and approval. If such props do not pass inspection, they are subject to immediate removal from the facility.
31. Lessee is encouraged to provide posters, banners, and promotional material for the "Coming Attractions" Display Board at the Theatre entrance. Any items to be displayed or distributed are subject to approval.
32. Lessee shall not change the location or use of the lobby displays, easels, or signs without prior approval.
33. The City of Asheboro Cultural and Recreation Services Department Division reserves the right to sell any and all concessions during any event held at the facility.
34. Lessee warrants that all copyrighted material to be performed has been duly licensed or authorized by the copyright owners or their representatives and agrees to indemnify and hold the City of Asheboro harmless from any and all claims, losses, or expenses incurred with regard thereto. Lessee shall pay all of the City of Asheboro's costs and expenses, including reasonable attorney's fees, incurred in defense of or as a result of any claims respecting copyrights and related matters.
35. Lessee shall be responsible for payment of any and all taxes, permits, fees (including without limitation fees associated with intellectual property licensing rights), and other charges arising out of or connected with the use of the premises by lessee, and lessee shall save the City of Asheboro harmless from any and all obligations with respect to such taxes, permits, fees, and other charges.
36. If lessee desires to sell any items in or near the facility, including but not limited to concessions items, videos, CDs, DVDs, tapes, clothing, periodicals, etc., lessee must obtain written permission at least 48 hours prior to the event. The Cultural and Recreation Services Superintendent Director may refuse with or without cause such permission.
37. If lessee is granted permission to sell concessions, lessee agrees to pay the City of Asheboro ~~Cultural and Recreation Services Division~~ a 10% commission on any sales of any concession items sold. A joint inventory will be taken prior to and after the event.
38. If Lessee is approved to sell their own concessions, they shall provide their own workers to sell merchandise, concessions, and supplies, including, food, candy, drinks, cups, napkins, condiments, popcorn supplies, bags, ice, etc. Chewing gum will not be allowed for sale.
39. If lessee is granted permission to hold a catered event (food beyond normal concession products) the food must be served and consumed in areas designated by Cultural and Recreation Services Division staff members.
40. Lessee is responsible for providing the following:
 - a. A designated, responsible adult to operate the Theatre sound system, if needed.
 - b. A designated, responsible adult to operate the Theatrical light system, if needed.
 - c. Ushers for the event.
 - d. Ticket sellers /takers for the event.
 - e. Money box and petty cash as needed.

41. All persons/groups renting the facility are responsible for knowing the location of all fire extinguishers and exits. A location map shall be provided.
42. Prior to each performance/event, an announcement must be made stating the location of restrooms and emergency exits.
43. Only Cultural and Recreation Services Division city staff members may adjust thermostats.
44. The Cultural and Recreation Services Superintendent Director reserves the right to cancel any event, at any time, based on rental agreement violations.
45. The following are available for an additional fee, please contact the City of Asheboro Cultural and Recreation Services Department Division for additional information:
 - a. Ticket Sellers/Takers (hourly charge).
 - b. Ushers (hourly charge).
 - c. Ticket design service (\$75.00 for up to 390, 1 side printed tickets)
 - d. One poster for display case (\$25.00 per poster)

SECTION 14.3 **SALE, POSSESSION, AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINES**

The possession and consumption of malt beverages and unfortified wines during the course of approved events is currently authorized and regulated in the sole discretion of the Recreation Services Superintendent by means of the Superintendent's attachment of conditions to the written approval of the event. Regulations authorizing the sale of malt beverages and unfortified wines on the premises of this facility are currently under review. Until final adoption of these regulations, the sales of malt beverages and unfortified wines on the premises of this facility are strictly prohibited.

ARTICLE XV. FIELD RENTAL POLICY

SECTION 15.1 RULES AND REGULATIONS

- A. All field reservation requests must be submitted in writing to the Parks and Recreation Services Department.
- B. Field rentals will only be available when the fields are not scheduled for Parks and Recreation Services Department activities.
- C. Use of alcoholic beverages shall be prohibited.
- D. Curfew on all fields shall be 11:00 p.m. Permission to waive curfew restriction must be approved by the Parks and Recreation Services Superintendent Department.
- E. Reserving organizations/personnel are responsible for cleaning the facility and bagging trash on a daily basis.
- F. Reserving organizations/personnel shall be held responsible for any and all damages incurred to the facilities, which were a result of the event scheduled.
- G. Reserving organizations/personnel will be responsible for crowd control and team conduct.
- H. Reserving organizations/personnel will be responsible for locking and unlocking all scheduled equipment and facilities from the Recreation Services Department.
- I. Under NO circumstances can any facility be sub-leased at any time.
- J. The above rules and regulations should in no way shall not be construed in any manner that limits to effect the authority of the Asheboro Parks & Recreation Services Department.

SECTION 15.2 SECURITY DEPOSIT

- A. To reserve a field for a game or tournament, a \$50.00 security deposit per field must be paid at the time of reservation to secure a date. The fee shall be submitted to the Parks and Recreation Services Department. Multiple dates will require multiple deposits.
- B. All security deposit fees must be in good funds.
- C. Violation of the Field Rental Contract and/or Field Rental Policy will result in forfeiture of security deposit fees.
- D. A deposit will be returned upon the occurrence of the following conditions:
 - a. Upon the successful completion of a post-event facility inspection conducted by Parks & Recreation Services Department employees for the purpose of determining whether the facility has been subjected to an unauthorized or unreasonable use, and
 - b. Upon the return of the keys to the facility to the Parks & Recreation Services Department.
 - c. In the event a tournament is cancelled by groups reserving multiple dates, the deposit shall be forfeited for each cancelled date.

SECTION 15.3 FEES AND CHARGES

- A. A fee shall be charged for individuals, companies or groups who wish to reserve ball fields for practices, games or tournaments.
- B. All user fees for the use of ball field facilities shall be set and approved by the Asheboro City Council.
- C. The field rental fee must be paid at least 48 hours before the start of the event.
- D. Failure to pay the rental fee will result in denied access to the field.

SECTION 15.4 CONCESSIONS

- A. Concession facilities and equipment may be used with approval from **the Parks and Recreation Services Department** for an additional rental fee.
- B. Reserving organization/personnel must sell their own concessions supplies.
- C. Reserving organization/personnel shall know and abide by all Local and State Health Department regulations concerning the preparation and /or resale of concession products.
- D. Any items left in the concession areas after the event will result in loss of security deposit, and such items will be deemed to be abandoned.

SECTION 15.5 FIELD PREPARATION & MAINTENANCE

Rental fees include dragging and lining of field(s) one time per day. **Organization/personnel Reserving organization/personnel can request additional maintenance on the fields for an additional cost per lining per field.**

ARTICLE XVI. PARK / SHELTER FACILITIES

SECTION 16.1 FACILITIES

Reservations will be taken for the use of the picnic shelters at the following parks.

- A. Memorial Park
- B. Frazier Park
- C. North Asheboro Park
- D. Eastside Park
- E. Lake Lucas Park
- F. Kiwanis Park

SECTION 16.2 HOURS OF OPERATION

All city parks are available for public use between the hours of 6:00 am and 11:00 pm

SECTION 16.3 APPLICATION AND FEES

The City of Asheboro **Parks & Recreation Services Department** sanctions the use of park facilities in the City of Asheboro, provided the use does not interfere with regular **parks & recreation Recreation Services Department** functions and operations. **Parks & recreation Recreation Services Department facilities may be reserved** to individuals or other types of legal entities, subject to the terms and conditions listed herein and elsewhere within the Code of Asheboro.

Application to use any facility shall be made on a form prescribed by and available from the Recreation Services Department prescribed form obtainable from the Asheboro Parks & Recreation Department. Applications are subject to the approval by the Parks & Recreation Services Superintendent Director. All user fees for shelter rentals shall be set and approved by the Asheboro City Council.

SECTION 16.4 GENERAL CONDITIONS

- 1. Park facilities are never closed to the general public. Reservations are for shelter and stage areas **only**.
- 2. Park facilities are not provided for commercial or profit making activities. Proprietary or commercial groups and individuals shall not be permitted to use park facilities for financial gain or profit.
- 3. Failure to adhere to the guidelines in this article shall subject an applicant to automatic forfeiture of any rental/deposit fees and the event shall be subject to immediate termination.
- 4. **Alcoholic beverages are prohibited at all parks & recreation facilities regulated by this Article.**
- 5. Applicant is totally liable for injury to person or persons or for damage to property in connection with the use of this facility.
- 6. Applicant must agree to forever hold harmless and to fully indemnify the City and its personnel, agents, officials, and City Council, in both their official and individual capacities, from any and all judgments, liens, claims, assessments, demands,

attorney fees, actions, and causes of action of any sort arising out of any damage or injury sustained by any person or entity by reason of any negligent or willful act or omission of the Applicant or its officers, employees, agents or contractors in connection with the Applicants use of the City of Asheboro, Parks & Recreation Services Department facilities.

7. Applicant shall observe the posted curfew.
8. From April 1 - September 1, the restrooms at Memorial, Frazier and North Asheboro park will be open from 9am until 9pm. At other times and other park locations not listed, a key deposit of \$20.00 will be required for the restroom facilities. The key must be returned to the Asheboro Parks & Recreation Services Department within 7 business days or the deposit shall be forfeited.
9. Electricity is available at all shelters and the Frazier Park stage.
10. Applicant is responsible for securing electricity, lights, port-a-jons, tents, along with anything related to set up of event from the appropriate source at their expense.
11. Anyone using a tent (700 sq ft. or larger) is responsible for obtaining the appropriate inspections from the building inspector, fire marshal and any necessary zoning permits prior to event.
12. Items may not be sold to the general public without written permission from the Asheboro Parks & Recreation Services Department.
13. Shelters may be rented for half days (10am – 3pm or 3:30pm – Dark) or full days.
14. Non-Resident Fee must be paid before a Shelter can be reserved.
15. Failure to cancel reservation at least 48 hours in advance will result in loss of rental fee. (Shelter can be rescheduled in the event of inclement weather).
16. No single individual, group or organization may reserve park facilities in a way that will monopolize the use of the park facility to the general public or other groups or organizations.
17. Holding an event in a city park without authorization shall subject the event to immediate termination and other enforcement actions as deemed appropriate by the Parks & Recreation Services Superintendent Director.

ARTICLE XVII. DISC GOLF COURSE

SECTION 17.1 RULES AND REGULATIONS

- A. The Disc Golf Course is open from dawn to dusk, year round.
- B. The course is free to the public.
- C. The Parks & Recreation Services Department reserves the right to close the facility for special events, activities, and rentals.
- D. Any person or group wishing to rent the Disc Golf Course for exclusive use, namely tournaments, must fill out the appropriate application and receive approval from the Parks & Recreation Services Superintendent Director at least 72 hours prior to the date of rental. Rental fees are established in the Parks & Recreation schedule of Fees and Charges Schedule of Deposits, Fees, and Charges Administered by the Cultural and Recreation Services Departments.
- E. Reserving groups are responsible for keeping the course clean and free of vandalism and damage while their event is taking place. Failure to keep the facility clean and free of trash shall result in loss of security deposit and being responsible for replacement costs of damaged items.
- F. Use of alcoholic beverages shall be prohibited
- G. Please be earth conscious. Do not litter. Trash receptacles are provided for your convenience.
- H. Respect the park and its' other users. Do not damage the course, including breaking branches. Use caution throwing discs.
- I. Unless noted otherwise, rules of play shall be under the Professional Disc Golf Association's Official Rules of Disc Golf.

ARTICLE XVIII. CITY FACILITIES

SECTION 18.1 PARKS

BICENTENNIAL PARK – 1.5 acres – Sunset Avenue
Rotary Pavilion
Fountain

EASTSIDE PARK – 3.5 acres – Tucker Street
Playground
Basketball Court
Picnic Shelter
Restrooms

FRAZIER PARK – 4.1 acres – Park Street
Playground

Picnic Shelter
Restrooms
Sand Volleyball Court
Stage
Open Field Area

HAMMER MEMORIAL PARK - 1.1 acres - Glenwood Street
Playground
Basketball Court (not lighted)

MEMORIAL PARK - 10.6 acres - Church Street
Playground
Don Nance Ball Field (lighted)
W.W. Thomas Tennis Center - eight lighted courts
Memorial Swimming Pool (public)
Picnic Shelter
Restrooms
Four Horseshoe Courts (lighted)
Two Bocce Courts (lighted)
Outdoor Basketball Court (not lighted)
Sand Volleyball Court

NORTH ASHEBORO PARK - 26.2 acres - Canoy Drive
Playground
North Asheboro Swimming Pool (public)
Clarence Smith Ball Field (lighted)
Picnic Shelter
Restrooms
Tennis Courts (three lighted)
Outdoor Basketball Court (lighted)
Sand Volleyball Court
Mayers Grove Walking Trail
18-hole Disc Golf Course

PARK STREET PARK - .8 acres - Park Street
Family Picnic Area

WESTWOOD PARK - 1.9 acres - Winslow Avenue
Playground

SECTION 18.2 - BALLPARKS

KIWANIS PARK - 28.6 acres - Meadowbrook Rd & Farr St.
Shelter
Darrell Rich Field
Wayne D. Thomas Field
Luther Field
Leon Yow Field

McGRARY PARK - 12.6 acres - North McCrary Street

DON NANCE FIELD - 4 acres - Memorial Park on Church Street

CLARENCE SMITH FIELD - 4 acres - North Asheboro Park off Canoy Drive

SECTION 18.3 - GOLF COURSE

MUNICIPAL GOLF COURSE - 56 acres - Country Club Drive
Nine-hole Public Golf Course

SECTION 18.4 - CITY LAKES

LAKE LUCAS - 238 acres - Old Lexington Road
Boat Rentals
Boat Docks
Picnic Shelter
Playground
Fishing Pier
Walking Trail
Launching Ramp
Lake House
Lake Warden Office

LAKE REESE -- 900 acres Jackson Creek Road

Launching Ramp
Picnic Area
Lake House
Lake Warden Office

ARTICLE XIX XVIII. MISC. PROVISIONS

SECTION 19.1 RETURNED CHECKS

A. When a check for payment of Parks & Recreation services is deposits, fees, and/or charges owed to the Cultural and Recreation Services Departments are returned for insufficient funds or other reasons, there will be a charge of \$25.00 added to the amount due.

SECTION 19.2 SCHEDULE OF DEPOSITS, FEES AND CHARGES

A. The amount of a deposit, fee, or any other type of charge to be collected by the Parks Cultural and Recreation Services Departments shall be set in accordance with this manual and/or the Schedule of Deposits, Fees, and Charges Administered by the Parks Cultural and Recreation Services Departments. This schedule shall be approved by the Asheboro City Council and maintained in the offices of the City Clerk and the Parks and Recreation Services Superintendent Director. In the event of a conflict between the provisions of this manual and the Schedule of Deposits, Fees, and Charges Administered by the Parks Cultural and Recreation Services Departments, the provisions of the City of Asheboro Parks Cultural and Recreation Services Policy Manual shall control and be determinative of the monetary sum to be collected in good funds by the Parks Cultural and Recreation Services Departments.

ORDINANCE NUMBER 02 ORD 3-14

CITY COUNCIL OF THE CITY OF ASHEBORO

Consumption and Possession of Alcoholic Beverages

WHEREAS, Chapter 98 of the Code of Asheboro contains regulations pertaining to the cultural and recreation services offered by the City of Asheboro; and

WHEREAS, over time, the City of Asheboro has modified the methodology utilized to deliver these services by the city's Cultural Services Department and Recreation Services Department; and

WHEREAS, in furtherance of the evolution of the methodologies used to deliver these services, the city's Recreation Services Superintendent has recommended, with the advice and consent of the City Manager, updating Chapter 98 (Cultural and Recreation Services) of the Code of Asheboro to reflect the current and proposed changes in the delivery of cultural and recreation services; and

WHEREAS, the Asheboro City Council concurred with the recommendations received from the City Manager and the Recreation Services Superintendent and did in fact update Chapter 98 of the Code of Asheboro by adopting Ordinance No. 01 ORD 3-14 on March 6, 2014; and

WHEREAS, Section 130.03 of the Code of Asheboro regulates the consumption and possession of alcoholic beverages in certain locations; and

WHEREAS, the amendment of Chapter 98 impacts the continuing compatibility of the text in Section 130.03 of the Code of Asheboro with the revised text found in Chapter 98; and

WHEREAS, the Asheboro City Council wishes to harmonize the text in Section 130.03 of the code with the recent amendments enacted in connection with Chapter 98 of the Code of Asheboro;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 130.03 of the Code of Asheboro is hereby rewritten as follows:

§ 130.03 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS

(A) *Consumption of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine on any public street, sidewalk, or alley in the city; or on any other property owned, occupied, or controlled by the city.

(B) *Possession of open containers of malt beverages and unfortified wine.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open container(s) of malt beverages and unfortified wines on any public street, sidewalk or alley in the city; or on any other property owned, occupied, or controlled by the city. For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

(C) *Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.* It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public street, alley, or parking lot which has been temporarily closed to regular traffic for a special event.

(D) *Possession and consumption of fortified wine, spirituous liquor, and mixed beverages.* The possession or consumption of fortified wine, spirituous liquor, or mixed beverages is hereby prohibited on property owned or leased by the city.

(E) *Exceptions.* Notwithstanding the prohibitions prescribed by the above-listed divisions of this section, the following acts shall not be deemed to be unlawful:

(1) The possession or consumption of alcoholic beverages by either a sworn law enforcement officer acting in the performance of his or her official duties or a person acting under the immediate and direct supervision of a sworn law enforcement officer discharging his or her official duties.

(2) The possession or consumption of malt beverages at McCrary Park as part of collegiate or professional baseball events hosted by legal entities with whom the City of Asheboro has entered into a lease agreement for the use of McCrary Park; provided, however, any such malt beverages found within McCrary Park must have been obtained in accordance with a sale/distribution plan developed and implemented by the hosting legal entity in compliance with all applicable laws and administrative regulations.

(3) The possession or consumption of unfortified wine and malt beverages on the premises of the Sunset Theatre facility and Bicentennial Park facilities, including without limitation the Rotary Pavilion. The possession or consumption of unfortified wine and malt beverages on these premises will be lawful only if such possession or consumption is conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations adopted for the facility facilities, inclusive of any and all sale/distribution plans developed and implemented under the regulations as part of found in the City of Asheboro Cultural and Recreation Services Division Policy Manual.

(4) The possession of unfortified wine on the premises of the Downtown Farmers' Market facility. The possession of unfortified wine on these premises will be lawful only if such possession occurs as part of the retail sale by an approved Downtown Farmers' Market vendor of unfortified wine for off-premise consumption. The retail sale of unfortified wine shall be conducted in strict compliance with all applicable laws, ordinances, and regulations, specifically including without limitation the regulations prescribed for the Downtown Farmers' Market in the City of Asheboro Cultural and Recreation Services Division Policy Manual.

(F) *Penalties.* Any person who violates the prohibitions prescribed by subsections (A), (B), and (C) shall be guilty of a misdemeanor in accordance with Section 14-4 of the North Carolina General Statutes.

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect upon and after March 15, 2014.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of March, 2014.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

11. Proposed resolution to update the local water supply plan.

Mr. Rhoney presented and recommended adoption, by reference, of a resolution to update the local water supply plan.

Upon motion by Mr. Bell and seconded by Mr. Burks, Council voted unanimously to adopt the following resolution by reference.

RESOLUTION NUMBER 05 RES 3-14
CITY COUNCIL OF THE CITY OF ASHEBORO

Local Water Supply Plan

WHEREAS, Section 143-355(l) of the North Carolina General Statutes requires that each unit of local government that provides public water services or plans to provide such services, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, with the adoption of Resolution No. 19 RES 4-12, the Asheboro City Council previously adopted a Local Water Supply Plan on April 5, 2012; and

WHEREAS, subsequent to the Council's action in April 2012, the city's water resources division received a request from the North Carolina Department of Environment and Natural Resources to update the said plan to reflect changes in the relevant data and projections; and

WHEREAS, in response to this request, the City of Asheboro Water Resources Division developed an updated Local Water Supply Plan that is attached hereto as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied fully herein (this updated Local Water Supply Plan shall be hereinafter referred to as the "Updated Plan"); and

WHEREAS, the Asheboro City Council finds that the Updated Plan is in accordance with the provisions of Section 143-355(l) of the North Carolina General Statutes and that it will provide appropriate guidance for the future management of water supplies for the City of Asheboro, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the Updated Plan attached hereto as EXHIBIT 1, which was found to meet the Local Water Supply Plan minimum criteria in a letter from the North Carolina Department of Environment and Natural Resources, Division of Water Resources dated January 30, 2014, is hereby approved and shall be submitted, along with this resolution, to the North Carolina Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Asheboro City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the North Carolina Department of Environment and Natural Resources in accordance with the statute and sound planning practice.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting held on the 6th day of March, 2014.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

[EXHIBIT 1 that is referenced in the immediately preceding Resolution is on file in the City Clerk's office.]

12. Report on the operation of the incident command center during the recent snow storm.

Mr. Ogburn reported on the operation of the incident command center during the February 11-13, 2014 snow storm. Once initial reports of the storm were made on Monday, February 10, 2014, city crews set up an incident command center at the City of Asheboro Public Works Facility which served as a central hub for the Fire Department, Police Department, and the city's Public Works employees. The center opened at 3:00 p.m. on Wednesday, February 11, 2014 in anticipation of the snow beginning early on the next morning. In addition to keeping track of snow removal vehicles, citizens could report dangerous road conditions to the incident command center.

Mr. Ogburn commented that the incident command center worked well, but some items will need to be improved in the future.

13. City Manager's update on Eastside Improvement Association funding request. [Agenda Item Number 15]

Mr. Ogburn reviewed a letter that was mailed to Mr. McNair of the Eastside Improvement Association requesting certain documentation on the current status of the Eastside Improvement Association regarding a funding request with the Asheboro City Council.

No formal action was taken by the Council on this item.

A copy of the said letter is on file in the City Clerk's office.

14. Proposed amendment to Chapter 71 (Parking Regulations) of the Code of Asheboro. [Agenda Item Number 13]

In order to more effectively and efficiently respond to the difficulties posed by vehicles that are left in the travel lanes of public streets and highways when city personnel are attempting to clear the streets and highways of snow and/or ice, the city staff has recommended the amendment of the Code of Asheboro.

Mr. Leonard presented and recommended adoption, by reference, of an ordinance amending Chapter 71 (Parking Regulations) of the Code of Asheboro. The proposed amendment would explicitly prohibit the abandonment of vehicles within the travel lanes of public streets and highways and to make it clear that such vehicles are subject to removal and storage at the expense of the owner(s) of the vehicle.

Upon motion by Mr. Baker and seconded by Mr. Swiers, Council voted unanimously to adopt the following ordinance by reference.

ORDINANCE NUMBER 03 RES 3-14
CITY COUNCIL OF THE CITY OF ASHEBORO

Parking Regulations and Prohibitions

WHEREAS, Section 160A-296 of the North Carolina General Statutes provides that a city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, Section 160A-301(a) of the North Carolina General Statutes provides that the "city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city;" and

WHEREAS, in order to more effectively and efficiently respond to the difficulties posed by vehicles that are left in the travel lanes of public streets and highways when city personnel are attempting to clear the streets and highways of snow and/or ice, the city staff has recommended the amendment of the Code of Asheboro to explicitly prohibit the abandonment of vehicles within the travel lanes of public streets and highways and to make it clear that such vehicles are subject to removal and storage at the expense of the owner(s) of the vehicle; and

WHEREAS, the Asheboro City Council concurs with this recommendation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Section 71.04 of the Code of Asheboro, which is entitled "GENERAL PARKING REGULATIONS AND PROHIBITIONS" is hereby rewritten to provide as follows:

(A) ~~In parking any vehicle the following limitations shall be observed and no vehicle shall be otherwise parked. Every vehicle in parking shall be parked parallel to the curb and with both front~~

~~and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall not extend beyond the space marked for parking, or so as to occupy, in whole or in part, more than one parking space. Parking contrary to this section shall be unlawful. Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services vertical park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be vertical parked after 1:00 p.m. each Sunday.~~

- ~~(1) Parking within ten feet of a fire hydrant is prohibited.~~
 - ~~(2) Parking within a nonparking space is prohibited.~~
 - ~~(3) Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.~~
 - ~~(4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.~~
 - ~~(5) Double parking; that is to say, parking with another vehicle or sufficient space for another vehicle to park between the motor vehicle in question and the curb is prohibited.~~
- ~~(B) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.~~
- (A) General Requirements: When parking a vehicle on a public street or highway within the city, every vehicle shall be parked parallel to the curb and with both front and rear wheels not more than 12 inches from the curb except where the street is marked for diagonal or angle parking. Parking space lines shall be observed so that the vehicle shall neither extend beyond the space marked for parking nor occupy, in whole or in part, more than one parking space. Except as noted in division (D) below, parking contrary to these general requirements is unlawful.
- (B) Definitions of Terms Used in this Section:
- (1) The terms "park" or "parking" mean the standing of a vehicle, whether occupied or not, in any manner other than temporarily stopping for the purposes of avoiding conflict with other traffic, complying with the direction of a law enforcement officer or traffic control sign or signal, or while actually engaged in loading or unloading.
 - (2) The term "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
 - (3) The term "standing" means any stopping of a vehicle, whether occupied or not.
- (C) Specific Prohibitions for Purposes of Clarification and Not Limitation:
- (1) Parking within ten feet of a fire hydrant is prohibited.
 - (2) Parking within a nonparking space is prohibited.
 - (3) Diagonal parking with rear to curb is prohibited. This regulation shall not apply to vehicles while actually being loaded or unloaded; provided, that no unnecessary time for the loading or unloading shall be taken and traffic is not obstructed thereby. If the vehicle be horse-drawn, the horse or horses shall stand parallel to the curb and face the direction of traffic.
 - (4) Parking to the left within the business district is prohibited, except upon one-way streets, in which case vehicles shall be parked headed in the direction of traffic.
 - (5) Double parking is prohibited; that is to say, it is unlawful to park alongside another vehicle that is already parked parallel to the curb and thereby cause an obstruction.
 - (6) The parking of a vehicle in the travel lane(s) of a public street or highway is expressly prohibited when such an action impedes the efforts of city forces and/or North Carolina Department of Transportation personnel to clear public streets and highways of snow, ice, or any other form of frozen precipitation. The parking of a vehicle in violation of this prohibition is unlawful and subjects the offending vehicle to removal and storage. The registered owner of the towed vehicle shall become liable for the removal and storage fees/charges. All of the post-towing procedures prescribed by G.S. Ch. 20, Article 7A apply.
- (D) Exceptions and Limitations to the General Requirements:
- (1) Those worshipping at the First Presbyterian Church of Asheboro may for Sunday morning services diagonally park their vehicles on Walker Avenue. However, under no circumstances are any vehicles to be diagonally parked after 1:00 p.m. each Sunday.

- (2) This section shall apply only to vehicles on the streets, highways and other public places of the city, and shall have no application to any vehicle as long as it remains on private premises.

Section 2. A ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

This ordinance was adopted in open session during a regular meeting of the Asheboro City Council that was held on March 6, 2014.

/s/David H. Smith
David H. Smith, Mayor
City of Asheboro, North Carolina

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk
City of Asheboro, North Carolina

15. An update on the application process for the National Civil League's All-America City Award. [Agenda Item Number 14]

Public Information Officer, Ms. Leigh Anna Johnson, gave insight on the city's application for the National Civil League's All-America City Award. Granted by the National Civic League, the All-America City Award is in its 65th year, and only ten (10) communities are recognized each year for their civic impact and action planning. Winning applicants demonstrate innovation, inclusiveness, civic engagement, and cross collaboration.

Ms. Johnson informed the Council that the city's application is due on March 18, 2014. The finalists will be announced in April 2014 in Denver, Colorado. The application must include community information, community statistics and map, and two written projects. The City of Asheboro application will include the following topics:

- Asheboro: Alive, Active and Able
- Shock of the Forbes publication
- New goals and initiatives
- About Asheboro
- Areas for improvement
 - Economic development
 - Growth and infrastructure
 - Improving the quality of life
- New and Improved Housing Opportunities
 - Support of Affordable Housing in Asheboro
 - Asheboro Mill Lofts
 - Sunset Place
 - Participation in the Housing Coalition

Ms. Johnson was excited about the city's application and solicited everyone's suggestions and ideas.

16. Public drop-in workshop showing proposed safety improvements to Vision Drive, March 27, 2014 from 4:00 p.m. until 7:00 p.m. at the city's public works building conference room.

Mayor Smith announced that there will be a public workshop regarding the proposed safety improvements to Vision Drive on March 27, 2014 from 4:00 p.m. until 7:00 p.m. at the City of Asheboro Public Works Building Conference Room.

There being no further business, the meeting was adjourned at 8:57 p.m.

/s/Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk

/s/David H. Smith
David H. Smith, Mayor