BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, that the County of Haywood, North Carolina Code of Ordinances, Title IX General Regulations, be amended by adding the following in its entirety:

CHAPTER 100: COUNTY GROUNDS USE ORDINANCE

Public Use of County Grounds

100.01 General Policy Statement
100.02 Definitions
100.03 Scope of Permissible Use
100.04 Prohibited Activities on County Grounds
100.05 Unmanned Aircraft Systems
100.06 Penalties
100.07 Adoption and Effective Date

100.01 GENERAL POLICY STATEMENT

The Haywood County Board of Commissioners, subject to the ability to conduct county government and public business, desires to make the County Grounds available as open space for the use and enjoyment of the public, to assemble and make other lawful uses, subject to the terms of this Ordinance and the Haywood County Facility Use Policy, until such time as such space is closed by action of the Board of Commissioners.

100.02 DEFINITIONS

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

COUNTY GROUNDS: Those areas surrounding and appurtenant to the Haywood County Historic Courthouse, Haywood County Justice Center, Paragon Parkway complex, Francis Farm Landfill, Elmwood Way offices, Public Libraries, and the Allen's Creek Park, including the sidewalk and parking areas owned by the County. Also included is County property requisitioned pursuant to GS 163-129 for election purposes during periods authorized by the Haywood County Board of Elections. Due to the unique nature of activities on the fairgrounds, the Board authorizes the County Manager to consult with the Fairgrounds Advisory Board and develop a policy that allows appropriate use of those grounds.

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

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

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

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

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

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

100.03 SCOPE OF PERMISSIBLE USE

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

This Ordinance shall not affect the interiors of the Haywood County Historic Courthouse or Haywood County Justice Center. Such use is only allowed pursuant to the Haywood County Facility Use Policy.

The following areas of the County Grounds may be used by the public: The lawn in front of the Haywood County Historic Courthouse along North Main Street and the area between the Haywood County Historic Courthouse and Haywood County Justice Center, Allen's Creek Park; and other areas located upon other County property as designated from time to time by the County Manager, including County property requisitioned for election purposes as set forth in the definition above. The County Manager or his designee may restrict a use to a portion of the County Grounds as appropriate in his reasonable judgment.

Due to the unique nature of activities on the County owned property leased for the fairgrounds, the Board authorizes the County Manager to consult with the Fairgrounds Advisory Board and develop a policy that allows appropriate use of those grounds.

Due to the unique nature of the Allen's Creek Park facility, the County Manager may approve exceptions based on the recommendations of the Recreation Advisory Board.

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

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

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

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

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

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

Any sign, placard, flag or other display which is posted, displayed or placed upon the County Grounds, may be immediately removed by the County Manage or his designee.

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

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

Permissions granted under this section shall not relieve an applicant from satisfying any other requirements of other units of local government.

100.04 PROHIBITED ACTIVITIES ON COUNTY GROUNDS

The following activities shall be prohibited on County Grounds including, but not limited to:

1. Camping on County Grounds including public rights-of-way and sidewalk and parking areas. Camping on County Grounds is deemed a public nuisance and the County Manager or his designee shall cause to be removed temporary shelters, bedding or personal belongings.

2. Lighting or using a campfire, bonfire, or sustained open flame on County Grounds. Using a heating element, camp stove or other item for heating or cooking food on County Grounds without permission of County Manager.

3. Possession of any object or instrument with the intention of obstruction of a public sidewalk, public right-of-way, entrance or exit to private property or any area open to the public on County Grounds. County government employees or agents may at times obstruct areas in the lawful performance of their duties.

4. Attachment of an individual to another person, building, vehicle or fixture with the intent to obstruct pedestrian or vehicular movement on public sidewalks, public rights-of-way, entrances or exits to private property or any other area open to the public on County Grounds. County government employees or agents may at times have to obstruct movement on or near public sidewalks, public rights-of-way and entrances or exits, or other areas in the performance of their regular duties.

5. Hanging, fastening, or attaching any rope, wire, chain, sign, banner or electrical device or power cord to public or private property on County Grounds including buildings, vehicles, construction equipment, memorials, utility poles, trees or artwork unless express written permission has been granted by the County Manager or his designee.

6. Possession, throwing, emitting, or causing to be used as a projectile, or otherwise dispersing any noxious substance with the intent to use the noxious substance to interfere with a lawful assembly or to interfere with emergency services or to interfere with a person's right of entry or right to leave an area.

7. Use of the County Grounds for more than a maximum of four (4) hours, excluding setup and cleanup, during normal operating hours (7:30 AM to 5:30 PM, Monday through Friday), unless an extension of time is granted by the County Manager or his designee. Set up and cleanup of an event shall occur on the day of the event and within two hours of the event. Use of County Grounds other than during normal business hours requires approval from the County Manager or his designee.

8. Leaving trash, litter, a noxious substance, materials, equipment and other personal property on County Grounds. Any such personal property left after the use of the County Grounds and not removed as required under this Ordinance, will be removed by the County at its discretion and convenience. Any cost incurred by the County in the removal and/or disposal of such trash or other personal property shall be reimbursed to the County by the person leaving such trash or other personal property and shall be an allowable basis for the County Manager or his designee to deny future requests for the use of County Grounds.

9. Placing or driving poles or stakes into the ground or attached to any tree or monument. Festival booths, canopies or other allowed structures must be secured with sandbags or some other noninvasive measure.

10. Possession on or about his person of any dangerous weapon of any kind, whether exposed or concealed, while participating in or being present on County Grounds. Firearms are covered by the provisions of Chapter 96 which regulates the carrying of concealed weapons and displaying of firearms and all persons must obey the provisions of Chapter 96. This section shall not apply to persons otherwise lawfully in possession of dangerous weapons lawfully leaving such weapons locked in a vehicle in the parking areas or possessing such items on the perimeter sidewalks in the State public right of way. Also, the County Manager may give prior written permission to historical reenactors, dancers and actors to possess such weapons for a

particular event. This section shall not apply to the following persons while acting lawfully and within the course and scope of their official duties and authority:
a. Law enforcement officers, and
b. Officers and soldiers of the armed forces and National Guard.
c. County employees utilizing tools to perform their assigned duties.

11. Intentionally crossing over a law enforcement line or barricade. Law enforcement officers are authorized to establish law enforcement lines and barricades to preserve the public peace, arrest offenders and protect the rights of persons and property.

12. Bringing or allowing any vicious animal on County Grounds.

13. Violating Alcoholic Beverage Control Commission regulations and statutes.

14. Appearing on County Grounds in less than full dress attire, including a top, shirt or coat to cover the upper body.

15. Violating rules and regulations adopted by the Haywood County Department of Health and Human Services to protect and promote the public health.

100.05 UNMANNED AIRCRAFT SYSTEMS

The following rules shall apply to unmanned aircraft:

1. In order to fly over any buildings located on County Grounds, or over County Grounds without express permission exception outlined herein below, the operator of the unmanned aircraft system (UAS) must have, (and follow the stipulations within them), the appropriate Federal Aviation Administration (FAA) authorizations, including a Section 333 Exemption and a Certificate of Waiver or Authorization (COA), or the revised FAA standards for commercial operators in effect at the time of the flight and the same shall be on file in the office of the Clerk to the Board of County Commissioners.

2. If the flight shall be over the Haywood County Justice Center, Historic Courthouse or grounds appurtenant thereto, the pilot shall send a written notice to the County Manager providing the information from the Notice to Airmen (NOTAM) filed with the FAA, including, in plain English, the name and contact information for the pilot and the date and time of the flight. This information must be received by the County Manager no less than 24 hours prior to the intended flight.

3. At all times, while on County Grounds, the operator of any UAS must obey all FAA regulations and policies as well as other Federal regulations regarding the use of an UAS, and must maintain control of the UAS.

4. No commercial operator of an UAS shall stalk, threaten or harass any person on County Grounds. No operator of an UAS may attempt to view, photograph or digitally record images through the windows of a building on County Grounds by means of the UAS.

5. No one without the appropriate FAA certifications shall fly an UAS over the sidewalks or parking lots located near buildings on the County Grounds.

6. The UAS must be registered with the FAA (hobbyist or commercial). The registration number must be on the aircraft in accordance with the FAA registration requirements for the type of registration obtained. The FAA registration certificate must be presented to Law Enforcement if requested. Paper or electronic versions are allowed.

7. Hobby or recreational use of an UAS is permitted at the Allen's Creek Park and other county green spaces designated by the County Manager subject to the follow additional conditions:
   a. The space is not reserved by another party or in use by another party.
   b. There are no attachment projectiles, fireworks, weapons or other dangerous objects.
   c. The flight occurs under the supervision of a responsible adult who shall be legally responsible for all incidents from the flight.
   d. The operator keeps the UAS within a visual line of sight at all times.
   e. The flight remains within FAA guidelines and directly visually observed with line of sight by the operator and observable without the need for any special visual devices for enhancing vision other than ordinary corrective lenses, and clear of any surrounding persons or obstacles.
   f. Flight is prohibited near a large gatherings of people or over athletic events.
   g. Careless and reckless operations is prohibited.
   h. The UAS operator must yield use of the Allen's Creek fields to any other ground use.
   i. If there is an accident with the UAS that causes any damage (property or personal) other than to the UAS itself, the UAS operator shall contact the Haywood County Sheriff's office immediately for proper reporting.
   j. If the UAS is lost during the flight, the UAS operator shall contact the Haywood County Sheriff's office immediately for proper reporting.
   k. No operator of an UAS shall stalk, threaten or harass any person on County Grounds. No operator of an UAS may attempt to view, photograph or digitally record images through the windows of a building on County Grounds by means of the UAS.
   l. Nothing in this article shall be construed to prohibit the use of a UAS by a law enforcement agency or to conduct governmental operations by or on behalf of Haywood County, the state of North Carolina, or the federal government.
   m. Nothing in this article shall be construed to authorize the operations of any UAS in city airspace in violation of any federal or state law or rule promulgated thereunder, including, but not limited to, any temporary flight restrictions or NOTAMs issued by the Federal Aviation Administration.
   n. This article shall not be construed to permit interference by any UAS operation with air traffic or airport operations or in a manner less restrictive than Federal Aviation Administration guidelines regarding unmanned aerial systems and regulations regarding air space obstructions.

100.06 PENALTIES

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

1. Any violation of any part of this Chapter shall be subject to enforcement action under North Carolina G.S. Section 153A-123.

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

100.07 ADOPTION AND EFFECTIVE DATE

Upon motion by Commissioner _____and seconded by

Commissioner _____, the above Ordinance shall become effective upon

its adoption, this _____day of _____, 2016.

_____
Mark Swanger, Chairman
Haywood County Board of County Commissioners