

# **PROHIBITING REGISTERED SEX OFFENDERS IN MCDOWELL COUNTY'S PARKS OR RECREATION FACILITIES AND YOUTH RELATED ACTIVITIES**

## **Article 1. General**

### **Section 1. Title**

This chapter shall be known and cited as “ordinance prohibiting registered sex offenders in McDowell County’s parks or recreation facilities and youth related activities of McDowell County, North Carolina.

### **Section 2. Authority and Enactment Clause**

Pursuant to the authority conferred by Chapter 153A-169 of the General Statutes of the State of North Carolina, the Board of Commissioners of McDowell County hereby ordain and enact into law these articles and sections.

### **Section 3. Jurisdiction**

On and after the date of adoption, these regulations shall apply to all McDowell County Public Parks recreation trails, and all McDowell County sanctioned youth activities. This ordinance shall apply to recreation properties owned or leased by the county located in the municipal jurisdictions.

## **Article 2. Purpose**

### **Section 1. Purpose**

McDowell County owns and maintains land in the county designated for public purposes, county parks, recreation trails, and for the peaceful use and enjoyment of children residents and visitors. McDowell County conducts youth related activities including, recreation, 4-H and Explorer Club Posts.

## **Article 3. Regulation Of Use**

### **Section 1. Unlawful Activity**

- A. It shall be unlawful for any registered sex offender to knowingly enter into or on any public parks, recreation trails, and campgrounds owned, operated or maintained by McDowell County.
- B. It shall be unlawful for any registered sex offender to knowingly participate or attend any county youth recreation activity, including those not held on county property.

## **Section 2. Notices**

The Parks and Recreation Director shall be charged with posting this regulation at main entrance of each park within five (5) days of the passage of this Ordinance.

## **Article 4. Definitions**

**Public Park** - Any publicly owned or maintained land, which is designated by McDowell County as a public park or recreation facility.

**Sanctioned Youth Activity** - Any Activity involving youth under the age of eighteen and carried out by McDowell County Employees or an agency of the county.

**Registered Sex Offender** - An individual who is registered by any state or federal agency as a sex offender listed including, but not limited to, the sex offender registry established in Article 27A of North Carolina General Statute Chapter 14.

## **Article 5. Penalties**

### **Section 1. Penalties for Violation of the Ordinance**

- A. Any person who is found in violation of this ordinance shall be guilty of misdemeanor punishable by a fine of not less than \$500.00 and/or imprisonment for not more than 30 days, in the discretion of the court, as provided in GS 153A-123.
- B. Each and every violation shall constitute a separate offence.

## **Article 6. Severability**

### **Section 1. Severability**

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**Article 7. Adoption And Effective Date**

This ordinance shall take effect and be in force from and after its adoption on the 9th day of February, 2009.

s/David N. Walker  
Chairman of the  
Board of Commissioners  
McDowell County, NC

s/Carrie Padgett  
Clerk to the Board of  
Commissioners  
McDowell County, NC