



ORDINANCE NO. 06-658

An Ordinance Amending

Chapter 11 – Parks and Recreation Article IV. Freeman Park

Section 11- 43. Description of Freeman Park

“Freeman Park” at Carolina Beach is the area of unincorporated New Hanover County beginning at the northern boundary of the Town of Carolina Beach, and including all land from that boundary to the Carolina Beach Inlet on the north, which is bounded by the Atlantic Ocean on the east, and the Intra-coastal Waterway on the west. This ordinance is also intended to manage the portion of “Freeman Park” that is located within the municipal limits of the Town of Carolina Beach extending from the entry of the park to the town limits line. Freeman Park has numerous markers located along the fence line that separate the sand (public) portion of the beach from private property. *A map of the area considered as “Freeman Park” located within the municipal limits of Carolina Beach and within the unincorporated limits of New Hanover County and which will be considered for the enforcement of the following rules and regulations will be kept by the Town Clerk of the Town of Carolina Beach and should be referred to for future reference.*

Section 11- 44. Freeman Park Management Plan

It is the intent of the Freeman Park Management Plan to protect the environment and public interest along the incorporated and unincorporated northern boundary of the Town of Carolina Beach known as Freeman Park. The management plan not only addresses activity in the designated public vehicular areas (east of the designated no trespassing areas) but also addresses private property located west of the public vehicular areas.

The Freeman Park Management Plan shall apply to all vehicles, vessel(s), owners and guests entering Freeman Park. Any violators of federal law(s) or regulations, North Carolina laws or regulations, New Hanover County codes or ordinances or Carolina Beach codes or ordinances would result in cause for eviction from Freeman Park and revocation of the Freeman Park vehicular access permit and shall be grounds for immediate prosecution under the provisions of North Carolina statutes and/or county or town codes or ordinances.

Section 11- 45. Liability

The Town of Carolina Beach assumes no liability for the use of Freeman Park. The town neither assumes nor accepts responsibility for personal possessions, vehicles, vessels or their contents or use while said vehicles and vessels are located within Freeman Park. Persons using Freeman Park shall assume all risk of personal injury and damage and loss of their property. The town assumes no risk due to accident, fire, theft, vandalism or acts of God.

Section 11- 46. Careless and Reckless Driving

North Carolina motor vehicle and traffic laws apply in Freeman Park. Vehicles must be operated in a safe manner that does not endanger or jeopardize the safety of the driver, passengers and other people and wildlife at Freeman Park. Careless and reckless driving of any kind is not permitted. (An example of careless and reckless driving is the practice of using the vehicle wheels to cut circles in the sand, commonly referred to as “making doughnuts.”)

Section 11- 47. Only Operational Vehicles

Only operational vehicles that are legally licensed, insured and properly inspected and in compliance with North Carolina statutes particularly the operational and safety standards shall be allowed within Freeman Park. Motorcycles, ATVs, trailers (including boat and campers) are prohibited from being operated and/or parked within Freeman Park. This section shall not apply to town officials, emergency response personnel, sea turtle program volunteers and others as allowed by the Town Manager. This is to insure that only passenger vehicles that are functional and operational are allowed in the park, in the interest of public safety and to minimize the environmental impact.

Section 11 – 48. Repairs within Freeman Park

Major repairs of vehicles, including any activity that could result in deposition of any materials into the sound waters or onto the beach, are strictly prohibited

since significant water quality violations or other environmental violations would result in an adverse impact on public health.

Section 11 – 49. Abandonment

If a vehicle is left unattended for more than 24 continuous hours without giving prior notification to the Carolina Beach Police Department, the vehicle shall be considered abandoned. If the vehicle is determined abandoned, it may be stored in a secured location during which time the police department shall make a reasonable effort to locate the owner. If the vehicle is not reclaimed within 30 days, the vehicle shall be sold under process prescribed by North Carolina statutes at fair market value which will cover the cost of towing and any fees due for storage.

Section 11 – 50. Public Vehicular Area

- a) Restricted areas. Closed areas refer to areas west of markers, fences and other visible marking devices that establish boundaries which prohibit entry by vehicles and pedestrians. At no time shall any vehicle or pedestrian be allowed to cross into these restricted areas. All dunes and vegetation areas are included in these prohibited areas. Vehicles will not be driven between the water line and high tide crest (this area is commonly known or referred to as the wet sand area).
- b) Authorized areas. Areas are established for operation of motor vehicles east of markers, fences and other visible marking devices that establish boundaries for prohibited areas. This public vehicular area (PVA) may be utilized by permitted vehicles to travel throughout authorized areas of Freeman Park. Vehicles operated in the PVA are subject to all state and local ordinances. At no time will vehicles travel within 10 feet of any dune or vegetation line regardless of markers, boundary lines, etc.

Section 11 – 51. Speed Limit

All areas of Freeman Park, including incorporated and non-incorporated parcels or areas, shall have a speed limit of 15 miles per hour.

Section 11 – 52. Clinging to motor vehicles.

No person shall ride on a vehicle except in a manner in which the manufacturer of the vehicle intended. Examples of this type of activity include riding on a bumper, riding on a tailgate, or riding on the hood of a vehicle. **North Carolina State** laws that apply to transporting passengers in the bed of a truck along public streets shall apply to Freeman Park.

Section 11 – 53. Camping

- a) Overnight camping or sleeping in a vehicle is permitted at Freeman Park beginning at Marker **6 4** and extending north until the end of the park. Camping is allowed only on the sand portion of the beach and out of the typical vehicular travel aisles used by motorists. Camping or sleeping in a vehicle for more than fourteen (14) consecutive days is not allowed without the prior approval of the Town Manager. No camping or sleeping in a vehicle is allowed within ten (10) feet of the dune or vegetation line. No camping or sleeping in a vehicle is permitted south of Marker **6 4**.
- b) While overnight camping is not permitted south of Marker **6 4**, day tents, canopies, and other similar devices are allowed within this area and must be removed prior to nightfall.
- c) Tents must not be left unattended for more than 24 hours. Tents that are left unattended may be removed from the beach by the town.

Section 11 – 54. Campfires

- a) Small campfires are allowed at Freeman Park beginning at Marker **6 4** and extending north to the end of the park. The campfire must be contained within a fire pit or container that may not exceed three feet in diameter. Each fire pit must be brought into the Park by the visitor and shall be removed following its use. All fire remains and debris must be picked up and removed from the beach. Failure to do so will result in a fine. Any fire pit over three feet in diameter will be considered a bonfire and will require a special permit from the Town Manager. No fires of any kind are permitted south of Marker **6 4**.
- b) All campfires will be subject to regulations of the Town of Carolina Beach Fire Code. Campfire privileges can be revoked for failure to follow any regulation as outlined in this code. Fires may not be left unattended and must be extinguished with water, not sand. Only natural firewood can be burned. Burning trash or construction debris is not allowed. No campfires are allowed within 10 feet of the dune or the vegetation line.

- c) The Carolina Beach Fire Chief, Town Manager or other emergency personnel have the authority to prohibit fires on Freeman Park at any time.

Section 11 – 55. Sand Dunes

Walking or driving on the sand dunes is strictly prohibited. Freeman Park permit privileges may be revoked or a citation issued for violating this section. Property owners in Freeman Park are exempt from this Section.

Section 11 – 56. Litter

Littering in Freeman Park in any form is strictly prohibited. Glass containers are prohibited. All litter must be taken from the park upon leaving or discarding it in public receptacles. Burning trash or debris is strictly prohibited and will result in fines. Cigarette and cigar butts are considered litter and must be disposed of in public receptacles.

Section 11 – 57. Human waste; animal and vegetable waste.

It shall be unlawful for any person to urinate or deposit any human waste in Freeman Park except in an approved sanitary facility.

Section 11 – 58. Wildlife

- a) Sea Turtles are under the protection of the Endangered Species Act, therefore, it is unlawful to harass, harm, capture or collect sea turtles and live or dead hatchlings, juvenile or adult sea turtles. Violators can be prosecuted under criminal or civil laws and assessed penalties. Extreme caution shall be used while driving on the beach in order to avoid turtle nests.
- b) Feeding of or disturbing wildlife is prohibited.
- c) Endangered Species is animal or plant species that is in danger of extinction throughout all or a significant part of its range as defined by federal statute.
- d) Horses and or livestock are not permitted in the park.

Section 11 – 59. Dogs and other commonly accepted animals and fowl on public rights-of-way, public lands, property and beaches.

It shall be unlawful for any person, persons, owner, or keeper of any dog(s) to allow said animal upon the public beaches of Freeman Park from April 1st to September 30th without a leash of a type to restrain said animal. Between October 1st and March 31st, dogs will be allowed off of a leash in Freeman Park so long as they remain under voice command and the owner is within a reasonable distance from the pet. The owner or keeper of any such dog(s) who harms or causes offenses or damages to the public, or who deposits waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned-up said waste immediately following the occurrence. An owner or custodian of a dog will have on or near their person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean-up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances. For purposes of this ordinance other "commonly accepted domestic animals or fowls" shall be subject to the provisions as specified herein and no interpretation of this section shall be made which allows any type of animal or fowl other than "commonly accepted animals and fowl" upon public rights-of-ways, public lands, property and beaches other than described herein.

Section 11 – 60. Surfing and Other Water Related Activities.

- a) In order to promote the general health, safety and welfare of the citizens of the town and its tourists from being injured while using the Atlantic Ocean within Freeman Park, any person while surfing and having in his possession any surfboard, boogie board, ski-board, jet ski, wave runner, skip pan or any other device used to propel such person through the waters excepting surf mats and beach rafts shall be subject to the following regulations:
 - (1) Personal watercraft vehicles shall be prohibited in the surf area beginning at the mean high water mark and extending fifteen hundred (1500) feet eastward into the Atlantic Ocean within the corporate beach limits of the town and its extraterritorial jurisdiction, except that town lifeguards and emergency personnel shall be exempted from this provision. ~~Loading, unloading~~ **Beaching or anchoring on-shore will be allowed from Marker 22 to Marker 26. Loading, unloading and Beaching and anchoring shall only be done in a safe manner and at a safe speed.**
 - (2) Any person while surfing within the limits of Freeman Park with any surfboard and boogie boards shall have attached to his ankle a strap or shock cord of sufficient strength attached to the apparatus to prevent it from leaving the person in order to avoid injury to others.

(3) No surfer shall be nearer to any fishing pier in the Atlantic Ocean than five hundred (500) feet on either side of such pier within the town or its extraterritorial jurisdiction. Town lifeguards shall designate and mark with appropriate no surfing signs the restricted area on each side of the ocean piers.

(4) All surfers shall, when advised by a town official, move to another location for surfing when it is deemed unsafe because of congestion of bathers in any one area.

Section 11 – 61. Permits

- b) All permit decals must be displayed appropriately. The annual permit must be displayed on the lower left hand corner of the front windshield of the passenger side of the vehicle. One day permits must be prominently displayed on the dashboard of the vehicle. Permits are not transferable to another vehicle. A permit may be revoked without refund as a result of the violation of any local or state laws or ordinances.
- c) The daily and annual fee shall be established by the annual budget of the Town of Carolina Beach.

Section 11 – 62. Fees

Every vehicle entering Freeman Park shall be obligated to obtain a permit. Annual permits will be sold at convenient locations throughout the town. Daily permits will not be valid for more than 24 consecutive hours. They shall expire at 8 a.m. the next morning and the vehicle must be removed from the park at that time.

Special permit fees shall be set by the Town Manager.

Section 11 – 63. Hours

Freeman Park shall remain open 24 hours a day 7 days a week unless a decision is made by the Town Council of the Town of Carolina Beach to close it. In addition and due to an extraordinary event or occurrence, the Town Manager, Fire Chief or Police Chief may close Freeman Park without notice. Public notification of any such closure will be made by the **Town** via the media. Property owners in Freeman Park are exempt from this Section.

Section 11 – 64. Conduct of Visitors

Visitors to Freeman Park shall use discretion in using any sound producing devices which may include but is not limited to televisions, radios, stereos, musical instruments, generators or other noisy machinery so not to create a nuisance to others. Visitors should conduct themselves in a manner that is respectful of other people in the park and not do anything commonly considered to be offensive, distasteful or insulting to other visitors.

Section 11 – 65. Vending

Vending of any kind is not allowed unless special permission is granted by the Town Council. Vending licenses will be subject to all laws and policies established by the Town of Carolina Beach.

Section 11 – 66. Advertising and Promotions

There shall be no advertising and/or promotions of any events, product or service at Freeman Park. This shall include distribution of literature such as advertising fliers, brochures and pamphlets.

Section 11 – 67. Organized Events Not Allowed

There will be no organized corporate or business sponsored events, mass gatherings in which tickets are sold, private parties or any event that will restrict the public use and access to the beach. This section excludes family gatherings, groups of friends, school or church groups, and other similar gatherings. Special events can be approved by the Town Council at their discretion with these events primarily being for not-for-profit organizations. Special requirements may be imposed by the Town Council to insure that the liability of the Town is covered and the safety of Freeman Park patrons is preserved.

Section 11 – 68. Peddle, Solicit or Beg Without a License.

It shall be unlawful for any person to solicit, beg or ask for money or other things of value, to exhibit oneself for the purpose of soliciting, begging or asking for money or other things of value, or to solicit or otherwise offer the sale of goods or services in Freeman Park with the exception of fundraising activities approved by the Town Manager.

Section 11 – 69. Curfew for minors.

- a) The purpose of this section shall be to establish a curfew for minors visiting Freeman Park, thus assisting the parents and guardians of minors in the ever-increasing difficult task of child rearing and to promote the health, safety and welfare of both minors and adults by creating an environment offering protection and security for all concerned by (1) reduction of nocturnal juvenile crime; (2) controlling juvenile delinquency; (3) controlling drug activity; (4) controlling malicious damage; (5) reducing public disturbance.
- b) As used in this section, the following definitions shall apply:
 - (1) Areas such as, but not limited to, all common areas open to all for common use; Freeman Park, alleys, streets, or public places, or places of business and amusement; public vehicular areas, highways, and parks; establishments open to the public for the conduct of business.
 - (2) *Guardian*: One who legally has the care and management of the person of a child defined as a minor by this section.
 - (3) *Minor*: A person who has not reached his/her sixteenth birthday and is not married or emancipated.
- c) A curfew applicable to minors is established and shall be enforced as follows:
 - (1) *Time limits*. It is unlawful for any minor to be in or remain upon Freeman Park between midnight (12:01 a.m. and 5:00 a.m.) Monday through Sunday.
 - (2) *Exceptions*. The restrictions provided by subsection (c)(1) above shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor nor shall the restriction apply to any minor who is traveling between his home or place of employment, church, municipal building or school where a function is being held. Further exceptions pertain to; a) political function, interstate travel or movement through the town or interstate movement beginning or ending in the town, and b) Emergency errand directed by minor's parent, guardian, or other person charged with care or custody of such minor.
 - (3) *Responsibility of adults*. It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon, or remain in or upon, a public place within the town within the curfew hours set by

subsection (c)(1) above except as otherwise provided in subsection (c)(2).

(4) *Responsibility of business establishments.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon, any place of business or amusement operated by them within the curfew hours set by subsection (c)(1) above.

(5) *Enforcement:*

a. When a minor is found to be in violation of this section the officer will check with the police department of the town to determine if the juvenile is a first offender. If the juvenile is a first offender, he/she will be taken to the residence of his/her parent or guardian if child resides in town limits. If not, the police will try to contact parent/guardian. A written warning will be given to that adult and an information report taken by the officer to include the name of the juvenile and adult and the time, date and location of the offense. This report will be turned in to the records center and entered into the police department computer system. A copy of the report will be forwarded to the juvenile officer of the police department.

b. If, upon checking with the records center, the juvenile is found to be a repeat offender, he/she will be taken to the residence of his/her parent or guardian or the parents/guardian contacted and the adult will be subject to a criminal citation pursuant to subsection (c)(6) of this section. A report will be turned into the records center and entered into the police department computer system. A copy of the report will be forwarded to the juvenile officer of the police department.

c. If the juvenile is under twelve (12) years of age, a report will be made and a copy forwarded to the New Hanover County Department of Social Services.

(6) *Aiding and abetting by adult, guardian or parent.* It shall be a violation of this section for an adult, guardian or parent to allow, permit, encourage, aid or abet a minor in the violation of subsection (c)(1) of this section except as otherwise provided in subsection (c)(2).

(7) *Refusal of guardian or parent to take custody of a minor.* If any guardian or parent refuses to take custody of his/her minor child found in violation of this section, the officers with custody of such minor shall contact the New Hanover County Department of Social Services and release the minor to that agency, pending

further investigation by the police department and the Department of Social Services. The adult will be subject to a criminal citation pursuant to subsection (c)(6) of this section.

(8) *Emergency curfew.* Under the authority of G.S. section 14-288.12, whenever the mayor of the town deems that an emergency exists and there is a clear and present danger to the preservation of the public peace, health, life or safety or to public or private property in the town necessitating expansion of the curfew provisions set forth in subsection (c)(1) above, the mayor may effect such expansion effective for the period of the emergency by proclamation. The proclamation shall contain a statement of the reasons for such necessity, the period of the expanded curfew and provide that no minor under the age of sixteen (16) shall be upon or about public places as defined by this section in the town between the hours of 8:00 p.m. and 5:00 a.m. of the following morning unless accompanied by his/her parent, guardian or responsible adult. Such proclamation may further provide that no parent or guardian of any minor under the age of sixteen (16) shall allow the child to be upon or about, or remain upon or about, any public place as defined by this section in the town between the hours of 8:00 p.m. and 5:00 a.m. of the following morning unless the child is under direction or protection of some adult person with authority and consent of such parent or guardian for his/her being there. Such proclamation shall become effective thirty (30) minutes after being publicly announced by the mayor for the period or until rescinded by the mayor or repealed by council in the manner in which ordinances are repealed. As soon as reasonably possible, the proclamation shall be published and reported in the local media and posted conspicuously about the town.

~~Section 11 — 70. Drinking in public.~~

~~a) For the purpose of this section the following definitions shall apply:~~

~~(1) *Alcoholic beverage:* Only beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified and fortified wine, spirituous liquor, and mixed beverages.~~

~~(2) *Malt beverage:* Beer, lager, malt liquor, ale, porter and any other brewed or fermented beverage containing at least one-half of one percent (0.5%) and not more than six (6) percent alcohol by volume.~~

~~(3) *Fortified wine:* Any wine made by fermentation from grapes, fruits, berries, rice or honey to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry,~~

~~rice or honey that is contained in the base wine and which has an alcoholic content of not more than twenty four (24) percent alcohol by volume.~~

~~(4) *Unfortified wine:* Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beer or dextrose sugar and that has an alcoholic content of not less than six (6) percent and not more than seventeen (17) percent alcohol by volume.~~

~~(5) *Spirituous liquor or liquor:* Distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur and premixed cocktails in closed containers for beverage use regardless of their dilution.~~

~~(6) *Mixed beverage:* A drink composed in whole or in part of spirituous liquor and served in quantity less than the quantity contained in a closed package (G.S. section 18B-101).~~

~~(7) *Public area:* Those areas within the Town of Carolina Beach or under the control and management of the Town of Carolina Beach.~~

~~b) The consumption of alcoholic beverages, whether in its packaged form or mixed, within any public area shall be prohibited (G.S. section 18B-300(c)).~~

~~(1) It shall be unlawful for any person to consume or drink any alcohol beverages on the public streets in the town by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by the town.~~

~~(2) It shall be unlawful for any person to possess an open container of alcoholic beverages on the public streets in the town by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by the town.~~

~~(3) It shall be unlawful for any person to possess alcoholic beverages on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events unless a special use permit is obtained from the town manager a minimum of ten (10) working days prior to the event.~~

~~e) 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. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC laws.~~

Section 11 – 71. Firearms and Fireworks

- a) Firearms regulated. It shall be unlawful for any person to discharge any firearm of any type within Freeman Park, except by a peace officer in the performance of his or her duty and other persons in defense of life and property as allowed by State Law.
- b) It shall be unlawful for any person to be in possession of **or cause to ignite any pyrotechnic or firework that is prohibited under North Carolina State Law.** ~~, using or the like any of the following pyrotechnics:~~

~~(1) Wire sparklers consisting of wire or stick coated with non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition, including those containing 100 grams of mixture per item or less; and/or~~

~~(2) Other sparkling devices which omit showers of sparks and sometimes a whistling or crackling effect when burning, which do not detonate or explode, do not spin, are hand held or ground based and which cannot propel themselves through the air, contain not more than 75 grams of chemical compound per tube or not more than a total of 200 grams if multiple tubes are used.~~

~~(3) Any other firework that is prohibited by North Carolina State Law.~~

Section 11 - 72. Noises prohibited, nuisances.

- a) *General prohibitions.* It shall be unlawful to create, cause or allow the continuance of any loud, disturbing, unusual, frightening or unnecessary noise, particularly during nighttime, which prevents or unreasonably interferes with neighboring residents' reasonable use of their properties. Such noise may include, but is not limited to, the following:

(1) *Yelling, shouting, whistling or singing.* Yelling, shouting, whistling or singing on the public streets or private property at nighttime.

(2) *Loading operations.* Noise resulting from loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or other similar objects during nighttime.

(3) *Repair of motor vehicles.* Noise resulting from the repair, rebuilding or testing of any motor vehicle during nighttime.

(4) *Radio, phonograph, television, or musical instrument.* Noise resulting from the playing of any radio, phonograph, musical instrument, television, or any such device, particularly during nighttime.

(5) *Nuisance noise.* Nuisance noise which does not exceed the noise threshold but creates an irritating impact sufficient to disturb an individual's sleep pattern or the peace and quiet of the area.

b) *Specific prohibitions.* The following acts are prohibited and shall be considered nuisance acts:

(1) *Horns and signaling devices.* The intentional sounding of any horn or signaling device on any street or public place continuously or intermittently, except as a danger or emergency warning.

(2) *Motor vehicles.* Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.

(3) *Exterior loud speakers.* Operating or permitting the operation of any mechanical device or loudspeaker, without a permit to do so, in a fixed or movable position exterior to any building, or mounted in/on any motor vehicle or watercraft in such a manner that the sound therefrom is in excess of the maximum decibel level as described in section 10-6.

(4) *Power equipment.* Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, or other garden equipment, or tools of a similar nature, outdoors during nighttime.

(5) *Explosives.* The use or firing of explosives, firearms, fireworks or similar devices which create impulsive sound.

(6) *Security alarms.* The sounding of a security alarm, for more than twenty (20) minutes after being notified by law enforcement personnel.

(7) *Animals and birds:* Keeping of any animal or bird that frequently or for long periods of time makes noises that tend to annoy or disturb others.

(8) *Construction:* Construction, construction preparation, building and operation of construction or building equipment.

(9) *Motor vehicles:* Operation of any motor vehicle so as to cause the tires to squeal or screech unnecessarily.

(10) *Model cars:* Operation of model cars, boats or airplanes, go carts, mini bikes or all-terrain vehicles or other unlicensed toy or

recreational vehicles or devices powered by an internal combustion engine.

Section 11 - 73. Public Nudity.

- a) It shall be unlawful for any fully developed female to willfully expose her breasts in Freeman Park or on any public beach, any public street or in any public park. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. For the purpose of this ordinance, exposing of breasts shall mean the revealing of the female breast with less than a fully opaque covering on any portion thereof lower than the top of any part of the areola.
- b) It shall be unlawful for any person to appear on any public beach, any public street or in any public park in a state of dress or undress so as to expose to the view of others the human male or female pubic area, pubic hair, anus, vulva or buttocks with less than a fully opaque covering.

Section 11 – 74. Penalties and Remedies

- a) Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall be punishable by civil penalties and fined in accordance with the Freeman Park Schedule of Fines. The Schedule of Fines shall be periodically adjusted by the Town Council.
- b) Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, shall also subject the offender to civil penalties detailed in the Schedule of Fines. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. Additionally, if the civil penalty is not paid within 15 days, a criminal summons will be issued.
- c) This Ordinance may also be enforced, by any appropriate equitable means, including the revocation of the offenders Freeman Park pass.

Adopted this 14th day of November 2006.

Bill Clark, Mayor

(S E A L)

Attest: _____
Melinda N. Prusa, Town Clerk

Ordinance	Violation	Fine
Section 11-46	Careless and Reckless Driving	\$100.00
Section 11-47	Only Operational Vehicle(s)	\$50.00
Section 11-48	Repairs within Freeman Park (Vehicle)	\$50.00
Section 11-49	Abandonment (Vehicle)	\$50.00
Section 11-50	Public Vehicular Area	
	(a) Restricted Area to include below daily high-tide mark	\$100.00
Section 11-51	Speed Limit	\$50.00
Section 11-52	Clinging to Motor Vehicle	\$25.00
Section 11-53	Camping Violation(s)	
	(a) Location Violation or Camping more than allowed time (14 days)	\$50.00
Section 11-54	Campfires	\$50.00
	(a) Location Violation	\$50.00
	(b) Burning of Construction Debris	\$100.00
Section 11-55	Sand Dunes	
	(a) Walking within Sand Dunes	\$50.00
	(b) Operating a Motor Vehicle within Sand Dunes (Minimum/Maximum)	\$250 - \$1000
Section 11-56	Litter including Glass Containers	\$50.00
Section 11-57	Human waste; animal and vegetable waste	\$25.00
Section 11-58	Wildlife to include feeding of wildlife and the presence of horses and/or livestock	\$25.00
Section 11-59	Dogs and other commonly accepted animals and fowl on public rights-of-ways, etc.	\$25.00
Section 11-60	Surfing and Other Water Related Activities	
	(a1) Personal Watercraft within 1500ft of beach strand	\$50.00
	(a2) Surfing Leash Law	\$50.00
	(a3) Surfing within 500ft of Fishing Pier	\$50.00
Section 11-61	Freeman Park Permits	\$50.00
Section 11-63	Trespassing when Park is Officially Closed	\$100.00
Section 11-64	Conduct of Visitors	\$50.00
Section 11-65	Vending, unauthorized	\$50.00
Section 11-66	Advertising and Promotions	\$50.00
Section 11-67	Organized Events, unauthorized	\$50.00
Section 11-68	Pedal, Solicit or Beg without a License	\$50.00
Section 11-69	Curfews for Minors	\$50.00
Section 11-70	Drinking in Public	\$50.00
Section 11-71	Firearms and Fireworks	\$50.00
Section 11-72	Noises prohibited, nuisances	\$50.00
Section 11-73	Public Nudity	\$50.00

