

Ordinance Prohibiting Sex Offenders From Entering Parks & Recreation Facilities

A. Prohibition: No person registered with the State of North Carolina and any other state or federal agency as a registered sex offender, including, but not limited to the sex offender registry established pursuant to Article 27A of Chapter 14 of the North Carolina General Statutes, shall enter into or upon any public park, recreational area, or recreation facility owned, leased, operated or maintained by the Town.

It shall constitute a general offense against this Ordinance of the Town of Whitsett for any person or persons registered as a sex offender with the state of North Carolina and/or any other state or federal agency to knowingly enter into or on any public park or recreation facility owned, leased, operated, or maintained by the Town of Whitsett.

B. Penalties: Violation of the ordinance shall be punishable by a fine of five hundred dollars (\$500.00) and/or incarceration for up to thirty (30) days. Each entry into a public park or recreational area, or recreational facility, regardless of the time period between such entries, shall constitute a separate offense under this article.

C. Definition: For purposes of this ordinance, the following definitions shall apply:

Official Meeting - A meeting that is required to be open to the public by the Open Meetings Law, Article 33C of Chapter 143 of the North Carolina General Statutes.

Public Park - Any publicly owned, leased, operated, or maintained property or recreational area that is designated as a park by the town, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access the public park.

Recreational Facility - Any publicly owned, leased, operated, or maintained property that is designated as a recreational facility by the town, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access the public recreation facility.

Registered Sex Offender - An individual who is registered by any state or federal agency as a sex offender and/or whose name is published or required to be published on any state or federal sex offender registry, including, but not limited to the North Carolina Sex Offender and Public Protection Registry established pursuant to Article 27A of Chapter 14 of the North Carolina General Statutes.

D. Signage Required: The Town Manager or his/her designee shall be charged with posting this regulation at the entrances to each Public Park and recreational facility within thirty (30) days of the passage of this Ordinance.

E. Limited Exceptions:

1) **Official Meetings:** A registered sex offender who has the right to be present at an official meeting shall have the limited privilege of entering on and into a park or recreational facility for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this ordinance.

The privilege and limited exception shall only extend to those parts or areas of the park and/or recreational facility that are commonplace for official meetings and any registered sex offender found outside of such parts or areas shall be punished as set forth in Paragraph B above.

2) **Polling Place:** When a recreational facility is used as a polling place for an election, the registered sex offender may enter such recreational facility for the limited purpose of voting if he/she qualifies to do so at such polling place.

The privilege shall only extend to those parts or areas of the park and/or recreational facility that are commonplace or designated for polling and any registered sex offender found outside of such parts shall be punished as set forth in Paragraph B above.

F. 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.