

# HAZARDOUS RECREATIONAL ACTIVITIES ORDINANCE OF MCDOWELL COUNTY, NORTH CAROLINA

## Section 1. Title

This Ordinance shall be known as “The Hazardous Recreational Activities Ordinance” of McDowell County, North Carolina.

## Section 2. Purpose

The purpose of this Article is to promote the health, safety and welfare of those persons desiring to engage in hazardous recreational activities within designated areas of the County. This Article is intended to comply with and supplement the Hazardous Recreation Parks Safety and Liability Act, Chapter 99E, Article 3 of the North Carolina General Statutes, and shall be interpreted in accordance therewith.

## Section 3. Authority and Enactment

This Ordinance is adopted under the authority and provision of the General Statutes of the State of North Carolina Article 6, Chapter 153A-121.

## Section 4. Jurisdiction

This Ordinance shall apply to the McDowell County Recreation Center located at 25 Academy Street, Marion, NC 28752, and any other Designated Areas as defined by the McDowell County Board of Commissioners.

## Section 5. Definition of Terms

**Protective Equipment** - shall mean helmets, elbow pads and kneepads.

**Helmet** - shall mean protective headgear that meets or exceeds standards established by the American National Safety Institute.

**Hazardous Recreational Activities** - shall mean skateboarding, inline skating or freestyle bicycling.

**Designated Areas** - shall mean those areas within the County specifically set aside for those engaging in Hazardous Recreational Activities. A list of Designated Areas shall be maintained by the Clerk to the Board, and each Designated Area shall include a sign clearly identifying such area Hazardous Recreational Activities use.

**Participant** - shall mean a person, regardless of age, who engages in a Hazardous Recreational Activity within any Designated Area.

## **Section 5. Rules and Regulations**

The Director of Parks and Recreation shall develop rules and regulations governing the use of all Designated Areas. The rules and regulations shall be posted prominently near the entrances to all Designated Areas. Any person may request, at no charge, a written copy of the current rules and regulations.

## **Section 6. Duties of Participants**

All persons shall wear Protective Equipment while engaging in any Hazardous Recreational Activity within a Designated Area. All Participants shall comply with all rules and regulations applicable to Designated Areas. Specifically, and without limitation, any person riding a skateboard or similar device within any Designated Area shall wear elbow pads, kneepads and a helmet that is properly fitted with chin strap fastened.

## **Section 7. Violations**

Any person violating this Ordinance shall be subject to a citation. Violations of this Article shall be an infraction, punishable by a civil fine not to exceed twenty-five dollars (\$25.00), as set forth in North Carolina General Statute Chapter 14-3.1.

## **Section 8. Effective Date**

This Ordinance shall become effective upon and after the date it is approved and adopted by the Board of Commissioners of the McDowell County.

Adopted this 12<sup>th</sup> day of December, 2005.

s/Andrew K. Webb  
Chairman of the  
Board of Commissioners  
McDowell County, NC

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