RESOLUTION #19-06-05

Resolution Establishing a Parks, Greenways and Recreation Advisory Board for Buncombe County Recreation Services

---

WHEREAS, on February 5, 1973, this Board of Commissioners established the Buncombe County Recreation Advisory Council;

WHEREAS, the same was disbanded by ordinance of the Buncombe County Board of Commissioners pursuant to the authority granted to it by House Bill 418, Ratified as Session Law 2013-262 by the North Carolina General Assembly on July 16, 2013, which authorized the Board to create a Culture and Recreation Authority;

WHEREAS, on June 24, 2014, North Carolina Session Law 2013-262, which authorized the creation of the Culture and Recreation Authority, was repealed by North Carolina Session Law 2014-26;

WHEREAS, a county may appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the board of county commissioners of said county; and

WHEREAS, this Board believes that it would be in the best interest of the County to once again establish a Recreation Advisory Board for Buncombe County Recreation Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the Parks, Greenways and Recreation Advisory Board, consisting of nine (9) in number, shall be, and the same is, hereby established.

2. That the members of the Parks, Greenways and Recreation Advisory Board shall serve without compensation.

3. That the members of the Parks, Greenways and Recreation Advisory Board shall serve two year terms for a maximum of three consecutive terms. Previous members who have served their maximum consecutive terms may be reappointed to the board two years after their previous term ended. During the initial appointments, four board members will be designated as one year appointees and five board members will be designated as two year appointees to stagger terms. The initial appointment of one year appointees will not count toward board term limits.

4. That any vacancy shall be filled by the Buncombe County Board of Commissioners to fill the unexpired term.

5. That the makeup of the members of the Parks, Greenways and Recreation Advisory Board shall include at least one resident of each Buncombe County Commissioner

District and shall be selected by the Buncombe County Board of Commissioners upon application. All members of the Parks, Greenways and Recreation Advisory Board shall be County Residents. Members shall be evenly allocated between Buncombe County Commissioner Districts.

6. That the appointed members shall be balanced within the demographics of the surrounding community with specific consideration of gender identity, race or ethnicity, and age.

7. That the Parks, Greenways and Recreation Advisory Board shall possess and exercise the following duties:

    a. Develop a strong, clear message about the County's parks, greenways and recreation offerings that demonstrates how the public is being served and opportunities currently available to citizens. Help disseminate that message.
    b. Recommend strategic priorities for capital investments and facility improvements.
    c. Work in coordination with Commissioners and staff to support implementation and evolution of the Buncombe County Greenways and Trails Master Plan.
    d. Review and provide feedback concerning funding strategies and priorities of recreation-related capital improvements;
    e. Work in partnership with affinity groups—supportive nonprofits, parent organizations, schools, sports teams, etc.—to advocate for and promote County parks, greenways and recreation services
    f. Make recommendations concerning the construction and improvement of buildings and other structures for recreational needs;
    g. Assist in public engagement and outreach efforts related to the implementation and evolution of the Buncombe Greenways Master Plan;
    h. Remain apprised of marketing and public communication strategies and provide feedback regarding the efficacy of those strategies;
    i. Make recommendations regarding the brand and image of Buncombe County Recreation Services including, but not limited to facility names and branding, partnership and sponsorship policies, and memorial and sponsor elements within facilities;
    j. Advocate for and promote the County's recreational service offerings to residents of the County alongside recruiting public input.

8. That a quorum shall be a majority of board seats of the Parks, Greenways and Recreation Advisory Board without regard to vacancies.

9. That the Parks, Greenways and Recreation Advisory Board shall organize, adopt bylaws or rules and regulations to govern its procedure and the conduct of the business and affairs of the Parks, Greenways and Recreation Advisory Board and appoint a chairperson and vice-chairperson from among its membership who shall serve a one-year term and until their successors are appointed by this Board.

10. That the Buncombe County Recreation Director or the Recreation Director's designee shall be the secretary of the Parks, Greenways and Recreation Advisory Board.

11. That regular meetings of the Parks, Greenways and Recreation Advisory Board shall be held at such time and place as may be provided by the Advisory Board in its bylaws or rules and regulations, and special meetings may be held on the call of the chair or Recreation Director after due notice. All such meetings shall comport with North Carolina's open meetings' laws.

12. That in addition to physical meetings whereby the public can bring their concerns, suggestions, and questions to the Parks, Greenways and Recreation Advisory Board, the Advisory Board through the Recreation Director shall establish a mechanism to allow the public to submit concerns, suggestions, and questions electronically. Items presented in an electronic manner must clearly identify the member of the public presenting the item. Such electronic items shall be presented collectively on the agenda and any response of the Advisory Board to such items shall be included in the meeting minutes.

13. That the Parks, Greenways and Recreation Advisory Board's meeting schedule, agenda, minutes shall be posted on the County website under the information regarding the Recreation Services Department.

14. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

15. That the Chair of the Buncombe County Board of Commissioners and County Manager, or either of them, or their designee, are hereby authorized to execute such documents as may be required to effect the purposes and intents of this resolution.

16. That any prior resolutions or parts thereof of this Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

17. That this resolution shall become effective upon its adoption.

This the 4th of June, 2019.

ATTEST

Lamar Joyner

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: Brownie Newman

Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Buncombe County Parks & Recreation
Advisory Board Bylaws

	Countywide or		**Department: Recreation**	X	**Board: Recreation Board**
Supersedes: N/A				**Effective Date:** 03/16/2020	
Authority: Buncombe County Board of Commissioners Resolution 19-06-05					

I. Purpose: To establish the general operating procedure for the Parks, Greenways and Recreation Advisory Board for Buncombe County in compliance with state law.

II. Procedure Statement:

A. Name and Office

The name of this organization is the Parks, Greenways and Recreation Advisory Board of the Buncombe County Recreation Services Department (hereinafter, sometimes, "Rec Advisory Board"). The principal office of the Rec Advisory Board is located at 46 Valley Street, Asheville NC 28801

B. Membership

The Rec Advisory Board shall consist of nine (9) members and shall be appointed as follows: three (3) members appointed from each Buncombe County Commissioner District at time of appointment and shall be selected by the Buncombe County Board of Commissioners upon application.

C. Terms

i. The Rec Advisory Board shall consist of nine (9) members who shall be appointed by the Buncombe County Board of Commissioners for terms of three (3) years beginning July 1 in the year of appointment. Provided, that in the appointment of the initial Rec Advisory Board, three (3) Rec Advisory Board members shall be appointed for a term of three (3) years, three (3) Rec Advisory Board members shall be appointed for a term of two (2) years, and three (3) Rec Advisory Board members shall be appointed for a term of one (1) year.

ii. No Rec Advisory Board member shall serve more than two successive three (3) year terms.

iii. Any vacancy on the Rec Advisory Board regardless of how created shall be filled by appointment of the Board of Commissioners for the unexpired term of the vacant position.

iv. As provided in N.C. Gen. Stat. § 153A-265, the Buncombe County Board of Commissioners may remove any Rec Advisory Board member at any time for incapacity, unfitness, misconduct, or neglect of duty.

D. Officers

1. Chair and Vice-Chair

The Rec Advisory Board members shall appoint a Chairperson and Vice-Chairperson from its membership by majority vote to serve a one (1) year term and until his or her successor is appointed by the Rec Advisory Board. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year and shall take effect immediately upon the successful majority vote.

2. Secretary

The Buncombe County Parks, Greenways and Recreation Services Director or the Director's designee shall be the secretary of the Rec Advisory Board. The secretary of the Rec Advisory Board shall have no voting privileges. The secretary of the Rec Advisory Board shall prepare meeting agendas; shall keep a true and accurate account of all proceedings of Rec Advisory Board meetings; shall issue notices of all regular meetings and, on the authorization of the chairman; shall issue the call for special meetings; shall maintain the minutes and other records of the Rec Advisory Board; and shall notify the county manager's office of any vacancies on the Rec Advisory Board.

E. Rec Advisory Board Meetings

1. Regular Schedules

a) The Rec Advisory Board will meet quarterly and shall hold meetings on the second Tuesday of the month from 12:00pm-1:00pm. The day and time may be amended if conflicts arise. Meeting locations will be East Asheville Library but may vary month-to-month. Thirty days prior notice will be posted with meeting location.

b) In accordance with North Carolina's open meetings laws, the schedule of regular meetings shall be filed with Clerk to the Buncombe County Board of Commissioners and shall be posted on Buncombe County's Website.

2. Special Meetings

a) The Chairperson or three of the members of the Rec Advisory Board may at any time call a special meeting of the Rec Advisory Board by signing a written notice stating the time and place of the meeting and

the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chairperson and all of the Rec Advisory Board members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted at the door of its usual meeting room and on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

b) If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. Agenda

The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any individual or group who wishes to have an item of business placed on the agenda shall make a request to be on the agenda to the Secretary no later than two (2) weeks prior to the next scheduled meeting. The request must be in writing and must state the nature of the matter so that the Secretary or appropriate staff will have an opportunity to respond to the area of concern. If appropriate, the Secretary will resolve the request and, if not, the Secretary will determine when the individual or group should be placed on the agenda. The time limit for any individual or representative addressing the Rec Advisory Board shall be five minutes, unless a majority of the Rec Advisory Board agrees to additional time. The Rec Advisory Board may by unanimous vote add an item that requires immediate action that is not on the agenda.

4. Public Comment

a) Public Comment at the Beginning of Meetings. There shall be a public comment period at the beginning and end of every regular meeting limited to three minutes for any individual or representative addressing the Rec Advisory Board. The first public comment session shall be limited to fifteen (15) minutes or to a duration deemed appropriate by the Chair. Section XIII of the Policies and Procedures for the Buncombe County Board of Commissioners regarding public comment is incorporated by reference herein and the Rec Advisory Board reserves the right to invoke its contents, in whole or in part, from time to time, at the discretion of the presiding Officer.

5. Presiding Officer

The Chair of the Rec Advisory Board shall preside at Rec Advisory Board meetings if he or she is present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member of Rec Advisory Board designated by a majority vote of members present at the meeting shall preside. The Presiding Member shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- To call a brief recess at any time;
- To adjourn at the conclusion of the Board's stated business.
- To adjourn in an emergency.

6. Quorum

A quorum shall be a majority of appointed members, not counting vacancies, of the Rec Advisory Board. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

7. Voting

- No vote may be taken without a quorum being present.

- Upon good cause shown, and with the general consent of the members present, a member may make an appearance at a regular meeting by telephone and vote on any matter coming before the Rec Advisory Board at such meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum.

8. Minutes

The Secretary shall prepare minutes of each Rec Advisory Board meeting. Copies of the minutes shall be made available to each Rec Advisory Board member before the next regular Rec Advisory Board meeting. At each regular meeting, the Rec Advisory Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Rec Advisory Board meeting minutes at the County Administration Building, 200 College St., Asheville, NC 28801. Said minutes will also be available on the website at: https://www.buncombecounty.org/Governing/Depts/Parks/Default.aspx.

9. Absences

The attendance of Rec Advisory Board members shall be recorded in the minutes.

F. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

G. Other Procedural Matters

1. Action by the Rec Advisory Board

a) The Rec Advisory Board shall proceed by motion. Any member, including the Chairperson, may make a motion. A motion need not a second.

b) A member may make only one motion at a time.

c) A substantive motion is out of order while another substantive motion is pending.

d) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

e) The Chairperson shall state the motion and then open the floor to debate on it.

The Chairperson shall preside over the debate according to these general principles:

i. The introducer (the member who makes the motion) is entitled to speak first;
ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

3. In order of priority (if applicable), the procedural motions are:

a) To Adjourn. The motion may be made at any time by a member of the Rec Advisory Board and would require majority vote.
b) To Take a Recess.

c) **Call to Follow the Agenda**. The motion must be made at the first reasonable opportunity or it is waived.
d) **To Suspend the Rules**. The motion requires a vote equal to a quorum.
e) **To Divide a Complex Motion and Consider It by Paragraph**.
f) **To Defer Consideration**. A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
g) **Call of the Previous Question**. The motion is not in order until every member of the Rec Advisory Board has had at least one opportunity to speak.
h) **To Postpone to a Certain Time or Day**.
i) **To Refer to a Committee**. Sixty days after a motion as been referred to a committee, the introducer may compel consideration of the measure by the entire Rec Advisory Board, regardless of whether the committee has reported the matter back to the Rec Advisory Board.
j) **To Amend**. An Amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chairperson.
k) **To Revive Consideration**. The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.
l) **To Reconsider**. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
m) **To Rescind or Repeal**.
n) **To Ratify**.
o) **To Prevent Reconsideration for Six Months**. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months.
p) **To Renew a Motion**. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
q) **Withdrawal of a Motion**. A motion may be withdrawn by the introducer at any time before a vote.
r) **Duty to Vote**. Once a meeting has been convened, every member, including the Chairperson, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chairperson, who shall take a vote of the remaining members. The Rec Advisory Board may excuse a member from voting, but only upon questions involving his or her own financial interest or his or her official conduct or on matters on which the member is prohibited from voting under N.C. Gen. Stat. § 14-234. For purposes of this rule, the question of the compensation and allowances of members of the Rec Advisory Board does not involve a member's own financial interest or official conduct. Refusal to vote (without

just cause) shall be recorded as an affirmative vote.

H. Compliance with North Carolina Law

In conducting its business, the Rec Advisory Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws setting forth the powers and duties of local Rec Advisory Boards. To assist the Rec Advisory Board in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Rec Advisory Board members on request.

III. Applicability and Exceptions: This procedure applies to current members of the Rec Advisory Board for Buncombe County

IV. Procedure Responsibility and Management:

- This procedure should be reviewed annually by the Rec Advisory Board and the County's legal department.

- New Rec Advisory Board members will receive a copy of the Rec Advisory Board Operations Manual and review it as part of their orientation.

V. Reference to Robert's Rules of Order:

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Rec Advisory Board shall refer to Robert's Rules of Order for unresolved procedural questions.

ANNUAL REPORT

To: Buncombe County Commissioners **Date:** 11/12/2025

From: Recreation Services Advisory Board

Subject: Recreation Services Advisory Board Annual Report to Buncombe County Commissioners

---

Meeting Date/Time/Location:
11/12/2025 – 12pm – Zoom

Current Membership: List of current board member names at time of annual report.
Ann Bobcock, Jennifer Cook, Christina Dupuch, Kevin Conrecode, Leslie Young, Ingrid Johnson, David Burdett. Currently 2 vacancies.

Summary Statement: Brief summary statement of report.
With Helene and the transition of several Members in the past year, the Recreation Advisory Board has developed goals to strengthen and create a more proactive Board going forward. Recreation Services staff will be updating the way in which information is communicated to the Board so meetings are more action focused.

Purpose: List purpose of board/commission/committee.
The purpose of the Recreation Services Advisory Board is to advocate for, provide feedback of, and support the development and promotion of Buncombe County's parks, greenways, and recreation services by advising on strategic investments, master plan implementation, community engagement, and partnerships to increase awareness, access, and quality of recreational opportunities for all residents.

Accomplishments/Activities: Highlight major accomplishments/activities.
Recreation Services Board Meetings were paused from October 2024 to February of this year. The focus of recent meetings has been on recovery updates and reporting of current programming and events and park statuses.
Accomplishments:

- Selection and Appointment of two new Advisory Board Members
- Restarting Board Meetings with objective of being more proactive Advisory Board.
- Passive Recreation Land Sub-committee has reconvened

Upcoming Goals: Yearly goals and strategic planning - be specific, bullet points are fine.

- Appoint new Chairperson and Vice Chairperson
- Review Bylaws and Update as Appropriate
- Advise on Strategic Capital Investments
    - Review and recommend annual capital priorities each fiscal year in July
    - For Greenways specifically, identification of bottlenecks and recommend potential solutions to County Commissioners

- Develop Community Engagement Action Plan *for Advisory Board*
    - Review and provide input on marketing and branding materials bi-annually in May and November
    - Participate in at least one outreach or public engagement event or program per District per year to include contact with special interest groups.
        - During Outreach and engagement, solicit feedback on capital investments and Master Plan implementation and progress.
- Support Implementation of the Systemwide Parks and Recreation Master Plan
    - Provide formal recommendations annually to the Board of Commissioners on policy and project priorities tied to the master plan.

Provide any feedback:
The Board would like more interaction with County Commissioners whether in a formal or informal setting.

Buncombe County Ordinances Relating To Parks and Recreation

Full Code:
https://library.municode.com/nc/buncombe_county/codes/code_of_ordinances?nodeId=COORBUCONOCA

Chapter 54 - PARKS AND RECREATION[1]

Footnotes: --- (1) --- State Law reference— Authority to establish parks and recreation systems, G.S. 160A-350—160A-356.

Sec. 54-1. - Penalty for violation of chapter.

A violation of this chapter shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 day's imprisonment as provided in G.S. 14-4.

(Ord. No. 18241, § 1(VIII), 12-17-85; Ord. No. 22-05-13, § 21, 5-19-22)

Sec. 54-2. - Fishing permit.

(a) Required. All persons 16 years of age or older entering upon the waters of Lake Julian or contiguous lands for the purpose of fishing shall have in their possession a valid county Lake Julian fishing permit.

(b) Possession and display; failure punishable as trespassing. The failure of any person 16 years of age or older to possess the permit and display it upon being requested to do so by a county ranger, while such person is upon or in the waters of Lake Julian or contiguous lands leased to the county, for the purpose of fishing, shall be considered trespassing without permission upon the waters and lands, and shall be punishable as provided for by law for the violation of county ordinances and/or trespassing.

(c) Issuance; terms; fees. The permit shall be issued at Lake Julian by county rangers and shall be granted upon such terms and for such prices as set from time to time by the board of commissioners.

(Res. No. 15967, § 3, 12-6-77)

Sec. 54-3. - Littering.

It shall be unlawful for any person to throw any rubbish, stones, or other debris, paper or trash of any kind into any lake or pond or within any county park or recreational facility.

(Ord. No. 18241, § 1(I), 12-17-85)

Cross reference— Solid waste management, ch. 62.

Sec. 54-4. - Destruction of plants and wildlife.

(a) It shall be unlawful for any person to pull flowers or fruits, whether wild or cultivated, vegetable or plant life, cut down trees or saplings, break limbs or branches of trees or remove bark from trees, or injure shrubbery or plants or to girdle any tree within any county park or recreational facility.

(b) It shall be unlawful for anyone to hunt, destroy, trap or otherwise capture or take any animal, wildlife, migratory bird or other fowl within a county park except when specifically authorized by the director of parks and recreation.

(Ord. No. 18241, § 1(II), 12-17-85)

Cross reference— Animals, ch. 6.

Sec. 54-5. - Swimming.

It shall be unlawful for any person to swim or bathe in any county-owned lake or pond without written authorization from the director of parks and recreation.

(Ord. No. 18241, § 1(III), 12-17-85)

Sec. 54-6. - Vehicles.

(a) Use of roads. It shall be unlawful for any person to operate any motorized vehicle or other power driven vehicle upon the grass or footways of the county parks or recreational facility, other than on the public roads and streets.

(b) Maximum speed. It shall be unlawful to operate any motor vehicle in excess of 15 miles per hour upon any of the streets or drives of any county park or recreational facility park.

(c) Parking regulations. It shall be unlawful for any person to park any motor vehicle in an area designated by no parking signs. The director of parks and recreation shall determine the areas where parking is prohibited.

(d) Vendors. It shall be unlawful for any vehicle to park on any of the streets within any of the public parks or play areas of the county for the purpose of vending goods, wares or merchandise without prior written approval by the director of parks and recreation.

(Ord. No. 18241, § 1(IV), 12-17-85)

Cross reference— Traffic and vehicles, ch. 74.

Sec. 54-7. - Use of facilities; signs.

It shall be unlawful for anyone to destroy or remove without permission from the director of parks and recreation any notice or sign displayed on any recreation or other park facility or area being permanently or temporarily used by the parks and recreation department. It shall be unlawful for anyone to use or enter upon any recreational facility or area from which they are temporarily or permanently prohibited from using by means of any written or published notice, signs made or caused to be made by the parks and recreation department, or a verbal request that such facilities or areas are not to be used or entered upon, when such request is made by officially identified parks and recreation department personnel.

(Ord. No. 18241, § 1(V)(5.1), 12-17-85)

Sec. 54-8. - Permit for certain uses of park.

(a) Required; scope. Any individual, organization, corporation, association, society, fraternity, club, order or group of whatever kind desiring the use of the public parks owned or controlled by the county as the location for a rally, demonstration, march, public speech, public meeting or other similar activity shall make written request therefor not less than 72 hours prior to the date of the intended use. This section shall apply only to assemblages where the expected attendance will be more than 100 people. No such assemblages may be held except during daylight hours.

(b) Application; information. The application shall be submitted to the director of parks and recreation and shall state the name and address of its principal officer and of its directors or other governing body and shall also contain such other pertinent information as may be required by the director of parks and recreation in order to clearly identify the organization submitting the request and the individuals principally engaged in the conduct of its affairs. The request shall state the date and hour for which the use is requested and the expected duration of such use.

(c) Determination by director of parks and recreation. If the director of parks and recreation shall conclude that the requested use will not hinder or impede any regularly established use of the parks and will not adversely affect their care, protection or maintenance or create a nuisance by such use, the director of parks and recreation may grant permission for such use. If the director of parks and recreation shall determine otherwise, the request shall be denied.

(Ord. No. 18241, § 1(V), 12-17-85)

Sec. 54-9. - Dogs on leash.

Dogs must be on a leash and under control of the owner at all times while in a county park or recreational facility.

(Ord. No. 18241, § 1(V), 12-17-85)

Cross reference— Animals, ch. 6.

Sec. 54-10. - Possession or use of weapons.

The possession or use of weapons in a county park or county owned or operated recreational facility is unlawful. The term "weapons" includes, but is not limited to, the following: firearm, gun, rifle, shotgun, pistol, air rifle, BB gun, blackjack, nightstick, knife, switchblade or any such instrument capable of causing serious bodily injury designed for use as a weapon.

(Ord. No. 18241, § 1(VI), 12-17-85)

Sec. 54-11. - Alcoholic beverages.

(a) Unlawful. Except as provided in subsection (b) of this section, it shall be unlawful for any person to possess, consume, display or sell any alcoholic beverages, malt beverages or unfortified wine upon the premises of or within any property owned, leased or operated by Buncombe County.

(b) Exception; permit required; permit conditions. Any individual, organization or group may submit an application for a permit to the director of parks and recreation on the form supplied by the parks and recreation department. If the director shall conclude that the issuance of a permit for the possession, consumption, display or sale of any alcoholic beverages, malt beverages or unfortified wine can be authorized for a specific time and area, will not hinder or impede any regularly established use of the county property and will not adversely affect the county's ability to care, protection or maintenance or create a nuisance on the property, the director of parks and recreation may grant permission for such use. If the director of parks and recreation shall determine otherwise, the application for a permit shall be denied; provided, however, that any permit granted shall be for use only in a clearly designated area and no alcoholic beverages, malt beverages or unfortified wine may be removed from that area into other areas or facilities. Further, individuals not designated in the permit application shall not be allowed in the designated area during the time set forth in the permit. In addition the applicant is required to get the necessary permits from the State of North Carolina. Alcoholic beverages, malt beverages or unfortified wine shall not be allowed in any boats or other rental or mechanical equipment.

(Ord. No. 18241, § 1(VII), 12-17-85; Ord. No. 10-10-22, § 1, 10-26-10)

Chapter 50 - OFFENSES AND MISCELLANEOUS PROVISIONS[1]

Footnotes: --- (1) ---

State Law reference— State criminal code, G.S. 14-1 et seq.

Chapter 50 - OFFENSES AND MISCELLANEOUS PROVISIONS[1]

Footnotes:

--- (1) ---

State Law reference— State criminal code, G.S. 14-1 et seq.

Sec. 50-1. - Smoking prohibited in county buildings, on county grounds, or in county vehicles.

(a)Authority. This section is enacted pursuant to authority granted in said legislation titled "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" and pursuant to authority contained in G.S. 130A-498 and the provisions of G.S. 153A-121 as an exercise of the police power to protect, promote and preserve the public health, welfare and safety of individuals in county buildings, on county grounds, or in local vehicles.

(b)Definitions. The following definitions apply to this section:

Bar. An establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of G.S. 18B-1001.

Cigar bar. An establishment with a permit to sell alcoholic beverages pursuant to subdivision (1), (3), (5), or (10) of G.S. 18B-1001 that satisfies all of the following:

(1) Generates 60 percent or more of its quarterly gross revenue from the sale of alcoholic beverages and 25 percent or more of its quarterly gross revenue from the sale of cigars;

(2)Has a humidor on the premises; and

(3)Does not allow individuals under the age of 21 to enter the premises. Revenue generated from other tobacco sales, including cigarette vending machines, shall not be used to determine whether an establishment satisfies the definition of cigar bar.

Employee. A person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer with or without compensation.

Employer. An individual person, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees.

Enclosed area. An area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

Grounds. An unenclosed area owned, leased, or occupied by state or local government.

Local government. A local political subdivision of this state, an airport authority, or an authority or body created by an ordinance, joint resolution, or rules of any such entity. As used in this section, "local government" shall be Buncombe County and any reference contained herein to "local government" shall be deemed to mean "Buncombe County."

Local government building. A building owned, leased as lessor, or the area leased as lessee and occupied by the county. As used in this section, "local government building" shall be Buncombe County building and any reference contained herein to "local government building" shall be deemed to mean "Buncombe County building."

Lodging establishment. An establishment that provides lodging for pay to the public.

Local vehicle. A passenger-carrying vehicle owned, leased, or otherwise controlled by the county and assigned permanently or temporarily by the county to county employees, agencies, institutions, or facilities for official county business.

Private club. A country club or an organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with G.S. Ch. 55A or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1). For the purposes of this article, private club includes country club.

Private residence. A private dwelling that is not a child care facility, as defined in G.S. 110-86(3), and not a long-term care facility, as defined in G.S. 131E114.3(a)(1).

Private vehicle. A privately owned vehicle that is not used for commercial or employment purposes.

Public place. An enclosed area to which the public is invited or in which the public is permitted.

Restaurant. A food and lodging establishment that prepares and serves drink or food as regulated by the commission pursuant to Part 6 of Article 8 of this Chapter.

Smoking. The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

State government. The political unit for the State of North Carolina, including all agencies of the executive, judicial, and legislative branches of government.

State government building. A building owned, leased as lessor, or the area leased as lessee and occupied by state government.

State vehicle. A passenger-carrying vehicle owned, leased, or otherwise controlled by the state and-assigned permanently or temporarily to a state employee or state agency or institution for official state business.

Tobacco shop. A business establishment, the main purpose of which is the sale of tobacco. tobacco products, and accessories for such products, that receives no less than 75 percent of its total annual revenues from the sale of tobacco, tobacco products, and accessories for such products, and does not serve food or alcohol on its premises.

(c) Smoking prohibited. No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any Buncombe County buildings, on Buncombe County grounds, or in Buncombe County vehicles.

(d)No smoking signs and instructions. The individual in charge of county buildings, county grounds, or county vehicles or the individual's designee shall post signs in conspicuous areas of the building. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. In addition, the individual in charge of the building or the individual's designee shall direct a person who is smoking inside the building, or on the grounds, or in a vehicle, or in public places to extinguish the lighted smoking product.

(e)Exceptions. This article does not restrict or prohibit smoking in the following places:

(1)A private residence.

(2)A private vehicle.

(3)A tobacco shop if smoke from the business does not migrate into an enclosed area where smoking is prohibited pursuant to this section. A tobacco shop that begins operation after July 1, 2009, may only allow smoking if it is located in a freestanding structure occupied solely by the tobacco shop and smoke from the shop does not migrate into an enclosed area where smoking is prohibited pursuant to this section.

(4)All of the premises, facilities, and vehicles owned, operated, or leased by any tobacco product processor or manufacturer, or any tobacco leaf grower, processor, or dealer.

(5)A Designated smoking guest room in a lodging establishment. No greater than 20 percent of a lodging establishment's guest rooms may be designated smoking guest rooms.

(6)A cigar bar is smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited pursuant to the article. A cigar bar that begins operation after July 1, 2009, may only allow smoking if it is located in a freestanding structure occupied solely by the cigar bar and smoke from the cigar bar must satisfactorily report on a quarterly basis to the department, on a form prescribed by the department, the revenue generated from the sale of alcoholic beverages and cigars as a percentage of quarterly gross revenue. The department shall determine whether any additional documentation is required of the cigar bar to authenticate or verify revenue data submitted by the cigar bar. This subdivision shall not apply to any business that is established for the purpose of avoiding compliance with the article.

(7)A private club.

(8)A motion picture, television, theater, or other live production set. This exemption applies only to the actor or performer portraying the use of tobacco products during the

production.(f)Penalty for violation of section. Any person violating the provisions of this section shall be responsible for an infraction, and the person committing the infraction may be punished by a fine of not more than $50.00. Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of a local ordinance or other rules, laws, or policies adopted under this section may not be assessed court costs.

(Ord. No. 20189, § 6, 5-1-93; Mo. of 5-18-93; Ord. No. 09-08-04l, § 1, 8-4-09)

Cross reference— Buildings and building regulations, ch. 10; air pollution, § 26-26 et seq.

State Law reference— Authority to regulate smoking in county owned or occupied buildings, G.S. 143-601.

Sec. 50-4. - Carrying of concealed handguns.

(a) That the carrying of a concealed handgun is hereby prohibited in all county owned or maintained buildings, offices and property.

(b) That the exceptions to this policy shall be the same as those enumerated for courthouses in G.S. 14-269.4.

(c) The following parks shall be exempt from this section:

(1) Walnut Island River Park;

(2) Ledges River Park;

(3) Sandy Bottoms River Park;

(4) Hominy Creek River Park;

(5) Bent Creek River Park;

(6) Jean Webb River Park;

(7) Glen Bridge River Park;

(8) Corcoran-Paige River Park;

(d) That notice of this policy shall be conspicuously posted in all county owned or maintained buildings, offices and property in order to comply with the provisions of G.S. 14-415.11(c).

(e) Penalty for violation of section. A violation of this section shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 day's imprisonment as provided in G.S. 14-4.

(Ord. No. 95-11-9, §§ 1—5, 11-21-95; Ord. No. 22-05-13, § 19, 5-19-22)

Cross reference— Possession or use of weapons, § 54-10.

Sec. 50-6. - Registered sex offenders prohibited from entering the county parks and recreation areas.

(a) For purposes of this section the following definitions shall apply:

(1) Registered sex offender—An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to the sex offender registry established in G.S. Ch. 14, Art. 27A.

(2) Buncombe County Parks and Recreation Areas—Any county-owned, leased, operated or maintained land which is designated by the County of Buncombe as a park or recreation facility.

(b) No registered sex offender shall enter into or upon any Buncombe County Parks and Recreation Areas operated by the County of Buncombe. Each entry into such areas, regardless of the time period between such entries, shall constitute a separate offense under this section.

(c) Anyone who is found in violation of this section he shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00 per offense and/or 30 days in jail as set forth in G.S. 14-4.

(d) The county manager or her designee shall post this regulation at the main entrance of each park within 30 days of passage of this section.

(Ord. No. 07-06-11, § 1, 6-19-07)