***Council Member _____ made a motion to approve the following Ordinance as presented. A vote of _____ in favor.***

**ORDINANCE TO AMEND TOWN CODE OF ORDINANCES CHAPTER 33 – PARKS AND RECREATION, ARTICLE I – IN GENERAL, SEC. 33-3: CLOSING TIME CURFEW FOR PUBLIC PARKS AND RECREATIONAL AREAS.**

**ORDINANCE # O-26-02**

**WHEREAS,** the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December 1993, and

**WHEREAS,** the Town of Black Mountain seeks to promote public safety for residents; and

**WHEREAS,** the Town Council finds it necessary to clarify and update existing ordinances governing closing time curfews for public parks and recreational areas; and

**NOW, THEREFORE BE IT ORDAINED** that Chapter 33- Parks and Recreation, Article I – In General, Sec. 33-3, of the Town of Black Mountain Code of Ordinances, be amended as follows (additions are underlined in bold and deletions are shown in red struck text):

CHAPTER 33 – PARKS & RECREATION

ARTICLE I – IN GENERAL

**Sec. 33-3. Closing time curfew for public parks and recreational areas.**

All public parks and recreational areas owned by the town and within the corporate limits of the town shall be closed to the general public between the hours of 9:00 p.m. and 6:00 a.m. and it shall be unlawful for any person to remain in or to enter said public parks and recreational areas during such hours; provided, however, that the provisions of this section shall not apply to the following:

(1) Employees or those employed by the town to maintain, protect, or conserve said parks and areas in the regular performance of their duties. This shall include any duly authorized law enforcement officer with jurisdiction in said parks or areas and in the performance of his official duties.

(2) Persons using the town clubhouse at Lake Tomahawk and surrounding pool and picnic area and the Black Mountain Golf Course when said parks, pool or other said areas designated in this subsection are open to use by persons having a lease, contract or prior agreement for the use thereof, or by the invitee and licensees of said persons.

(3) Any public park, recreational area or portion thereof where prior written permission has been obtained from the town manager or recreation director for an activity to extend beyond the hour of darkness. The ~~board of aldermen~~ **Town Council** may designate such other persons as it shall, from time to time, deem necessary to grant such written permission as set forth in this subsection.

(4) The two lighted tennis courts near the Black Mountain Pool, which will be allowed to remain open until 10:30 p.m.

**(5) Lake Tomahawk Park and Town Square Park shall be closed to the general public between the hours of 10:00 p.m. and 5:00 a.m. and it shall be unlawful for any person to remain in or to enter these parks during such hours.**

(Code 1975, § 12-8; Code 1993, § 98.03; Ord. No. 0-80-7, 6-16-1980; **Ord No. O-26-02, 2-9-2026**).

**READ, APPROVED AND ADOPTED,** by a vote of _____ on this the 9th day of February 2026.

_____
C. Michael Sobol, Mayor

**ATTEST:**

_____
Wesley M. Barker, Town Clerk