



**TOWN OF KILL DEVIL HILLS**  
*Land Where Flight Began*

MEMORANDUM

July 10, 2023

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

**2. Chapter 130, General Offenses, §130.75 et seq. Skateboard/Skating Parks – amendment to add water park rules and guidelines (Attached NB-2)**

With the redevelopment of the Meekins Field Park, a splash pad is undergoing construction, which is anticipated to be a highly popular amenity for our youngest citizens and visitors. Assistant Town Manager Charlene Allen's attached memorandum highlights the need for the need for the Town to develop, and the Board of Commissioners to consider, rules to protect the splash pad patrons. As a part of the process of updating Chapter 130, General Offenses, Aviation Park hockey rink and skate park rules have also been updated.

A motion would be in order.



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July 10, 2023

Memorandum

To: Debbie Diaz, Town Manager  
From: Charlene Allen, Assistant Town Manager  
Subject: Ordinance Amendment to Include Water Parks and Updates

With the upcoming opening of The Meekins Field Park Splash Pad the attached amendments includes the rules for the splash pad (under water parks). The rules for the splash pad will protect both the Town and the users of the park as well. Similar rules were developed and approved by the Board of Commissioners with the opening of Mary's Paws Park.

Additionally, as part of the process of adding the above rules, updates have been made to the skate park and hockey rink rules as well.

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,  
CHAPTER 130, GENERAL OFFENSES

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 130, General Offenses, of the Kill Devil Hills Town Code, shall be amended by adding the underlined language and deleting the following ~~stricken~~ language to the sections identified below, as follows:

**SKATEBOARD, ~~INLINE SKATING,~~ AND WATER PARKS**

§ 130.75 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HAZARDOUS RECREATIONAL ACTIVITY. Skateboarding, ~~inline skating,~~ or freestyle bicycling, or water park activities.

INHERENT RISK. Those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, ~~inline-skating,~~ and freestyle bicycling, and water park activities.

SKATEBOARD, ~~INLINE SKATING,~~ OR WATER PARKS. A facility established on Town-owned property which is designed for the purpose of engaging in hazardous recreational activities and which is specifically designated by the Town for such use, or any such facility which is operated by the Town and designated by the Town for such use that is not established on Town-owned property.

§ 130.76 RESPONSIBILITY OF USERS.

(A) ~~All users of skateboard / inline skating parks shall wear a helmet, elbow pads and kneepads at all times while engaging in hazardous recreational activities.~~ Any persons engaged in hazardous recreational activities are responsible for utilizing protective safety gear and equipment.

(B) Any person who observes, participates in or assists in hazardous recreational activities assumes the known or unknown inherent risks in these activities, irrespective of age, and is legally responsible for all damages, injury or death to himself or herself or other persons or property that result from these activities.

(C) While engaged in hazardous recreational activities, irrespective of where such activities occur, a participant is responsible for doing all of the following:

(1) Acting within the limits of his or her ability and the purpose and design of the equipment used.

(2) Maintaining control of his or her person and equipment used.

(3) Refraining from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons or property.

(D) Failure to comply with the requirements of division (C) above shall constitute negligence.

Penalty, see § 130.99

§ 130.77 NOTICE.

(A) The Town shall post signs in prominent locations that may be readily viewed by users at all skateboard/~~inline-skating~~ parks that contain hazardous recreational activities that afford reasonable notice to all users of the following:

(1) Skateboard and Skating Parks

~~(1)~~ (a) Any person engaged in a hazardous recreational activity at the skateboard or ~~inline~~ skating park must wear a helmet, elbow pads, and kneepads at all times.

~~(2)~~ (b) The Town does not provide regular supervision of the skateboard and ~~inline~~ skating parks.

~~(3)~~ (c) Users of the skateboard and ~~inline~~ skating parks assume all risks associated with the use of the skateboard or ~~inline~~ skating park; skating and/or skateboarding is permitted in designated areas only.

(d) No alcohol or controlled substances, smoking, vaping, or tobacco products.

~~(4)~~ (e) Failure to comply with these requirements for use may subject the violator to sanctions as provided for under this subchapter.

~~(B) The signs required herein shall be posted at all skateboard/inline skating parks in prominent locations that may be readily viewed by users of the skateboard / inline skating parks.~~

(2) Water Parks

(a) Warning: No lifeguard on duty – users assume at all risk.

(b) Users must exit the water park with any signs of thunder, lightning, or oncoming severe weather.

- (c) Any person with open cuts or sores, infectious disease, or diarrhea shall not use the water park.
- (d) Swimsuits and/or appropriate attire must be worn at all times within the water park.
- (e) Swim diapers are required for children not fully toilet-trained.
- (f) All children must be under direct adult supervision at all times. Children ages 12 and under must be accompanied by an adult.
- (g) The application of sunscreen should be completed before entering the water park.
- (h) No animals, food, drink, or glass containers allowed in water park area.
- (i) Do not drink the water park water.
- (j) No running or rough play allowed.
- (k) No carrying mud, sand, or debris into the water park.
- (l) Users must not climb or hang on water features or pipes.
- (m) Users must not cover water fixtures and drains.
- (n) No Inflatable pool toys, athletic, or other recreation equipment are permitted in/on the water park.
- (o) No alcohol or controlled substances, smoking, vaping, or tobacco products.
- (p) No littering.
- (q) No skateboards, rollerblades, bicycles, scooters, or wheeled toys permitted in the water park.
- (r) No weapons are permitted in the water park.
- (s) Any person violating any instruction or rule may be required to leave the water park.

§ 130.78 TOWN IMMUNE FROM LIABILITY.

The Town, including its officials, employees and agents, shall not be liable to any person who voluntarily participates in hazardous recreational activities for any damage or injury to property or persons that arises out of the person's participation in the activity and that takes place at a skateboard, ~~inline skating,~~ or water park and as provided in N.C.G.S. § 99E-25.

§ 130.99 PENALTY.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth:

(1) As authorized by N.G.G.S. § 160A-175, the violation of any of the provisions of this code shall subject the person or entity violating such provisions to a civil penalty of \$50 per day for each of the first 15 days such violation continues after notice of the violation from the town, \$100 per day for the sixteenth through the thirtieth day such violation continues after the initial notice from the town, and \$500 or the maximum amount authorized under the provisions of the North Carolina General Statutes, whichever is greater, for each day after 30 days that such violation continues after the initial notice from the town.

(2) The imposition and collection of the foregoing civil penalties shall be in addition to all other remedies available to the town at law or in equity, authorized under the provisions of the North Carolina General Statutes, including but not limited to the suspensions of licenses and permits and actions to abate, enjoin or otherwise remedy violations of this code and all such remedies shall be cumulative. The imposition of civil penalties or the use of any other civil

remedy available to the town shall be in addition to and not exclusive of any criminal proceeding and/or penalties available and/or imposed for the violation of this code.

(3) Each day's continuing violation shall be a separate and distinct offense.

(B) In addition to other penalties provided for in this code, any person who violates the provisions of §§ 130.75 through 130.78 may be subject to sanctions imposed by the Town of Kill Devil Hills, including, but not limited to, suspension or permanent revocation of the privilege to use the skateboard / inline skating park or water park and assessment for the full costs of any damages to the skateboard / inline skating or water park caused by the person.

This amendment to Chapter 130, General Offenses, shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2023. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

SEAL

\_\_\_\_\_  
Ben Sproul  
Mayor

ATTEST:

\_\_\_\_\_  
James Michael O'Dell  
Town Clerk



APPROVED AS TO FORM:

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Casey C. Varnell  
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 130, GENERAL OFFENSES, was placed in the Kill Devil Hills Town Code Book on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ .m.

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James Michael O'Dell  
Town Clerk