

ORDINANCE NO.07-06-11

ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING  
BUNCOMBE COUNTY PARKS AND RECREATION AREAS

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WHEREAS, County staff has heard from concerned citizens and patrons of the Buncombe County park system and recreation areas regarding the presence of sexual predators on or near parks and recreation property;

WHEREAS, the County of Buncombe maintains its park system and recreation areas in a manner meant for the peaceful enjoyment of children and other citizens;

WHEREAS, currently there are at least Two Hundred and Sixty-Three Registered Sex Offenders in Buncombe County according to the State of North Carolina;

WHEREAS, the Buncombe County park system and recreation areas are public spaces wherein sexual predators may attempt to find victims;

WHEREAS, the State of North Carolina and this Board recognize that sex offenders often pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is of paramount governmental interest;

WHEREAS, it is in the interest of promoting the general welfare and safety of the people of Buncombe County to reduce opportunities for sexual predators to make use of public spaces for criminal intent;

Whereas, it is in the best interests of the citizens and residents of Buncombe County to reduce insofar as possible opportunities for recidivism by sexual predators;

WHEREAS, it is a justifiable exercise of the police powers of the County of Buncombe to regulate the use of the public parks;

WHEREAS, this Board finds that it would be in the best interests of the citizens and residents of Buncombe County to prohibit and ban Registered Sex Offenders from Buncombe County parks and recreation areas; and

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

1. New Section 50-6, Registered Sex Offenders Prohibited From Entering Buncombe 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 Chapter, 14, Article 27A of North Carolina General Statutes.

(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 ordinance.

(c) Anyone who is found in violation of this ordinance he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) per offense and/or thirty (30) days in jail as set forth in North Carolina General Statute Sec. 14-4.

(d) The County Manager or her designee shall post this regulation at the main entrance of each park within thirty (30) days of passage of this ordinance.

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Buncombe County Commissioners hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

4. That this resolution shall be effective upon adoption.

This the 19th day of June, 2007.

ATTEST

*Kathy Hughes*

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KATHY HUGHES, CLERK

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

*Nathan Ramsey*

BY: \_\_\_\_\_  
NATHAN RAMSEY, CHAIRMAN

APPROVED AS TO FORM

*Joe A. Connolly*

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COUNTY ATTORNEY