



# Town of Mars Hill

## MAYOR AND BOARD OF ALDERMEN

John L. Chandler  
*Mayor*  
Nicholas A. Honeycutt  
*Vice-Mayor*  
Robert W. Zink  
*Treasurer*  
Stuart L. Jolley  
*Clerk*  
Larry H. Davis  
*Secretary*

### MINUTES REGULAR MEETING Mars Hill Town Hall – Conference Room August 7, 2023 at 6:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, August 7, 2023, at 6:00 p.m. in the Mars Hill Town Hall.

**MEMBERS PRESENT:** Mayor John Chandler; Aldermen Larry Davis, Nicholas Honeycutt, Stuart Jolley, and Robert W. (Bob) Zink.

**STAFF PRESENT:** Nathan R. Bennett, Town Manager; Jamie Stokes, Town Attorney; Nathan Waldrup, Fire Chief; and Police Cpt. Chad Wilson

**OTHERS PRESENT:** Johnny Casey, Madison News-Record & Sentinel; Ryan Bell, Joe Lasher, Henry Lasher, Brad Guth, and other members of the public.

#### Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

#### Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Upon review of the agenda, Mayor Chandler called for a motion. **Alderman Nicholas Honeycutt made a motion that the agenda be approved as presented.** Alderman Stuart Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

#### Approval of Minutes

Mayor Chandler then asked the Board to review the minutes of the regular meeting held on June 5, 2023, and the special meeting held on June 21, 2023. There being no modifications to the minutes, **Alderman Jolley made a motion that the minutes for the regular meeting on June 5, 2023, and the minutes for the special meeting on June 21, 2023, be approved as presented by management.** Alderman Larry Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

#### Old Business

Mayor Chandler then moved to address old business.

#### N.C. ABC Commission Report

Mayor Chandler recognized Town Attorney Jamie Stokes to provide a report on her research and findings from the N.C. Alcohol Beverage Commission (NCABC) concerning on-premises malt beverage permit sales questions

from Camden’s Coffee House owner David Bohanger and Twin Willows owner Joe Lasher. Mrs. Stokes advised the Board that she has researched the relevant statutes and consulted with NCABC attorneys and others concerning this matter. Mrs. Stokes advised that the conclusion of the research is that the matter concerning the requirements and decisions of ABC permits is a function of the NCABC and is outside the jurisdiction of the Town. She advised the Board that it is clear the Town can do nothing to change the definition set by law and regulation of the NCABC of a “Class A” establishment, the point of contention the business owners have brought to the Board. Mrs. Stokes advised that the referendum many years ago establishing alcohol sales in the Town set that on-premises malt beverages must be sold at a “Class A” establishment (to wit hotel, motel, restaurant) as determined by the NCABC. She further stated that the definition of “Class A” establishment includes a provision addressing the percentage of food sales versus alcohol sales that must be met and that percentage requirement has changed over the years as set by the state statutes of the N.C. General Assembly. There is nothing the Town can do to modify that definition or change the NCABC permit regulations. Alderman Zink clarified that if a business is seeking an ABC permit, it is the NCABC, not the Town, that determines qualifying criteria for the permit being requested by the business owner to NCABC as set by the N.C. General Assembly. Mrs. Stokes confirmed that was correct. Mayor Chandler confirmed that there is no action to be taken by the Board in regard to this matter and Mrs. Stokes confirmed. The Mayor and Board members thanked Mrs. Stokes for her research and report on the findings on this situation and understand any further action would fall to the NCABC. The businesses will be directed to the NCABC for further guidance on how they can comply with the applicable state law and regulations regarding ABC permitting.

**PUBLIC HEARING – Request for Voluntary Annexation – 889 Forest Street  
Town of Mars Hill – Bailey Mountain Park and Preserve – PIN: 9748-41-7524**

Mayor Chandler recognized Town Manager Nathan Bennett to review the pending petition request for voluntary annexation presented to the Board on June 5, 2023. Mr. Bennett summarized the petition dated June 1, 2023, from the Town of Mars Hill petitioning itself for voluntary annexation of 889 Forest Street, also known as the town-owned Bailey Mountain Park and Preserve property, formerly the Smith Farm. This property is located at 889 Forest Street and is identified by Madison County Parcel Identification Number 9748-41-7524. Mr. Bennett advised that portions of the property are already inside the town corporate limits, but not all, and that to avoid any jurisdictional confusion such as planning and zoning issues, or law enforcement jurisdiction on this town-owned property, that annexation of the remainder of the property would resolve any potential questions. Mr. Bennett advised that the petition application includes a copy of the subject property deed, plat, and a map. Mr. Bennett advised that the required clerk investigation is complete and that the Clerk has provided the Certificate of Sufficiency. The staff investigation determined this property meets the criteria for voluntary annexation and Mr. Bennett recommended approval of the associated ordinance. Pursuant to previous Board direction given on June 5, 2023, the public hearing notice for this voluntary annexation petition was published as required by law in the Madison News-Record & Sentinel on July 19 and 26, 2023. The next step is to hold the public hearing on the request for annexation.

**PUBLIC HEARING** – Mayor Chandler then convened the public hearing to receive comments from the general public concerning the request for voluntary annexation of the subject property located at 889 Forest Street, Mars Hill, as identified by Madison County Parcel Identification Number 9748-41-7524, pursuant to notice duly published to the public. There being no comments from the public, Mayor Chandler closed the public hearing.

**ORDINANCE** – Upon completing discussion of the matter, Mayor Chandler called for a motion. **Alderman Honeycutt made a motion to approve “An Ordinance to Extend the Corporate Limits of the Town of Mars Hill” pursuant to the petition for voluntary annexation of the parcel identified as 889 Forest Street, (Madison County PIN: 9748-41-7524) by the property owner of record, Town of Mars Hill, as more fully**

**set forth in the petition application.** Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachment B)

### New Business

Mayor Chandler then moved to address new business.

### FIRE DEPARTMENT – MID-YEAR REPORT

Mayor Chandler recognized Mars Hill Fire Chief Nathan Waldrup to provide the mid-year report on fire department operations. Chief Waldrup provided information from the July 2023 monthly activity report and the 6-month activity report for January 1 to June 30, 2023. Chief Waldrup reported that there were 155 incidents in the month of July alone, with 31% of calls being for fire and 69% were medical related calls. He reported that the department was averaging four (4) calls per day but are now averaging 5.5 calls every day. The report data for the 6-month period from January through June shows 720 total incidents. Of those incidents, 32% were fire calls and 68% were medical calls. This is a 13% increase in calls over 2022. There were 81 overlapping calls during that period resulting in a 50% increase over 2022.

Chief Waldrup reported that the three new firefighter positions are filled, that the employees have successfully completed their introductory performance period and are performing very well. Chief Waldrup advised that the department received a grant from the NC Office of State Fire Marshal that allowed the agency to purchase an air cascade system to fill the breathing air bottles and was installed at the Ivey Street Annex Station. Prior to receiving this system, the department relied on other agencies to fill these breathing air containers. Chief Waldrup advised the department he is exploring potential locations for annex stations, one in the Grapevine area and the other in Highway 19 area, in order to improve response for those areas of the fire district in the county. Chief Waldrup also reported on a project to improve the accommodations in the existing facilities for employees working the 24-hour shifts. The Mayor and Board thanked Chief Waldrup for his report and expressed appreciation for all he and the fire department do for our community.

### ORDINANCE – Town of Mars Hill Parks and Recreation Ordinance

Mayor Chandler then recognized Town Manager Nathan Bennett for a presentation of the proposed Parks and Recreation Ordinance for the Town of Mars Hill. Mr. Bennett advised that the ordinance codifies existing park rules that currently lack enforcement beyond an administrative action. Among several regulations, the ordinance clarifies that camping in any park is prohibited. The ordinance provides options for violations of park rules to be enforced administratively or criminally. Mr. Bennett read aloud the proposed ordinance in full.

PUBLIC HEARING – Mayor Chandler and other Board members thanked Mr. Bennett for his work on the ordinance. Mayor Chandler then opened the floor to members of the public present for the public hearing on the proposed Town of Mars Hill Parks and Recreation Ordinance. There were no comments from members of the public. Mayor Chandler closed the public hearing.

### CONSIDERATION OF ACTION – Town of Mars Hill Parks and Recreation Ordinance

Mr. Bennett advised the Mayor and Board that the required public notice was published in the local newspaper. The public hearing is now complete and consideration of adoption of the ordinance is at the pleasure of the Board. Mayor Chandler then moved to consider adoption of the Town of Mars Hill Parks and Recreation Ordinance. Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Davis made a motion to adopt the “Town of Mars Hill Parks and Recreation Ordinance,” as presented.** Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion to adopt the ordinance was approved unanimously.

The Town of Mars Hill Parks and Recreation Ordinance is incorporated by reference to these minutes as Attachment C. (Attachment C)

**ORDINANCE – Begging, Panhandling, or Soliciting Contributions Ordinance**

Mayor Chandler then recognized Town Manager Nathan Bennett for a presentation of the proposed Begging, Panhandling, or Soliciting Contributions Ordinance for the Town of Mars Hill. Mr. Bennett advised that the primary purpose of the ordinance is to codify regulations to address public safety concerns with aggressive individuals soliciting contributions in public spaces including, but not limited to, roadways and sidewalks. Mr. Bennett read aloud the proposed ordinance in full.

**PUBLIC HEARING – Mayor** Chandler and other Board members thanked Mr. Bennett for his work on the ordinance. Mayor Chandler then opened the floor to members of the public present for the public hearing on the proposed Begging, Panhandling, or Soliciting Contributions Ordinance. There were no comments from members of the public. Mayor Chandler closed the public hearing.

**CONSIDERATION OF ACTION – Begging, Panhandling, or Soliciting Ordinance**

Mr. Bennett advised the Mayor and Board that the required public notice was published in the local newspaper as required. The public hearing is now complete and consideration of adoption of the ordinance is at the pleasure of the Board. Mayor Chandler then moved to consider adoption of the Town of Mars Hill Begging, Panhandling, or Soliciting Contributions Ordinance. Alderman Honeycutt asked if the ordinance would prohibit school groups, such as the high school band, from fundraising activities. Mr. Bennett advised that the ordinance would exempt certain charitable, educational, and civic organizations from certain restrictions, specifically Section 2(c) and 2(d), if they apply to and receive a permit from the Town. Those would still be required to not do so in a manner to intimidate or accost another person. Mrs. Stokes affirmed the assessment. Mayor Chandler stated that he asked staff to prepare this ordinance for discussion as he has been asked by many members of the community for the town to address this issue. Mayor Chandler thanked Mr. Bennett for his work on this ordinance. Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Jolley made a motion to adopt the “Begging, Panhandling, or Soliciting Contributions Ordinance,” as presented.** Alderman Davis seconded the motion. Upon a call for a vote by the Mayor, the motion to adopt the ordinance was approved unanimously.

The Town of Mars Hill Begging, Panhandling, or Soliciting Contributions Ordinance is incorporated by reference to these minutes as Attachment D. (Attachment D)

**ORDINANCE – Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance**

Mayor Chandler then recognized Town Manager Nathan Bennett for a presentation of the proposed “Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance” for the Town of Mars Hill. Mr. Bennett advised that the primary purpose of the ordinance is to codify regulations to address public safety concerns with the potential for individuals to camp in public spaces including, but not limited to, sidewalks, parks, and other town-owned properties and also the depositing of soil and other material upon the streets and sidewalks in town and other purposes. Mr. Bennett read aloud the proposed ordinance in full.

**PUBLIC HEARING – Mayor** Chandler then opened the floor to members of the public present for the public hearing on the proposed “Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance.” There were no comments from members of the public. Mayor Chandler closed the public hearing.

**CONSIDERATION OF ACTION – Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance**

Mr. Bennett advised the Mayor and Board that the required public notice was published in the local newspaper as required. The public hearing is now complete and consideration of adoption of the ordinance is at the pleasure of the Board. Mayor Chandler then moved to consider adoption of the Town of Mars Hill “Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance.” Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Davis made a motion to adopt the “Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance,” as presented.** Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion to adopt the ordinance was approved unanimously.

The Town of Mars Hill “Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property Ordinance” is incorporated by reference to these minutes as Attachment E. (Attachment E)

**Town Manager Report – Nathan Bennett, Town Manager**

Mayor Chandler then recognized Mr. Bennett to provide the Town Manager Report. Mr. Bennett advised the Board that the regular meeting date for September is Monday, September 4<sup>th</sup>, which is the Labor Day holiday. Board members discussed moving the meeting date to the second Monday of the month, that being September 11, 2023. Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Bob Zink made a motion to reschedule the September regular meeting date to the second Monday of September, that being September 11, 2023.** Alderman Honeycutt seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

**General Update**

Mr. Bennett provided an update on the N.C. Department of Transportation paving project on Main Street which began this date. The contractor has worked specifically in the area of downtown today in order to return traffic and parking operations to normal as quickly as possible. The project involves resurfacing the entire length of Main Street from the intersection of NC 213 to the terminus intersection at Higgins Branch Road. Mr. Bennett then reported that the Town has contracted with DH Griffin to complete the demolition of the two small houses on Mountain View Road, recently acquired by the Town for a future public parking facility. He advised the contractor has completed asbestos remediation and abatement work and is scheduled to return August 14, 2023, to complete the full removal of the buildings and associated materials to provide a vacant lot for redevelopment. Mr. Bennett then reported that the Town’s independent auditing firm, Gould Killian CPA Group, will be onsite beginning August 21, 2023, to complete the field work necessary to complete the required audit for the 2023 fiscal year, ended July 1, 2023. The audit is due to be completed and submitted to the N.C. Local Government Commission no later than October 31, 2023. Mr. Bennett also provided a general update of Town operations and other items of interest to the Board.

**Public Comment**

Mayor Chandler then moved to public comment. Mayor Chandler recognized Joe Lasher who owns Twin Willows, an event property with a mobile food kitchen on Cascade Street, formerly known as the Stines property. He thanked the Board and the Town Attorney for the work they have done to research the issues brought before them regarding the selling of on-premises malt beverages and the complications of the NC ABC permitting rules. Mr. Lasher explained that being able to sell malt beverages at his establishment would be of great benefit to his business. Town Attorney Stokes advised Mr. Lasher that the law does allow the Town to change the permit designation by a vote of the Board, and further, there is nothing more the Town can do to resolve this state ABC

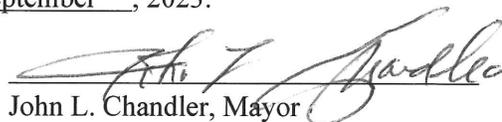
permitting decision. Mrs. Stokes advised the Board and Mr. Lasher that she would speak to him after the meeting to answer any other questions he may have regarding this matter.

There being no additional public comments, Mayor Chandler closed public comment.

**Adjourn**

There being no further business before the Board, Mayor Chandler called for a motion to adjourn. **Alderman Zink made a motion to adjourn.** Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 11<sup>th</sup> day of September, 2023.

  
John L. Chandler, Mayor

ATTEST:



Nathan R. Bennett,  
Town Manager





ATTACHMENT A

# Town of Mars Hill

## MAYOR AND BOARD OF ALDERMEN

John L. Chandler  
*Mayor*  
Nicholas A. Honeycutt  
*Vice-Mayor*  
Robert W. Zink  
*Treasurer*  
Stuart L. Jolley  
*Clerk*  
Larry H. Davis  
*Secretary*

### AGENDA

#### REGULAR MEETING

*Mars Hill Town Hall Conference Room*

*August 7, 2023 at 6:00 p.m.*

1. Call to Order – *Mayor John L. Chandler*
2. Approval of Agenda
3. Approval of Minutes: June 5, 2023 Regular Meeting and June 21, 2023 Special Meeting
4. Old Business
  - a. N.C. ABC Commission Report – Jamie Stokes, Town Attorney
  - b. **PUBLIC HEARING** – Request for Voluntary Annexation – 889 Forest Street, Mars Hill Bailey Mountain Park and Preserve/Smith Farm  
Town of Mars Hill – Madison PIN: 9748-41-7524
    - i. **ORDINANCE** – An Ordinance to Extend the Corporate Limits of the Town of Mars Hill, North Carolina
5. New Business
  - a. **FIRE DEPARTMENT - REPORT** – Nathan Waldrup, Fire Chief
  - b. **ORDINANCE** – Town of Mars Hill Parks and Recreation Ordinance
    - i. Public Hearing
    - ii. Consideration of Action
  - c. **ORDINANCE** – Begging, Panhandling, or Soliciting Contributions
    - i. Public Hearing
    - ii. Consideration of Action
  - d. **ORDINANCE** – Deposit of Debris and Obstruction of Streets and Sidewalks, Camping and Other Uses of Town Property
    - i. Public Hearing
    - ii. Consideration of Action
6. Town Manager Report – Nathan Bennett, Town Manager
  - a. September Meeting Date
  - b. General Update
7. Public Comment

[Policy: Each speaker shall be limited to a maximum of three (3) minutes. The public comment period is not intended to require the Board of Aldermen or staff to answer any impromptu questions. The Board will not take action on an item presented during the public comment period. The Board may refer inquiries made during the public comment period to the Town Manager to address as appropriate. If necessary, the item may be placed on the agenda of a future meeting.]
8. Closed Session (*Pursuant to N.C.G.S. 143-318.11 – if needed*)
9. Adjourn

### Mars Hill Town Hall

280 North Main Street • P.O. Box 368  
Mars Hill, North Carolina 28754  
Phone: (828) 689-2301 • Fax: (828) 689-3333

**ORDINANCE #: 281**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF MARS HILL, NORTH CAROLINA**

**WHEREAS**, the Board of Aldermen has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

**WHEREAS**, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Mars Hill Town Hall at 6:00 o'clock, p.m. on the 7<sup>th</sup> day of August, 2022 after due notice by publication on the 19<sup>th</sup> and 26<sup>th</sup> day of July, 2023; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Mars Hill, North Carolina:

**Section 1.** By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Mars Hill as of the 7<sup>th</sup> day of August, 2023.

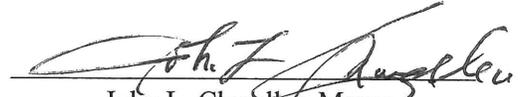
(Insert Metes and Bounds Description)

**That real property located at 889 Forest Street, Mars Hill owned by The Town of Mars Hill, a body politic and Corporate of the State of North Carolina, as set forth and more fully described in Deed Book 662 at Page 532 and Plat Book 8 at Page 859 in the Madison County Registry, Office of the Register of Deeds of Madison County, North Carolina, and further identified by Madison County Property Identification Number 9748-41-7524 and the attached Exhibit 1.**

**Section 2.** Upon and after the 7<sup>th</sup> day of August, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Mars Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Mars Hill. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Mars Hill shall cause to be recorded in the Office of the Register of Deeds, Madison County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

**ADOPTED** this the 7<sup>th</sup> day of August, 2023.

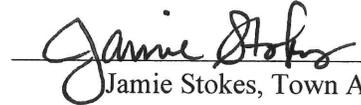
  
John L. Chandler, Mayor

**ATTEST:**

  
Stuart L. Jolley, Clerk



**APPROVED AS TO FORM:**

  
Jamie Stokes, Town Attorney

STATE OF NORTH CAROLINA  
COUNTY OF MADISON  
TOWN OF MARS HILL

I, Stuart L. Jolley, Town Clerk of the Town of Mars Hill in the State of North Carolina, **DO HEREBY CERTIFY**, that:

1. The attached is a copy of an Ordinance to extend the Corporate Limits of the Town of Mars Hill, North Carolina.
2. The Ordinance was adopted on the 7<sup>th</sup> day of August, 2023, at a regularly scheduled meeting of the Mayor and Board of Aldermen of the Town of Mars Hill, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the Corporate Seal of the Town of Mars Hill, North Carolina, this 7<sup>th</sup> day of August, 2023.

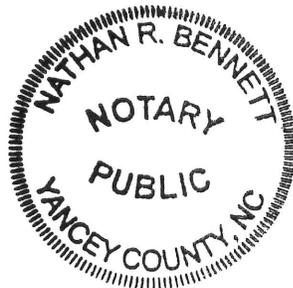


  
STUART L. JOLLEY  
TOWN CLERK

STATE OF NORTH CAROLINA  
COUNTY OF MADISON

I, Nathan R. Bennett, a Notary Public of the aforesaid State and County, do hereby certify that Stuart L. Jolley, personally appeared before me this day and acknowledged the due execution of the foregoing certificate.

WITNESS my hand and Notarial Seal this 7<sup>th</sup> day of August, 2023.



  
NOTARY PUBLIC

My Commission Expires:

November 20, 2027



# Town of Mars Hill

## CERTIFICATE OF SUFFICIENCY

To the Board of Aldermen of the Town of Mars Hill, North Carolina:

I, Stuart L. Jolley, Town Clerk for the Town of Mars Hill, do hereby certify that I have investigated the petition of annexation attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with N.C.G.S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Mars Hill, this the 7<sup>th</sup> day of August, 2023.

  
STUART L. JOLLEY,  
Town Clerk

(SEAL)

"Exhibit 1"

BOOK 662 PAGE 532 (6)

331315



This certifies that there are no delinquent ad valorem taxes, or other taxes which the Madison County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number 9748-41-1757

This is not a certification that this Madison County Parcel Identification Number matches this deed description.

James M. Ledford  
Tax Collection Staff Signature

12-28-18

Filed: Madison County, NC  
12/28/2018 11:12:34 AM  
Susan Rector, Register of Deeds  
**Excise Tax: \$1,350.00**

NORTH CAROLINA GENERAL WARRANTY DEED

EXCISE TAX: \$1350.00

\*\*\*\*\*

Mail after recording to: Diane C. Van Helden, 360 Meadow Ridge Lane, Marshall, NC 28753

This instrument was prepared by: Janese M. Baliles, Attorney

Brief Description for the Index: Plat Book 8, Page 859

\*\*\*\*\*

THIS DEED made this 27<sup>th</sup> day of December, 2018, by and between:

GRANTOR:

Belva W. Smith, unmarried

Charles Edward Smith and wife, Kathleen N. Smith

Gustave H. Becker, unmarried

Address: 173 Browning Shoals Road, Social Circle, GA 30025

GRANTEE:

Town of Mars Hill

Address: P. O. Box 368, Mars Hill, NC 28754

\*\*\*\*\*

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

The property herein conveyed does not include the personal residence of any of the Grantors.

This instrument prepared by Janese M. Baliles, a licensed North Carolina Attorney. Delinquent taxes, if any, to be paid by closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that the Grantors for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Madison County, North Carolina and more particularly described as follows:

See attached Exhibit A.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantors covenant with the Grantee, that the Grantors are seized of the premises in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantors will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Grantors' covenants and warranties are subject to the following exceptions:

1) Easements, restrictions and rights of way of record, and 2) any utilities currently located underground, or any utilities located above ground as shown on Plat 8, page 859 and 3) ad valorem taxes for this year and subsequent years.

IN WITNESS WHEREOF, the Grantors have duly executed the foregoing, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, as of the day and year first above written.

Gustave H. Becker (SEAL)  
Gustave H. Becker, single

Charles E. Smith (SEAL)  
Charles Edward Smith

Kathleen N. Smith (SEAL)  
Kathleen N. Smith

Belva W. Smith (SEAL)  
Belva W. Smith, single

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, Melody M Huey, do hereby certify that Gustave H. Becker, single, personally appeared before me this day, being personally known to me, and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and official seal, this 27<sup>th</sup> day of December, 2018.

SEAL

Melody M. Huey  
Notary Public

My Commission Expires: 9/27/2021

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, Melody M. Huey, do hereby certify that Charles Edward Smith and wife, Kathleen N. Smith, personally appeared before me this day, being personally known to me, and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and official seal, this 27<sup>th</sup> day of December, 2018.

SEAL

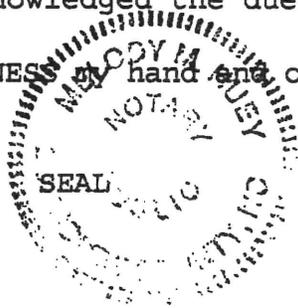
Melody M. Huey  
Notary Public

My Commission Expires: 9/27/2021

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, Melody M. Huey, do hereby certify that Belva W. Smith, single personally appeared before me this day, being personally known to me, and acknowledged the due execution of the forgoing instrument.

WITNESSED by hand and official seal, this 28<sup>th</sup> day of December, 2018.



Melody M. Huey  
Notary Public

My Commission Expires: 9/27/2021

EXHIBIT A  
Legal Description of Property  
Property of Town of Mars Hill  
Number 3 Township  
Madison County, NC

All the Tract of Land referenced as Parcel 1 containing a total of 86.71 acres, more or less, as shown on the plat of survey entitled "Survey for Town of Mars Hill" prepared by McMahan & Associates, P.A., Bobby J. McMahan, L-2475, recorded on 12/14/18, in Plat Book 8, Page 859, Madison County Registry, reference to which plat is made for a more particular description of said Property.

The following applies to, and only to, that 8.00 acre tract that is designated as "AREA OUTSIDE THE CONSERVATION EASEMENT" on the aforementioned survey:

The Grantee in accepting this conveyance agrees that it is obligated under the terms of some of the funding that it received to complete the purchase of this property to the following restrictions and therefore accepts the conveyance of such property as subject to the following restrictions:

The property referenced above was acquired with Land and Water Conservation assistance and therefore it shall be dedicated in perpetuity as a recreation site for the use and benefit of the public. The herein described property shall not be converted to any other use than public recreation use. The Grantee herein agrees to maintain and manage Land and Water Conservation assisted development/renovation projects for public recreation in perpetuity after project completion.

The Grantee also acknowledges that the Grantors in making this conveyance are doing so in reliance upon the fact that the conveyance of this property is made in part due to the consideration that the property being conveyed is subject to the restrictions herein recited and that such restrictions will run with the land.



# ArcGIS Web Map



**TOWN OF MARS HILL**

**ORDINANCE #: 282**

**TOWN OF MARS HILL  
PARKS AND RECREATION ORDINANCE**

- WHEREAS,** the Town of Mars Hill Mayor and Board of Aldermen desires to codify regulations for the use and occupancy of, and conduct of persons in, the public parks, spaces, greenways, and recreation facilities owned and operated by the Town of Mars Hill; and
- WHEREAS,** the Town of Mars Hill Mayor and Board of Aldermen acknowledge the language of the ordinance contained herein is in keeping with the mission of the Town of Mars Hill to continually improve the public perception of community safety by reducing crime and the harms associated with criminal activity and any conditions that have a detrimental impact on public safety; and
- WHEREAS,** the Town of Mars Hill supports economic prosperity, cultivates community spirit, and honors its heritage and culture.
- WHEREAS,** This Ordinance is enacted pursuant to the authority granted by the North Carolina General Assembly by Chapter 160A, Articles 8 and 18 of the General Statutes. All requirements were met in accordance with N.C.G.S. 160A-174 for general ordinance-making power.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF MARS HILL, NORTH CAROLINA:**

**SECTION 1: Definitions**

For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them in this section, except where the context clearly indicated or requires a different meaning:

**Town** shall be defined as the Town of Mars Hill.

**Town property** shall be defined as any property owned or controlled by the town, including but not limited to, parks, recreation facilities, streets, sidewalks, plazas, yards, and building curtilage.

**Town park or park** shall be defined as any area or space set aside and designated as a public park by the town governing board and any park owned by the town.

**Recreational facility** shall be defined to include only the following: (1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field has been scheduled for use with the town or municipal agency responsible for operation of the park or recreational area; (2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool; (3) A facility used for athletic events, including but not limited to, a gymnasium, racket sport courts, barn, park administration building, restroom facility.

**Tent or shelter** shall be defined as any structure, with or without side walls or drop panels deigned or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, that is supported in any manner except by the contents it protects.

**Motor vehicle** shall be defined to include every vehicle which is self-propelled, or which is pulled by a self-propelled vehicle.

**SECTION 2: PARK PROPERTY**

**A. BUILDINGS AND OTHER PROPERTY.**

**NO PERSON IN A PARK SHALL:**

1. Willfully mark, deface, disfigure, adulterate, injure, tamper with or displace or remove any buildings, bridges, tables, fireplaces, railings, paving or paving materials, water lines, or other public utilities or parts of appurtenances thereof, fences, signs, notices or placards, whether temporary or permanent, receptacles, monuments, stakes, posts, or other boundary markers, or other structures, improvements or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
2. Force entry into any rest room or washroom that is locked or bolted; and no person over the age of 6 years shall enter any rest room, washroom or locker room designated for the opposite sex.
3. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit or permission of the Town Manager or designee.
4. Camp or sleep overnight in any area of the park. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purpose, such as a camper-trailer, house trailer, motor home or the like.

**B. TREES, SHRUBBERY, LAWNS.**

**NO PERSON IN A PARK SHALL:**

1. Damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant; attach any rope, wire or other contrivance to any tree or plant or tie or hitch an animal to any tree or plant.
2. Dig or remove any soil, rock or stones, or any trees, shrubs, plants, plantings, grass, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
3. Climb, stand or sit upon monuments, vases, fountains, failings, fences, shelters, trees or upon any other property, real or personal, not designated or customarily used for such purposes.

**C. WILD ANIMALS, BIRDS.**

**NO PERSON IN A PARK SHALL:**

1. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; remove or possess the young of any wild animal, or the eggs or nest or young of any reptile or bird; except that it shall not be unlawful to kill snakes or other reptiles thought to be poisonous.
2. Discharge a firearm or bow and arrow within the park.
3. Give or offer, or attempt to give to any animal or bird any food, tobacco, alcohol or other known noxious substances.

**SECTION 3: SANITATION**

**NO PERSON IN A PARK SHALL:**

- A. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary system, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
- B. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cigarette or cigar butts, cans, dirt, rubbish waste, garbage or refuse, or other trash anywhere on the park grounds; except such matter may be placed in proper receptacles where provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- C. Dump, deposit or leave household garbage or waste generated outside the park in the park facilities, park receptacles or dumpsters, or on park grounds.
- D. Leave any animal waste from their animal upon park property. Owners must clean up and dispose of animal excrement and waste.

#### **SECTION 4: TRAFFIC**

##### **NO PERSON IN A PARK SHALL:**

- A. Fail to comply with the provisions of the motor vehicle traffic laws of the state and ordinances of the Town in regard to equipment and operation of vehicles.
- B. Fail to obey all traffic officers, law enforcement officers and parks and recreation or other town employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the park.
- C. Fail to obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other posted for proper control and to safeguard life and property.
- D. Ride or drive a vehicle at a rate of speed exceeding five (5) miles an hour, except upon such roads as may be specifically designated, by posted signs, for speedier travel.
- E. Drive any vehicle on any area except designated park roads and parking areas.
- F. Drive any ATV, motorcycle, or other off-road vehicles with the park.
- G. Ride any horse or similar animal at any location within the park.
- H. Park a vehicle, or allow it to stand in other than an established or designated parking area, and such use shall be in accordance with posted directions and with the instructions of any traffic officer, law enforcement officer or park and recreation or other town employees who may be present.
- I. Cause or permit a vehicle to obstruct the flow of traffic.
- J. Cause or permit a vehicle to be parked unattended or abandoned overnight except by written permission of the Town Manager or authorized designee.
- K. Stand, sit, congregate or in any way block or cause a hazard for vehicles in any roadway or parking area, except as may be specifically designated by an authorized town employee or designee during special events.
- L. Operate any motorized vehicle at any location within the park other than such places, if any, as are specifically designated for such purposes by the Town, except that regularly licensed vehicles and operators, or mopeds, may have access to the streets, roadways and parking areas within parks to the same extent as public streets, subject to all other rules of this ordinance, other town regulation/ordinance, or state law.
- M. Ride a bicycle on other than the right-hand side of a paved or unpaved vehicular road or path designated for that purpose; or fail to keep in single file when 2 or more bicycles are operating as a group, except as specifically designated by the Town, Town manager, or authorized designee, during special bicycle events.
- N. Ride any other person over the age of 6 years on a single-passenger bicycle in any park.
- O. Leave a bicycle unattended in a place other than a bicycle rack when such is provided and there is space available.
- P. Leave a bicycle lying on the ground or paving, or against trees, or in any place or position where other persons may trip over or be injured by it.
- Q. Ride a bicycle on any road or parking area between 30 minutes after sunset and 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet from the front, and without a red taillight or red reflector plainly visible from at least 100 feet from the rear of such bicycle.

#### **SECTION 5: RECREATIONAL ACTIVITIES**

- A. Bathing and swimming. No person in a park shall swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are now or may be hereafter adopted.
- B. Boating. No person in a park shall operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters within a park.
- C. Fishing. No person in a park shall:
  - 1. Engage in commercial fishing, or the buying or selling of fish caught in any waters.
  - 2. Fish in any waters, whether by the use of hook and line, net, trap or other device, where specifically prohibited by the Town for that use an under such regulations and restrictions as have been or may be prescribed by the Town.
- D. Rock or cliff climbing and rappelling. No person in a park shall engage in rock climbing, cliff climbing or rappelling within the boundaries of the park.
- E. Picnic areas, shelters and use. No person in a park shall:

1. Picnic or lunch in a place other than those designated for that purpose. The parks and recreation staff shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure maximum use for the comfort and convenience of the public. Visitors shall comply with any directions given to achieve this end.
2. Violate the regulations that the use of the individual picnic areas and shelters, together with fireplaces, grills, tables and benches, follows generally the rule of "first come, first served," or occupy a reserved area without authorization. Picnic shelters, athletic facilities, and pools may be reserved for private events and may not be available to the general public during certain posted times.
3. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, cigarette and cigar butts, and other refuse, is placed in the disposal receptacles where provided. If no such receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.

**SECTION 6: BEHAVIOR**

**NO PERSON IN A PARK SHALL:**

- A. Possess, consume, or be under the influence of:
  1. Any malt beverage or unfortified wine, as defined in N.C.G.S. Chapter 18B.
  2. Any fortified wine or spirituous liquor, as defined in N.C.G.S. Chapter 18B.
- B. Possess, use, consume or be under the influence of an any illegal drugs.
- C. Possess, discharge, shoot, fire or explode, or cause to be discharged, shot, fired, or exploded, any fireworks, pyrotechnics, or firearms, including, but not limited to air rifles, toy pistols, paintball guns, toy guns or other toy arms designed to forcibly hurl a projectile or missile. This section shall not apply to law enforcement officers when engaged in the discharge of their duties.
- D. Discharge, forcibly hurl, or cause to be discharged or forcibly hurled any edged weapon, including but not limited to knives, arrows, spears, axes, and other similar devices.
- E. Build or attempt to build a fire, except in such areas as may be designated by the Town for the building of fires; or throw or otherwise scatter lighted matches, burning cigarettes, tobacco paper or other flammable material, within any park area.
- F. Enter an area posted as "closed to the public," nor shall any person use or abet the use of any area in violation of posted notices.
- G. Engage in any disorderly conduct or behavior tending to be a breach of the public peace.
- H. Engage in the wearing of inappropriate clothing.
- I. Engage in public nudity in any area of the park, as defined in N.C.G.S. 14-190.13(6).
- J. Engage in any sexual activity in any area of the park, as defined in N.C.G.S. 14-190.13(5).
- K. Knowingly enter into a park being such any person registered with the State of North Carolina or any other state or federal agency as a sex offender. A registered sex offender is an individual who is registered by any state or federal agency whose name is published on any state or federal registered sex offender listing, including but not limited to the sex offender registry established pursuant to Article 27A, Chapter 14 of the North Carolina General Statutes.
- L. Produce or emit any amplified speech, music or other sounds that annoy, disturb or frighten park users, without a permit. This provision does not apply to events organized or authorized by the Town.
- M. Disturb or unreasonably interfere with the activities of any other person or persons occupying an area of a park.
- N. Cause or permit any animal owned by or in the custody of such person to run at large or be out of the immediate control of such person. Dogs must be leashed at all times. Each animal found at large may be seized and disposed of as provided by local ordinance governing disposal of stray animals.
- O. Leave any animal waste from their animal upon park property. Owners must clean up after all pets.
- P. Engage in camping in any area of the park.
- Q. Engage in golfing in any area of the park.
- R. Engage in rocket launching or other operation of manned or unmanned flying equipment without authorization.
- S. Enter, use or remain within any park during the hours when the park is closed.

**SECTION 7: EXPLOSIVES**

**NO PERSON IN A PARK SHALL** possess or cause to explode, discharge, burn, or otherwise set off, any pyrotechnic, firecracker, or other fireworks or explosives, or to discharge or throw them into any such land or highway adjacent thereto, except as may be specifically authorized by the Town of Mars Hill Mayor and Board of Aldermen. This provision does not apply to events organized or authorized in full or in part by the Town of Mars Hill.

**SECTION 8: MERCHANDISING, ADVERTISING AND SIGNS**

**NO PERSON IN A PARK SHALL:**

- A. Expose, offer for sale or advertise any food, beverage, article or service, or solicit donations, except as allowed by Town policy or ordinance.
- B. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, except as allowed by Town policy or ordinance.

**SECTION 9: PARK OPERATING POLICY**

- A. The opening and closing hours for each individual park or recreation facility are from dawn until sunset daily, unless otherwise posted. Lighted facilities may operate special events under a permit issued by the Town Manager or other such authorized designee. Any deviation from this schedule shall be posted therein for public information.
- B. All or any section of any park or recreation area or facility may be declared closed to the public by the Town Manager or other such authorized designee, at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Town Manager or other such authorized designee, shall find reasonably necessary.
- C. The findings of lost articles by park attendants shall be reported to the Town Manager or other such authorized designee, who shall make every reasonable effort to locate the owners.
- D. A permit shall be obtained from the Town of Mars Hill before participating in any park activity which the Town shall from time to time designate as requiring such a permit.
- E. Exclusive events may be permitted with the permission of the Town of Mars Hill by authority granted to the Town Manager or other such authorized designee. Any such event must have a written contract, lease, or agreement specifying the rental terms. An exclusive event is defined as any event where the applicant (including a nonprofit organization) is applying for exclusive use of all or any portion of the park.
- F. The Town Manager or other such authorized designee, shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

**SECTION 10: LIABILITY**

Any person or persons entering into a lease or rental agreement of any recreation facility agrees to hold harmless the Town of Mars Hill and park and recreation and other town staff for any injuries or death occurring while using the facilities. The sponsor shall assume full responsibility.

**SECTION 11: ENFORCEMENT**

- A. The Town Manager has the authority and responsibility to enforce any rules and regulations governing the use and maintenance of the parks and recreation facilities as adopted by the Town of Mars Hill Mayor and Board of Aldermen.
- B. The Town Manager, employees of the department and other authorized town employees, the officers of the Mars Hill Police Department, and any law enforcement officer having territorial jurisdiction over said park, shall have the authority to eject from any park any person acting in violation of this or any section of this ordinance, other town ordinances, or any law of the state.
- C. When there is a violation of any provision of this ordinance, the Town, or any person set forth in Section 11, Subsection B, in his/her discretion, may take one or more of the courses of action set forth in Section 12 of this ordinance.

**SECTION 12: VIOLATIONS AND PENALTIES**

Any of the below-stated actions or a combination thereof may be pursued for any violation of the ordinance.

- A. Criminal penalties. Violations of provisions of this ordinance shall be a misdemeanor and may be punishable as provided in N.C. General Statute § 14-4. Each day’s violation shall be treated as a separate offense.
- B. Civil penalties. Any individual who is found in violation of this ordinance may be subject to a civil penalty. The amount of such civil penalty shall be \$50.00. Each day’s violation shall be treated as a separate offense.
  - i. Civil action. When necessary to collect any civil penalty or accrued civil penalties, a civil action may be instituted against an individual for the collection of all accrued penalties.
- C. Administrative penalties. Any individual who is found in violation of this ordinance may be subject to the revocation of the right of said person or persons to remain on or within the parks, by the Town Manager or such other authorized designee.

**SECTION 13: SEVERABILITY**

Each section of this ordinance and each park rule established hereby constitutes a separate and distinct provision. Whenever possible, each such provision shall be interpreted in such a manner as to be effective and valid under applicable law. In the event that any provision of this ordinance shall finally be determined by a competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from the ordinance, but every other provision hereof shall remain in full force and effect.

**SECTION 14: EFFECTIVE DATE**

This ordinance shall become effective September 1, 2023.

**ADOPTED** this the 7<sup>th</sup> day of August, 2023 by the Town of Mars Hill Mayor and Board of Aldermen.

  
 \_\_\_\_\_  
 JOHN L. CHANDLER,  
 Mayor

Attest:

  
 \_\_\_\_\_  
 STUART L. JOLLEY,  
 Town Clerk



APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 JAMIE STOKES,  
 Town Attorney

TOWN OF MARS HILL

ORDINANCE #: 283

AN ORDINANCE REGULATING:  
BEGGING, PANHANDLING, OR SOLICITING CONTRIBUTIONS

- WHEREAS, the Town of Mars Hill Mayor and Board of Aldermen desires to codify regulations for begging, panhandling, or soliciting contributions; and
- WHEREAS, the Town of Mars Hill Mayor and Board of Aldermen acknowledge the language of the ordinance contained herein is in keeping with the mission of the Town of Mars Hill to continually improve the public perception of community safety by reducing crime and the harms associated with criminal activity and any conditions that have a detrimental impact on public safety; and
- WHEREAS, the Town of Mars Hill supports economic prosperity, cultivates community spirit, and honors its heritage and culture; and
- WHEREAS, all requirements were met in accordance with N.C.G.S. 160A-174 for general ordinance-making power.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF MARS HILL, NORTH CAROLINA:

**SECTION 1: Definitions**

For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them in this section, except where the context clearly indicated or requires a different meaning:

*To beg, panhandle, or solicit contributions* shall be defined to include, without limitation, the spoken, written, or printed word or such other acts as are conducted in furtherance of the purpose of obtaining contributions.

*Accosting another person* shall be defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act or damage to property in his immediate possession.

*Intimidate another person* shall be defined as acting in such a way as would cause a reasonable person to fear bodily harm and therefore to do something he or she would not otherwise have done.

*Forcing oneself upon the company of another person* shall be defined as:

- A. Continuing to request or solicit contributions in close proximity to the person addressed after that person has responded negatively;
- B. Blocking the passage of the person addressed; or
- C. Otherwise engaging in conduct which reasonably could be understood as intended to force a person to accede to demands.

*Public place* shall be defined to include streets, highways, and roadways (including the shoulders and medians), sidewalks, alleys, and other public property, as well as town-owned and town-controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the property owner or other person in authority.

**Vocal appeal** shall be defined as begging, panhandling, or solicitation of contributions by spoken word or other verbal request. This shall not include the act of performing music with a sign or other indication that a contribution is being sought, without any vocal request other than in response to an inquiry.

**Direct written appeal** shall be defined as begging, panhandling, or solicitation by handing to a person or attempting to hand to a person a written solicitation for immediate contributions.

**Nighttime** shall be defined as the time after sunset and before sunrise.

**SECTION 2: REGULATIONS**

- A. No person shall beg, panhandle, or solicit contributions in a public place in a manner so as to intimidate another person, or by accosting another person, or by forcing oneself upon the company of another person.
- B. No person shall beg, panhandle, or solicit contributions from another person within fifty (50) feet of an entrance or exit of any bank or financial institution or within fifty (50) feet of an automated teller machine.
- C. No person shall beg, panhandle, or solicit contributions while sitting or standing on a roadway or the shoulder, median, or sidewalk adjacent to a roadway.
- D. No person shall beg, panhandle, or solicit contributions in a public place by vocal appeal or direct written appeal during the nighttime.
- E. Any member of charitable, religious, educational, civic or fraternal organizations, including persons acting on their behalf, pursuant to a permit issued by a duly authorized town official, shall be exempt to subsections (C.) and (D.) of this Section, and act in accordance with subsections (A.), (B.), and (F.) of this Section.
- F. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C. General Statute § 14-4.

**SECTION 3: EFFECTIVE DATE**

This ordinance shall become effective September 1, 2023.

**ADOPTED** this the 7<sup>th</sup> day of August, 2023 by the Town of Mars Hill Mayor and Board of Aldermen.

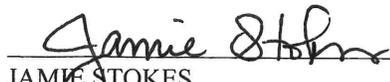
Attest:

  
STUART L. JOLLEY,  
Town Clerk

  
JOHN L. CHANDLER,  
Mayor



APPROVED AS TO FORM:

  
JAMIE STOKES,  
Town Attorney

TOWN OF MARS HILL

ORDINANCE #: 284

AN ORDINANCE REGULATING:  
DEPOSIT OF DEBRIS AND OBSTRUCTION OF STREETS AND SIDEWALKS, CAMPING  
AND OTHER USES OF TOWN PROPERTY

- WHEREAS,** the Town of Mars Hill Mayor and Board of Aldermen desires to codify regulations for deposit of debris and obstruction of streets and sidewalks, camping and other uses of town property; and
- WHEREAS,** the Town of Mars Hill Mayor and Board of Aldermen acknowledge the language of the ordinance contained herein is in keeping with the mission of the Town of Mars Hill to continually improve the public perception of community safety by reducing crime and the harms associated with criminal activity and any conditions that have a detrimental impact on public safety; and
- WHEREAS,** the Town of Mars Hill supports economic prosperity, cultivates community spirit, and honors its heritage and culture; and
- WHEREAS,** All requirements were met in accordance with N.C.G.S. 160A-174 for general ordinance-making power.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF MARS HILL, NORTH CAROLINA:**

**SECTION 1: Definitions**

For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them in this section, except where the context clearly indicated or requires a different meaning:

**Camp or camping** shall be defined as sleeping, making preparation to sleep (including the laying down of bedding for the purpose of sleeping), and associated activities, including the storing of personal belongings, making any fire, remaining at or near any tent or other shelter, doing any digging or earth breaking or carrying on of cooking or other activities supportive of camping or living accommodation purposes.

**Town property** shall be defined as any property owned or controlled by the town, including but not limited to, parks, recreation facilities, streets, sidewalks, plazas, yards, and building curtilage.

**Town park or park** shall be defined as any area or space set aside and designated as a public park by the town governing board and any park owned by the town.

**Recreational facility** shall be defined to include the following: (1) An athletic field, including any appurtenant facilities such as restrooms and concessions, that may be utilized for team sports organized by the town or other agency authorized by the town; (2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool; (3) A facility used for parks and recreation events, including but not limited to, a gymnasium, racket sport courts, barn, park administration building, restroom facility.

**Tent or shelter** shall be defined as any structure, with or without side walls or drop panels deigned or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, that is supported in any manner except by the contents it protects.

**SECTION 2: NO CAMPING ON TOWN PROPERTY**

- A. Except pursuant to a permit issued by a duly authorized town official, the use of town-owned or managed property for camping purposes, whether on a regular or intermittent basis, is prohibited. This prohibition is applicable regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.
- B. It shall be unlawful for any person to sleep outdoors on any of the streets, sidewalks, or public parks in such a way, or in such a manner, as to interfere with pedestrian or vehicular traffic, or permitted activities.
- C. This section shall not be enforced as to facilities designated for use for temporary housing or other accommodations in an emergency, as declared by the town or other governmental agency or official authorized by law to make such declaration.
- D. Other ordinances regulating the use of town property prohibiting sleeping on town property, are not repealed or superseded by this article.
- E. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C. General Statute § 14-4.

**SECTION 3: NO TENTS OR SHELTERS ON TOWN PROPERTY**

- A. Except pursuant to a permit issued by a duly authorized town official, no tent or shelter of a temporary or permanent nature shall be placed or permitted to remain on town property.
- B. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C. General Statute § 14-4.

**SECTION 4: NO STORAGE ON TOWN PROPERTY**

- A. Except pursuant to a permit issued by a duly authorized town official, it is prohibited to leave or allow to remain unattended any equipment, packages, bags, or other personal belongings on town property, and any such item is subject to removal by the town.
- B. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C. General Statute § 14-4.

**SECTION 5: OBSTRUCTION AND DEPOSIT OF DEBRIS**

- A. The streets and sidewalks of the town shall be kept free of all obstructions and open to traffic at all times, and it shall be unlawful for any person to deposit any article or do any act which obstructs such streets and sidewalks.
- B. It shall be unlawful for the owner or any contractor engaged in construction or improvement of any property abutting upon streets and sidewalks of the city to all the deposit of any mud, dirt, construction material or other debris upon such streets and sidewalks.
- C. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C. General Statute § 14-4, notwithstanding all other remedies set forth in this section.
- D. If the person responsible for obstructing streets or sidewalks, as prohibited in subsection (A.) of this section, or depositing mud, dirt, construction material or debris on streets or sidewalks, as prohibited in subsection (B.) of this section, after due notice, fails to remove such obstruction, dirt, mud, construction material or other debris, the Town Manager or his designee, is hereby authorized to effect the removal thereof, and in addition to all other remedies, the town may assess costs incurred by it

which shall be a lien against the property from which any obstruction, dirt, mud, construction material or other debris has been removed and deposited upon the streets and sidewalks of the town.

- D. In addition to and separate and apart from other remedies set forth in this section, a violation of the provisions of this section may be assessed a civil penalty of fifty dollars (\$50.00) upon the issuance of a citation for such violation as provided in this section, and each and every day during which a violation continues to occur shall be a separate and distinct offense.

**SECTION 6: OBSTRUCTION OF STREETS, SIDEWALKS BY PERSONS PROHIBITED**

- A. It shall be unlawful for any person, singly or in a group, to:
1. Obstruct or cause to be obstructed vehicular or pedestrian traffic on the streets or sidewalks or in parks or other public areas within the corporate limits of the town; or
  2. Obstruct or cause to be obstructed corners, stairways, or doorways to prevent or hamper free access by members of the public to private buildings fronting streets, sidewalks, parks, or other public areas or to public buildings within such corporate limits.
- B. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C. General Statute § 14-4.

**SECTION 7: EFFECTIVE DATE**

This ordinance shall become effective September 1, 2023.

**ADOPTED** this the 7<sup>th</sup> day of August, 2023 by the Town of Mars Hill Mayor and Board of Aldermen.

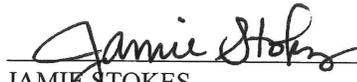
  
JOHN L. CHANDLER,  
Mayor

Attest:

  
STUART L. JONLEY,  
Town Clerk



APPROVED AS TO FORM:

  
JAMIE STOKES,  
Town Attorney