

BOARD OF COMMISSIONERS
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Transylvania County

ORDINANCE

An Ordinance Prohibiting Registered Sex Offenders on Transylvania County
Parks and Recreation and County-Owned Child Care Facilities

WHEREAS, Transylvania County maintains a parks and recreation system that is meant for the peaceful enjoyment of children and other citizens; and

WHEREAS, Transylvania County maintains certain child care facilities for the education and care of children; and

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

WHEREAS, the Transylvania County parks system and county-owned child care facilities are public spaces wherein sexual predators may attempt to use the public parks and county-owned child care facilities for criminal intent; and

WHEREAS, it is a justifiable exercise of the public powers of the County of Transylvania to regulate use of the public parks and county-owned child care facilities;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Transylvania County that:

1. The following definitions shall be added to the appropriate section of the Transylvania County Code of Ordinances:

The words and phrases defined below shall have the meaning indicated when used in this section:

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 Article 27A of the North Carolina General Statutes Chapter 14.*

Public Park: *Any publicly-owned or publicly-maintained land which is designated by Transylvania County as a park or recreation facility.*

2. The following language shall be added to the appropriate section of the Transylvania County Code of Ordinances:

A. It shall constitute a general offense against the regulations of Transylvania County for any person or persons registered with the State of North Carolina or any other state or

federal agency to knowingly enter into or on any public park, recreation facility, or child care facility owned, operated, or maintained by Transylvania County.

B. Anyone who is found in violation of this ordinance shall be subject to a fine of not less than \$500.00 per offense and/or thirty (30) days in jail. Each and every entrance into a park, recreation facility or county-owned child care facility, regardless of the time period involved, shall constitute a separate offense under this ordinance.

C. The County Manager shall be charged with posting this regulation at the main entrance of each park, recreational facility, and county-owned child care facility within thirty (30) days of the passage of this ordinance.

3. Severability Clause. If any Court shall determine that any work, clause, phrase, sentence, paragraph or subsection of this article is unconstitutional as worded, the Court shall first attempt to construe or interpret such unconstitutional provision so as to enable same to be constitutional as so narrowed or construed. If the Court cannot so limit or construe such word or provision narrowly so as to render same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate word, clause, or phrase render its' attached major section or provision unconstitutional, but instead shall be severed therefrom entirely, unless such severance renders the remainder wholly meaningless or unconstitutional.

Approved this 13th day of June, 2005

Raymond D. Miller, Chairman
Transylvania County Board of Commissioners

ATTEST:

Kimberly T. Conover, Clerk to Board