

ORDINANCE NO. 2021-0810-26

**AN ORDINANCE TO AMEND SECTION 15-6
OF APEX TOWN CODE**

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Subsections (a) and (b) of Section 15-6 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 15-6. Opening and closing town parks; remaining in parks after closing; forfeiture of right to use park.

- (a) Parks shall be open to the public daily during the times specified in this section. These times may be extended to accommodate programs offered by the town at the direction of the director of parks, recreation and cultural resources. Provided, however, the director of parks, recreation and cultural resources may close one or more parks or recreational facilities temporarily at any time if in the director's judgment a sufficient reason exists on account of severe weather or other emergency that would endanger persons using these facilities.

- (1) *Apex Community Park, Apex Jaycee Park, and Hunter Street Park, Kelly Road Park, Salem Pond Park, Nature Park and Seymour Athletic Fields:*

~~March through October—7:00~~ **6:30 a.m.** until 10:00 p.m.

~~November through February—7:00 a.m. until 8:00 p.m.~~

Provided, however, the Rogers Family Skate Plaza located within the Hunter Street Park shall be open ~~year round~~, 24 hours a day. These extended hours shall apply exclusively to the Rogers Family Skate Plaza and no other areas of Hunter Street Park. **Also provided that Apex Community Park shall be open for purposes of public boating pursuant to subsection 15-7(l) and fishing pursuant to subsection 15-7(q) on the pond therein from 6:30 a.m. until sunset, as defined by the National Weather Service, unless otherwise ordered by the director of parks, recreation and cultural resources.**

- (2) *Kelly Road-Clairmont Park:*

Sunrise until 9:00 p.m. ~~March through October—7:00 a.m. until 10:00 p.m.~~

~~November through February—7:00 a.m. until 8:00 p.m.~~

(3) *Apex Community Park:*

~~March through October—6:30 a.m. until 10:00 p.m.~~

~~November through February—6:30 a.m. until 8:00 p.m.~~

~~Provided, however, that Apex Community Park shall be open for purposes of public boating pursuant to subsection 15-7(l) and fishing pursuant to subsection 15-7(q) on the pond therein from 6:30 a.m. until sunset, as defined by the National Weather Service, unless otherwise ordered by the director of parks, recreation and cultural resources.~~

(43) *West Street Park, Sue Helton Park, Kelly Glen Park and Seagrove's Farm Park:*

~~March through October—7:00 **6:30** a.m. until 8:00 **9:00** p.m.~~

~~November through February—7:00 a.m. until 6:00 p.m.~~

(54) *West Street Park, Sue Helton Park, Kelly Glen Park, and all other town parks not listed above: Nature Park and Seymour Athletic Fields:*

~~**Sunrise until Sunset** March through October—6:30 a.m. until 10:00 p.m.~~

~~November through February—6:30 a.m. until 8:00 p.m.~~

(6) ~~*Clairmont Park.*~~

~~March through October—7:00 a.m. until 9:00 p.m.~~

~~November through February—7:00 a.m. until 8:00 p.m.~~

- (b) All public greenways shall be open from sunrise to 30 minutes after sunset, as defined by the National Weather Service, except when closed by the town due to emergency, maintenance or other reasons deemed to appropriate to maintain the safety and security of users. ~~The only exception to this shall be that the greenway located at Apex Community Park shall be open from 6:30 a.m. until 30 minutes after sunset as defined by the National Weather Service consistent with the parks operating hours defined under this section.~~

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of

this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 10th day of August, 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney