

STATE OF NORTH CAROLINA } **SURRY COUNTY PARK PROTECTION**
 }
COUNTY OF SURRY }

WHEREAS, the North Carolina General Assembly has recognized 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 government interest (N.C.G.S. 14-208.5).

AND, WHEREAS, Article 27A of the North Carolina General Statute prescribes the registration process for sex offenders and sexually violent predators;

AND, WHEREAS, there are a number of registered sex offenders residing in Surry County according to the State of North Carolina. A list of registered sex offenders within Surry County can be ascertained from the Surry County Sheriff’s Office or from the Surry County Sheriff’s website;

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

AND, WHEREAS, Surry County parks and recreational facilities are public spaces wherein sexual predators may attempt to find victims;

AND, WHEREAS, the North Carolina Supreme Court has determined that protecting children and other visitors to parks and recreational facilities from sexual attacks is a legitimate government interest;

NOW, THEREFORE, the Surry County Board of Commissioners do hereby adopt the following Ordinance to the Code of Ordinances of the County of Surry which shall be known as the Surry County “Park Protection Ordinance”:

1. For the purpose of this Ordinance the following definitions shall apply:
 - a. 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 Sex Offender Registry established pursuant to Chapter 14, Article 27A of the North Carolina General Statutes.

- b. Public Park: Any publicly owned, leased, operated or maintained land, building or facility which is designated by County of Surry as its park or recreational facility, including, but not limited to, Fisher River Park, Shoals Community Park, White Plains Community Center, Lowgap Community Center, Westfield Community Center, canoe access area in Mountain Park, Beulah Community Center, Eldora Ruritan/Scout Building, Family Resource Center and Ball Fields (Old JJ Jones School), Paynetown Community Building (Headstart) and any other after-acquired recreational facility owned or operated by the County of Surry.
2. No registered sex offender shall enter into or upon any Public Park owned or operated by the County of Surry. Each entry into a Public Park, regardless of the time period between such entries, shall constitute a separate offense under this Section.
3. That a violation of this Section is a misdemeanor as set forth in North Carolina General Statutes Section 14-4. Anyone found in violation of this Ordinance shall be subject to a fine of not less than \$500 per offense and/or thirty (30) days in jail. Each entry into the park shall constitute a separate offence under this Ordinance.
4. That the Director of the Surry County Parks and Recreation Department, or his designee, shall post this regulation at the main entrance of each park within thirty (30) days of the passage of this Ordinance.
5. This Ordinance shall be effective upon passage.
6. When such recreational facility or park is used as a polling place for an election, a registered sex offender may enter for the limited purpose of voting if he/she qualifies to do so at that polling place. He or she shall leave the premises immediately after voting and shall not return until the next election cycle.
7. If any section, subsection, paragraph, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not effect the validity of the remaining portions hereof.

Ayes: Chairman Hunter, Vice-Chairman Miller, Commissioner Hamlin, Commissioner Johnson.

Commissioner Harrell was unable to attend.

Nays n/a

This is the 20th day of October, 2008.

_____(SEAL)
R. Craig Hunter, Chairman of the Board
Of Commissioners

ATTEST:

County Clerk