

# Valle Crucis Community Park

## Policies and Procedures

Updated: December 10, 2020

### 100. Smoking

The Valle Crucis Community Park is a smoke-free venue. No smoking of any kind (including vaporizers) is allowed in the Park.

### 101. Dogs in the Park

Dogs are permitted in Valle Crucis Community Park, but must remain on a non-retractable physical leash (not to exceed 6 feet in length) at all times. Persons bringing a dog into the Park must be in complete control of the animal and must remain attentive to ensure that the animal does not disturb other Park patrons.

Only dogs of even temperament will be permitted in the Park. Aggressive animals and excessive barking will not be permitted.

Owners or handlers of dogs **MUST** clean up after their pets. Plastic bags are provided at pet stations for handlers to pick up any excrement left by their dogs.

Dogs are not permitted in the wetland, in playground areas, or in restrooms.

By bringing a dog into the Park, the owner or handler assumes all risk and responsibility and agrees to hold harmless the Valle Crucis Community Park, the Board of Directors, and Park staff for any claim arising from loss or injury sustained to the animal or to others as a result of the actions of the animal, and further agrees to assume all risk and responsibility from loss or injury to other Park patrons as a result of the actions of the animal.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

### 102. Park Rentals

Picnic shelters, wedding sites, sport/open play areas, and the conference room are available for rent, but must be reserved in advance and approved by Park staff. Use of Park facilities by groups of 16 people or more requires the written consent of Park staff.

All sheltered picnic areas are available on a first-come, first-served basis **unless** that shelter has been reserved in advance. Persons or groups holding a confirmed

reservation will have priority over those without a reservation. If a person or group holding a confirmed reservation arrives during their reservation period and the shelter is occupied by a person or group without a reservation, then that group or person without the reservation **MUST** immediately vacate the premises. Failure to vacate will be cause for revocation of all Park privileges. If a person or group without a reservation refuses to vacate a reserved area, the Watauga County Sheriff will be notified and the offender will be cited for trespass and prohibited from using the Park in the future.

Failure of a group or individual to remit the required reservation fee once a reservation has been made may render that group or individual ineligible to request future reservations.

Users must **completely** remove and dispose of all decorations and tape or other such fasteners used in the shelters, as well as all trash and debris associated with a function (including spilled or dropped food and beverage items). Group leaders may be asked to return to the Park to remove any leftover materials or face additional fees. Music or noise associated with the use of a shelter must be kept at levels acceptable to Park staff so as not to disturb other Park patrons or nearby residents. No amplification devices are permitted without prior written permission of Park staff. **Determination of acceptable noise levels will be at the sole discretion of Park staff.**

The Park is primarily for the use and enjoyment of individuals and small groups. However, there will be occasions when large groups will want to use a portion of the Park for a function or for continued use throughout the year (e.g., sports leagues). These functions will be approved by the Executive Director and/or Board of Directors on a case-by-case basis and the cost for this use will be decided according to the group/organization, type of use, and duration of the event. Any group operating food booths or other types of operations where items will be sold for a profit, or hosting events for which participants pay a fee, will pay the park **(in addition to the rental cost)** 10% of gross profits from sales/fees.

By using Park facilities, the group or individual assumes all risk and responsibility and agrees to hold harmless the Valle Crucis Community Park, the Board of Directors, and Park staff for any claim arising from loss or injury to any person associated with the function, and further agrees to assume all risk and responsibility from loss or injury to other Park patrons as a result of any activity arising from or being a part of that particular function.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

### **103. Open Fires**

Open fires are only permitted in the Park in the fire pit and only with the written permission of Park staff.

All other fires within the Park will be contained in an approved cooking stove or a grill designed specifically for the grilling of foods. Deep fryers or any appliance or cooking apparatus that uses frying or cooking oils are not permitted. Portable fire pits are not permitted.

Group grills designed to provide grill space to accommodate large groups (e.g., large tub-style grills transported by trailer) may be used with the written permission of the Park staff, but only in designated locations as determined by Park staff. Charcoal grills are provided by the Park in a number of locations. These may be used by any of our patrons, but may only be used with the appropriate type of charcoal and lighter. Coals should be left in these grills after use.

Fires are inherently dangerous, even in approved cooking grills. Park patrons using grills or the fire pit assume all risk and responsibility and agree to hold harmless the Valle Crucis Community Park, the Board of Directors, and Park staff for any claim arising from loss or injury sustained while using the fire pit or a cooking grill within the park.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

#### **104. Firearms and Fireworks**

Firearms and fireworks are expressly forbidden in Valle Crucis Community Park at all times. Possession or use of either firearms or fireworks constitutes a grievous breach of Park rules and will result in immediate and permanent expulsion from the Park premises.

#### **105. Motor Vehicles in the Park**

Motor vehicles may only be operated on the entrance road and within designated parking areas. These vehicles may only be operated by individuals possessing a current, valid operator's license. The posted speed limit of 10 miles per hour must be adhered to on the entrance road and the parking area at all times.

Vehicles such as dirt bikes, all-terrain vehicles, go-carts, motorized bicycles, golf carts, electric carts or wagons, motorized scooters and skateboards, etc., are only permitted on the entrance road and within designated parking areas. Vehicles for the conveyance of persons with disabilities (e.g., motorized wheelchairs) are always authorized in the Park.

Under special circumstances and with the special permission of Park staff, vehicles may be operated within the Park proper. Special circumstances may include setup for large group gatherings, special events, or weddings; deliveries for special projects or events; maintenance requirements; or other events as approved by Park staff. However, even during these special circumstances, only individuals possessing a current, valid

operator's license will be permitted to operate a motor vehicle in the Park. No one may assume the right to operate a motor vehicle outside of the normal operating area simply because they fit one of the categories listed under special circumstances. Any person wishing to bring a motor vehicle onto the Park proper **MUST** have the prior approval of Park staff.

Motor vehicles are inherently dangerous, even when operated by a licensed driver. Park patrons operating motor vehicles within the Park assume all risk and responsibility and agree to hold harmless the Valle Crucis Community Park, the Board of Directors, and Park staff for any claim arising from loss or injury sustained while operating a vehicle within the Park.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

### **106.Horses in the Park**

Except during special events and with the prior approval of Park staff, horses will not be permitted in any area of the Park. When horses are authorized, the owner or handler must clean the area **completely** after use.

### **107.Boating/Swimming/Floating/Wading in the Park**

Boating, swimming, floating, and/or wading are not permitted in the wetland area at any time. Boating, swimming, floating, and/or wading are permitted in the Watauga River and Dutch Creek.

Disturbance of natural features of Watauga River and Dutch Creek, including the rearrangement of rocks, is **prohibited**. Disturbing these natural areas can harm wildlife, including fish, birds, amphibians, and insects.

Boating, swimming, floating, and/or wading are inherently dangerous activities. Park patrons operating boats, float devices, or swimming/wading within the Park assume all risk and responsibility and agree to hold harmless the Valle Crucis Community Park, the Board of Directors, and Park staff for any claim arising from loss or injury sustained while boating, swimming, floating, and/or wading within the Park.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

## **108. Alcoholic Beverages**

The possession and consumption of alcoholic beverages by adults 21 years of age and older is permitted in the Park in conjunction with a party or picnic that also serves food. However, these beverages must be consumed with discretion.

Alcoholic beverages may not be sold in the Park (except in conjunction with fundraising events to benefit the Park), or provided to persons outside of the immediate picnic or party group. The use of alcoholic beverages in the Park is intended for the sole use of those involved with the particular group sponsoring the picnic or party.

The Park is not to be used by individuals for the sole purpose of consuming alcoholic beverages. The intent is to allow those individuals who wish to consume these beverages, in conjunction with a party or picnic, to do so. Alcoholic beverages must be only a secondary consideration.

Park staff has the sole responsibility to determine what constitutes a “secondary consideration” and has the authority to ask any person or group to suspend the use of alcoholic beverages at any time. Those refusing to terminate the use of alcoholic beverages will be asked to leave the Park.

Any person found to be intoxicated and causing a disturbance will be considered to be “drunk in public” and will be reported to the Watauga County Sheriff.

The possession and use of alcoholic beverages within the Park is a privilege and not a right. Any person abusing that right, as determined by the Park staff, will be asked to leave the Park.

Under no circumstances will alcoholic beverages be served to minors.

By bringing alcoholic beverages into the Park, the individual assumes all risk and responsibility and agrees to hold harmless the Valle Crucis Community Park, the Board of Directors, and Park staff for any claim arising from loss or injury sustained as a result of the consumption of these beverages by any person.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

## **109. Camping in the Park**

Camping in the Park is only permitted with the prior, written approval of Park staff. The Park is not normally used as a camp site. However, there may be instances where the use of Park grounds would be advantageous to both the camping group and the Park. Each request for space will be reviewed and evaluated in terms of what would be most

beneficial for the Park, and permission will be granted or denied solely at the discretion of Park staff.

When a request is submitted for approval, the group or individual must clearly state the purpose of the camping event, the name of the responsible group leader or individual, the details under which the event will be undertaken, the dates and times of the event, and any other information pertinent to the event.

The written approval will designate the permitted camping area, the authorized activities, the rules and regulations governing the function, and any specific instructions regarding the event.

### **110.Solicitation**

Solicitation in the Park in any way, shape, or form will not be permitted. Personal solicitation for any reason, the unauthorized posting or distribution of flyers or other printed material, or any other solicitation by any other means is prohibited. Posting flyers or other printed materials related to community events is permitted only in the designated kiosk and with prior approval of Park staff.

Fundraising events for groups/organizations other than the Park are not permitted unless a special exception is made by the Board of Directors. The decision to request an exception from the Board will be at the sole discretion of the Executive Director.

Persons found to be soliciting in any manner will be asked to leave the Park. If a person or group soliciting in the Park refuses to leave, the Watauga County Sheriff will be notified and the offender will be cited for trespass and prohibited from using the Park in the future.

### **111.Trash**

Trash and recycling containers are provided at several locations in the Park. Park patrons are asked to deposit **ALL** trash and recyclable materials in the appropriate containers.

Adults are asked to supervise their children to ensure that toys, articles of clothing, and assorted trash items are either removed from the Park or deposited in appropriate containers.

Sports team managers, coaches, and parents are asked to police the area at the conclusion of games and practices to ensure that all trash has been collected and deposited in the appropriate containers.

## 112.Noise

The playing of loud music and loud functions will not be permitted in the Park. Some sports contests and other special events may, at times, be overly loud, but consideration is given to the type of event, time and duration of the event, and proximity to other Park patrons.

Park staff will be the sole authority in deciding whether loud music or another loud disturbance is inappropriate or too loud and has the authority to ask any person or group to suspend the music or boisterous activity at any time. Those refusing to terminate the activity will be asked to leave the Park.

## 113.Drones and Other Unmanned or Remotely Piloted Vehicles

Launching, landing, or operating drones or other remotely piloted vehicles from or on Park lands is **prohibited** except as approved by the Park Executive Director.

## 114.Memorial Installations and Donations

There are currently two categories of memorial installations available:

Memorial Garden with Plaque	\$1,000 donation
Memorial Brick	\$100 donation

The memorial gardens are located around the Park's memorial brick garden and have been planted with a variety of perennial flowers and shrubs. A 3" x 9" memorial plaque is mounted on the front border post. The inscription on the plaque may be any inscription the donor chooses so long as the inscription fits legibly on the plaque.

The memorial brick is a standard 3"W x 6"L x 2"D brick painted, glazed, and fired in a local art studio. The inscription and artwork on the brick may be any the donor chooses as long as it fits legibly on the brick and is within the capabilities of the artist. Because of the size requirements in the pattern in the brick garden, it will not be possible to substitute a non-standard brick, although more than one brick may be purchased to complete an inscription or artistic display.

Other memorial installations may be considered provided they enhance and/or restore the aesthetic beauty and functional requirements of the Park. These will be considered on a case-by-case basis and will require approval by the Board of Directors. Memorial installations will be subject to the terms of the Park's Memorial Agreement policy.

Memorial donations in the form of cash gifts, estate bequests, securities, and other real property may be made at any time. Donors may specify that such contributions be used to support Park operations or that they be applied toward the Park endowment fund to ensure the long-term financial sustainability of the Park.

## **115. Conflict of Interest**

The purpose of the following policy and procedures is to prevent the personal interest of staff members, officers, and Board of Directors members from interfering with the performance of their duties to the Valle Crucis Park, Inc., or resulting in personal, financial, professional, and/or political gain on the part of such persons at the expense of the Park or its members.

Definitions: Conflict of Interest (also Conflict) means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, officers, and directors of the Park. Governing Board (also Board) means the board of directors. Director means an individual member of the Board of Directors. Staff Member means a person who received all or part of his/her income from the payroll of the Park. Park is the Valle Crucis Park, Incorporated.

Per this conflict of interest policy:

1. Full disclosure, by notice in writing, shall be made by the interested parties to the full Board of Directors in all conflicts of interest, including but not limited to the following:
  - A. A director is related to another director.
  - B. A director is related to a staff member.
  - C. A director is also a staff member. If this is the case, the director who is also a staff member shall not vote on matters which relate to his or her own finances, employment, or other topics where a conflict of interest or the appearance of a conflict of interest may be present.
  - D. A staff member in a supervisory capacity is related to another staff member whom he/she supervises.
  - E. A director or staff member receives payment from the Park for any subcontract, goods, or services other than as a part of his/her regular job responsibilities or as reimbursement for reasonable expenses incurred as provided in the bylaws and board policy.
  - F. A director or staff member is a member of the governing body of a contributor to the Park.
  - G. A director or staff member may have personal, financial, professional, or political gain at the expense of the Park or its members.
2. Following full disclosure of a possible conflict of interest or any condition listed above, the Board of Directors shall determine whether a conflict of interest exists and, if so, the Board shall vote to authorize or reject the transaction and/or condition. Both votes shall be by a majority vote without counting the vote of any interested director even if the disinterested directors are less than a quorum, provided that at least one consenting director is disinterested.



3. An interested director, officer, or staff member shall not participate in any discussion or debate of the Board of Directors, or of any committee thereof, in which the subject of a discussion is a contract, transaction, or situation in which there may be a conflict of interest.
4. No director, officer, or staff member shall participate in the selection, award, or administration of a procurement transaction in which federal or state funds are used, where to his/her knowledge, any of the following has a financial interest in that transaction: (1) the staff member, officer, or director; (2) any member of his/her immediate family; (3) his/her partner; (4) an organization in which any of the above is an officer, director, or employee; or (5) a person or organization with whom any of the above is negotiating or has any arrangement concerning prospective employment.
5. Existence of any of the above-listed conditions shall render a contract or a transaction voidable unless full disclosure of personal interest is made in writing to the Board of Directors and such transaction approved by the Board in full knowledge of such interest.
6. The disinterested directors are authorized to impose by majority vote other reasonable sanctions as necessary to recover associated costs against a director, officer, or staff member for failure to disclose a conflict of interest as described in Paragraph 1 or for any appearance of a conflict.
7. Appeal from sanctions imposed pursuant to Paragraphs 5 and 6 above shall be prescribed by law in those courts of the State of N.C. with jurisdiction over both the parties and the subject matter of the appeal.
8. In the event that the Park has incurred costs or attorney fees as a result of legal action, litigation, or appeal brought by or on behalf of an interested director or staff member due to a conflict of interest and consequent sanctions and in the event that the Park prevails in such legal action, litigation, or appeal, the Park shall be entitled to recover all of its costs and attorney fees from the unsuccessful party.

A copy of this policy shall be given to all directors, officers, and staff members upon commencement of such person's relationship with the Park. Each board member, officer, and staff member shall sign and date the policy at the beginning of his or her term of service or employment. Failure to sign does not nullify the policy.

### **116.Dangerous Activity**

Any sport that may present a danger to other Park patrons such as golf, yard darts, archery, model rocketry, or any activity where the participant does not have complete control over the outcome and where an object used in the activity may cause bodily injury is prohibited. Soccer, basketball, football, volleyball, ultimate Frisbee, horseshoes, and other yard games are permitted as long as the activity is conducted in the space

provided for such sports. Sports and games are permitted in the picnic areas as long as the activity does not inhibit the use of facilities by other patrons, equipment used is made of such material that contact with another Park patron would not cause serious injury, and the activity is closely monitored and closely controlled by the group conducting the activity.

Riding bicycles, scooters, skateboards, etc. can be considered a dangerous activity where falls and accidents could result in serious injury. For this reason, patrons are encouraged to wear helmets and other protective gear while participating in these activities in the Park.

For the safety of all Park patrons, any activity considered dangerous in the eyes of Park staff will be prohibited. Dangerous activities are prohibited regardless of the number of people in the Park. Park patrons assume all risk and responsibility and agree to hold harmless the Valle Crucis Community Park, the Board of Directors, and the Park staff for any claim arising from loss or injury to others as a result of any activity conducted in the Park.

Failure to follow any of the aforementioned rules will be cause for immediate expulsion from the Park.

### **117.Public Attendance at Board Meetings**

Meetings of the Park's Board of Directors are not open to the public. However, time may be allotted for public comment on specific issues. Members of the public wishing to address the Board must submit a request in writing to the Board President and/or Executive Director no less than two weeks prior to the meeting they wish to attend.

### **118.Birding in the Park**

Birders are welcome in the Park. All birders should adhere to the American Birding Association's [Code of Birding Ethics](#).