

STATE OF NORTH CAROLINA  
COUNTY OF CLAY

**ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING CLAY COUNTY  
PARKS, RECREATION AREAS AND FACILITIES & CAMPGROUNDS**

WHEREAS, Clay County and its staff has heard from concerned citizens and patrons of the Clay County Parks, Recreation Areas and Facilities and Campgrounds regarding the presence of sexual predators on or near Clay County Parks, Recreation Areas and Facilities and/or Campgrounds; and

WHEREAS, Clay County maintains its parks, recreation areas and facilities and campgrounds in a manner meant for the peaceful enjoyment of children and other citizens; and

WHEREAS, there are currently 9 registered sex offenders in Clay County, NC, according to the State of North Carolina; and

WHEREAS, the Clay County Parks, Recreation Areas and Facilities and Campgrounds are public spaces wherein sexual predators may attempt to find victims; and

WHEREAS, the State of North Carolina and this Board 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 governmental interest; and

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

WHEREAS, it is in the best interest of the citizens and residents of Clay County to reduce in so far as possible opportunities for recidivism by sexual predators; and

WHEREAS, it is a justifiable exercise of the police powers of Clay County to regulate the use of the public parks, recreation areas and facilities and campgrounds; and

WHEREAS, this Board finds that it would be in the best interest of the citizens and residents of Clay County to prohibit and ban Registered Sex Offenders from Clay County Parks, Recreation Areas and Facilities and Campgrounds; and

NOW, THEREFORE, BE IT ORDAINED by the Clay County Board of County Commissioners as follows:

Upon Motion of Commissioner Sellers, seconded by Commissioner Sorett, and unanimously approved, the following ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING CLAY COUNTY PARKS, RECREATION AREAS AND FACILITIES & CAMPGROUNDS was enacted:

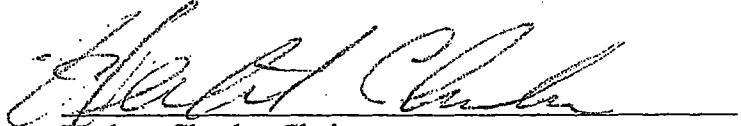
1. For purposes of this Ordinance, the following definitions shall apply:
  - A. Registered Sex Offender shall mean an individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to the sex offender registry established by the provisions of Chapter 14, Article 27A of the North Carolina General Statutes; and
  - B. Clay County Parks, Recreation Areas and Facilities and Campgrounds shall mean any County owned, leased, operated or maintained land, and/or building which is designated by Clay County as a park, a recreation area or facility, or a camp ground and shall specifically include, but shall not be limited to Veterans Recreational Park located at 333 Ball Park Drive, Hayesville, NC 28904, and Clay County Rec. Park Campground and Gibson Cove Campground located at 47 Clay Rec. Park Road, Hayesville, NC 28904;
2. That Registered Sex Offenders are prohibited from entering into or upon all Clay County Parks, Recreation Areas and Facilities and Campgrounds including but not limited to Veterans Recreational Park located at 333 Ball Park Drive, Hayesville, NC 28904, and Clay County Rec. Park Campground and Gibson Cove Campground located at 47 Clay Rec. Park Road, Hayesville, NC 28904;
3. Anyone who is found in violation of this ordinance shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) per offense and/or thirty (30) days in jail as set forth in N.C. Gen. Stat. § 14-4;
4. The Clay County Manager or his designee shall post this regulation at the main entrance of it each Clay County Park, Recreation Area and Facility and Campground within thirty (30) days of the passage of this Ordinance;
5. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Clay County Commissioners hereby declare that they would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid;
6. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed,

repealed, to the extent of such conflict;

7. That this Ordinance shall be effective upon adoption.

This the 6th day of December, 2007.

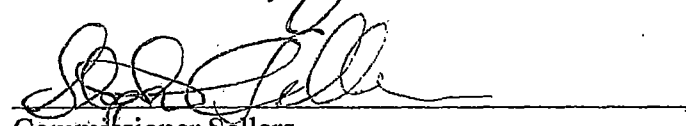
Read and approved by unanimous vote and adopted unanimously by the Clay County Commissioners, at this duly held December 6, 2007, Regular meeting of the Clay County Commissioners.



Herbert Cheeks, Chairman  
Clay County Board of County Commissioners



Commissioner Jarrett



Commissioner Sellers

ATTEST:



Paul Leek, Clerk to the Clay County  
Board of County Commissioners

(COUNTY SEAL)