

THIS ORDINANCE SHALL BE KNOWN AS THE MIDDLESEX COUNTY HOLLY POINT NATURE PARK ORDINANCE AND SHALL REGULATE THE RECREATIONAL PROPERTY DESIGNATED BY THE COUNTY AS HOLLY POINT NATURE PARK.

ARTICLE I: GENERAL PROVISIONS

1-1 Short Title.

This ordinance shall be known and may be cited as the “Holly Point Nature Park Ordinance.”

1-2 Separability.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1-3 Applicability.

This ordinance shall apply to park and recreational property owned, maintained and operated by Middlesex County known as Holly Point Nature Park.

1-4 Effective Date.

This ordinance shall be in full force and effect on and after 12:01 A.M. on March 6, 1990.

ARTICLE II: DEFINITIONS

The following terms, when used in this ordinance, shall have the following meanings, except where the context clearly indicates a different meaning, or there is an expressed provision to the contrary:

Park. All property owned, maintained or operated by the County for public recreational use and known as Holly Point Nature Park.

Visitor. Any person who comes into the park.

ARTICLE III: PARK REGULATIONS

3-1 Damage to park property prohibited.

No person shall in any manner pick, pull, tear, dig, cut, break, burn, injure, deface, disturb, destroy, remove, take or gather in any manner, in whole or in part, any part of the park, building, sign, equipment or other property, including, but not limited to, any tree, flower, fern, shrub, vine, turf, plant, rock, artifact, fossil or mineral found, growing or being a part of the land of the park. Notwithstanding any other provision in this ordinance to the contrary, the County Administrator may issue permits in writing to permit collecting, for scientific and/or educational purposes, trees, flowers, ferns, shrubs, vines, turf, plants, rocks, artifacts, fossils or minerals, or any part thereof, in the park.

3-2 Animals protected.

No person shall capture, pursue, molest, injure or kill any animal in the park.

3-3 Disturbance of nests prohibited.

No person shall disturb the nest of any animal in the park.

3-4 Use of park refuse containers.

No person shall deposit, dump, place or abandon any garbage, refuse or trash, not generated in the park, in any park refuse container.

3-5 Pollution of water prohibited.

No person shall bathe or wash any dog, other animal, vehicle or clothing in any waters of the park, or throw, cast, lay, drop, discharge, direct, deposit or abandon into any waters of the park, any substance, matter or thing, in whatever form, which may directly or indirectly result in the pollution of such waters.

3-6 Dangerous devices prohibited.

No person, other than any law-enforcement officer, fire fighter or County security guard, in the course of his respective employment, shall have in his possession in the park, any firearm or other gun, including an air or gas-powered gun, slingshot, bow and arrow, crossbow, dart device or any other device designed for high-speed missile projection, except in areas designated and posted by the County as areas in which one or more of these devices are permitted for recreational use.

3-7 Motor Vehicles.

1. Except by the express authorization of the Board of Supervisors, the County Administrator or the County Administrator's designee, no person shall operate within the park a motorized vehicle of a type not licensable by the State for regular use upon public highways.

2. No person shall operate any type of motor vehicle or motor-assisted bicycle, commonly referred to as a “moped,” in areas of the park other than established roadways or parking lots.
3. No person shall park a motor vehicle or motor-assisted bicycle in areas of the park other than those designated and posted by the County as parking areas. No owner or driver shall cause or permit a vehicle to stand in any space designated for use by the handicapped unless the vehicle displays a license plate or decal issued by the State Commissioner of Motor Vehicles pursuant to Section 46.1-104.1 or Section 46.1-149.1 of the Code of Virginia, or a similar identification issued by another state or the District of Columbia.

3-8 Commercial enterprises prohibited.

No person shall sell or offer for sale, hire or lease or let out any object or merchandise, property, privilege, service or any other thing, or engage in any business or erect any building, booth, tent, stall or any other structure whatsoever, without prior written permission from the County.

3-9 Advertisements and announcements prohibited.

No person shall erect or pose within the park, any sign, notice or advertisement of any nature, or shall any person operate any musical instrument, radio, talking machine, phonograph, tape recorder or drum, or make any noise, for the purpose of attracting attention to any exhibition of any kind within the park without prior written permission from the County.

3-10 Restriction of animals.

No visitor shall have within the park any animal unless it is either caged, securely penned or on a leash of not more than ten (10) feet in length, and no person shall ride a horse in the park.

3-11 Hours of operation.

No person, except a law-enforcement officer or County employee in the course of his respective employment, shall enter or remain in the park except during such hours as shall be designated and posted by the County as the hours of operation.

3-12 Fires, restrictions and control of.

1. No person shall kindle, build, maintain, or use a fire other than (a) in grills, and (b) in places provided and/or designated by the County for such purposes, except by prior written permission from the County Administrator.

2. Any fire within the confines of the park shall be continuously under the care and supervision of a competent person sixteen (16) years of age or older from the time such fire is kindled until the time it is extinguished.
3. No person shall throw any or discard a lighted match, cigarette, cigar or other burning object in the park, without first extinguishing it.

3-13 Sports and games.

Athletic fields, tennis courts, swimming pools, basketball courts, and horseback trails are not permitted.

3-14 Applicability of Ordinance to certain persons.

Notwithstanding any other provision in this ordinance to the contrary, it shall not be a violation of this ordinance if a person engaging in any otherwise prohibited activity is either an employee of the County acting within the scope of his employment, or if the person engaging in the otherwise prohibited activity is an agent or an independent contractor to the County acting within and pursuant to the scope of his duties.

3-15 Penalty.

Any person who violates any of the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100).

This ordinance was adopted by motion duly made, seconded and carried unanimously.

Members present: Fred S. Crittenden
 Davidson J. Gill
 Frank Jessie
 James D. Pitts
 Edwin W. Ruark