

**AMENDMENT TO CHAPTER 28 of the MACON COUNTY CODE OF ORDINANCES
AN ORDINANCE REGULATING THE USE OF
THE LITTLE TENNESSEE RIVER GREENWAY**

THAT WHEREAS, the Macon County Board of Commissioners adopted An Ordinance Regulating the use of the Little Tennessee River Greenway on September 9, 2002; and

WHEREAS, the Board of Commissioners wishes to make amendment the Ordinance by replacing Section 28.306 to prohibit camping along the Greenway and re-numbering the Penalty provisions for violation of the Ordinance as Section 28.307; and

WHEREAS, the Board of Commissioners finds the same to be in the public interest and to promote the public health, safety and welfare pursuant to authority vested in it by N.C. Gen. Stat. §153A-121; and

WHEREAS, the amendments set forth hereinafter are authorized by the provisions of N.C. Gen. Stat. §§160D-201(b) and (c) (*? and §160D-202(f) and (i)??*)

NOW, THEREFORE, BE IT ORDAINED by the Macon County Board of Commissioners that:

Section 28.306 of the Ordinance Regulating the Use of The Little Tennessee River Greenway is replaced with the following:

Section 28.306. Camping Prohibited

A. Definitions.

Camp or camping. The use of public owned property for living accommodation purposes such as sleeping, making preparations to sleep, storing personal belongings, or placing any tent or a temporary shelter on the property for living accommodation purposes. The creation of a campfire or bonfire is also included as part of this definition, unless there is a designated location or permit policy.

Public property. Property owned or controlled by a federal, state, or local governmental entity.

Temporary shelter. Any tent, tarp, structure, or cover that provides shelter from the elements.

B. Jurisdiction.

Pursuant to N.C.G.S. §160D-201(b), this section shall apply to all publicly owned property that borders the Little Tennessee River within Macon County that does not lie within a North Carolina Municipality.

C. Camping prohibited.

Camping on public property is hereby declared to be a public nuisance. It shall be unlawful for any person to sleep, camp, or otherwise engaging in any activity prohibited by this section on any publicly owned property that borders the Little Tennessee River within Macon County that does not lie within a North Carolina Municipality. The County may remove any temporary shelter, bedding, or personal belongings that are stored on the property.

The Penalty provisions for violation of the Ordinance is re-numbered as Section 28.307.

Section 28.307. Penalties.

Violation of this Ordinance or any of its provisions shall be a misdemeanor punishable on conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days.

Upon Motion by Commissioner Young, and seconded by Commissioner Antoine, the foregoing Amendment to said Ordinance was approved at the June 13, 2023 Regular Meeting of the Macon County Board of Commissioners by vote of 4-1 and is therefore enacted.

Adopted at the June 13, 2023, Regular Meeting of the Macon County Board of Commissioners.



Paul Higdon, Chairman, Macon County Board of Commissioners

ATTEST:



Derek Roland, Macon County Manager and Clerk to the Board