

MEMORANDUM

To: Alex Taylor
From: Duncan J. Forsyth
Date: February 4, 2026
Re: Parks & Recreation Ordinance
Our File No. 17996.1

We have at your request reviewed the draft revisions to Chapter 70 of the Town Code related to Parks and Recreation. It appears that the Ordinance was originally promulgated on January 6, 1975, and has been amended at various times over the past 50 years. The Ordinance and the proposed amendments do not violate any provision of state or federal law. In fact, Section 7-148(c)(6)(A) grants to municipalities to ability to exercise by ordinance to ability to, among other things, layout, construct, maintain and control parks, playgrounds, playfields, recreation places, public beaches, beach facilities, etc. Thus, the Ordinance is consistent with the statutory authority specifically granted to the Town.

We have noted, however, that Section 70-88 dealing with public gatherings (which is defined in Section 70-2) states that any public gathering shall be conducted in accordance with Section 66-37. That section addresses “special events” reasonably anticipated to include or attract 300 or more persons. We don’t believe that the intention of Section 70-88 is that it will only be triggered when a public gathering is in excess of 300 persons. Therefore, we believe it prudent for the Town Council to review Chapter 66 in conjunction with Chapter 70 to have them co-exist at a reasonable number for any type of gathering or event.

We hope this addresses the issue at hand. If you have any additional questions, please do not hesitate to contact us.