

## Chapter 41 PARKS AND RECREATION<sup>1</sup>

### Sec. 41-1. Prohibited activities.

It shall be unlawful for any person in any park, park preserve, playground, swimming pool, swimming area, ball field, tennis court or any other recreation facility, and their parking facilities, owned or controlled by the county to:

- (1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any structure, equipment, facilities or other property, either real or personal.
- (2) Damage, cut, carve on, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, or dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (3) Bring in, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, wastes, garbage or refuse, or other trash.
- (4) Fail to obey all traffic officers and recreation department employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the parks.
- (5) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
- (6) Drive any vehicle on any area except the paved park roads or parking areas or such other areas as may be specifically designated by the director of parks and gardens.
- (7) Park a vehicle in other than an established or designated parking area.
- (8) Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided for such activity, and in compliance with such regulations as are set forth in this chapter or such as may be established by the parks and gardens department.
- (9) Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of the public.
- (10) Violate the regulation that use of the individual fireplaces, together with tables and benches, follows generally the rule of first come, first served, unless a picnic reservation has been issued.
- (11) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such trash receptacles are available, refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.
- (12) Camp in any area without permission of the director of parks and gardens. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park after closing hours any movable structure or special vehicle to be used or that could be

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<sup>1</sup>Cross reference(s)—Environment, ch. 23; streets, sidewalks and other public places, ch. 47; waterways, ch. 59.

State law reference(s)—Authority to regulate parks and recreation, G.S. 153A-444.

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used for such purpose, such as a camper-trailer, house trailer or the like without permission of the director of parks and gardens.

- (13) Bring or have in his possession, or set off or otherwise cause to explode or discharge or burn any firecrackers or other fireworks or explosives; or discharge them; or throw them into any such area from adjacent land or highway.
- (14) Build or attempt to build a fire except in such areas and under such regulations as may be designated for the purpose by the director of parks and gardens. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars or other flammable material within any park area or on any abutting or contiguous highway, road or street.
- (15) Enter an area posted as "Closed to the Public."
- (16) Sleep or protractedly lounge on the seats, benches, floors or other areas; or engage in loud, boisterous, threatening, abusive, insulting or indecent language; or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- (17) Disturb or interfere unreasonably with any person or party occupying any area or participating in any authorized activity.
- (18) Sell food, beverages or merchandise or solicit donations for any individual, group, company or corporation which is not solely nonprofit in nature.
- (19) Carry, use or possess firearms or other dangerous weapons within any park except:
  - (a) Persons in possession of a concealed weapon permit may possess a lawful concealed handgun within the areas of county parks that are not designated recreational facilities. Recreational facilities, as defined by N.C.G.S. 14-415.23 includes athletic fields and any appurtenant facilities during an organized athletic event, athletic facilities, and swimming pools.
    - (i) The director of parks and gardens shall maintain a list of designated recreational facilities where concealed handguns are prohibited.
    - (ii) Notwithstanding the foregoing prohibition of concealed weapons in or on recreational facilities, a concealed handgun permittee may secure a handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle pursuant to N.C.G.S. 14-415.23.
  - (b) This section should not apply to sworn law enforcement officers.
- (20) Enter, use or remain within any park between the hours of 12:00 midnight and sunrise unless a written permit has been obtained from the director of parks and gardens.

(Code 1978, § 13-1; Ord. of 3-11-2013; Ord. of 3-10-2014, § A; Ord. of 6-7-2021, §§ 1—6)

## **Sec. 41-2. General regulations.**

- (a) *Open fires.* No open fires are allowed. All fires must be in park-provided grills or grills approved by the department of parks and gardens.
- (b) *Misuse of facilities.* Flagrant misuse of parks and recreational facilities will result in forfeit of future reservation privileges.
- (c) *Establishment, enforcement of rules, regulations.*
  - (1) The director of parks and gardens has the authority and responsibility to establish and enforce any rules and regulations governing the use and maintenance of parks and recreational facilities.

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- (2) A copy of the rules and regulations governing the use and maintenance of parks and recreational facilities may be obtained from the parks and gardens department. A violation of any rules and regulations established by the director of parks and recreation shall constitute a violation of this chapter.
- (d) It shall be unlawful for any person registered as a sex offender in the State of North Carolina or any other state or with a federal agency to knowingly enter into or on any public park owned, operated or maintained by the County. A violation of this subsection shall subject the offender to the penalties set forth in subsection 41-5(a) of the County Code.

(Code 1978, § 13-2; Ord. of 9-2-2008; Ord. of 6-7-2021, §§ 7, 8)

### **Sec. 41-3. Closing when necessary.**

Any section or part of any park or recreation area or facility may be declared closed to the public by the director of parks and gardens at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and to certain uses.

(Code 1978, § 13-3; Ord. of 6-7-2021, § 9)

### **Sec. 41-4. Authority of director to eject disorderly persons.**

- (a) The director of parks and gardens and any authorized department employee shall have the authority to eject and/or ban from any park facility any person acting in violation of this chapter or in violation of rules and regulations enacted pursuant to this chapter or any ordinance adopted by the county commissioners.
- (b) The determination of the parks and gardens director or authorized department employees may be appealed in writing to the county manager or his or her designee within ten business days of the issuance of the determination. The county manager or manager's designee shall fix a reasonable time for the hearing. At the hearing, the individual affected by the determination shall be given the opportunity to present evidence to refute the findings that support the abatement of the determination. Upon completion of the hearing, the manager or his/her designee shall consider the evidence before them and shall revoke the initial determination, issue a final determination that differs from the initial determination, or uphold the initial determination as final. The initial determination remains in force during the review process.

(Code 1978, § 13-4; Ord. of 6-7-2021, § 10)

### **Sec. 41-5. Penalty for violation of chapter.**

- (a) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$50.00, or imprisonment for not more than 30 days in the discretion of the court, as provided by G.S. 14-4.
- (b) A citation may be issued which subjects the offender to a civil penalty of \$100.00 for a first offense, \$300.00 for a second offense, and \$500.00 for a third or subsequent offense. The penalty may be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within 20 days after being cited; however, the amount of any civil penalties for violation of parking regulations under this chapter shall be consistent with those penalties enumerated in section 53-112.
- (c) This chapter may be enforced by any one or more of the sanctions, penalties, and punishments specified in this section. Each day of a continuing violation shall constitute a separate offense under this chapter.

(Code 1978, § 13-5; Ord. of 6-7-2021, § 11)