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Sec. 50-1. - Construction of chapter.

In the interpretation of this and all succeeding parks ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibitions of any act shall respectively extend to include the causing or procuring, directly or indirectly, of such act.
- (4) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the county parks and recreation department (the "department") or any other employee or agent of the county or the State of North Carolina (the "state") in line of duty or work, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the Department, the county or the state.
- (5) Any act otherwise prohibited by this parks chapter or any local ordinance shall be permitted if performed within the confines of a properly issued written permit to do so, as set forth herein.
- (6) This chapter is in addition to and supplements the State Vehicle and Traffic Laws, which are incorporated herein and made a part hereof, including without limitation, the requirement that all persons operating any motor vehicle as defined by state law must have a valid operators license to operate such vehicle within any county parks.

(Ord. of 6-17-91(2), § 1; Ord. No. 2003-02, § 1, 1-27-03; Ord. No. 2003-03, § 1, 2-17-03)

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Sec. 50-2. - Definitions.

In the interpretation of this and succeeding department regulations or ordinances, the following terms unless otherwise defined therein, shall mean the following:

County building. A building owned, leased as lessor, or the area leased as lessee and occupied by the county.

Department means Cabarrus County Parks Department.

Employee. A person who is employed by the County of Cabarrus, or who contracts with the county or a third person to perform services for the county, or who otherwise performs services for the county with or without compensation.

Grounds. An unenclosed area owned, leased, or occupied by the county.

Foot path or trail means any path or trail maintained for pedestrians.

Park or parks shall be deemed to include all aspects of any county park.

Parks system. Any tract of land or body of water comprising part of the county's parks, playgrounds, natural areas, recreation areas, trails and greenways, and streams or other bodies of water.

Pedestrian means a person on foot.

Permit means any written license issued by or under authority of the department, permitting the performance of a specified act or acts on park property.

Person means any natural person, corporation, company, association, joint stock association, joint venture, firm or partnership.

Smoking. The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

Tobacco product. Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part or accessory of a tobacco product, including, but not limited to, cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Universal "No Smoking and Use of Tobacco Products Prohibited" symbol. A symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

Vehicle means any form of conveyance of any kind or nature (except baby carriages and nonmotorized bicycles or tricycles) including without limitation, motor vehicles, trailers of all types, campers, sleds, sleighs, pushcarts, or modes of transportation propelled solely by means of human or animal muscular

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power, including without limitation, horse-drawn carriages.

(Ord. of 6-17-91(2), § 2; Ord. No. 2003-02, § 2, 1-27-03; Ord. No. 2003-03, § 2, 2-17-03; Ord. No. 2011-28, § 1, 6-20-11)

Cross reference— Definitions generally, § 1-2.

Sec. 50-3. - Park preservation.

It shall be unlawful for any person to:

- (1) Mark, deface, disfigure, injure, tamper with, displace or remove any real or personal park property, including without limitation, buildings, bridges, tables, benches, fences, fireplaces, grills, railings, pavings or paving materials, water lines or any other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or any appurtenances whatsoever to any of the above.
- (2) Fail to cooperate in maintaining all common areas, including without limitation, restrooms and washrooms, in a neat and sanitary condition.
- (3) Dig, pick or remove any soil, rock, sand, stones, trees, shrubs, plants, wood or other materials, or make any excavation by tool, equipment, blasting or any other means whatsoever.
- (4) Damage, cut, carve, mark or transplant any plant, or injure the bark of any plant or tree, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas; or in any other way whatsoever injure the natural beauty or usefulness of any park area.
- (5) Construct or erect any building or structure of whatever kind or material, whether permanent or temporary, or run or string any public service utility into, upon, or across such park land, except with a special written permit issued hereunder.
- (6) Throw, discharge, or otherwise place or cause to be placed in any body of water, including without limitation, any fountain, pond, lake, stream or swimming pool within or adjacent to any park, or any tributary, stream, storm sewer, or drain flowing into such body of water; any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (7) Take into or carry through any park any rubbish, refuse, garbage or other material, except as specifically authorized herein. Any rubbish generated in the park shall be placed in receptacles provided for rubbish disposal by the party responsible for its presence. Where receptacles are not available, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (8) Attach or place any sign, banner, wire, rope or cable, or any other contrivance of any kind or nature to any building, sign, tree or other park property by use of nails or staples. These items may be attached with tape or thumbtacks and must be removed before leaving the area. Language or symbols on any such sign or banner must not be deemed offensive to the general public, in the sole opinion of park and other county officials authorized to enforce this chapter. In no event will profanity be permitted.
- (9) Cause or permit any animal, whether or not under a person's custody or control, to enter the park, with the exception of a dog restrained by a leash not exceeding six feet in length. Animals

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that are part of an authorized park program are exempted from this policy. Any person having custody of any animal, as authorized herein, shall be responsible for the removal of any animal solid waste.

(10) Bring, use, ride, or drive a horse, pony, mule, cow or any other animal whatsoever in any part of the park, except for commercially licensed horse drawn carriages pursuant to a county written permit, unless the animal is part of a park sponsored program or except as provided for directly above in subsection (9). Any mode of transportation propelled by an animal shall be treated as limousines for the purpose of this chapter.

(11) Damage or alter any wildlife habitat or area within the park unless undertaken by authorized park personnel or their agents as a bona fide wildlife management practice.

(Ord. of 6-17-91(2), § 3; Ord. of 6-19-95; Ord. No. 2003-02, § 3, 1-27-03; Ord. No. 2003-03, § 3, 2-17-03)

Cross reference— Animals, ch. 10; carrying concealed weapons, § 46-4.

Sec. 50-4. - Weapons; explosives; alcoholic beverages; drugs; dangerous substances.

It shall be unlawful for any person to bring into or have in his possession any weapon (or any device that, in the reasonable opinion of county law enforcement authorities or park officials can be used as a weapon) including without limitation:

(1) Any knife (other than reasonably used for picnic or camping purposes), rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, arrow or any other device or item in which the propelling force is gunpowder, a spring or air, or which is propelled by muscular force, or any explosive of any kind or nature.

(2) Any mind-altering substances, whether man-made or found in nature, including without limitation, any alcoholic beverage, narcotic drug, hallucinogen, or any controlled substance, without a valid physician's prescription. While in the park, persons should conduct themselves in a proper and orderly manner and shall not display, consume, or be under the influence of alcoholic beverages or any such mind-altering substance without a valid physician's prescription, used as directed by the physician.

(3) Any fireworks or explosive of any kind or nature unless used as part of a park program by authorized county employees or their agents.

(Ord. of 6-17-91(2), § 4; Ord. No. 2003-02, § 4, 1-27-03; Ord. No. 2003-03, § 4, 2-17-03)

Cross reference— Possession, consumption or transfer of alcoholic beverages during state of emergency, § 22-57; use of firearms generally, § 46-2; carrying concealed weapons, § 46-4.

Sec. 50-5. - Hunting and fishing.

It shall be unlawful for any person in the park area to:

(1) Hunt, trap, shoot, kill, wound, molest, capture, chase, willfully frighten, or attempt to harm any wildlife within the park, except as undertaken by authorized park personnel in their exercise of a bona fide wildlife management practice.

(2) Fish without a valid state fishing license and any required local permits, except as provided

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for in the state fishing regulations. All patrons must abide by state regulations of seasons, hours, and fishing/baiting methods, and as otherwise designated from time to time in park regulations.

(3) Keep any largemouth bass smaller than 14 inches in length. These must be immediately returned unharmed to the park lake.

(4) Keep more than three largemouth bass, 14 inches in length or larger, caught in a single day's fishing. All excess largemouth bass must be immediately returned unharmed to the park lake.

(Ord. of 6-17-91(2), § 5; Ord. No. 2003-02, § 5, 1-27-03; Ord. No. 2003-03, § 5, 2-17-03)

Sec. 50-6. - Water activities.

It shall be unlawful to:

(1) Operate any unapproved mode of conveyance upon any body of water in the park, including without limitation, any lake or stream. This policy extends to and includes without limitation, any type of boat (motorized or not motorized), rafts and inner tubes as well as remote controlled models, whether fuel or battery propelled. However, battery operated model boats are permitted on the lake when park paddleboats are closed.

(2) Launch an authorized mode of conveyance from a trailer, car or truck except at a launch area designated by park management.

(3) Operate or ride as a passenger in any form of boat, canoe or kayak unless each person is wearing a United States Coast Guard approved personal floatation device.

(4) Swim or wade in a park body of water except when permitted as an authorized park program or pursuant to posted regulation.

(Ord. of 6-17-91(2), § 6; Ord. No. 2003-02, § 6, 1-27-03; Ord. No. 2003-03, § 6, 2-17-03)

Sec. 50-7. - Camping; fires; picnic areas.

It shall be unlawful to:

(1) Camp (tent camp or otherwise) or park a car, trailer, or camper for the purpose of camping or overnight stay anywhere in any park except in areas specifically designated for camping during authorized times for camping.

(2) Kindle, build, maintain or use a fire except in places specifically designated for such purposes and at such times as authorized by park officials. Any fire must be continuously under the care and direction of a competent and responsible natural person, at least 16 years of age, from the time it is kindled until it is fully extinguished. No person shall throw away or discard any match, lighter, cigar, cigarette, tobacco, paper or any other potentially flammable material within park property, including without limitation, around any building, boat or vehicle or under any tree or in underbrush. All such materials shall be disposed of in containers specifically designed from such disposal and shall be fully extinguished prior to such disposal. Unless posted otherwise, park patrons may bring gas or charcoal grills for use in the park. These grills must be used only in designated picnic areas and must be placed within three feet of the stationary grills provided in the park. No grills of any kind are permitted within the perimeter of or under any shelter. All hot coals must be fully extinguished prior to disposal.

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- (3) Bring deep fat frying or grease pots into the park.
- (4) Gas powered generators are allowed by written park permit only.
- (5) Hold a picnic in the park except in areas specifically designated as picnic sites.

(Ord. of 6-17-91(2), § 7; Ord. of 7-22-93; Ord. of 11-1-93; Ord. No. 2003-02, § 7, 1-27-03; Ord. No. 2003-03, § 7, 2-17-03; Ord. No. 2008-01, § 2, 1-22-08)

Sec. 50-8. - Prohibit smoking and the use of other tobacco products on grounds of the county's parks system and in buildings located in the county's parks system.

(a) *[Enacting legislation.]* This section is enacted pursuant to G.S. 130A-498 and 153A-121(a).

(b) *Implementation requirements.*

- (1) The county shall post signs that meet all the requirements in subsection (c) of this section.
- (2) The county shall remove all ashtrays and other smoking receptacles from the grounds of the county's parks system and buildings located in the county's parks system.
- (3) All park personnel or sworn law enforcement officials, or their designee, shall direct a person who is smoking or using a tobacco product on park grounds to cease and, if the person does not comply, shall contact the county sheriff's department and write a citation for the offense.

(c) *Signage.* The signs required by implementation requirements must:

- (1) State in English that smoking and the use of tobacco products are prohibited and include the universal "No Smoking and Use of Tobacco Products Prohibited" symbol.
- (2) Be of sufficient size to be clearly legible to a person of normal vision and be conspicuously posted.
- (3) Be posted at each entrance of the buildings located in the county's parks system and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.
- (4) Be posted on the grounds of the county's parks system in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

(d) *Enforcement and penalties.*

- (1) *Penalty for violation.* Following oral notice, by park personnel or sworn law enforcement officials, or their designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than \$50.00. A citation may be issued by a sworn law enforcement officer or park staff or their designee. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed. Additionally, "enforcement" is as defined in section 50-13, Enforcement of chapter.
- (2) *Additional sanctions for employees.* In addition to any penalty under subsection (d), employees of the county who violate this section shall be subject to disciplinary action consistent with the county's human resources policies.

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(Ord. of 6-17-91(2), § 8; Ord. No. 2003-02, § 8, 1-27-03; Ord. No. 2003-03, § 8, 2-17-03; Ord. No. 2011-28, § 1, 6-20-11)

Sec. 50-9. - Aviation.

It shall be unlawful for any person within the confines of the park to voluntarily launch, take off, land, or cause to descend or take off any airplane, flying machine, balloon, parachute, or other apparatus of aviation, except by special permit. Voluntarily shall mean any action other than a forced landing. This section shall also apply to radio-controlled airplanes, helicopters, rockets, etc. However, kite flying in open areas is permitted.

(Ord. of 6-17-91(2), § 9; Ord. No. 2003-02, § 9, 1-27-03; Ord. No. 2003-03, § 9, 2-17-03)

Sec. 50-10. - Hours of operation.

It shall be unlawful for any person to enter or remain in the park except during those hours of operation that it is open to the general public. Park hours of operation will be posted in each park and may be changed from time to time by the board of commissioners.

(Ord. of 6-17-91(2), § 10; Ord. No. 2003-02, § 10, 1-27-03; Ord. No. 2003-03, § 10, 2-17-03)

Sec. 50-11. - Vehicles and parking.

It shall be unlawful for any person to:

- (1) Drive any vehicle of any sort within the park except on the paved park roads or parking areas, or such park areas as may on occasion be specifically designated as temporary areas for such use.
- (2) Park a vehicle anywhere except on a designated parking area.
- (3) Leave a vehicle standing or parked in established parking areas or elsewhere in the park during hours when the park is closed.
- (4) Leave a bicycle or scooter in a place other than a bicycle rack when such is provided and there is space available.
- (5) Ride a bicycle, scooter, skates of any description, etc. or operate or ride in or on any other self propelled or motor propelled mode of transportation without reasonable regard to the safety of others. Bicycles, skateboards, skates of any description, etc. are not permitted on tennis courts at any time.
- (6) Leave a bicycle, scooter, skateboard, etc. lying on the ground or pavement or against trees, or in any place or position where other persons may trip over or be injured by it.
- (7) Unless otherwise posted, operate a vehicle of any kind in excess of 19 miles per hour within the park.
- (8) Operate a motorized trail bike or any other motorized vehicle or mode of transportation designed primarily for off-road use within the confines of the park, except in clearly designated areas.
- (9) Park a vehicle or any other mode of transportation in a towing area, such as a handicapped

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parking area, on the grass, or on the shoulder of a road. Any vehicle so parked may be towed at the owner's expense. The decision to tow a vehicle will be made by the park official or any other proper county personnel.

(10) Stop or park a vehicle or place any table, tent, etc., or any other object whatsoever, in any area that is designated as a fire lane.

(11) The use of skates, skateboards, etc. is prohibited in or about county facilities and surrounding premises unless expressly permitted by formal authority of the board of county commissioners or county manager.

(Ord. of 6-17-91(2), § 11; Ord. No. 2003-02, § 11, 1-27-03; Ord. No. 2003-03, § 11, 2-17-03; Ord. No. 2008-01, § 3, 1-22-08)

Cross reference— Traffic and vehicles, ch. 74.

Sec. 50-12. - Personal conduct.

It shall be unlawful for any person to:

(1) Engage in criminal, disorderly, immoral, or abusive conduct of any kind within the park. Disorderly conduct shall be determined in the discretion of park officials and county enforcement authorities.

(2) Engage in any activity that may constitute a hazard to the safety of him or other persons. Such activities may include, but are not limited to, archery, hitting of golf balls, and horseback riding. Whether an activity is hazardous shall be determined in the discretion of park officials and county enforcement authorities.

(3) Dispose of lighted or unlighted matches, lighters, cigars, cigarettes, or any potentially flammable material or substance of any kind or nature in other than park containers designated for such items.

(4) Engage in threatening, abusive, insulting or indecent language, or in excessively noisy conduct of any kind at any time within the park, such that it unreasonably disturbs other park patrons or neighbors. Park enforcement authorities and county enforcement authorities are empowered to determine whether noise is excessive or unreasonably disturbing.

(5) Throw rocks or objects of any kind. However, this does not include balls, frisbees, or other game equipment used in athletic events, when used in a reasonable manner and in such a way that they do not become hazards to other park patrons.

(6) Solicit, peddle or beg within any park or sell any merchandise or wares; provided, this subsection does not apply to (a) any concession rights granted by the department, or (b) any solicitation or sale of goods by nonprofit or civic groups, provided that a written permit is obtained in advance from the department.

(7) Interfere with or in any manner hinder any county employee or park employee, the county, the state, or any of their appointed agents in the performance of his duties.

(Ord. of 6-17-91(2), § 12; Ord. No. 2003-02, § 12, 1-27-03; Ord. No. 2003-03, § 12, 2-17-03)

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Sec. 50-13. - Enforcement of chapter.

(a) In addition to other enforcement and sanction provisions hereunder, violators may be punishable by immediate suspension from all parks for not more than 30 days for the first offense. Thereafter, suspension may be for such time deemed approximate from time to time by the board of commissioners. The department director and his designee (including without limitation, park officials and county enforcement authorities) are empowered to invoke and enforce this suspension.

(b) Park personnel authorized by the board of commissioners and county law enforcement authorities shall have the duty and responsibility to enforce this chapter and shall be empowered to issue citations for violations as set forth herein when in their judgment, any provisions have been violated.

(c) In addition to the enforcement and sanction provisions of this chapter, park personnel authorized by the board of commissioners as well as county law enforcement authorities shall have all enforcement and sanction provisions available to them pursuant to the North Carolina General Statutes. This authority shall include without limitation, assessment of any state and/or county fines and penalties applicable to any ordinance citation. Each person receiving a citation must, within 30 calendar days of its issuance, pay as a penalty and in full satisfaction of the fine, the total monetary sum set forth in the citation. However, in the event the fine is paid within 14 calendar days of issuance of the citation, the county will accept one half of the full fine amount as full and complete satisfaction of the fine. Payment of the fine does not relieve the recipient of the citation from compliance with any other requirements set forth in the citation. Notwithstanding any other term or condition herein, failure of such person to render payment of the full amount of the fine within 30 days of the issuance of the citation, may render such person subject to collection proceedings and/or punishment for a civil offense or misdemeanor, as set forth herein and in the North Carolina General Statutes. Violation fines and penalties may be revised from time to time by the board of commissioners and shall be deemed incorporated herein as they may be amended from time to time.

(Ord. of 6-17-91(2), § 13; Ord. No. 2003-02, § 13, 1-27-03; Ord. No. 2003-03, § 13, 2-17-03)

Sec. 50-14. - Violations and fines.

(a) Parking and speeding/reckless driving violations with corresponding fines are listed on Schedule 1, which is on file in the county offices and incorporated as if fully set forth herein. The board of commissioners may amend Schedule 1 from time to time.

(b) Violations of subsection 50-5(2), (3) or (4) are punishable by the appropriate penalties and/or laws governing inland waters, as set forth by the state wildlife resources commission. Any and all enforcement officers of the wildlife commission have full authority to enforce these regulations.

(c) Violation of section 50-8 is punishable by a \$50.00 fine.

(d) Violations of this chapter may also constitute a civil offense and/or a misdemeanor pursuant to the applicable North Carolina General Statutes and may be punishable by additional fines or sanctions, including imprisonment not exceeding 30 days.

(Ord. of 6-17-91(2), §§ 14, 15; Ord. No. 2003-02, § 14, 15, 1-27-03; Ord. No. 2003-03, § 14, 2-17-03; Ord. No. 2011-28, § 1, 6-20-11)

Sec. 50-15. - Other relief available.

In addition to remedies and sanctions set forth in this chapter, the chapter may be enforced by any

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other appropriate remedies and sanctions authorized by North Carolina General Statutes. All enforcement remedies and sanctions are cumulative.

(Ord. No. 2003-03, § 15, 2-17-03)

Secs. 50-16—50-30. - Reserved.