

PARKS AND RECREATION OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written waiver of appearance and trial, and plea of guilty)

(Adopted by the Conference of Chief District Court Judges, October 1, 2008, pursuant to N.C.G.S. 7A-148)

NOTE: *The statute or regulation defining the elements of the offense is cited immediately after the description of the offense, and the statutory authority for the regulation is given in brackets.*

Applies To Offenses Committed On Or After December 1, 2008

1. Removal, disturbance, etc. of plants, rocks, etc.
15A NCAC 12B .0201. [G.S. 113-35(a)].....\$ 35 and Costs
2. Collecting plants, animals, minerals or artifacts without a collector's permit.
15A NCAC 12B .0201. [G.S. 113-35(a)].....\$ 35 and Costs
3. Unlawful use of metal detectors. 15A NCAC 12B .0203. [G.S. 113-35(a)]\$ 35 and Costs
4. Rock climbing or rappelling in undesignated area or without permit.
15A NCAC 12B .0204. [G.S. 113-35(a)].....\$ 35 and Costs
5. Swimming, wading or bathing in undesignated areas.
15A NCAC 12B .0301. [G.S. 113-35(a)].....\$ 25 and Costs
6. Public nudity in parks. 15A NCAC 12B .0302. [G.S. 113-35; G.S. 14-190.9]\$ 50 and Costs
7. Carrying or depositing glass or metal on park beach.
15A NCAC 12B .0303. [G.S. 113-35(a)].....\$ 35 and Costs
8. Disposing of household or business garbage in park garbage containers.
15A NCAC 12B .0401. [G.S. 113-35(a)].....\$ 35 and Costs
9. Unauthorized bathing of animals or washing of clothes in a park.
15A NCAC 12B .0402. [G.S. 113-35(a)].....\$ 25 and Costs
10. Driving a vehicle in area of park not designated for vehicle traffic.
15A NCAC 12B .0501. [G.S. 113-35(a)].....\$ 35 and Costs
11. Driving of unlicensed vehicles, motorbikes or mini-bikes in a park.
15A NCAC 12B .0501. [G.S. 113-35(a)].....\$ 35 and Costs
12. Parking in undesignated areas. 15A NCAC 12B .0502. [G.S. 113-35(a)]\$ 25 and Costs
13. Leaving a vehicle unattended for longer than 12 hours or overnight without a permit.
15A NCAC 12B .0502. [G.S. 113-35(a)].....\$ 35 and Costs
14. Obstructing traffic in a park. 15A NCAC 12B .0503. [G.S. 113-35(a)].....\$ 35 and Costs
15. Using boats, rafts or canoes in swimming areas.
15A NCAC 12B .0601. [G.S. 113-35(c)].....\$ 35 and Costs
16. Launching boats, rafts or canoes from undesignated areas.
15A NCAC 12B .0601. [G.S. 113-35(c)].....\$ 25 and Costs
17. Unlawful camping. 15A NCAC 12B .0602. [G.S. 113-35(a)]\$ 35 and Costs
18. Participating in athletic contest in undesignated areas.
15A NCAC 12B .0701. [G.S. 113-35(a)].....\$ 25 and Costs
19. Riding or unloading horses in undesignated areas.
15A NCAC 12B .0702. [G.S. 113-35(a)].....\$ 35 and Costs
20. Fishing in undesignated areas or fishing without paying required fees.
15A NCAC 12B .0802. [G.S. 113-35(a)].....\$ 35 and Costs
21. Collecting live specimens for fishing bait in a park.
15A NCAC 12B .0802. [G.S. 113-35(c)].....\$ 35 and Costs

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22. Setting fires in undesignated places or when prohibited by park employees.
15A NCAC 12B .0903. [G.S. 113-35(a)].....\$ 50 and Costs
23. Failing to tend to fires in designated areas.
15A NCAC 12B .0903. [G.S. 113-35(a)].....\$ 50 and Costs
24. Producing noise, music or other sounds that annoy, disturb or frighten park users.
15A NCAC 12B .1001. [G.S. 113-35(a); G.S. 113-264(a)].....\$ 35 and Costs
25. Possession or sale of alcoholic beverage or controlled substance in park.
15A NCAC 12B .1003. [G.S. 113-35(a)].....\$ 35 and Costs
26. Being intoxicated in a park. 15A NCAC 12B .1003. [G.S. 113-35(a)].....\$ 35 and Costs
27. Allowing animal in swimming, bath, restaurant or cabin area in park; or allowing animal to be unattended; or allowing unleashed animal in park; or allowing animal outside of vehicle or tent between 9:00 p.m. and 7:00 a.m. 15A NCAC 12B .1004. [G.S. 113-35(a)].....\$ 35 and Costs
28. Engaging in commercial enterprise in park without permit.
15A NCAC 12B .1101. [G.S. 113-35(a)].....\$ 35 and Costs
29. Taking photographs for commercial purposes in park without permit.
15A NCAC 12B .1102. [G.S. 113-35(a)].....\$ 35 and Costs
30. Erecting or posting notice or advertisement without permit.
15A NCAC 12B .1104. [G.S. 113-35(a)].....\$ 35 and Costs
31. Conducting meeting, performing ceremony, or making speech without permit.
15A NCAC 12B .1105. [G.S. 113-35(a)].....\$ 35 and Costs
32. Entering and/or remaining in park before or after posted hours of operation without permit.
15A NCAC 12B .1201. [G.S. 113-35(a)].....\$ 35 and Costs
33. Starting fire within 500 feet of woodland without a burning permit. G.S. 113-60.23(b)\$ 50 and Costs
34. Burning debris from clearing activities involving more than 5 contiguous acres without special permit.
G.S. 113-60.23(c).....\$ 50 and Costs
35. Igniting material within 500 feet of woodland between midnight and 4:00 p.m. without burning permit.
G.S. 113-60.24(b)\$ 50 and Costs
36. Burning during period of hazardous conditions or air pollution episodes. G.S. 113-60.25\$100 and Costs
37. Burning during period when burning permits are cancelled. G.S. 113-60.27\$100 and Costs
38. Intentional or reckless littering under G.S. 14-399(c) [charges of second offenses under G.S. 14-399(c) are not waivable]\$ 250 and Costs
39. Unintentional littering under G.S. 14-399(c1) [charges of second offenses under G.S. 14-399(c1) are not waivable].....\$ 50 and Costs

OTHER POLICIES RELATING TO PARKS AND RECREATION OFFENSES:

1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a “uniform schedule” of waivable Parks and Recreation offenses under G.S. Chapter 113 and shall otherwise promote the “uniform administration of justice.” In accordance with this statutory mandate, all judicial districts must adhere to this schedule, and individual judicial district policies deviating from this schedule are prohibited.
2. When two charges are made on a citation, the defendant shall be fined only for the offense carrying the highest fine, and only one bill of costs will be assessed.
3. When a defendant is charged on the same citation with an offense waivable under this schedule and with an offense that may not be waived, the defendant must appear in court to answer both the waivable and the non-waivable charge.
4. Parks and Recreation offenses are not waivable if the person charged has been convicted of any Parks and Recreation offense within the previous two years.
5. This schedule does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.