

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 18, 2017, pursuant to 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, 2017**

- 1. Removal, disturbance, etc. of plants, rocks, etc. 07 NCAC 13B .0201. [G.S. 143B-135.16] \$ 35 and Costs
- 2. Collecting plants, animals, minerals or artifacts without a collector's permit.
07 NCAC 13B .0201. [G.S. 143B-135.16] \$ 35 and Costs
- 3. Harassing or intentionally disturbing wildlife, their nesting, breeding, etc.
07 NCAC 13B .0201(b). [G.S. 143B-135.16] \$ 35 and Costs
- 4. Placement or distribution of agricultural products or processed foods to attract/feed wildlife.
07 NCAC 13B .0201(c). [G.S. 143B-135.16] \$ 35 and Costs
- 5. Unlawful use of metal detectors. 07 NCAC 13B .0203. [G.S. 143B-135.16] \$ 35 and Costs
- 6. Rock climbing, rappelling, etc. or placement of permanent rock climbing equipment
in unauthorized area or without permit. 07 NCAC 13B .0204. [G.S. 143B-135.16] \$ 35 and Costs
- 7. Swimming, wading or bathing in undesignated areas. 07 NCAC 13B .0301. [G.S. 143B-135.16] \$ 25 and Costs
- 8. Public nudity in parks. 07 NCAC 13B .0302. [G.S. 143B-135.16; G.S. 14-190.9] \$ 50 and Costs
- 9. Carrying or depositing glass or metal on park beach. 07 NCAC 13B .0303. [G.S. 143B-135.16] \$ 35 and Costs
- 10. Disposing of household or business garbage in park garbage containers.
07 NCAC 13B .0401. [G.S. 143B-135.16] \$ 35 and Costs
- 11. Unauthorized bathing of animals or washing of clothes in a park.
07 NCAC 13B .0402. [G.S. 143B-135.16] \$ 25 and Costs
- 12. Driving a vehicle in area of park not designated for vehicle traffic.
07 NCAC 13B .0501. [G.S. 143B-135.16] \$ 35 and Costs
- 13. Driving of unlicensed vehicles, motorbikes, mini-bikes or golf carts, etc. in a park.
07 NCAC 13B .0501. [G.S. 143B-135.16] \$ 35 and Costs
- 14. Parking in undesignated areas. 07 NCAC 13B .0502. [G.S. 143B-135.16] \$ 25 and Costs
- 15. Leaving a vehicle unattended for longer than 12 hours or overnight without a permit.
07 NCAC 13B .0502. [G.S. 143B-135.16] \$ 35 and Costs
- 16. Obstructing traffic in a park. 07 NCAC 13B .0503. [G.S. 143B-135.16] \$ 35 and Costs
- 17. Using boats, rafts or canoes in swimming areas. 07 NCAC 13B .0601. [G.S. 143B-135.16] \$ 35 and Costs
- 18. Launching boats, rafts or canoes from undesignated areas.
07 NCAC 13B .0601. [G.S. 143B-135.16] \$ 25 and Costs
- 19. Unlawful mooring of boats, etc. impeding use of dock, wharf, pier or launch facility.
07 NCAC 13B .0601(d). [G.S. 143B-135.16] \$ 35 and Costs
- 20. Unlawful use of boating access area. 07 NCAC 13B .0601(e). [G.S. 143B-135.16] \$ 35 and Costs
- 21. Camping violations. 07 NCAC 13B .0602. [G.S. 143B-135.16] \$ 35 and Costs
- 22. Participating in athletic contest in undesignated areas. 07 NCAC 13B .0701. [G.S. 143B-135.16] \$ 25 and Costs
- 23. Riding or unloading horses in undesignated areas. 07 NCAC 13B .0702. [G.S. 143B-135.16] \$ 35 and Costs
- 24. Fishing in undesignated areas or fishing without paying required fees.
07 NCAC 13B .0802. [G.S. 143B-135.16] \$ 35 and Costs
- 25. Collecting live specimens for fishing bait in a park. 07 NCAC 13B .0802. [G.S. 143B-135.16] \$ 35 and Costs

(Over)

| | |
|---|-----------------|
| 26. Setting fires in undesignated places or when prohibited by park employees. 07 NCAC 13B .0903. [G.S. 143B-135.16] | \$ 50 and Costs |
| 27. Failing to tend to fires in designated areas. 07 NCAC 13B .0903. [G.S. 143B-135.16] | \$ 50 and Costs |
| 28. Producing noise, music or other sounds that annoy, disturb or frighten park users. 07 NCAC 13B .1001. [G.S. 143B-135.16; G.S. 113-264(a)] | \$ 35 and Costs |
| 29. Possession, consumption or sale of alcoholic beverage or controlled substance in park. 07 NCAC 13B .1003. [G.S. 143B-135.16] | \$ 35 and Costs |
| 30. Being intoxicated in a park. 07 NCAC 13B .1003. [G.S. 143B-135.16] | \$ 35 and Costs |
| 31. Violation of Alcoholic Beverage Special Activity Permit conditions. 07 NCAC 13B .1003. [G.S. 143B-135.16] | \$ 35 and Costs |
| 32. 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. 07 NCAC 13B .1004. [G.S. 143B-135.16] | \$ 35 and Costs |
| 33. Engaging in commercial enterprise in park without permit. 07 NCAC 13B .1101. [G.S. 143B-135.16] | \$ 35 and Costs |
| 34. Taking photographs for commercial purposes in park without permit. 07 NCAC 13B .1102. [G.S. 143B-135.16] | \$ 35 and Costs |
| 35. Erecting or posting notice or advertisement without permit. 07 NCAC 13B .1104. [G.S. 143B-135.16] | \$ 35 and Costs |
| 36. Conducting meeting, performing ceremony, or making speech without permit. 07 NCAC 13B .1105. [G.S. 143B-135.16] | \$ 35 and Costs |
| 37. Entering and/or remaining in park before or after posted hours of operation without permit. 07 NCAC 13B .1201. [G.S. 143B-135.16] | \$ 35 and Costs |
| 38. Starting fire within 500 feet of woodland without a burning permit. G.S. 106-942(b) | \$ 50 and Costs |
| 39. Burning debris from clearing activities involving more than 5 contiguous acres without special permit. G.S. 106-942(c) | \$ 50 and Costs |
| 40. Igniting material within 500 feet of woodland between midnight and 4:00 p.m. without burning permit. G.S. 106-943(b) | \$ 50 and Costs |
| 41. Burning during period of hazardous conditions or air pollution episodes. G.S. 106-944 | \$100 and Costs |
| 42. Burning during period when burning permits are cancelled. G.S. 106-946 | \$100 and Costs |
| 43. 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 |
| 44. 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 143B, and waivable Open Burning offenses under G.S. Chapter 106, 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.