

FOREST SERVICE OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

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

(Adopted by the Conference of Chief District Court Judges, October 12, 2022, 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, 2022**

- 1. Rock climbing and rappelling without a permit. 02 NCAC 60B .1004. [G.S. 106-877]\$ 35 and Costs
- 2. Diving, jumping, or sliding from any waterfall, rock, or overhang. Bathing, wading, or swimming in area designated as non-swimming. Public nudity. 02 NCAC 60B .1005. [G.S. 106-877]\$ 35 and Costs
- 3. Hunting without a permit or license. 02 NCAC 60B .1006. [G.S. 106-877]\$ 25 and Costs
- 4. Fishing in area designated as non-fishing. 02 NCAC 60B .1007. [G.S. 106-877]\$ 25 and Costs
- 5. Animal not on physical leash and under control of the owner or person possessing the animal. 02 NCAC 60B .1008. [G.S. 106-877]\$ 35 and Costs
- 6. Boating in area designated as non-boating. Operating a boat or other watercraft with a gas motor attached. 02 NCAC 60B .1009. [G.S. 106-877]\$ 35 and Costs
- 7. Camping without permit or in undesignated area. 02 NCAC 60B .1010. [G.S. 106-877]\$ 35 and Costs
- 8. Game or athletic contest in undesignated place or without permit. 02 NCAC 60B .1011. [G.S. 106-877]\$ 25 and Costs
- 9. Use, ride, or drive horse in undesignated area. Failure to remove all residues generated by his/her horse from specified areas. Damage to trees or plants while constraining horse. Crossing river or stream at undesignated area. Allowing horse to wade in lake. Failure to possess or make available for inspection a negative Equine Infectious Anemia test. Possess horse-drawn cart, carriage, or other apparatus without permit. 02 NCAC 60B .1012. [G.S. 106-877]\$ 35 and Costs
- 10. Use or ride a bicycle in unauthorized or undesignated area. Operate motorized or battery assisted bicycle outside of motor vehicle road open to public vehicular traffic. 02 NCAC 60B .1013. [G.S. 106-877] ...\$ 35 and Costs
- 11. Use or ride roller skates, in-line skates, roller blades, skateboards, or any similar device. 02 NCAC 60B .1014. [G.S. 106-877]\$ 35 and Costs
- 12. Carry or possess explosives, explosive substances, or fireworks. 02 NCAC 60B .1015. [G.S. 106-877]\$ 50 and Costs
- 13. Build or start a fire in undesignated area. Possess or use cooking fire, grill, oven, stove, burner, or other device that ignites natural gas or other petroleum product in undesignated area. 02 NCAC 60B .1017. [G.S. 106-877]\$ 50 and Costs
- 14. Disobey lawful order of a Forest Ranger, law enforcement officer or any other Department official or endanger him/herself or endanger or disrupt others. Use, walk, or run on or along a road or trail that is designated closed for maintenance, tree removal, or any other purpose. Enter an area that is designated No Entry, Do Not Enter, or Authorized Personnel Only. 02 NCAC 60B .1018. [G.S. 106-877]\$ 35 and Costs
- 15. Possess, consume, use, or be under the influence of any malt beverage, fortified wine, unfortified wine, or spirituous liquor. Possess, consume, use, or be under the influence of any non-prescribed controlled substance. 02 NCAC 60B .1019. [G.S. 106-877]\$ 35 and Costs
- 16. Injure, deface, disturb, destroy, or disfigure any building, structure, sign, fence, vehicle, machine, equipment, road, parking lot, or any improvements. 02 NCAC 60B .1020. [G.S. 106-877]\$ 35 and Costs
- 17. Sell, offer for sale, hire or lease, any object or merchandise, property, privilege, service or any other thing, or engage in any business without permit. 02 NCAC 60B .1021. [G.S. 106-877]\$ 35 and Costs
- 18. Produce or emit noises, speech, music, or other sound that is unreasonably loud or disturbing by a person or animal under the control of a person. 02 NCAC 60B .1022. [G.S. 106-877]\$ 35 and Costs

(Over)

19. Hold any meeting, exhibition, perform any ceremony, or make any speech without a permit. 02 NCAC 60B .1023. [G.S. 106-877] \$ 35 and Costs
20. Solicit contributions without permit or without using contributions to benefit the State Forest, State Recreational Forest, or Educational State Forest. 02 NCAC 60B .1024. [G.S. 106-877] \$ 35 and Costs
21. Voluntarily bring, land, or cause to descend or alight, ascend, or take off any airplane, flying machine, balloon, parachute, glider, hang glider, unmanned aerial vehicle, drone, or other apparatus for aviation. 02 NCAC 60B .1025. [G.S. 106-877] \$ 35 and Costs
22. Operate motorized vehicle in or upon hiking trail, bike trail, bridle trail, multi-use trail, fire trail, service road, or any part of the forest not designated for such purposes and without permit. 02 NCAC 60B .1027. [G.S. 106-877] \$ 35 and Costs
23. Remove, destroy, cut down, scar, mutilate, take, gather, or injure any tree, flower, artifact, fern, shrub, rock, fungi, or other plant or mineral. Collect plants, animals, minerals, fungi, or other artifact without a permit. Use a metal detector without a permit. 02 NCAC 60B .1028. [G.S. 106-877] \$ 35 and Costs
24. Deposit paper or plastic products, bottles, cans, or any other refuse or debris anywhere except in receptacles designated for the materials. Dispose of household or business trash or garbage. 02 NCAC 60B .1029. [G.S. 106-877] \$ 35 and Costs
25. Being in or on State Forest, State Recreational Forest, or Educational State Forest between closing and opening hours, not in designated areas and without a permit. 02 NCAC 60B .1031. [G.S. 106-877] \$ 35 and Costs
26. Parking in area designated as No Parking or Authorized Vehicles Only. Vehicle, trailer, or other objects blocking or restricting emergency or Department personnel or visitor access, ingress, or egress to any parking area, road, gate, or access point. Vehicle parked in area not designated for that vehicle type. 02 NCAC 60B .1033. [G.S. 106-877] \$ 35 and Costs
27. Failure of a parent, guardian, or custodian of minor child to ensure the minor complies with all North Carolina Forest Service rules. 02 NCAC 60B .1035. [G.S. 106-877] \$ 35 and Costs
28. Starting fire within 500 feet of woodland without a burning permit, in a county subject to G.S. 106-942. G.S. 106-942(b) \$ 50 and Costs
29. Burning debris from clearing activities involving more than 5 contiguous acres without special permit, in a county subject to G.S. 106-942. G.S. 106-942(c) \$ 50 and Costs
30. Igniting material within 500 feet of woodland between midnight and 4:00 p.m. without burning permit, in a county not designated as a high hazard county in G.S. 106-942(a). G.S. 106-943(b) \$ 50 and Costs
31. Burning during period of hazardous conditions or air pollution episodes, when all open burning is prohibited by the Commissioner of Agriculture. G.S. 106-944 \$100 and Costs
32. Burning during period when burning permits are canceled. G.S. 106-946 \$100 and Costs

OTHER POLICIES RELATING TO FOREST SERVICE OFFENSES:

1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a “uniform schedule” of waivable Forest Service offenses under G.S. Chapter 106 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. Where more than one charge is made on a criminal process or pleading, the defendant shall be fined only for the offense carrying the highest fine. Only one bill of costs will be assessed.
3. When a defendant is charged on the same criminal process or pleading with an offense(s) waivable under this schedule and an offense(s) that is not waivable, the defendant must appear in court to answer the waivable and non-waivable charges.
4. Forest Service offenses are not waivable if the person charged has been convicted of any Forest Service offense within the previous two years.
5. When a defendant is charged with multiple offenses arising out of the same event or transaction, only one criminal process or pleading should be used to the greatest extent possible given the limits of the electronic or paper pleadings provided by the North Carolina Administrative Office of the Courts.