- **Chapter 50 - ACTIVE LIVING AND PARKS**[1]

Footnotes:

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Editor's note— *Ord. No. 2017-29, adopted May 15, 2017, changed the title of Ch. 50 from "Parks" to read as herein set out.*

Cross reference— *Amusements and entertainments, Ch. 6.*

State Law reference— *Authority to establish parks, G.S. 153A-444.*

- **ARTICLE I. - IN GENERAL**

- **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 active living and parks 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 active living and 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; Ord. No. 2017-29, 5-15-17)

- **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 Active Living and Parks Department composed of all county parks, Active Living Centers and school parks.

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 or school 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.

Participant means any individual in a park or senior center either in a class or on a voluntary basis.

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; vapes; 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.

Trespassing consists of not only after hours entry into any of the facilities and grounds, but to any area closed inclusive in the facilities, as well as when someone is asked to leave the facility and will not.

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:

Any device or means of conveyance used for transporting persons or property, regardless of form or nature, except for baby carriages and nonmotorized bicycles or tricycles. This includes, but is not limited to, motor vehicles, trailers of all types, campers, sleds, sleighs, pushcarts, and any mode of transportation propelled by human or animal power, including horse-drawn carriages.

Bicycle:

A device propelled by human power, or an electric bicycle (e-bike) equipped with operable pedals and a motor not exceeding 750 watts, and not capable of exceeding 20 miles per hour on level ground.

Scooter. A human-powered wheeled device consisting of a narrow platform mounted on two or more wheels, designed to be ridden in a standing position and propelled by the rider pushing against the ground with one foot. A scooter does not include a motorized scooter, electric scooter, moped, motorcycle, hoverboard, or any other device equipped with a motor or engine.

Electric Motorcycle or Moped:

A motor-driven device equipped with an electric motor exceeding 750 watts or equivalent to 50cc or less, capable of speeds greater than 20 miles per hour but not exceeding 30 miles per hour on level ground.

(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; Ord. No. 2017-29, 5-15-17)

Cross reference— Definitions generally, § 1-2.

- **Sec. 50-3. - Property and facility preservation.**

(a) 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. This includes parks and senior centers and all its appurtenances.

(2) Fail to cooperate in maintaining all common areas, including without limitation, restrooms, activity rooms, fitness rooms, 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 permitted:

(a) Personal pop-up tents or canopies (not over 144 sq. ft.) will be allowed but must be secured with sandbags or a canopy leg weight. No stakes of any kind will be permitted. Tents shall not be tethered together or tethered to another structure, nor shall anything be attached or affixed from tent to tent. Tents or canopies shall not be set up in any walkway or roadway. Department or other county officials authorized to enforce this chapter reserve the right to ask for a tent to be moved to a different location or removed for lack of proper security/fastening. Tents shall only be placed in designated locations at each specific facility or athletic field.

(b) Tents over ~~800~~ 144 sq. ft. must be approved by County Management and must be permitted and inspected through the Fire Marshal's Office and shall only be placed in designated locations at each specific facility or athletic field.

(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 park/recreation facility any rubbish, refuse, garbage or other material, except as specifically authorized herein. Any rubbish generated in the park/recreation facility shall be placed in receptacles provided for rubbish disposal by the party responsible for its presence. Outside rubbish shall not be carried into a park and placed in park receptacles. Where receptacles are not available, all such rubbish or waste shall be carried away from the park/recreation facility 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 facility properties 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 department 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 department facilities, with the exception of a dog restrained by a leash not exceeding six feet in length for any outdoor facility. Animals are exempted from this policy that are part of an authorized program that has been approved by park management. 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 department facilities, except for commercially licensed horse drawn carriages

pursuant to a county written permit, unless the animal is part of a department sponsored program or except as provided for directly above in subsection

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

(b) A violation of this section is punishable as a misdemeanor.

(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; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

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

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

(a) 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 department 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. Exception for County issued bows and arrows at designated archery range.

(2) Any mind-altering substances, whether manmade 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 facilities, 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 program by authorized county employees or their agents.

(4) Handguns are prohibited except as governed by G.S. 14-415.23.

a. Except as provided in subsection d. below all persons are prohibited from possessing any firearm, including a handgun carried under the authority of a lawful concealed handgun permit, in county-owned buildings and their appurtenant premises, as defined herein.

b. Except as provided in subsection d. below all persons are prohibited from possessing any firearm, unless carried concealed under the authority of a lawful concealed handgun permit, in any county park/recreation facility. However, the exception for concealed carry on a lawful concealed handgun permit does not apply to those locations identified in subsection c.

c. Except as provided in subsection d. below all persons are prohibited from possessing any firearm, including a concealed handgun carried under the authority of a lawful

concealed handgun permit, at the following county facilities: swimming complex, athletic complex, and recreational facilities in accordance with G.S. 14-415.23:

The county properties listed herein have facilities in which a concealed handgun may not be carried:

1. Frank Liske Park - 4001 Stough Road, Concord, NC 28027

2. Vietnam Veterans Park - 760 Orphanage Road, Kannapolis, NC 28081

3. Camp T.N. Spencer Park - 3155 Rimer Road, Concord, NC 28025

4. Concord Active Living Center - 331 Corban Avenue Southeast, Concord, NC 28025

5. Mt. Pleasant Active Living Center - 1111 Washington St. Mt. Pleasant, NC 28124

6. Afton Active Living Center – 6095 Glen Afton Blvd. Concord, NC 28027

7. Virginia Foil Park – 1111 Washington St. Mt. Pleasant, NC 28124

8. Rob Wallace Park – 12900 Bethel School Road, Midland NC 28107

d. This prohibition shall not apply to the following persons:

1. Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

2. Civil officers of the United States while in the discharge of their official duties;

3. Officers and soldiers of the militia and the National Guard when present on an Active Living and Parks during active duty or activation;;

4. Sworn law enforcement officers while on duty; if not on duty, concealed carry is allowed if in strict compliance with N.C.G.S. Ch. 14, Art. 35;

5. Cabarrus County or City of Concord animal control officers;

6. Persons firing firearms without projectiles in organized educational, entertainment, instructional, or ceremonial events sponsored by Cabarrus County Active Living and Parks Department.

e. A conspicuous notice shall be posted at each entrance to any property set forth in a., b., or c. above outlining the restrictions prescribed in this section.

f. Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined $500.00 or imprisoned for six months or both.

g. Firearms and other weapons possessed in violation of this article are hereby declared to be contraband. The sheriff or his designee shall dispose of such weapons pursuant to applicable state law.

(b) Alcohol

Cabarrus County Ordinance Section 50-4(a)(2) is hereby repealed.

Cabarrus County Ordinance Section 50-4(b) is renamed Section 50-4(c).

Cabarrus County Ordinance Section 50-4(b), "Alcohol", is created as follows:

(1) Subject to the provisions of Section 50-4(b)(2) below, persons on Active Living and Parks properties are prohibited from displaying, possessing, consuming or being under the influence of any mind-altering substances, whether manmade or found in nature, including without limitation, any alcoholic beverage, narcotic drug, hallucinogen, or any controlled substance, without a valid physician's prescription. If the substance in question is prescribed, it shall be taken or consumed in accordance with the prescription.

(2) Permitting of alcohol sales, service and consumption at County sponsored events.

(a) Alcohol Management Permit Conditions

1. The sale, service and consumption of permitted alcoholic beverages at County sponsored or co-sponsored events must take place in a designated and approved area. Approval shall be given in advance of the event by the Director of Active Living and Parks.

2. Only the following alcoholic beverages are permitted to be served:

   i. Malt Beverage – beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (.05%), and not more than fifteen percent (15.0%), alcohol by volume.

   ii. Unfortified wine: any wine of sixteen percent (16%) or less alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; in accordance with the regulations of the United States.

3. Consumption will be in the designated area and a map of that area must be approved by the Director in advance of the event. The area of consumption cannot deviate from the mapped area. A brief narrative describing the arrangement for securing the area, controlled entry point(s), serving, and consumption shall accompany the map.

4. Alcohol consumed in the event area must be purchased from or provided by the contracted provider. No outside alcohol is permitted.

5. No more than two (2) alcoholic beverages may be purchased by one person in a single transaction. All alcoholic beverages shall be tendered to the customer only after being opened by the server, to make it less likely the alcohol will be carried out of the controlled area.

6. Entry into the controlled alcohol service and consumption area, and/or an alcohol sale, may be denied to any customer who appears to be unruly, disruptive, or significantly impaired in the judgment of County or vendor staff.

7. Personnel must be staged to monitor alcohol service entry and exit points to regulate alcohol entering or leaving the event area. Persons entering or exiting

the alcohol service area may be required to empty pockets and allow inspection of personal articles such as handbags, backpacks and the like to prevent outside alcohol from entering the service area, or alcohol from leaving the service area.

8. A mandatory minimum of two law enforcement officers for the first 500 people in attendance, and one additional officer for each next group of 1-500 attendees is required to be present for the entire event. More officers may be required based on the type of event, predicted attendance and historical knowledge, in the judgment of the facility director.

9. No additional dispensing points outside of the area shall be authorized.

10. Alcoholic beverages may only be sold or provided to people 21 years or older. Age verification by government issued photo identification must be conducted at the entry point(s) and a wristband or other approval device will be issued to the customer for entrants wishing to purchase or consume alcohol. Age verification may also be performed at the point of sale in the discretion of the server. Licensed and approved vendor staff shall be present to check identification for the purposes of age verification as set forth by the State of North Carolina.

11. Service of alcoholic beverages must be done by a licensed and insured caterer. All distribution of alcoholic beverages must be performed by designated, trained Responsible Alcohol Seller/Server Program (RASP) or equivalent event staff.

12. All other laws in regards to the sale, service, purchase, possession and consumption of alcohol are subject to enforcement action up to and including arrest. No other laws are abrogated by this Ordinance.

(c) A violation of this section is punishable as a misdemeanor.

(Ord. of 6-17-91(2), § 4; Ord. No. 2003-02, § 4, 1-27-03; Ord. No. 2003-03, § 4, 2-17-03; Ord. No. 2014-24, 9-15-14; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

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.**

(a) It shall be unlawful for any person in the park areas 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 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.

(b) A violation of this section is punishable as a misdemeanor.

(Ord. of 6-17-91(2), § 5; Ord. No. 2003-02, § 5, 1-27-03; Ord. No. 2003-03, § 5, 2-17-03; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

- **Sec. 50-6. - Water activities.**

(a) 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.

(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 county operated 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.

(b) A violation of this section is punishable as a misdemeanor.

(Ord. of 6-17-91(2), § 6; Ord. No. 2003-02, § 6, 1-27-03; Ord. No. 2003-03, § 6, 2-17-03; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

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

(a) 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/recreation facility 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 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, 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, 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.

(3) Bring deep fat frying or grease pots into the park/recreation facility.

(4) Gas/liquid Propane powered generators are allowed by written department permit only, COI required.

(5) Hold a picnic in the park except in areas specifically designated as picnic sites that exceed 10 people without Park Management approval.

(b) A violation of this section is punishable as a misdemeanor.

(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; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

- **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 department personnel or sworn law enforcement officials, or their designee, shall direct a person who is smoking, vaping or using a tobacco product on park/recreation facility grounds to cease and, if the person does not comply, shall write a citation for the offense per (d)(1).

(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/recreation facilities 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 department 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 department 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.

(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; Ord. No. 2017-29, 5-15-17)

- **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, drones, 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. A violation of this section is punishable as a misdemeanor.

(Ord. of 6-17-91(2), § 9; Ord. No. 2003-02, § 9, 1-27-03; Ord. No. 2003-03, § 9, 2-17-03; Ord. No. 2021-32 , § 10, 12-20-21)

- **Sec. 50-10. - Hours of operation.**

It shall be unlawful for any person to enter or remain in the park/recreation facility except during those hours of operation that it is open to the general public. Park/recreation facility hours of operation will be posted and may be changed from time to time by the board of commissioners. Cabin and tent renters are exempt. A violation of this section is punishable as a misdemeanor.

(Ord. of 6-17-91(2), § 10; Ord. No. 2003-02, § 10, 1-27-03; Ord. No. 2003-03, § 10, 2-17-03; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

- **Sec. 50-11. - Vehicles and parking.**

(a) It shall be unlawful for any person to:

(1) The use, operation, or riding of skateboards, roller skates, inline skates, hoverboards, motorized scooters (defined in 50.2), or similar wheeled recreational devices is hereby prohibited within all park facilities, structures, and designated areas as posted.

(a) Except for mobility devices used by persons with disabilities as protected by applicable federal and state law.

(2) Drive any vehicle of any sort within the park except on the paved roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas for such use per manager approval.

(2) Park a vehicle anywhere except on a designated parking area. This includes school parks.

(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) Bicycles or scooters (defined in 50.2), are not permitted on tennis courts at any time.

(6) Leave a bicycle, scooter, 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/recreation facilities.

(8) Park a vehicle or any other mode of transportation in a towing area, such as a handicapped 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 department 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) Park in designated fire lanes, rights-of-way or no parking areas. Park in unmarked spaces unless directed by department or county enforcement officials.

(12) Park a vehicle overnight. Any vehicle parked overnight may be towed at the owner's expense.

(b) A violation of this section is punishable as a misdemeanor.

(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; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

Cross reference— Traffic and vehicles, ch. 74.

- **Sec. 50-12. - Personal conduct.**

(a) It shall be unlawful for any person to:

(1) Engage in criminal, disorderly, immoral, or abusive conduct of any kind within department facilities or during a department sponsored program. Disorderly conduct shall be determined at the discretion of department 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 golf balls, and horseback riding. Whether an activity is hazardous shall be determined at the discretion of department officials and county enforcement authorities.

(3) Dispose of lit or unlit matches, lighters, or any potentially flammable material or substance of any kind or nature in other than containers designated for such items at department facilities.

(4) Engage in threatening, harassing, abusive, derogatory, insulting or indecent language (verbal or physical), or excessively noisy conduct of any kind at any time within department facilities or during a department sponsored event, such that it unreasonably disturbs other patrons or neighbors. Department 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 patrons.

(6) Solicit, peddle or beg within any park/recreation facility 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 Co-Sponsored Organizations, provided approval is obtained in advance from the department.

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

(8) Enter any closed area including the pool, paddleboats, mini-golf, buildings, athletic fields (including school parks), or closed facility including parks, trails, and centers.

(9) Engage in or threaten physical violence.

(10) Remove department property without permission by department official. Damage department property.

(b) A violation of this section is punishable as a misdemeanor.

(Ord. of 6-17-91(2), § 12; Ord. No. 2003-02, § 12, 1-27-03; Ord. No. 2003-03, § 12, 2-17-03; Ord. No. 2017-29, 5-15-17; Ord. No. 2021-32 , § 10, 12-20-21)

- **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 properties. Department officials may suspend violators up to one year on their first offense dependent on the severity of the offense. Thereafter, suspension may be for such time deemed appropriate by department head and/or county law enforcement. The department director and/or designee (including without limitation, department officials and county enforcement authorities) are empowered to invoke and enforce this suspension. An effort will be made to send a certified letter to anyone suspended from the facilities advising them of why they were banned, how long the suspension is, what facilities are affected, and what will happen if they don't abide by the ban.

(b) Department 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, department 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; Ord. No. 2017-29, 5-15-17)

- **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 section 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 $500.00 fine.

(d) Violation of section 50-12(1), (2), (4), (9) or (10) is punishable by written warning, $500.00 fine and/or suspension for a period of not more than 60 days, unless designated by board of commissioners.

(e) Violations of this chapter are a Class 3 misdemeanor punishable as provided for in G.S. 14-4.

(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; Ord. No. 2017-29, 5-15-17)

- **Sec. 50-15. - Other relief available.**

In addition to remedies and sanctions set forth in this chapter, the chapter may be enforced by any 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; Ord. No. 2017-29, 5-15-17)

- **Secs. 50-16—50-30. - Reserved.**
- **ARTICLE II. - SEX OFFENDERS**
- **Sec. 50-31. - Definitions.**

Whenever used in this article, the following terms, unless otherwise expressly defined, shall mean and include each of the meanings set forth below.

County means Cabarrus County.

Department means the Cabarrus County Active Living and Parks Department.

Park means all parks, playgrounds, recreation facilities, greenways, water areas, wildlife refuges, nature preserves or other recreation areas, including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the park or recreation facility, developed or undeveloped, and structures thereon, owned, operated, leased or managed by the county.

Official meeting means a meeting that is required to be open to the public by the Open Meetings Law, Article 33C of Chapter 143 of the North Carolina General Statutes.

Recreation facility means any publicly owned, leased, operated or maintained property that is designated or used as a recreation facility by the county and including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the recreation facility.

Registered sex offender means any individual who is required to register or is registered with the North Carolina Sex Offender and Public Protection Registry (established under Article 27A of Chapter 14 of the North Carolina General Statutes) or, the Dru Sjodin National Sex Offender Public Registry (maintained by the United States Department of Justice), or any other official state or federal registered sex offender listing maintained by either the United States Department of Justice or any of the several states. For purposes of determining if an individual is registered or is required to register with any one of the official registries, law enforcement officers may rely upon the official website of any state or federal registry of sex offenders and the descriptions published and available from such registry.

(Ord. No. 2009-04, § 1, 1-20-09; Ord. No. 2017-29, 5-15-17)

- **Sec. 50-32. - Prohibition.**

No registered sex offender shall enter into or upon any park or recreation facility owned, leased, operated or maintained by the county except as permitted by section 50-33. A violation of this section is punishable as a misdemeanor.

(Ord. No. 2009-04, § 2, 1-20-09; Ord. No. 2021-32 , § 10, 12-20-21)

- **Sec. 50-33. - Limited exceptions. Confusing as written**

(a) *Polling place.* When a park or recreation facility is used as a polling place for an election, the registered sex offender may enter for the limited purpose of voting if he has right to vote and qualifies to do so at that polling place.

(b) *Official meetings.* A registered sex offender who has the right to be present at an official meeting shall have the limited privilege of entering on and into a park or recreation facility for such time as is necessary to attend that meeting or function, but loitering or lingering in any form shall be a violation of this article.

The privilege shall only extend to those parts of the park and/or recreation facility that are being used for meetings of that kind and any registered sex offender found outside of those parts shall be punished as provided in section 50-37.

(c) *Consistency with the Jessica Lunsford Act.* After November 30, 2008, any action prohibited by this article that would also be a violation of G.S. 14-208.18(2008) shall no longer be considered a violation of this article. For example, after November 30, 2008:

(1) A registered sex offender who enters a park and/or recreation facility playground will no longer be in violation of this article because of the prohibition of the same conduct by G.S. 14-208.18(a)(1)(2008);

(2) A registered sex offender who enters park and/or recreation facility property that is held open to the general public that at the time in question is being used for a youth birthday party may not be deemed in violation of this article because of the prohibition of the same conduct by G.S. 14-208.18(a)(2)(2008; and

(3) A registered sex offender will not be in violation of this article for being on park and/or recreation facility property where minors have gathered for regularly scheduled recreational programs because of the prohibition of the same conduct by G.S. 14-208.18(a)(3)(2008).

(Ord. No. 2009-04, § 3, 1-20-09)

- **Sec. 50-34. - Scope.**

Territorial scope. This article shall be effective within and upon all county parks and recreation facilities and shall regulate the use thereof by all persons.

(Ord. No. 2009-04, § 4, 1-20-09)

- **Sec. 50-35. - Enforcement.**

(a) *Enforcement.* Duly sworn law enforcement officers with jurisdiction within the county parks and recreation facilities shall have the duty to enforce this article.

(b) *Detaining a subject.* A law enforcement officer may detain a person within a county park or recreation facility under this article for a reasonable amount of time to inquire about that person's status as a registered sex offender if the officer reasonably believes, or has probable cause to believe, that the person is a registered sex offender who is in violation of this article or has committed a crime for which the person, if convicted, could be required to register as a sex offender. Nothing in this section shall limit a law enforcement officer from running any background check that is currently permissible under the law.

(Ord. No. 2009-04, § 5, 1-20-09)

- **Sec. 50-36. - Construction of article.**

In the interpretation of this article:

(1) Any term in the singular shall include the plural;

(2) Any term in the masculine shall include the feminine and the neuter;

(3) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act;

(4) No provision of this article shall make unlawful any act necessarily performed by any officer or employee of the county or the department in the line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement of the county or the department;

(5) This article is in addition to and supplements state law.

(Ord. No. 2009-04, § 6, 1-20-09)

- **Sec. 50-37.**

Violation of section 50-32 shall be a class 3 misdemeanor and shall be punishable by a fine of up to $500.00 and/or incarceration for a period of time as outlined in G.S. 15A-1340.20 et seq. Each and every entrance into a park or recreation facility, regardless of the time period between such entries, shall constitute a separate offense under this article.

(Ord. No. 2009-04, § 7, 1-20-09)

- **Sec. 50-38. - Severability.**

If any section, subsection, paragraph, sentence, clause, phrase or portion of this article is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this article.

(Ord. No. 2009-04, § 8, 1-20-09)

- **Sec. 50-39. - Signage.**

Each park and recreation facility should be posted to the effect that registered sex offenders are prohibited so that such persons and the general public are made aware of this article. Notwithstanding this section concerning signage, it shall not be a defense to a prosecution under this article that the park or recreation facility contained no signage.

(Ord. No. 2009-04, § 9, 1-20-09)

Sec. 46-4. - Possession of weapons on county property: Exceptions.