

## SUBCHAPTER 13B - PARKS AND RECREATION AREAS

### SECTION .0100 - GENERAL PROVISIONS

#### 07 NCAC 13B .0101 DEFINITIONS OF TERMS

Whenever used in this Subchapter:

- (1) "Bridle Trail" means any trail maintained for persons riding on horseback;
- (2) "Hiking Trail" means any trail maintained for pedestrians;
- (3) "Swimming Area" means any beach or water area designated by the Division as a swimming and bathing area;
- (4) Unnecessary Stopping. Bringing a vehicle to a complete stop at a point other than in a parking place, or other than in conformity with traffic regulations and other than because of a defect in said vehicle.
- (5) "Public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1988; January 1, 1983; April 4, 1979;  
Transferred from 15A NCAC 12B .0101 Eff. April 1, 2017.

#### 07 NCAC 13B .0102 CONSTRUCTION

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .0102 Eff. April 1, 2017.

#### 07 NCAC 13B .0103 TERRITORIAL SCOPE

This Chapter shall apply to all state parks, parkways, state lakes, natural areas, sites, and other recreational areas administered by this Division.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983; April 4, 1979;  
Transferred from 15A NCAC 12B .0103 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

#### 07 NCAC 13B .0104 PERMITS

(a) Applications for permits may be made by contacting individual Park and Recreation Area offices or Chief of Operations, North Carolina Division of Parks and Recreation, 1615 Mail Service Center, Raleigh NC 27699-1615. Violation of the terms and conditions of a permit issued in accordance with this Section is prohibited and shall result in revocation of the permit by the Park Superintendent or his or her designee.

(b) Activities or uses which are eligible for a Special Use Permit are as follows; metal detector use; rock or cliff climbing; rappelling and bouldering; licensed vehicle operations on the unpaved areas of Fort Fisher State Recreation Area; overnight parking; athletic contests; horse and bridle trails; use of the Bullhead – Special Catch and Release Stream at Stone Mountain State Park; camping; aviation and other activities or uses requested by park visitors. Special Use Permits may be obtained at the park level from the Park Superintendent or his or her designee on the day of the activity.

(c) The Park Superintendent or his or her designee shall issue a Special Use Permit on proper application unless:

- (1) A prior application for a permit for the same activity or use has been made and had been or will be granted; and the activities or uses authorized by that permit do not reasonably allow multiple occupancy or use of that particular location;

- (2) It reasonably appears that the activity or use will threaten the health, safety and welfare of persons using the Park;
  - (3) The activity or use is of such a nature or duration that it cannot be reasonably conducted or performed in the particular location applied for, considering such things as safety of the applicant or other Park visitors; damage to Park resources or facilities; impairment of the atmosphere of peace and tranquility in specially protected natural or historic areas; interference with interpretative programs, visitor services or other program activities, or the administrative activities of the Park; or impairment of public use facilities or services of Park concessionaires or contractors;
  - (4) The activity or use would constitute a violation of applicable law or regulation; or
  - (5) The activity would create conditions that are not reasonably consistent with the protection and use of the Park for the purposes for which it is operated, including limitations on the time, location, number of participants, use and facilities, number and types of equipment used in the activity.
- (d) Activities or uses which are eligible for a Special Activity Permit are as follows; natural or cultural research activity; boating access area use; sports or games; pack animals and goats; commercial enterprises; commercial photography; advertising; entry to restricted areas and other activities or uses requested by park visitors. Notwithstanding the requirements of this Rule, public assemblies and meetings are governed by 07 NCAC 13B .1105, and uses of intoxicating liquors and controlled substances or beverages are governed by 07 NCAC 13B .1003.
- (e) An application for a Special Activity Permit shall be made at least 14 days in advance of the activity or use; shall set for the name, address and phone number of the applicant; the name of the organization (if any); the name, address and phone number of a contact person; the date, time, duration, nature and location of the proposed activity or use; the estimated number of persons expected to participate; and the equipment and facilities to be used. Special Activity Permit applications will be approved or denied within 10 business days.
- (f) The Park Superintendent or his or her designee shall issue a Special Activity Permit on application unless:
- (1) A prior application for a permit for the same activity or use has been made and had been or will be granted; and the activities or uses authorized by that permit do not reasonably allow multiple occupancy of that particular location;
  - (2) It reasonably appears that the activity or use will threaten the health, safety and welfare of persons using the Park;
  - (3) The activity or use is of such a nature or duration that it cannot be reasonably conducted or performed in the particular location applied for, considering such things as safety of the applicant or other Park visitors; damage to Park resources or facilities; impairment of the atmosphere of peace and tranquility in specially protected natural or historic areas; interference with interpretative programs, visitor services or other program activities, or the administrative activities of the Park; or impairment of public use facilities or services of Park concessionaires or contractors; or
  - (4) The activity or use would constitute a violation of applicable law or regulation.
- (g) The permit may contain such conditions as are reasonably consistent with protection and use of the Park for the purposes for which it is operated, including limitations on the time, location, number of participants, use and facilities, number and types of equipment used.
- (h) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.
- (i) Participants in activities or uses covered under this Rule shall otherwise be subject to Park rules or directives, including adherence to locations specified for their activity or use while partaking in such event or activity.

*History Note: Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0104 Eff. April 1, 2017.*

## **07 NCAC 13B .0105 ENFORCEMENT**

*History Note: Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .0105 Eff. April 1, 2017.*

**07 NCAC 13B .0106 NORTH CAROLINA PARKS: HOURS OF OPERATION AND FEES**

(a) Information concerning hours of operation, admission fees and other related activity fees for North Carolina Parks may be found at: <https://www.ncparks.gov/hours-fees-and-permits>.

(b) Admission fees and other related activity fees are subject to dynamic pricing and may change from time to time.

*History Note* Authority G.S. 143B-135.16;  
Eff. April 7, 2017.

**SECTION .0200 - PRESERVATION OF THE PARK**

**07 NCAC 13B .0201 NATURAL AND CULTURAL RESOURCE PROTECTION**

(a) A person shall not remove, possess, or disturb any plant, fungus, mineral, living or dead wild animal, or the products thereof, or any archeological or cultural resource or artifact in any park area except as otherwise provided in this Section.

(b) Harassing, or intentionally disturbing wildlife and their nesting, breeding or other activities is prohibited.

(c) The placement or distribution of agricultural products, natural or processed foods, or any other item for the purpose of attracting or feeding any wildlife is prohibited.

(d) A person shall not collect any natural or cultural resources or artifacts from any park area except as authorized by a research activity permit. A research activity permit for collections shall be issued only to a representative of a scientific educational institution, non-profit agency or a State or Federal agency for the purpose of research, baseline inventories, monitoring, impact analysis, group study, or museum display when the superintendent determines that the collection is necessary to the stated scientific or resource management goals of the institution or agency and that all applicable Federal and State permits have been acquired and that the intended use of the specimens and their final disposal is in accordance with applicable law. Application for research activity permits shall be made as provided by Rule .0104 of this Subchapter. A research activity permit for personal or commercial purposes is prohibited.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff: May 1, 2010; January 1, 1983;  
Transferred from 15A NCAC 12B .0201 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

**07 NCAC 13B .0202 BUILDINGS: SIGNS: STRUCTURES: ETC.**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .0202 Eff. April 1, 2017.

**07 NCAC 13B .0203 METAL DETECTORS PROHIBITED**

Metal detectors are not allowed in any park area except to locate lost personal property when authorized by a Special Use Permit as provided by Rule .0104 of this Subchapter.

*History Note:* Authority G. S. 143B-135.16;  
Eff. January 1, 1983;  
Amended Eff. May 1, 2010;  
Transferred from 15A NCAC 12B .0203 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

**07 NCAC 13B .0204 ROCK OR CLIFF CLIMBING AND RAPPELLING**

- (a) Rock climbing, bouldering, cliff climbing or rappelling is prohibited except in designated areas. A climbing, rappelling and bouldering permit is required. Application for a climbing, rappelling and bouldering permit shall be made as provided by Rule .0104 of this Subchapter.
- (b) The installation of permanent or fixed rock climbing anchors, such as pitons and expansion bolts, is prohibited in any climbing area unless the Park Superintendent has determined the installation may be made safely and without affecting park resources or facilities.
- (c) The superintendent may designate a daily capacity limit for specific climbing routes and areas based on natural resource protection and public safety.
- (d) Organized private, commercial or non-profit groups shall obtain a special activity permit prior to the activity. Application for a special activity permit shall be made as provided by Rule .0104 and .1101 of this Subchapter.
- (e) Violation of the terms and conditions of a permit issued in accordance with this Section is prohibited and shall result in the revocation of the climbing, rappelling and bouldering permit.

*History Note:* Authority G.S. 143B-135.16;  
Eff. January 1, 1983;  
Amended Eff. May 1, 2010; October 1, 1984;  
Transferred from 15A NCAC 12B .0204 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

## **SECTION .0300 - BATHING**

### **07 NCAC 13B .0301 BATHING AND SWIMMING ACTIVITIES: WHERE PROHIBITED**

A person shall not bathe, wade, surf, dive, scuba dive or swim in any waters in any park area except at such times and in such places as the Division designates.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0301 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

### **07 NCAC 13B .0302 PUBLIC NUDITY**

- (a) Public nudity, including public nude bathing, is prohibited in any park area lands or waters. This Rule does not apply to the enclosed portions of bathhouses, restrooms, tents and recreational vehicles.
- (b) Children under the age of five are exempt from this restriction.

*History Note:* Authority G.S. 14-190.9; 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. September 1, 1988; January 1, 1983;  
Transferred from 15A NCAC 12B .0302 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

### **07 NCAC 13B .0303 PROTECTION OF SWIMMING AREAS**

A person shall not carry or deposit any glass, crockery, or any metallic substance on any swimming area or beach.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Transferred from 15A NCAC 12B .0303 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

## **SECTION .0400 - REFUSE AND RUBBISH**

**07 NCAC 13B .0401 DISPOSAL OF REFUSE: GARBAGE: ETC.**

- (a) No one shall dispose of household or business refuse, or garbage, in any park.
- (b) The disposal of vegetable matter, fruits, meat products or other food substances in other than a park refuse receptacle is prohibited.

*History Note: Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0401 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**07 NCAC 13B .0402 POLLUTION OF WATERS**

Except for park employees, agents and contractors on duty, a person shall not bathe animals or wash vehicles or clothing.

*History Note: Authority G.S. 143-21; 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0402 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**SECTION .0500 - TRAFFIC AND PARKING**

**07 NCAC 13B .0501 VEHICLES: WHERE PROHIBITED**

- (a) A person shall not drive a vehicle including bicycles, wheeled or tracked powered devices, all terrain vehicles, motorcycles, mopeds or similar conveyances in any park within or upon a safety zone, walk, bridle trail, hiking trail, fire trail, service road or any part of any park area not designated or customarily used for such purpose. Operation of unlicensed for highway-use motor vehicles, motorcycles, golf carts, snow mobiles, utility vehicles, mini-bikes, all terrain vehicles, powered go-carts and powered stand-upon scooters is prohibited within any park.
- (b) A mobility-impaired person using a manual or motorized wheelchair is considered a pedestrian. This Rule is not intended to restrict the activities of such a person beyond the degree that the activities of a pedestrian are restricted by the same Rule, except where use of such wheelchairs constitutes a safety hazard or would damage fragile natural resources.
- (c) No person shall drive a vehicle, bicycle or other conveyance on areas with fragile natural resources that would be damaged by the vehicle, bicycle or other conveyance, or where the use of the vehicle, bicycle or other conveyance would be unsafe.
- (d) Not withstanding Paragraph (a) of this Rule, operation of licensed vehicles on the unpaved areas of the Fort Fisher Recreation Area is prohibited unless the operator has obtained a vehicle beach use permit as provided by Rule .0104 of this Subchapter.
- (e) Not withstanding Paragraph (a) of this Rule, operation of motor vehicles upon the unpaved areas of Chestnut Mountain Road within Gorges State Park is prohibited unless the vehicle has four-wheel drive or all wheel drive capability.

*History Note: Authority G. S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; February 1, 2004; January 1, 1983;  
Transferred from 15A NCAC 12B .0501 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**07 NCAC 13B .0502 PARKING**

- (a) An owner or driver shall not allow a vehicle to remain stationary anywhere in any park outside of designated parking spaces, in a "No Parking Zone", in front of a park gate, driveway or emergency vehicle access except for a reasonable time to receive or discharge passengers or load or unload supplies.
- (b) An owner or driver shall not allow a vehicle to remain anywhere in any park unattended or abandoned for longer than 12 hours except by permit, as provided by Rule .0104 of this Subchapter.
- (c) An owner or driver shall not leave a vehicle parked unattended or abandoned overnight except by permit, as provided by Rule .0104 of this Subchapter.
- (d) The Division may remove or tow any vehicle that is in violation of this Rule at the owner's expense.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; January 1, 1983;  
Transferred from 15A NCAC 12B .0502 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

#### **07 NCAC 13B .0503 OBSTRUCTING TRAFFIC**

A person shall not cause or permit a vehicle to obstruct traffic.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0503 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

#### **07 NCAC 13B .0504 SPEED LIMIT**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .0504 Eff. April 1, 2017.

#### **07 NCAC 13B .0505 VIEW INTO VEHICLES**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Repealed Eff. January 1, 1983;  
Transferred from 15A NCAC 12B .0505 Eff. April 1, 2017.

#### **07 NCAC 13B .0506 EXCESSIVE LOADS**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Legislative Objection Lodged Eff. December 17, 1982;  
Amended Eff. January 1, 1983;  
Curative Repealed Eff. January 20, 1983;  
Transferred from 15A NCAC 12B .0506 Eff. April 1, 2017.

### **SECTION .0600 - BOATING AND CAMPING**

#### **07 NCAC 13B .0601 BOATING**

- (a) Only park employees, their agents, and contractors on duty may use boats, rafts, surf boards, personal watercraft, canoes or any other vessel in designated swimming areas.

- (b) The Division may limit boat motor horsepower or motor type or prohibit the use of gasoline powered motors on designated lakes completely contained within parks and recreation areas based on natural resource protection, public safety, user conflicts, park operations, facility overcrowding and the availability of designated launching facilities.
- (c) Private boats, rafts, canoes, personal watercraft or other vessels may be launched or retrieved only at public boat ramps or designated launch sites.
- (d) The mooring of boats, personal watercraft or other vessels to a dock, wharf, pier, or boat launching facility in such a manner as to prevent, impede or inconvenience the use by another person of any dock, wharf, pier or launch or create a hazard to other watercraft is prohibited and may be moved by park staff at the owners expense.
- (e) Except where facilities are provided, it is unlawful to use any boating access area for purposes other than the launching of boats and parking vehicles and boat trailers. All other uses including swimming, skiing, camping, building fires, loitering, operating concessions or other activities not directly involved with launching of boats are prohibited, except where authorized by a special activity permit as provided by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 113-264; 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0601 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

#### **07 NCAC 13B .0602 CAMPING**

- (a) A person shall not camp in a state park or recreation area except:
  - (1) in a designated camping area; and
  - (2) under a valid camping permit.
- (b) All camping permits shall be issued at the desired state park or recreation area by an authorized Division representative no earlier than the first day of the desired period of continuous and actual occupancy.
- (c) Reservations for camping permits shall only be accepted in accordance with the provisions of 07 NCAC 13B .1205, Reservations.
- (d) Payment of the camping permit fee, in full, is required at the time the camping permit is issued or when the reservation is made.
- (e) The maximum period of consecutive overnight camping in any state park or recreation area is 14 days within any 30 day period beginning with the first night of stay. Multiple camping areas within an individual park or recreation area are considered as a single camping facility for determining the maximum period of overnight camping within any 30 day period. The maximum consecutive nights shall be extended by the Park Superintendent, upon written request with reasons supporting the extension, if the Park Superintendent determines equitable public access, visitor services and staffing levels will not be affected.
- (f) No camper shall leave a set-up camp unattended for more than 12 hours. Camping equipment, tents, trailers, recreation vehicles and articles on a campsite left unattended for more than 12 hours are subject to removal at the owner's expense and use of the campsite.
- (g) At least one adult, 18 or older, shall accompany each camper group.
- (h) No campfires shall be left unattended.
- (i) Tents shall only be used in areas delineated for such use.
- (j) Connecting to a utility system without payment of required fees is prohibited.
- (k) A Division representative may designate portions of a park where food products, garbage, cosmetics, cleaning supplies and equipment used to cook or store food products are required to be kept in a Division supplied food locker, a vehicle, recreational vehicle or suspended at least 10 feet above the ground and four feet horizontally from a post, tree trunk, or other object. Food, garbage and cooking equipment shall not be stored except as specified in these designated areas. This Paragraph does not apply to food products, garbage and cooking equipment being transported, consumed or being prepared for consumption.
- (l) Designated camping areas shall be for use by registered campers with a camping permit for that site and their guests only.
- (m) Violation of the terms and conditions of a camping permit issued in accordance with this section is prohibited and shall result in the suspension or revocation of the permit.
- (n) Group and family campsite checkout time is 3:00 PM on the day of departure.

*History Note: Authority G.S. 143B-135.16;*

*Eff. February 1, 1976;*  
*Amended Eff. May 1, 2010; February 15, 1981;*  
*Transferred from 15A NCAC 12B .0602 Eff. April 1, 2017;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**07 NCAC 13B .0603 PICNICKING**

*History Note: Authority G.S. 113-35;*  
*Eff. January 1, 1983;*  
*Repealed Eff. October 1, 1984;*  
*Transferred from 15A NCAC 12B .0603 Eff. April 1, 2017.*

**SECTION .0700 - SPORTS AND GAMES**

**07 NCAC 13B .0701 SPORTS AND GAMES: WHEN PERMITTED**

- (a) Athletic contests, sports and games are allowed in designated areas or by special activity permit, as provided by Rule .0104 of this Subchapter.
- (b) The use of skate boards, roller blades, roller skates and similar devices are prohibited on park roads, sidewalks, and pedestrian areas and on park infrastructure to include walls, railings and culverts.

*History Note: Authority G.S. 143B-135.16;*  
*Eff. February 1, 1976;*  
*Amended Eff. May 1, 2010; February 1, 1983;*  
*Transferred from 15A NCAC 12B .0701 Eff. April 1, 2017;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**07 NCAC 13B .0702 HORSES**

- (a) A person shall not use, ride, or drive a horse except along a bridle trail or other designated park area. Horses shall be prohibited from camping areas, swimming areas, cabin areas, picnic areas and other day-use areas.
- (b) A person shall not load or unload a horse in a state park area or along a bridle trail except in designated park areas for this purpose.
- (c) Special use permits will be required for use of bridle trails in certain parks where permits will help with the management and maintenance of such trails.

*History Note: Authority G.S. 143B-135-16;*  
*Eff. February 1, 1976;*  
*Amended Eff. January 1, 1983;*  
*Transferred from 15A NCAC 12B .0702 Eff. April 1, 2017;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**SECTION .0800 - HUNTING AND FISHING**

**07 NCAC 13B .0801 HUNTING**

A person within any park shall not hunt, pursue, trap, shoot, injure, kill or molest any bird or animal, and shall not have any wild bird or animal in his possession.

*History Note: Authority G.S. 143B-135.16;*  
*Eff. February 1, 1976;*  
*Amended Eff. January 1, 1983;*  
*Transferred from 15A NCAC 12B .0801 Eff. April 1, 2017;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*



**07 NCAC 13B .0802 FISHING**

(a) A person shall not fish in any swimming area, from any boat ramp, or in any area designated by signage as a non-fishing area. Any person fishing within a State Park shall comply with all applicable rules in 15A NCAC 03 and 15A NCAC 10C.

(b) Live specimens to be used for fishing bait shall not be collected within any State park.

*History Note: Authority G.S. 143B-135.16(c)(2);  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .0802 Eff. April 1, 2017;  
Amended Eff. August 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

**SECTION .0900 - FIREARMS: EXPLOSIVES: FIRES: ETC.**

**07 NCAC 13B .0901 FIREARMS: WEAPONS: EXPLOSIVES**

(a) Except as provided in Paragraph (b) or G.S. 14-269, no person except authorized park employees, their agents, or contractors, shall carry or possess firearms, air guns, air soft guns, paint ball guns, bows and arrows, sling shots, or lethal missiles of any kind within any park.

(b) A person with a valid concealed handgun permit issued by one of the United States that adheres to the requirements set forth in G.S. 14-415.11 may carry a concealed handgun on the grounds and waters of a state park. Persons acting under this exception should take notice that certain Division managed properties are owned by the U.S. Army Corps of Engineers and subject to separate regulations governing firearms. Accordingly, concealed handguns are prohibited at Falls Lake, Jordan Lake and Kerr Lake State Recreation Areas.

(c) The possession or use of cap pistols is prohibited. The possession or use of dynamite or other powerful explosives as defined in G.S. 14-284.1 is prohibited.

(d) The possession or use of pyrotechnics is prohibited except for pyrotechnics exhibited, used, or discharged in connection with an authorized public exhibition and approved by the Director of the Division of Parks and Recreation, or designee. Persons wishing to possess or use pyrotechnics in connection with a public exhibition, such as a public celebration, shall file an application for a special use permit with the park superintendent. All applicants shall enter an indemnification agreement with the Department and obtain general liability and property damage insurance, with limits as determined by the Secretary or designee, which are reasonably necessary to cover possible liability for damage to property and bodily injury or damage to persons which may result from, or be caused by, the public exhibition of pyrotechnics or any act(s) or omission(s) on the part of the applicant(s) or the applicant's agents, servants, employees, or subcontractors presenting the public exhibition. The Division Director or designee may deny an application as deemed necessary to protect the public health, safety, and welfare, or to protect the natural resources of the park unit.

*History Note: Authority G.S. 14-269; 14-410; 14-415; 14-415.11; 14-415.24; 113-8; 143B-135.16; 143B-135.43;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Temporary Amendment Eff. July 2, 1997;  
Temporary Amendment Expired September 29, 1998;  
Amended Eff. January 1, 2014; April 1, 1999;  
Transferred from 15A NCAC 12B .0901 Eff. April 1, 2017.*

**07 NCAC 13B .0902 EXPLOSIVES**

*History Note: Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .0902 Eff. April 1, 2017.*

**07 NCAC 13B .0903 FIRES: LIGHTED CIGARETTES: ETC.**

All fires excluding personal smoking materials are prohibited except in designated areas. Park employees, their agents, and contractors may prohibit fires in designated areas and smoking when a fire hazard makes such action necessary. A competent person 16 years old or older must continuously tend any fire from the time it is kindled until it is extinguished.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
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**07 NCAC 13B .0904 SMOKING**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .0904 Eff. April 1, 2017.

**SECTION .1000 - DISORDERLY CONDUCT: PUBLIC NUISANCE: ETC.**

**07 NCAC 13B .1001 NOISE REGULATION**

(a) The production or emission in state parks or recreation areas by any person of noises, speech, music or other sounds that a reasonable person would believe is annoying, disturbing or frightening is prohibited.

(b) The operation of motorized equipment or machinery such as a generator, motor vehicle, motorized toy, or an audio device such as a radio, television set, tape deck or musical instrument, or other item that makes noise that a reasonable person would believe is annoying, disturbing or frightening between the hours of 10:00PM and 7:00AM is prohibited.

*History Note:* Authority G.S. 113-34; 113-264(a); 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Legislative Objection Lodged Eff. May 11, 1983;  
Curative Amended Eff. May 12, 1983;  
Amended Eff. May 1, 2010;  
Transferred from 15A NCAC 12B .1001 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

**07 NCAC 13B .1002 GAMBLING**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Legislative Objection Lodged Eff. March 22, 1983;  
Curative Repealed Eff. April 20, 1983;  
Transferred from 15A NCAC 12B .1002 Eff. April 1, 2017.

**07 NCAC 13B .1003 INTOXICATING LIQUORS: CONTROLLED SUBSTANCE OR BEVERAGES**

(a) A person shall not possess or consume any malt beverage, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101, within any state park or recreation area, except at the Chimney Rock Attraction and Chimney Rock Restaurant at the Chimney Rock State Park as permitted under a long term operating agreement and at the Summit Conference Center, Haw River State Park in designated areas and only after obtaining a Special Activity Permit from the Director of the Division or his or her designee under Paragraphs (d) through (i) of this

Rule. A person shall not possess or consume any other controlled substance or intoxicating substance within any state park or recreation area.

(b) A person shall not be or become intoxicated while within any state park or recreation area, including during events approved under a Special Activity Permit.

(c) A person shall not sell or attempt to sell any malt beverage, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101, within any state park or recreation area, except pursuant to the terms and conditions of a long-term operating lease from the Division. A person shall not sell or attempt to sell any other controlled substance or intoxicating substance within any state park or recreation area.

(d) Applications for a Special Activity Permit authorizing the possession or consumption of any malt beverage, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101, shall be made by a Special Activity Permit request to the Director of the Division or his or her designee, not less than 14 days prior to the date(s) of the intended use.

(e) The written request shall state the period of time and the area from which the use is requested; the number of persons expected to be in attendance; the type of activity and malt beverage, fortified wine, unfortified wine or spirituous liquor involved; and the name of the individual, organization or group seeking permission to use any portion of any state park or recreational area for the possession or consumption of any malt beverage, fortified wine, unfortified wine or spirituous liquor, listing the name and address of its president, vice president(s), secretary and treasurer or its principal chief executive officer or officers, its directors, if any, and such other pertinent information as may be required by the Director of the Division, or his or her designee, sufficient to identify the organization submitting the request and the individuals principally engaged in the conduct of its affairs.

(f) The Special Activity Permit shall specify the hours of permitted use, type of malt beverage, fortified wine, unfortified wine or spirituous liquor, the total amounts to be brought into the Park, and the maximum number of attendees.

(g) If the Director of the Division or his or her designee concludes that the requested use will not hinder or impede any regularly established use of the Haw River State Park and Chimney Rock State Park and will not adversely affect or threaten their care, protection or maintenance or create a nuisance by such use, he or she shall grant permission to use the state park or recreation area specified in the request or long term operating lease submitted in accordance with this Rule. If the Director or his or her designee shall determine otherwise, he shall deny the request.

(h) The Director of the Division or his or her designee shall designate appropriate areas and occasions in the designated parks under this Rule, suitable for possession or consumption of malt beverages, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101. Such areas and occasions shall be limited so as not to interfere, or cause user conflicts, with other groups or individuals also visiting the state park but not requesting the Special Activity Permit. Examples of appropriate areas include meeting rooms, restaurants, cafeterias, lodging rooms and other similar areas in which user conflicts are minimized. Examples of permitted occasions include receptions, weddings and retreats.

(i) The applicant for a Special Activity Permit shall comply with all state or local laws, rules or ordinances related to the possession or consumption of any malt beverage, fortified wine or unfortified wine, as defined in G.S. 18B-101.

*History Note: Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983; June 1, 1981;  
Legislative Objection Lodged Eff. March 22, 1983;  
Amended Eff. May 1, 2010;  
Transferred from 15A NCAC 12B .1003 Eff. April 1, 2017.*

#### **07 NCAC 13B .1004 ANIMALS AT LARGE**

(a) A person shall not cause or permit any animal owned by him, in his custody, or under his control, except an animal restrained by a leash not exceeding six feet in length, to enter any park area. Each animal found at large may be seized and disposed of as provided by local law covering disposal of stray animals on public property.

(b) Animals, with the exception of service animals, shall not be allowed in swimming areas, bathhouses, restaurants, visitor centers, park offices, community buildings or cabin areas unless an area or facility is designated as pet friendly.

(c) Animals shall not be unattended at any time within any park area.

(d) Between 9:00 p.m. and 7:00 a.m., animals shall be confined to owner's enclosed vehicle or tent.

- (e) Any animal causing a nuisance within a park area shall be removed by the owner from the park area upon the request by a division official.
- (f) Pack animals and goats are not allowed in any park except by Special Activity Permit, as provided by Rule .0104 of this Subchapter.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; January 1, 1983;  
Transferred from 15A NCAC 12B .1004 Eff. April 1, 2017.

## **SECTION .1100 - COMMERCIAL ENTERPRISES: ADVERTISING: MEETINGS: EXHIBITIONS: ETC.**

### **07 NCAC 13B .1101 COMMERCIAL ENTERPRISES**

- (a) Only park employees, contractors or their agents may engage in business or conduct commercial activity in a park, unless authorized by a special activity permit for a specific event, as provided by Rule .0104 of this Subchapter.
- (b) Craftsmen are not allowed to display their crafts in a park except when authorized for a special event under a special activity permit. Sales shall not be made except in conjunction with a park sponsored special event under permit as provided by Rule .0104 of this Subchapter.
- (c) Applications for permits shall be made as provided by Rule .0104 of this Subchapter.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .1101 Eff. April 1, 2017.

### **07 NCAC 13B .1102 COMMERCIAL PHOTOGRAPHY**

A person shall not take photographs or moving pictures within any park for commercial purposes unless he has a permit. Applications for permits may be made as provided by Rule .0104 of this Subchapter.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .1102 Eff. April 1, 2017.

### **07 NCAC 13B .1103 COMMERCIAL VEHICLES**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .1103 Eff. April 1, 2017.

### **07 NCAC 13B .1104 ADVERTISING**

No one except authorized park employees, their agents, or contractors may erect or post within any park a notice or advertisement without first obtaining a permit. Applications for permits may be made as provided by Rule .0104 of this Subchapter.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .1104 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

### **07 NCAC 13B .1105 PUBLIC ASSEMBLIES AND MEETINGS; SPECIAL ACTIVITY PERMIT**

(a) Public assemblies, meetings, gatherings, demonstrations, events, religious activities and other public expressions of views (hereinafter "event or activity") protected under the First Amendment of the U.S. Constitution, including the distribution of non-commercial printed matter, are allowed within State Parks, so long as the requirements of this Section are met.

(b) Where the number of persons expected to attend or participate in the event or activity is 20 or less, no Special Activity Permit is required. If more than 20 persons are expected to attend or participate, approval under this Rule is required. The Park Superintendent or his or her designee shall also determine if a Special Activity Permit is required by groups that have concurrently reserved shelters, lodges or similar meeting places.

(c) An application for such a Special Activity Permit shall be made at least 14 days in advance of the event or activity; shall set forth the name, address and phone number of the applicant; the name of the organization (if any); the name, address and phone number of a contact person; the date, time, duration, nature and location of the proposed event or activity; and the estimated number of persons expected to participate; the equipment and facilities to be used; The 14 day time frame shall be waived if the applicant can demonstrate that there will be no adverse effect on park operations, resources or facilities. Special Activity Permit applications shall be approved or denied within 10 business days.

(d) The Park Superintendent or his or her designee shall issue a Special Activity Permit on proper application unless:

- (1) A prior application for a permit for the same time and location has been made and has been or will be granted; the activities for a permit for the same time and location has been made and has been or will be granted; and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular location;
- (2) It reasonably appears that the event or activity will threaten the health, safety and welfare of persons using the Park;
- (3) The event or activity is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to Park resources or facilities; impairment of the atmosphere of peace and tranquility in specially protected natural or historic areas; interference with interpretative programs, visitor services or other program activities, or the administrative activities of the Park; or impairment of public use facilities or services of Park concessionaires or contractors; or
- (4) The event or activity would constitute a violation of an applicable law or regulation.

(e) The permit may contain such conditions as are reasonably consistent with protection and use of the Park for the purposes for which it is operated, including limitations on the time, location, number of participants, use and facilities, and number and types of equipment used, but not on the content or viewpoint of the message. Locations which may not be appropriate for Special Activity Permit events or activities include archaeological and interpretive program areas, historic structures; boat ramps; trails; sensitive or fragile natural areas; campgrounds; designated swimming beaches; scenic overlooks and the habitats of threatened or endangered species.

(f) No permit shall be issued for a period in excess of 48 hours, and the timing of activities are subject to normal Park operating hours. Permits may be extended for like periods, upon a new application, unless another applicant has requested use of that same location and multiple occupancy of that location is not reasonably possible.

(g) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(h) Regardless of whether a permit is required, participants in events or activities covered under this Rule:

- (1) Are subject to Park rules or directives;
- (2) Are to adhere to locations specified for their event or activity while partaking in such event or activity;
- (3) Are subject to the usual fees for parking, admission or use;
- (4) Are not to place printed materials on Park signs, infrastructure, natural resources or vehicles;
- (5) Are not to obstruct or impede pedestrians or vehicles, or harass Park visitors with physical contact or persistent demands; and
- (6) Are not to threaten the health, safety and welfare of persons using the Park.

(i) The Park Superintendent shall designate and maintain information on locations not available for events or activities. Locations may be designated as not available only if such activities would;

- (1) Cause injury or damage to park resources or facilities;
- (2) Unreasonably impair the atmosphere of peace and tranquility maintained in specially protected natural or historic areas;
- (3) Unreasonably interfere with interpretive programs, visitor services, or other program activities, or with the administrative activities of the Park; or

- (4) Substantially impair the operation of public use facilities or services of Park concessioners or contractors;
- (j) Violation of the terms and conditions of a permit issued in accordance with this Rule shall result in the suspension or revocation of the permit by the Park Superintendent or his or her designee.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .1105 Eff. April 1, 2017.

#### **07 NCAC 13B .1106 ALMS AND CONTRIBUTIONS**

A person shall not solicit alms or contributions for any purpose within any park.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Transferred from 15A NCAC 12B .1106 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

### **SECTION .1200 - MISCELLANEOUS**

#### **07 NCAC 13B .1201 CLOSING AND OPENING HOURS; RESTRICTED AREAS**

(a) No person is allowed within the park between posted closing and opening hours except under a Special Activity Permit, as provided by Rule .0104 of this Subchapter.

(b) General hours of operation are as follows:

Nov., Dec., Jan., & Feb.	8:00 a.m. - 6:00 p.m.
March, April, May, Sept., & Oct.	8:00 a.m. - 8:00 p.m.
June, July, & August	8:00 a.m. - 9:00 p.m.

Note: The hours of operation for natural areas and undeveloped parks may vary from the listed hours in this Rule and if the hours vary, are posted at such natural areas and undeveloped parks.

(c) The Division may prohibit or restrict public activity within designated environmentally sensitive areas, areas exceeding capacity levels, construction areas, storm damaged areas and other similar locations for natural resource protection and public safety.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983; April 4, 1979;  
Transferred from 15A NCAC 12B .1201 Eff. April 1, 2017.

#### **07 NCAC 13B .1202 MINORS**

A parent, guardian or custodian, of any minor shall not permit him to do any act prohibited by and division regulations.

*History Note:* Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983;  
Transferred from 15A NCAC 12B .1202 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

#### **07 NCAC 13B .1203 FEES AND CHARGES**

*History Note:* Authority G.S. 113-35;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1983; June 1, 1981; April 4, 1979; July 1, 1978;

*Repealed Eff. October 1, 1984;  
Transferred from 15A NCAC 12B .1203 Eff. April 1, 2017.*

#### **07 NCAC 13B .1204 AVIATION**

- (a) A person shall not voluntarily bring, land or cause to descend or alight, ascend or take off within or upon any park area, any airplane, flying machine, balloon, parachute, glider, hang glider, or other apparatus for aviation. Voluntarily in this connection shall mean anything other than a forced landing.
- (b) In park areas where aviation activities are part of the planned park activities, a special use permit will be required. Requests for permits may be made in the manner prescribed by Rule .0104 of this Subchapter.

*History Note: Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; January 1, 1983;  
Transferred from 15A NCAC 12B .1204 Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

#### **07 NCAC 13B .1205 RESERVATION PERIODS**

- (a) Reservations for camping permits, cabins, shelters, community buildings and other facilities will be made using the Division's central reservation system. Permits shall be issued upon arrival at the park from a Division representative.
- (b) Reservations for park facilities in state parks will be accepted up to a maximum of 11 months in advance of the requested arrival date with a minimum of 48 hours before arrival.
- (c) Reservations for group camping permits are required prior to any group camping in a state park or recreation area.
- (d) Campsites may be reserved for a maximum of 14 consecutive nights within any 30 day period beginning with the first night of stay or as provided by 07 NCAC 13B .0602.
- (e) Payment for a Reservation permit must be made at the time the reservation is made.
- (f) A refund of a camping permit fee, resulting from the cancellation of a reservation for a camping permit, shall be made using the Division's central reservation system. Any changes or cancellations made prior to the scheduled arrival date shall result in a ten dollar (\$10.00) charge. Cancellations made on the scheduled arrival date shall be charged one night's camping for each reservation as well as the ten dollar (\$10.00) service charge. No refunds shall be issued for no-shows, cancellations, or early departures after the date of arrival. Refunds shall be made using the same method of the original transaction, (e.g. credit shall refund credit). This applies to all methods of payment, including credit card, gift card, check and cash payment.

*History Note: Authority G.S. 143B-135.16;  
Eff. February 1, 1976;  
Amended Eff. May 1, 2010; October 1, 1984; January 1, 1983; February 15, 1981;  
Transferred from 15A NCAC 12B .1205 Eff. April 1, 2017.*

#### **07 NCAC 13B .1206 FEES AND CHARGES**

*History Note: Authority G.S. 113-35(b);  
Eff. April 1, 1997;  
Amended Eff. July 1, 2010; May 1, 2010; February 1, 2004;  
Repealed Eff. April 1, 2016 pursuant to S.L 2015-241, s. 14.11.(b);  
Transferred from 15A NCAC 12B .1206 Eff. April 1, 2017.*