

## **Chapter 14 - PARKS AND RECREATION**

\***Cross reference**— County property, § 2-106 et seq.; fires in parks, § 14-47; streets, sidewalks and other public property, ch. 18.

\***State law reference**— Authority to operate or establish parks, recreation areas and swimming pools, or system of hiking, biking and horseback riding trails, Code of Virginia, § 15.2-1806.

### **ARTICLE I. - IN GENERAL**

**Secs. 14-1—14-30.** - Reserved.

### **ARTICLE II. - PARK RULES**

\***State law reference**— Authority to operate or establish parks, recreation areas and swimming pools, or system of hiking, biking and horseback riding trails, Code of Virginia, § 15.2-1806.

**Sec. 14-31.** - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* means the director of the division of recreation and parks or his designee.

*Park* means all property owned, maintained or operated by the county for public recreational use.

(*Code 1980, § 15.1-2; Code 1995, § 14-31*)

**Cross reference**— Definitions and rules of construction, § 1-2.

**Sec. 14-32.** - Penalty.

Any person who violates any of the provisions of this article shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00.

(*Code 1980, § 15.1-28; Code 1995, § 14-32*)

**Sec. 14-33.** - Applicability of article.

This article shall apply to all park and recreational property owned, maintained or operated by the county.

(*Code 1980, § 15.1-1; Code 1995, § 14-33*)

**Sec. 14-34.** - Persons exempted from article.

Notwithstanding any other provision in this article to the contrary, it shall not be a violation of this article if a person engaging in an otherwise prohibited activity is either an employee of the county acting within the scope of his employment, or if the person engaging in the otherwise prohibited activity is an agent or an independent contractor to the county acting within and pursuant to the scope of his duties.

(*Code 1980, § 15.1-27; Code 1995, § 14-34*)

**Sec. 14-35. - Hours of operation.**

No person, except a bona fide camper with prior written approval from the director, or a law enforcement officer or county employee in the course of his respective employment, shall enter or remain in any park except during such hours as shall be designated and posted by the county as the hours of operation.

*(Code 1980, § 15.1-16; Code 1995, § 14-35)*

**Cross reference**—Camping permits, § 14-46.

**Sec. 14-36. - Damaging park property.**

(a) No person shall in any manner pick, pull, pull up, tear, tear up, dig, dig up, cut, cut down, break, burn, injure, deface, disturb, destroy, mutilate, disfigure, remove, scar, take or gather in any manner, in whole or in part, any part of any park, building, sign, equipment or other property, including, but not limited to, any tree, flower, fern, shrub, vine, turf, plant, rock, artifact, fossil or mineral found, growing or being upon the land of any park.

(b) Notwithstanding any other provision in this section to the contrary, the director may issue permits in writing to permit collecting, for scientific or educational purposes, trees, flowers, ferns, shrubs, vines, turf, plants, rocks, artifacts, fossils or minerals, or any part thereof, in any park.

*(Code 1980, § 15.1-3; Code 1995, § 14-36)*

**State law reference**—Damage to public buildings, vegetation, etc., Code of Virginia, §§ 18.2-138, 18.2-140.

**Sec. 14-37. - Protection of wildlife.**

(a) No person shall capture, pursue, molest, injure, attempt to injure, kill or attempt to kill any animal in any park.

(b) No person shall disturb the nest of any animal in any park.

*(Code 1980, §§ 15.1-4, 15.1-5; Code 1995, § 14-37)*

**Cross reference**—Animals, ch. 5.

**Sec. 14-38. - Use of park refuse containers.**

No person shall deposit, dump, place or abandon any garbage, refuse or trash, as defined in section 17-1, not generated in a park, in any park refuse container.

*(Code 1980, § 15.1-6; Code 1995, § 14-38)*

**Sec. 14-39. - Pollution of waters.**

No person shall bathe or wash any dog, other animal, vehicle or clothing in any stream, lake or other water of any park, or throw, cast, lay, drop, discharge, direct, deposit or abandon into any stream, lake or other water of any park, or in any storm sewer or drain flowing into such water, any substance, matter or thing, in whatever form, which may directly or indirectly result in the pollution of such waters.

*(Code 1980, § 15.1-7; Code 1995, § 14-39)*

**Cross reference**—Environment, ch. 10.

**State law reference** – Authority to prevent pollution of waters, Code of Virginia, § 15.2-1200.

**Sec. 14-40. - Sewage disposal.**

No person shall dispose of sewage or dishwater within any park except by transferring the sewage or dishwater to a receptacle provided by the county for such purposes or by storing it in a completely closed container.

*(Code 1980, § 15.1-18; Code 1995, § 14-40)*

**Cross reference** – Sanitary sewage disposal, § 23-29 et seq.

**Sec. 14-41. - Dangerous devices.**

No person, other than any law enforcement officer, firefighter or county security officer in the course of his respective employment, shall have in his possession, in any park, any air or gas-powered gun, slingshot, bow and arrow, crossbow, dart device, boomerang or any other device, other than a firearm, designed for high-speed missile projection, except in areas designated and posted by the county as areas in which one or more of these devices are permitted for recreational use.

*(Code 1980, § 15.1-8; Code 1995, § 14-41; Ord. No. 1040, § 1, 2-25-2003; Ord. No. 1070, § 1, 8-10-2004)*

**Cross reference** – Weapons, § 13-61 et seq.

**Sec. 14-42. - Motor vehicles.**

**(a) Prohibited vehicles.** Except by the express authorization of the board of supervisors, the county manager or the county manager's designee:

**(1)** No person shall operate within any park a motorized vehicle of a type not licensable by the state for regular use upon public highways, except that motorized golf carts furnished by the county may be operated within areas designated and posted by the county for their use.

**(2)** No person shall operate within any park a farm tractor, other farm machinery or any type of vehicle used primarily for earth-moving operations, whether or not licensable by the state for regular use upon public highways.

**(b) Mopeds.** No person shall operate any type of motor vehicle or motor-assisted bicycle commonly referred to as a moped in areas of any park other than established roadways or parking lots.

**(c) Parking.** No person shall park a motor vehicle or motor-assisted bicycle in areas of any park other than those designated and posted by the county as parking areas, and any violation shall be punishable as provided in section 22-162.

**(d) Repair of vehicles.** No person shall repair or otherwise maintain any motor vehicle or motor-assisted bicycle within any park, except for minimum repair or maintenance of a disabled vehicle when such repair or maintenance is necessary to make such vehicle operable.

*(Code 1980, §§ 15.1-9–15.1-12; Code 1995, § 14-42)*

**Cross reference** – Traffic and vehicles, ch. 22.

**Sec. 14-43. - Commercial enterprises.**

**(a)** No person shall sell or offer for sale, hire or lease or let out any object or merchandise, property, privilege, service or any other thing, or engage in any business or erect any building, booth, tent, stall or any other structure whatsoever, except for bona fide camping purposes, within any park without prior

written permission from the director.

(b) No person to whom property of any park has been entrusted for personal use shall hire, lease, let out or sell such property to any other person.

*(Code 1980, § 15.1-13; Code 1995, § 14-43)*

**Sec. 14-44. - Advertisements and announcements.**

No person may erect or post within any park any sign, notice or advertisement of any nature, nor shall any person operate any musical instrument, radio, talking machine, phonograph, tape recorder or drum, or make any noise, for the purpose of attracting attention to any exhibition of any kind within a park, without prior express, written permission from the director as part of an approved reservation of park or recreational property of the county.

*(Code 1980, § 15.1-14; Code 1995, § 14-44)*

**Cross reference**—General noise ordinance, § 10-72 et seq.

**Sec. 14-45. - Control of animals; riding horses.**

(a) No person shall have within the park any animal unless it is either caged, securely penned or on a leash not more than ten feet in length, except that owners or custodians with dogs who are within a county-designated off-leash, fenced dog exercise area shall not be subject to these requirements.

(b) No person shall ride a horse in any park except in areas designated and posted by the county for horseback riding.

*(Code 1980, § 15.1-15; Code 1995, § 14-45)*

**Cross reference**—Animals, ch. 5.

**Sec. 14-46. - Camping.**

No person shall set up an overnight camp or lodging site in any park except with prior written approval of the director, and in areas designated and posted by the county as camping areas.

*(Code 1980, § 15.1-17; Code 1995, § 14-46)*

**Sec. 14-47. - Fires.**

(a) No person shall kindle, build, maintain or use a fire other than in grills, and in places provided or designated by the county for such purposes, except by prior written permission from the director.

(b) Any fire within the confines of any park shall be continuously under the care and supervision of a competent person 16 years of age or older from the time such fire is kindled until the time it is extinguished.

(c) No person shall throw away or discard a lighted match, cigarette, cigar or other burning object in any park, without first extinguishing it.

*(Code 1980, §§ 15.1-19–15.1-21; Code 1995, § 14-47)*

**Cross reference**—Fire prevention and protection, ch. 11.

**Sec. 14-48. - Use of picnic facilities.**

Persons with reservations issued by the director shall have priority in the use of picnic facilities.

Failure to relinquish picnic facilities to a person with such a reservation shall be unlawful and shall constitute trespassing.

*(Code 1980, § 15.1-22; Code 1995, § 14-48)*

**Sec. 14-49. - Regulation of sports and games.**

No person shall engage in any sports activity or game in any park or recreational property except at such times and in such areas as may be designated and posted by the director for such purpose.

*(Code 1980, § 15.1-23; Code 1995, § 14-49; Ord. No. 895, § 1, 5-24-1995)*

**Sec. 14-50. - Fishing.**

No person shall fish in park water except in those areas designated and posted by the county for such purpose. Persons fishing must possess a valid fishing license as provided in the Code of Virginia.

*(Code 1980, § 15.1-24; Code 1995, § 14-50)*

**Sec. 14-51. - Swimming.**

No person shall swim, wade or bathe in any water or boat launch in any park except at such times and at such places as the director may designate.

*(Code 1980, § 15.1-25; Code 1995, § 14-51)*

**Sec. 14-52. - Use of restrooms and dressing rooms.**

No person over the age of six years shall, in any park, use a washroom, restroom, bathhouse or dressing room designated and posted by the county for use by members of the opposite sex.

*(Code 1980, § 15.1-26; Code 1995, § 14-52)*

**Sec. 14-53. - Noise restrictions.**

No person may, within any park or recreational property of the county, use, operate, play, or permit to be used, operated, or played any radio, phonograph, television, projector, record, compact disc, tape, digital music, MP3 or DVD player, musical instrument, microphone, loudspeaker, sound amplifier, or similar device designed or used for producing or reproducing sound in such a manner or with such volume that it is plainly audible:

1. Outside the confines of an enclosed facility, where such device is located within the enclosed facility;
2. At a distance of 200 or more feet from the location of such device; or
3. Beyond the boundaries of the park in which the device is located.

The prohibition in this section does not apply when the source of the sound is a device used, operated, or played (i) as part of an event sponsored by the county or (ii) pursuant to the express, written permission of the director as part of an approved reservation of park or recreational property of the county.

**Sec. 14-54. - Rules and regulations.**

The director may publish rules and regulations to implement the provisions of this article for park amenities, including picnic facilities, playground facilities, recreation facilities, and athletic fields. Any violation of such rules and regulations is grounds for expulsion therefrom, enforceable by law enforcement.

**Secs. 14-55 – 14-69. - Reserved.****ARTICLE III. - BOATS AND BOATING**

\*State law reference – Boating generally, Code of Virginia, § 29.1-700 et seq.; authority to adopt regulations concerning vessel operation on waters within territorial limits, Code of Virginia, § 29.1-744.

**DIVISION 1. - GENERALLY****Secs. 14-70 – 14-99. - Reserved.****DIVISION 2. - NO WAKE AREAS**

\*State law reference – No wake zones authorized, Code of Virginia, § 29.1-744(D).

**Sec. 14-100. - Prohibited acts.**

No person shall operate a motorboat or vessel in any creek, cove or body of water referred to in this article at such a speed as to create a wake, swell or displacement wave or one capable of causing damage to the life, limb or property of any person on the water or shore when a sign has been posted on land or in the water indicating "no wake."

*(Code 1980, § 15-34; Code 1995, § 14-100)*

**Sec. 14-101. - Penalty.**

Any person who shall violate any provision of this division shall be guilty of a class 4 misdemeanor.

*(Code 1980, § 15-39; Code 1995, § 14-101)*

**State law reference –** -Penalties, Code of Virginia, § 29.1-746; class 4 misdemeanor, Code of Virginia, § 18.2-11.

**Sec. 14-102. - Designation of areas.**

The areas in the county in or on the waterways within the county which are designated as no wake areas are as follows: those areas of the James River situated in the county where the placement of "no wake" signs has been authorized by the state board of game and inland fisheries.

*(Code 1980, § 15-35; Code 1995, § 14-102)*

**Sec. 14-103. - Placement or removal of signs by private persons.**

Any person who owns land in the county adjoining, adjacent or contiguous to a cove on the James River may apply to the county manager for a "no wake" sign to be placed or removed within a cove or upon land adjoining a cove. The county manager shall approve, disapprove or approve with modifications the application and forward it to the director of the board of game and inland fisheries, who shall approve, disapprove or approve with modifications within 30 days the placement and type of marker to be used or the removal of "no wake" buoys or other markers. The cost of the purchase and placement or the removal of the buoys or markers shall be borne by the person requesting the placement or removal of the buoys or markers. Any buoy or marker which is not placed in conformance with the regulations of the board of game and inland fisheries or which is not properly maintained may be removed by the department of game and inland fisheries. "No wake" buoys or other markers placed prior to July 1, 2001, shall only be removed when no longer required for the safe and efficient operation of vessels.

*(Code 1980, § 15-36; Code 1995, § 14-103)*

**Sec. 14-104. - Placement or removal of signs by county manager.**

The county manager is hereby authorized to place or remove or cause to be placed or removed no wake signs at such locations as may be approved by the state board of game and inland fisheries.

*(Code 1980, § 15-37; Code 1995, § 14-104)*

**Sec. 14-105. - Temporary suspension of regulations.**

Subject to the written approval of the county manager and the director of the state board of game and inland fisheries, the division of recreation and parks is authorized to suspend enforcement of the provisions of this division for purposes of conducting ski or boat shows sponsored by the division of recreation and parks.

*(Code 1980, § 15-38; Code 1995, § 14-105)*