

*ALBEMARLE COUNTY CODE*

**CHAPTER 11**

**PARKS AND RECREATION FACILITIES**

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**ARTICLE I. IN GENERAL**

**DIVISION 1. PARKS GENERALLY**

**Sec. 11-100 "Park" defined.**

"Park" shall mean any parcel of land owned by, or under the control of, the county or the county school board, which is used or designated to be used by the public for recreational purposes, including any school, the use of which for such purposes has been authorized by the school board.

(9-12-79; Code 1988 § 14-1; Ord. 98-A(1), 8-5-98)

**Sec. 11-101 Park hours generally.**

The hours during which the parks will be available for public use shall be posted at the entrance of each park and may be amended by the county executive from time to time. No person shall enter or remain in any such park after such hours without the specific permission of the director of parks and recreation. No vehicle shall be parked or be permitted to remain parked on any roadway, parking area or park property after park closing hours, except in areas designated for such purposes, such as camping sites or other such areas.

(9-12-79; Code 1988, § 14-2; Ord. 98-A(1), 8-5-98)

**Sec. 11-102 Entering park when closed.**

No person shall enter upon any closed part of any park without the permission of the park manager or the director of parks and recreation.

(9-12-79; Code 1988, § 14-3; Ord. 98-A(1), 8-5-98)

**Sec. 11-103 Enforcement by certain officials; penalties.**

A. It shall be unlawful for any person to violate the provisions set forth in this chapter governing use and conduct within any county park or water supply reservoir or other county waters. Any person violating any of the provisions of this chapter shall be guilty of a class 1 misdemeanor, or as such violations may otherwise be punishable under state law.

B. The county executive, the director of parks and recreation or, in their absence, the employee in charge of any park, shall have authority to enforce the provisions of this article, including the power to expel any person violating the same. The director of parks and recreation may, after a hearing, forbid the reentry of any such person for a reasonable period for any such violation. Nothing in this section shall be deemed to preempt the imposition of any applicable civil remedy or of any penalty imposed pursuant to this chapter.

(9-12-79; Code 1988, § 14-4; Ord. 98-A(1), 8-5-98)

**Sec. 11-104 Liability for use of facilities.**

The county, in operating any park, recreational facility or playground, shall have no liability in any civil action or proceeding for damages resulting from any injury to any person or from a loss of or damage to the property of any person caused by any act or omission constituting ordinary negligence on the part of any officer or agent of the county in the maintenance or operation of any such park, recreational facility or playground.

9-12-79; Code 1988, § 14-5; Ord. 98-A(1), 8-5-98)

**State law references**--Authority of county to operate parks, etc., Va. Code § 15.2-1811; liability of county in operation of parks, etc., Va. Code § 15.2-1809.

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**Sec. 11-105 Fees.**

A. The board of supervisors shall, from time to time by resolution, establish fees for daily and seasonal passes for entry to and use of parks, recreational areas and swimming facilities under the county's jurisdiction. The board of supervisors shall hold a public hearing to receive public comment on any proposed fee changes. Public notice shall be provided for such public hearing at least ten days prior to the hearing date. A copy of the adopted fee schedule shall be posted in the park at points where such fees are to be collected.

B. Fees for programs or activities, and the rental of county-owned property, to include but not limited to boats and picnic shelters, shall be established by the county executive or his designee. The director of parks and recreation shall maintain a schedule of established fees.

C. Reservations and payment of fees for the use of reserved picnic shelters shall be made in advance of such use under procedures established by the director of parks and recreation or his designee. Any picnic shelter that is not marked as reserved shall be available at no charge on a first come, first served basis.

D. No person shall be permitted to use such facilities for which fees are charged without first paying the fee.

E. Fees may be suspended by order of the county executive or his designee for good cause.

F. No fees paid under paragraphs A and B, above, shall be refunded without the approval of the director of parks and recreation or his designee. Daily park passes and season passes shall not be transferable to any other person.

(4-20-72; 5-15-75; 4-21-76; 4-12-78; 6-17-81; 4-14-82; 4-14-83; 5-7-86; 4-13-88; Code 1988, § 14-11; Ord. 98-A(1), 8-5-98; Ord. 09-11(1), 4-1-09)

**State law reference--**Va. Code § 15.2-1806.

**DIVISION 2. TRAFFIC REGULATIONS**

**Sec. 11-106 Applicability of traffic laws, speed limit.**

A. The traffic laws and ordinances of this county shall apply in and about all park property.

B. The maximum speed limit within a park shall be as posted.

(9-12-79; Code 1988, § 14-6; Ord. 98-A(1), 8-5-98)

**Sec. 11-107 Traffic to use regularly designated paved or improved park roads.**

Only designated park roads, driveways and parking areas shall be used by vehicular traffic, including trail bikes.

(9-12-79; Code 1988, § 14-6.1; Ord. 98-A(1), 8-5-98)

**Sec. 11-108 Parking.**

No person shall park a vehicle any place on park property other than in the regular designated facilities provided for parking, unless directed otherwise by the manager of any such park.

(9-12-79; Code 1988, § 14-6.2; Ord. 98-A(1), 8-5-98)

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**DIVISION 3. CONDUCT WITHIN AND USE OF PARKS**

**Sec. 11-109 Disorderly conduct, fireworks and discharge of weapons prohibited in parks.**

A. No intoxicated person shall be permitted entry to any park and, if discovered therein, any such person shall be ejected.

B. The discharge of any firearm, air gun, gas gun or B.B. gun is prohibited, unless expressly permitted by state law. Nothing in this subsection shall prohibit a law-enforcement officer, as defined under state law, from acting within the scope of his duties.

C. Fireworks are prohibited in parks unless authorized by the director of parks and recreation.

D. No person shall, while in any park, conduct himself in a loud, rowdy or disruptive manner or otherwise act in such manner as to interfere with the reasonable use of such park by any other person.

(9-12-79; Code 1988, § 14-6.3; Ord. 98-A(1), 8-5-98; Ord. 04-11(1), 7-7-04)

**Editor's Note:** See also § 10-104.

**Sec. 11-110 Fires.**

Fires may be kindled only in facilities specifically provided for such purpose. Authorized fires must be attended at all time and fully extinguished before being left.

(9-12-79; Code 1988, § 14-6.4; Ord. 98-A(1), 8-5-98)

**Sec. 11-111 Games.**

Games or activities involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, golf balls, model airplanes or rockets shall be played only in areas set apart for such forms of recreation.

(9-12-79; Code 1988, § 14-6.5; Ord. 98-A(1), 8-5-98)

**Sec. 11-112 Water-related activities.**

All water-related activities in any park that is not a public water supply reservoir identified in Article III are subject to Article II of this Chapter. All water-related activities in any park that is a public water supply reservoir identified in Article III of this Chapter are subject to the regulations in that Article.

(9-12-79; Code 1988, § 14-6.6; Ord. 98-A(1), 8-5-98; Ord. 17-11(1), 5-10-17)

**Sec. 11-113 Protection and preservation of property.**

No person shall damage or remove any property, including plants, in or from any park.

(9-12-79; Code 1988, § 14-6.7; Ord. 98-A(1), 8-5-98)

**Sec. 11-114 Hunting and trapping prohibited.**

No person shall hunt or trap on park property, without the prior express approval of the director of parks and recreation or his designee, who may, in his discretion, permit such hunting or trapping for nuisance abatement, animal control, or other health and safety purposes.

(9-12-79; Code 1988, § 14-6.8; Ord. 98-A(1), 8-5-98)

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**Sec. 11-115 Dumping and littering.**

No person shall deposit any refuse of any kind at or on any park property, except in the receptacles provided for trash disposal. No person shall deposit any waste not originating in the park in park trash receptacles.

(9-12-79; Code 1988, § 14-6.9; Ord. 98-A(1), 8-5-98)

**Sec. 11-116 Public meetings or parades.**

Public meetings or parades shall not be held within parks without the written permission of the director of parks and recreation.

(9-12-79; Code 1988, § 14-6.10; Ord. 98-A(1), 8-5-98)

**Sec. 11-117 Loudspeakers and amplified sound equipment.**

No person shall operate any radio, tape player or amplified sound equipment in any park in such a manner as to interfere with the reasonable enjoyment of such park by others.

(9-12-79; Code 1988, § 14-6.11; Ord. 98-A(1), 8-5-98)

**Sec. 11-118 Merchandising, vending, etc.**

Nothing should be offered for sale or sold, rented or traded in or upon park land or facilities, except by the parks and recreation department or through regularly licensed concessionaires or community non-profit organizations expressly approved by the director of parks and recreation.

(9-12-79; Code 1988, § 14-6.12; Ord. 98-A(1), 8-5-98)

**Sec. 11-119 Solicitation.**

There shall be no commercial solicitation of any kind on park land or within park facilities.

(9-12-79; Code 1988, § 14-6.13; Ord. 98-A(1), 8-5-98)

**Sec. 11-120 Pets.**

All pets shall be kept on a leash and under control while on park lands except in designated areas clearly identified by authorized signs allowing pets not to be leashed.

(9-12-79; Code 1988, § 14-6.14; Ord. 98-A(1), 8-5-98; Ord. 01-11(1), 9-6-01)

**ARTICLE II. WATERS OWNED OR CONTROLLED BY THE COUNTY**

**Sec. 11-200 Generally.**

Waters owned, leased, rented or otherwise controlled by the county which do not include the public water supply reservoirs identified in Article III, hereinafter referred to as "county waters," may be used for fishing, boating and swimming only as authorized in this article. Any use of county waters not expressly authorized is prohibited.

(Code 1967, § 14-8; Code 1988, § 14-7; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-1800.

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### **Sec. 11-201 Fishing.**

Fishing conducted in compliance with all applicable state statutes and regulations is authorized on county waters.

(Code 1967, § 14-9; 4-21-76; Code 1988, § 14-8; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-1800.

### **Sec. 11-202 Boating.**

Any boat or other watercraft that is human powered or powered by an electric motor is authorized on county waters. Any boat or other watercraft powered by a motor using a fossil fuel or fossil fuel derivative as a fuel source is prohibited; provided that any boat or other watercraft equipped with a motor using a fossil fuel or fossil fuel derivative as a fuel source whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the county waters and if those boats or other watercraft are equipped with or use removable gas tanks, the gas tanks shall be removed prior to entering county waters. Any boat or other watercraft powered by a motor using a fossil fuel or fossil fuel derivative as a fuel source, operated under the direction of the county executive for public safety or other permitted purposes, is authorized.

(Code 1967, § 14-10; 4-21-76; Code 1988, § 14-9; Ord. 98-A(1), 8-5-98; Ord. 17-11(1), 5-10-17)

**State law reference--**Va. Code § 15.2-1800.

### **Sec. 11-203 Swimming.**

Swimming is prohibited in county waters except in those areas designated by the county for swimming, and only at such times when lifeguards are on duty.

(Code 1967, § 14-11; 4-20-72; Code 1988, § 14-10; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 15.2-1800.

### **Sec. 11-204 Pets.**

Pets are prohibited in county waters except in those areas designated by the county as a dog park.

(Ord. 17-11(1), 5-10-17)

**State law reference –** Va. Code § 15.2-1800.

## **ARTICLE III. WATER SUPPLY RESERVOIRS UTILIZED BY THE RIVANNA WATER AND SEWER AUTHORITY**

### **11-300 Generally.**

A. In order to prevent the pollution of the public water supply, water supply reservoirs utilized by the Rivanna Water and Sewer Authority identified in this article may be used for limited recreational purposes only as authorized herein.

B. Permits required by this article for an authorized recreational use shall be issued by the Rivanna Water and Sewer Authority. Each permit issued may be subject to conditions further regulating the use or activity authorized by the permit and such conditions may include, but are not limited to, a condition regulating the type of fuel authorized. The issuance of a permit by the Rivanna Water and Sewer Authority shall not be deemed to be approval of such use or activity by the county pursuant to its zoning ordinance.

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C. The hours during which the water supply reservoirs are open for public use shall be posted at the entrances and major access points for each reservoir area.

(12-9-81; 2-11-87; Code 1988, §§ 14-12, 14-20, 14-22; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2109.

**Sec. 11-301 Beaver Creek Reservoirs**

Uses and activities within the boundaries of the Beaver Creek Reservoir shall be regulated as provided herein:

A. *Boundaries of reservoir.* The boundaries of the reservoir are shown on maps on file in the office of the clerk of the board of supervisors, entitled "Beaver Creek Reservoir, Tax Maps 41, 56, 57."

B. *Authorized activities.* Fishing, which is conducted in compliance with all applicable state statutes and regulations, canoeing, boating with boats not operated by internal combustion engines, hiking, birdwatching and picnicking shall be authorized within the boundaries of the reservoir.

C. *Activities authorized only by permit.* Boating with boats operated by internal combustion engines are authorized within the boundaries of the reservoir only pursuant to a permit issued by the Rivanna Water and Sewer Authority.

D. *Prohibited activities.* Any activity not expressly permitted, including but not limited to, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of the reservoir.

E. *Boats.* The Rivanna Water and Sewer Authority, the Albemarle County Department of Parks and Recreation and the Virginia Department of Game and Inland Fisheries are authorized to use boats operated by internal combustion engines within the boundaries of the reservoir for official purposes. Boats equipped with internal combustion engines whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the reservoir. If such boats are equipped with or utilize removable gas tanks, the gas tanks shall be removed prior to entering reservoir waters.

F. *Motor vehicles.* Motor vehicles shall be prohibited from all but designated paved or improved roads and designated parking areas.

G. *Fires.* Fires shall be prohibited, except for those within a picnic grill or those required and approved by the Rivanna Water and Sewer Authority as part of the watershed management program.

(12-9-81; 6-8-83; 2-11-87; Code 1988, §§ 14-13, 14-17, 14-19, 14-21, 14-23; Ord. 98-A(1), 8-5-98; Ord. 11-11(1), 7-6-11)

State law reference-- Va. Code § 15.2-2109.

**Sec. 11-302 (Repealed 5-10-17)**

**Sec. 11-303 Ragged Mountain Reservoir.**

Uses and activities within the boundaries of the Ragged Mountain Reservoir shall be regulated as provided herein:

A. *Boundaries of reservoir.* The boundaries of the upper and lower reservoir are shown on maps on file in the office of the clerk of the board of supervisors, entitled "Ragged Mountain Reservoir, Tax Maps 59, 74, 75."

B. *Authorized activities.* Fishing which is conducted in compliance with all applicable state statutes and regulations, hiking, birdwatching and picnicking shall be authorized within the boundaries of both the upper and lower reservoir.

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C. *Activities authorized only by permit.* Canoeing and boating with boats not operated by internal combustion engines are authorized within the boundaries of both the upper and lower reservoir only pursuant to a permit issued by the Rivanna Water and Sewer Authority.

D. *Prohibited activities.* Any activity not expressly permitted, including but not limited to, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of both the upper and lower reservoir.

E. *Boats.* All boats operated with internal combustion engines shall be prohibited within the boundaries of both the upper and lower reservoir, except for those boats operated by the Rivanna Water and Sewer Authority and the Virginia Department of Game and Inland Fisheries for official purposes. Boats equipped with internal combustion engines whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the upper and lower reservoir. If such boats are equipped with or utilize removable gas tanks, the gas tanks shall be removed prior to entering reservoir waters.

F. *Motor vehicles.* Motor vehicles shall be prohibited from all but designated paved or improved roads and designated parking areas.

G. *Fires.* Fires shall be prohibited, except for those within a picnic grill or those required and approved by the Rivanna Water and Sewer Authority as part of the watershed management program.

(12-9-81; 6-8-83; 2-11-87; Code 1988, §§ 14-13, 14-15, 14-19, 14-21, 14-23; Ord. 98-A(1), 8-5-98; Ord. 11-11(1), 7-6-11)

State law reference--Va. Code § 15.2-2109.

**Sec. 11-304 South Fork Rivanna Reservoir.**

Uses and activities within the boundaries of the South Fork Rivanna Reservoir shall be regulated as provided herein:

A. *Boundaries of reservoir.* The boundaries of the reservoir are shown on maps on file in the office of the clerk of the board of supervisors, entitled "South Fork Rivanna Reservoir, Tax Maps 30, 44, 45."

B. *Authorized activities.* Fishing, which is conducted in compliance with all applicable state statutes and regulations, canoeing, boating with boats not operated by internal combustion engines, hiking, birdwatching and picnicking shall be authorized within the boundaries of the reservoir.

C. *Activities authorized only by permit.* Boating with boats operated by internal combustion engines and the establishment of private boat docks are authorized within the boundaries of the reservoir only pursuant to a permit issued by the Rivanna Water and Sewer Authority.

D. *Prohibited activities.* Any activity not expressly permitted, including but not limited to, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of the reservoir.

E. *Boats.* The Rivanna Water and Sewer Authority and the Virginia Department of Game and Inland Fisheries is authorized to use boats operated by internal combustion engines within the boundaries of the reservoir for official purposes. Boats equipped with internal combustion engines whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the reservoir. If such boats are equipped with or utilize removable gas tanks, the gas tanks shall be removed prior to entering reservoir waters. Boats launched from trailers shall access the reservoir only from improved access ramps approved by the Rivanna Water and Sewer Authority and the Albemarle County Department of Parks and Recreation.

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F. *Motor vehicles.* Motor vehicles shall be prohibited from all but designated paved or improved roads and designated parking areas.

G. *Fires.* Fires shall be prohibited, except for those within a picnic grill or those required and approved by the Rivanna Water and Sewer Authority as part of the watershed management program.

(12-9-81; 6-8-83; 2-11-87; Code 1988, §§ 14-13, 14-16, 14-19, 14-21, 14-23; Ord. 98-A(1), 8-5-98; Ord. 11-11(1), 7-6-11)

**State law reference--**Va. Code § 15.2-2109.

**Sec. 11-305 Sugar Hollow Reservoir.**

Uses and activities within the boundaries of the Sugar Hollow Reservoir shall be regulated as provided herein:

A. *Boundaries of reservoir.* The boundaries of the reservoir are shown on maps on file in the office of the clerk of the board of supervisors, entitled "Sugar Hollow Reservoir, Tax Maps 24, 25, 38."

B. *Authorized activities.* Reservoir bank fishing which is conducted in compliance with all applicable state statutes and regulations, hiking, birdwatching and picnicking shall be authorized within the boundaries of the reservoir.

C. *Prohibited activities.* Any activity not expressly authorized, including but not limited to, canoeing, boating, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of the reservoir.

D. *Boats.* All boats shall be prohibited within the boundaries of the reservoir, except for those boats operated by the Rivanna Water and Sewer Authority and the Virginia Department of Game and Inland Fisheries for official purposes.

E. *Motor vehicles.* Motor vehicles shall be prohibited from all but designated paved or improved roads and designated parking areas.

F. *Fires.* Fires shall be prohibited, except for those within a picnic grill or those required and approved by the Rivanna Water and Sewer Authority as part of the watershed management program.

(12-9-81; 6-8-83; 2-11-87; Code 1988, §§ 14-13, 14-14, 14-19, 14-21, 14-23; Ord. 98-A(1), 8-5-98; Ord. 11-11(1), 7-6-11)

**State law reference--**Va. Code § 15.2-2109.

**Sec. 11-306 Totier Creek Reservoir.**

Uses and activities within the boundaries of the Totier Creek Reservoir shall be regulated as provided herein:

A. *Boundaries of reservoir.* The boundaries of the reservoir are shown on maps on file in the office of the clerk of the board of supervisors, entitled "Totier Creek Reservoir, Tax Maps 130, 136."

B. *Authorized activities.* Fishing, which is conducted in compliance with all applicable state statutes and regulations, canoeing, boating with boats not operated by internal combustion engines, hiking, birdwatching and picnicking shall be authorized within the boundaries of the reservoir.

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C. *Prohibited activities.* Any activity not expressly permitted, including but not limited to, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of the reservoir.

D. *Boats.* All boats operated with internal combustion engines shall be prohibited within the boundaries of the reservoir, except for those boats operated by the Rivanna Water and Sewer Authority, the Albemarle County Department of Parks and Recreation and the Virginia Department of Game and Inland Fisheries for official purposes. Boats equipped with internal combustion engines whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the reservoir. If such boats are equipped with or utilize removable gas tanks, the gas tanks shall be removed prior to entering reservoir waters.

E. *Motor vehicles.* Motor vehicles shall be prohibited from all but designated paved or improved roads and designated parking areas. Parking in a designated parking area under the control of the Rivanna Water and Sewer Authority shall be allowed only by a permit issued by the Rivanna Water and Sewer Authority.

F. *Fires.* Fires shall be prohibited, except for those within a picnic grill or those required and approved by the Rivanna Water and Sewer Authority as part of the watershed management program.

(12-9-81; 6-8-83; 2-11-87; Code 1988, §§ 14-13, 14-18, 14-19, 14-21, 14-23; Ord. 98-A(1), 8-5-98; Ord. 11-11(1), 7-6-11)

**State law reference--**Va. Code § 15.2-2109.