

ORDINANCE

AN ORDINANCE TO ADD CHAPTER 38 TO THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE ENTITLED “GREENSPACE”; TO PROVIDE FOR PROHIBITED USES OF THE CITY’S GREENSPACE PROPERTIES; TO PROVIDE FOR APPLICATION; TO PROVIDE FOR PENALTIES, TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Be it Ordained by the Council of the City of Berkeley Lake that the Code of Ordinances of the City of Berkeley Lake, Georgia, is hereby amended by adding a new Article VIII entitled “Greenspace” as follows:

ARTICLE I. GREENSPACE

Sec 38-101 Definitions

Greenspace is defined as any City of Berkeley Lake property protected by the Gwinnett Open Land Trust (GOLT) currently comprised of Tax Parcels R6267 003C and R6289 215, said parcels being situated adjacent to the right of way of Peachtree Industrial Boulevard.

Sec. 38-102. Prohibited Activities.

The following activities and uses of city property subject to a Deed of Conservation Easement, hereinafter “greenspace,” are expressly prohibited:

- (a) Motorized vehicle use. Motorized vehicle activities are prohibited, except for emergency vehicles requiring access to the greenspace. Disabled individuals requiring motorized devices for personal locomotion are exempt from this prohibition.

- (b) Commercial Use. Commercial activities are prohibited.
- (c) Signage. Display of signs or advertisements is prohibited on or over the greenspace, except for educational, informational or directional signage that may be displayed by or authorized by the City of Berkeley Lake.
- (d) Dumping. Disposal of any materials of any kind, including but not limited to biohazards and personal wastes, landscape waste, soil, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery, or other materials, is prohibited.
- (e) Disturbance of vegetation. The cutting or transplanting of any trees, bushes, wildflowers, and other flora native to the Piedmont Region of Georgia is prohibited, unless specifically approved in writing and in advance of any cutting or transplanting activity, by the City of Berkeley Lake. The introduction of any non-native species of flora in the greenspace is prohibited. Any change, disturbance, alteration or impairment of the natural, scenic and aesthetic features is prohibited.
- (f) Disturbance of fauna. The trapping, killing or eradication of any fauna is prohibited, unless specifically approved in writing and in advance of any such activity, by the City of Berkeley Lake.
- (g) Specific activities and uses prohibited in the greenspace include but are not limited to:
 - 1. on or off-trail camping;
 - 2. overnight camping;
 - 3. use of open fires of any kind, including barbeque grills and camp stoves;

4. use of bicycles or mountain bikes;
5. formal or sponsored activities, races, classes, tours, and like activities other than certain educational and low-impact recreational activities approved by the City of Berkeley Lake;
6. trimming or grooming of trails unless authorized by the City of Berkeley Lake and
7. disturbing, trapping, poisoning, killing or harming in any way any species of wildlife, flora and/or fauna in or on the greenspace during seasonal, transient, or residential patterns with the exception of the removal of invasive species and exotics and other minimal management activities consistent with the Deed of Conservation Easement and authorized by the City of Berkeley Lake and GOLT.

Sec. 38-103. Application.

This Ordinance shall not apply to persons authorized to take actions within the greenspace by the City of Berkeley Lake.

Sec. 38-104. Penalties for violations.

Any person who violates any provisions of this section in this chapter may upon conviction be punished by a fine of not less than \$500.00 for each offense and/or 60 days in jail, unless a different penalty is set out herein.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of any such conflict.

This ordinance shall be effective upon approval by the Council.

So Ordained, this _____ day of _____, 2006.

ATTEST:

Jackie Wall, City Clerk

Lois Salter, Mayor