

**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 I entitled “Greenspace” as follows:

**ARTICLE I. GREENSPACE.**

Sec. 38-101. 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. 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 as may be displayed by or authorized by the Berkeley Lake Conservancy and the City of Berkeley Lake.

- (d) Dumping. Disposal of any materials of any kind, including but not limited to 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 native trees, bushes, wildflowers, and other flora is prohibited, along with the trapping, killing or eradication of any fauna, unless specifically approved in writing and in advance of any cutting or transplanting activity, by the Berkeley Lake Conservancy. The introduction of any non-native species of either flora or fauna in the greenspace is prohibited.
- (f) 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 activities approved by the Berkeley Lake Conservancy and the City of Berkeley Lake;
  - 6. trimming or grooming of trails unless authorized; and
  - 7. disturbing, trapping, poisoning, killing or harming in any way any species of wildlife, flora, and/or fauna in or on the greenspace for seasonal, transient, or residential patterns.

Sec. 38-102. Application.

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

Sec. 38-103. 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

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Lois Salter, Mayor

First read 4.20.06