

STATE OF GEORGIA  
COUNTY OF GWINNETT

ORDINANCE O-77-08

AN ORDINANCE TO AMEND CHAPTER 32, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO MODIFY SECTION 32-4 TO INCREASE THE MAXIMUM FINE FROM \$500 TO \$1000; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A REPEAL OF CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Chapter 32 GREENSPACE**

- Article I. In General
  - Sec. 32-1. Definitions.
  - Sec. 32-2. Prohibited activities.
  - Sec. 32-3. Application.
  - Sec. 32-4. Penalties for violations.
  - Secs. 32-5--32-50. Reserved.
- Article II. Conservation Subdivision/Open Space Development
  - Sec. 32-51. Purposes.
  - Sec. 32-52. General regulations.
  - Sec. 32-53. Application requirements.
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**ARTICLE I. IN GENERAL**

**Sec. 32-1. Definitions.**

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

*Greenspace* is defined as any city 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.

(Ord. No. O-06-35g, § 38-101, 6-15-2006)

**Sec. 32-2. Prohibited activities.**

The following activities and uses of city property subject to a deed of conservation easement, hereinafter "greenspace," are expressly prohibited:

- (1) *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.

- (2) *Commercial use.* Commercial activities are prohibited.
- (3) *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.
- (4) *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.
- (5) *Disturbance of vegetation.* The cutting or transplanting of any trees, bushes, wildflowers, and other flora native to the Piedmont Region of the state is prohibited, unless specifically approved in writing and in advance of any cutting or transplanting activity, by the city. 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.
- (6) *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.
- (7) *Activities and uses prohibited.* Specific activities and uses prohibited in the greenspace include but are not limited to:
  - a. On- or off-trail camping;
  - b. Overnight camping;
  - c. Use of open fires of any kind, including barbeque grills and camp stoves;
  - d. Use of bicycles or mountain bikes;
  - e. Formal or sponsored activities, races, classes, tours, and like activities other than certain educational and low-impact recreational activities approved by the city;
  - f. Trimming or grooming of trails unless authorized by the city; and
  - g. 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 and GOLT.

(Ord. No. O-06-35g, § 38-102, 6-15-2006)

### **Sec. 32-3. Application.**

This chapter shall not apply to persons authorized to take actions within the greenspace by the city.

(Ord. No. O-06-35g, § 38-103, 6-15-2006)

**Sec. 32-4. Penalties for violations.**

Any person who violates any provisions of this article in this chapter may upon conviction be punished by a fine of not less than ~~\$1000.00 for each offense and/or 60~~ days in jail, unless a different penalty is set out herein.

(Ord. No. O-06-35g, § 38-104, 6-15-2006)

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**Comment [LGT1]:** While this doesn't say each day constitutes a separate offense, I don't think that's necessary here, but can be added if deemed necessary by council or attorney.

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