

AN ORDINANCE

AN ORDINANCE ADOPTED TO AMEND THE DACULA MUNICIPAL CODE FOR THE CITY OF DACULA BY AMENDING CHAPTER 18, PUBLIC SERVICES, ARTICLE III PARKS AND RECREATION; TO PROVIDE FOR AN EFFECTIVE DATE, TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

SECTION 1.

The Code of the City of Dacula is hereby amended at Chapter 18, Public Services, Article III Parks and Recreation, by repealing sections 18.54 through 18-77 in their entirety.

SECTION 2.

The Code of the City of Dacula is hereby amended by adding a new Chapter 18, Public Services, Article II Parks and Recreation, sections 18-54 through 18-78, as follows:

ARTICLE III. - PARKS AND RECREATION^[3]

Footnotes:

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State Law reference— Power to provide parks, recreation areas, programs and facilities, Ga. Const. art. IX, § II, ¶ III(a)(5); authority of municipality to construct and operate parks, swimming pools, golf courses, recreation grounds and buildings used for sports, O.C.G.A. § 36-34-3; establishment of recreation systems authorized, O.C.G.A. § 36-64-1 et seq.

Sec. 18-54. - 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:

Alcoholic Beverage(s) means any intoxicating beverage, malt beverage, wine or any other beverage containing any alcohol whatsoever.

Building means any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Litter means garbage, refuse, paper, rubbish, debris, trash and all other waste material whether natural or artificial.

Park(s) means all parks owned or managed by the City of Dacula, including Maple Creek Park and Olde Mill Park.

Recreation Facility(ies) means all recreation areas in parks, including land, buildings, natural bodies of water, swimming pools, sports fields, cemeteries, and all other property and buildings owned, leased, or managed by the City of Dacula.

Resident means anyone who resides within the jurisdictional boundaries of the City of Dacula.

Vehicle means any motor-driven equipment, such as an automobile, truck, motorcycle, bicycle, sled, go-cart, scooter, skateboard, ATV, child's toy vehicle, or Segway.

Weapon means firearm, rifle, pistol, revolver, paintball gun, or any weapon designed or intended to propel a shot, bullet, or other missile of any kind, or any device capable of discharging a projectile by air, spirit, gas or explosive, or any explosive substance or harmful solid, liquid and gaseous substance, or any spear, arrow, bow and arrow, slingshot, crossbow, spear or spear gun, or any dirk, Bowie knife, switchblade knife, ballistic knife, or any other knife, straight-edged razor, spring stick, metal knuckles, blackjack, any bat, club or other bludgeon-type weapon, or any flailing instrument or any disk which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun, Taser or similar device.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.010)

Sec. 18-55 – Enforcement.

This chapter shall be enforced by an authorized law enforcement officer of the State of Georgia, Gwinnett County Police, or City Marshals office. Where there has been a violation of any of the following provisions of this chapter, the law enforcement officer, in his discretion, may issue a citation, warning and/or order the person to leave the park or recreation facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.011)

Sec. 18-56 – Public use of Park Property.

Any group or organization wishing to reserve covered patio areas or gazebos of any park for activities such as barbecues, fish fries, birthday parties, weddings, receptions, reunions, or other such gatherings, shall first secure a reservation from the City of Dacula. Reservations are on a first come first serve basis. Residents may reserve areas of the park(s) free of charge. Non-residents are charged \$35.00 for four hours or \$70.00 for eight hours of use. It is the responsibility of the reserving party to place the provided reservation certificate in the provided exhibit box at the subject park.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.012)

Sec. 18-57. - City administrator; powers and duties.

The City administrator or employees under the direction of the City administrator shall:

- (1) Establish, conduct, and maintain a recreation system for the City in such a way as to employ the leisure of the people in a wholesome and constructive manner.
- (2) Provide for, conduct, and supervise public playgrounds, indoor recreation centers, and other recreational facilities owned or controlled by the City.
- (3) Recommend the setting aside, leasing or acquisition of lands or buildings within the City limits for use as parks, playgrounds, recreation centers or for other recreational purposes, and to provide for the maintenance and improvement of these areas.

- (4) Cooperate with the local school board in the establishment, conduct and maintenance of a recreation system.
- (5) Otherwise assist in the operation and enforcement of this article.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.013)

Sec. 18-58. - Littering prohibited.

It shall be unlawful for any person to throw or deposit litter on the grounds, streets, sidewalks, fountains, ponds, lakes, swimming pools, streams, or other bodies of water in any recreational facility, except within public litter receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the recreational facility. Where public litter receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and shall be disposed of elsewhere. It shall be unlawful to take into, carry through, or put into a recreational facility, any litter generated outside the recreational facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.020)

Sec. 18-59. - Weapons prohibited.

- a. It shall be unlawful for any person to take in a park or recreational facility any weapon, or to use, carry or employ any weapon or similar device in a recreational facility. This subsection shall not apply to firearms. Firearms, are defined by O.C.G.A. § 16-11-171(3) as ... *any weapon that is designed to or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device as defined in 18 U.S.C. Section 921(a)(3).*
- b. It shall be unlawful for any person to discharge any weapon in a park or recreational facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.021)

Sec. 18-60. - Throwing objects prohibited.

It shall be unlawful for any person to throw any stone, missile, or any object at any person, group, or public or private building in a recreational facility. Footballs, baseballs, Frisbees, and other similar type playground equipment typically used within a park setting are allowed.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.022)

Sec. 18-61. - Annoying noises prohibited.

It shall be unlawful for any person to whistle, hiss or holler at another person in a boisterous, unbecoming or erring manner or to make any loud, unnecessary or unusual noise or display, play or operate any sound amplification device including radios, television sets, public address systems, musical instruments, CD players and the like in such a way that it annoys, disturbs, injures or endangers the comfort, repose, peace or safety of other persons in any recreational facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.023)

Sec. 18-62. - Personal conduct.

- a. It shall be unlawful for any person to engage in any violent, abusive, loud, boisterous, vulgar, wanton, obscene or otherwise disorderly conduct, disturb or annoy others, or engage in any activity that could cause fear and/or injury to other persons while on or in connection with any recreational facility. No person upon or in connection with any recreational facility shall, by act or speech, willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into the structures designated for the use of a certain person or persons to the exclusion of others by written permit of the City Administrator or his/her designee.
- b. It shall be unlawful for any person using a park to use, or permit a minor child in his/her custody to use, any device, equipment, apparatus, or facility within any park or recreational facility for any purpose other than the purpose for which the device, equipment, apparatus, or facility was reasonably intended; provided further, that the playing of games, sports or other recreational activities in such a manner as to constitute a nuisance shall be deemed a violation of this section.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.024)

Sec. 18-63. - Fires restricted.

It shall be unlawful for any person to build or maintain a fire in a recreation facility except in designated areas which are clearly marked by signs or defined with fire rings or grills placed by parks and recreation employees.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.025)

Sec. 18-64. - Damaging or removal of any park property or vegetation prohibited.

- a. It shall be unlawful for any person to remove, injure, disturb, cut, deface, graffiti, write upon, harm or damage any park buildings, wildlife, property, equipment or signs located in any park or recreational facility.
- b. It shall be unlawful for any person to dig up, cut, damage, injure, disturb, alter or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, water, historical artifacts or other vegetation located in any park or recreational facility.
- c. No signs shall be posted in the park except as in areas provided by the park.
- d. The use of nails, tacks, pins or other sharp objects to hang, string, or temporarily suspend objects constitute damage.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.026)

Sec. 18-65. - Possession, use or consumption of alcoholic beverages.

It shall be unlawful for any person to possess, use, or consume any alcoholic beverage in any recreational facility. Possession, use and/or consumption of alcoholic beverages within the areas authorized by this section shall only be allowed at events specifically authorized and approved by resolution of the City Council and shall be subject to all rules, regulations and restrictions of law adopted by the City, including, but not limited to, the Dacula Alcohol

Ordinance and/or the laws of the state related to the possession, use and consumption of alcoholic beverages.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.027)

Sec. 18-66. - Vehicles restricted.

It shall be unlawful for any person to drive any vehicle in a recreational facility except upon roadways designated and maintained for vehicular traffic. Law enforcement and public works employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.028)

Sec. 18-67. - Parking restricted.

It shall be unlawful to park a vehicle in any recreational facility except in those areas designated by the appropriate signage or markings as vehicle parking areas. It shall be unlawful to leave a vehicle standing or parked in any recreational facility during hours when the recreational facility is closed. In such instances, the vehicle may be towed from the recreational facility at the owner's expense.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.029)

Sec. 18-68. - Parking limited to recreation facility users.

It shall be unlawful for any person to park in any recreation area if the owner of the vehicle is not utilizing the recreational facility. It shall be unlawful for persons to congregate within a parking area of a recreational facility so as to disrupt traffic or other persons, or so as to create a safety hazard.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.030)

Sec. 18-69. - Commercial activity restricted.

It shall be unlawful for any person to sell or offer for sale any merchandise, or operate or attempt to operate a concession, or engage in any commercial or charitable activity in any recreational facility unless a special exception is granted by the City Council.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.031)

Sec. 18-70. - Operating hours.

It shall be unlawful for any person or vehicle to enter or be within any park, playground or other recreational facility of the City except in conformance with the regular sunup to sundown hours as posted by the City Council at the parks, playgrounds or other recreational facilities, unless a special exception has been granted by the City Council.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.032)

Sec. 18-71 - Recreational Facility Restrictions.

It shall be unlawful for anyone to enter locked or closed areas of any recreation facility.

Sec. 18-72. - Golfing regulated.

It shall be unlawful for any person to practice, play or otherwise participate in the game of golf, except at a recreation facility designated for such use and only in accordance with the rules, regulations and restrictions promulgated by the City administrator or his/her designee.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.033)

Sec. 18-73. - Swimming and watercraft regulated.

- (a) It shall be unlawful for any person not to leave a swimming area when so directed by a lifeguard on duty or not to cease any activity which would be hazardous to others when so directed by a lifeguard. It is unlawful for any person to engage in any activity within a swimming pool or swimming area that could cause injury or damage to a person or to other persons using the swimming facility.
- (b) It shall be unlawful for any person to launch or travel in watercraft, swim, bathe or wade in any body of water in a recreation facility unless designated for such use and then only in accordance with the rules, regulations and restrictions promulgated and posted at the recreation area.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.034)

Sec. 18-74. - Violation of facility regulations.

It shall be unlawful for any person to violate any rules or regulations relating to the use of any recreational facility as established by the City Council.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.035)

Sec. 18-75. – Domesticated Animals Restrictions.

Domesticated animals are allowed in recreational facilities unless otherwise designated.

- a. It shall be the duty of every animal owner or custodian whose animal is in any recreational facility to have physical control of the animal by leash or lead line at all times.
- b. It shall be unlawful for any person with any animal, other than service animals as necessary, to access areas of any recreational facility to which animals have been restricted from accessing.
- c. It shall be the duty of every animal owner or custodian of any animal whose animal is in any recreational facility to immediately and properly dispose of waste deposited by the animal.
- d. Every animal owner or custodian of any animal whose animal is in any recreational facility is subject to all rules, regulations, and restrictions of law adopted by Ordinances of the Gwinnett County Department of Animal Control.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.036)

Sec. 18-76. - Pyrotechnics restricted.

It shall be unlawful for any person to possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns and/or other pyrotechnics in any recreational facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.037)

Sec. 18-77. - Engine powered models or toys restricted.

It shall be unlawful for any person to start, fly or use any fuel-powered engine, jet-type or electric-powered model aircraft, boat or rocket, or like-powered toy or model in any recreational facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.038)

Sec. 18-78. - Launching hot air balloons and hobby rockets restricted.

It shall be unlawful for any person to launch hot air balloons, hobby rockets, or the like into and/or from any recreational facility.

(Ord. of 12-1-2005, ch. 13.18, § 13.18.039)

SECTION 3.

Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

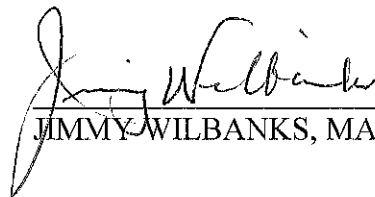
SECTION 5.

This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Dacula, Georgia.

AND IT IS SO ORDAINED by the governing authority of the City of Dacula, this 5th day of May, 2016.


AYES: 4

NAYES: 0



JIMMY WILBANKS, MAYOR

ATTEST:


JOEY MURPHY, CITY ADMINISTRATOR