

PART II - CODE OF ORDINANCES
Chapter 78 - PARKS AND RECREATION
ARTICLE III. - PERMITS

Chapter 78 - PARKS AND RECREATION ^[87]

⁽⁸⁷⁾ **Cross reference**— Alcoholic beverages, ch. 6; environment, ch. 42; law enforcement, ch. 62; libraries, ch. 66; offenses, ch. 74; traffic and vehicles, ch. 110.

⁽⁸⁷⁾ Related laws references—Recreation authority, art. II, div. 7; recreation district, art. VI, div. 1, subd. II.

⁽⁸⁷⁾ **State Law reference**— Power to provide parks, recreation areas, programs and facilities, Ga. Const. art. 9, sec. 2, par. 3(a)(5); establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.; state commission on physical fitness created, O.C.G.A. § 50-12-40 et seq.

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ARTICLE I. - IN GENERAL

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Sec. 78-1. - 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:

Alcoholic beverage means 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 and/or recreation facility means all recreation areas in parks, including land, buildings, lakes, ponds, streams, swimming pools, sports fields, cemeteries, and all other property and buildings owned, leased, or managed by the county, the county recreation authority, the designated agents or departments of the county or the county recreation authority, and including all recreation areas and parks in the county owned by the state or federal government and managed by the county.

Vehicle means any motor-driven or engine-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 knife as defined by State

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law 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.

(Code 1978, § 4-3002; Ord. of 5-4-93(2); Ord. of 1-2-02(2), § 1; Res. of 11-16-05, § 1)

Cross reference — Definitions generally, § 1-2.

Sec. 78-2. - Enforcement of chapter.

This chapter shall be enforced by any authorized law enforcement officer of the county. Where there has been a violation of any 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 area.

(Code 1978, § 4-3021; Ord. of 1-2-02(2), § 1)

Sec. 78-3. - Penalties for violation of chapter.

(a) Any person found to have violated any provision of this article shall be punished by a fine and/or imprisonment in accord with the maximum limits established in O.C.G.A. § 36-1-20.

(b) Any person convicted of a violation of this article may further be denied any park permit or other permission to utilize the facilities of any park or recreation facility for a period of 60 days following such conviction.

(Code 1978, § 4-3022; Ord. of 1-2-02(2), § 1)

Sec. 78-4. - Community services director; powers and duties.

The community services director or employees under the direction of the director shall:

- (1) Establish, operate, and maintain a countywide parks and recreation system.
- (2) Provide for public recreational programming and management of the park and recreational facilities owned or controlled by the county.
- (3) Conduct the design and master planning for park and recreation facilities and provide for the maintenance and improvement of these areas.
- (4) Cooperate with community partners in the provision of recreational opportunities, including the local school board, youth and adult associations, nonprofits, other governmental entities, businesses, volunteers and others.
- (5) Consult with the recreation authority on the development and operation of the countywide parks and recreation system.
- (6) Otherwise assist in the operation and enforcement of this chapter.

(Code 1978, § 4-3001; Ord. of 1-2-02(2), § 1)

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ARTICLE II. - USE OF RECREATION FACILITIES

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Sec. 78-31. - 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 body of water in any park or recreation facility, except within public 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 park or recreation facility. Where public receptacles are not provided, all such litter shall be carried away from the park or recreation facility by the person responsible for its presence and shall be properly disposed of elsewhere. It shall be unlawful to take into, carry through, or put into a park or recreation facility, any litter generated outside the park or recreation facility.

(Code 1978, § 4-3003; Ord. of 1-2-02(2), § 1)

Sec. 78-32. – Discharging Weapons prohibited.

It shall be unlawful for any person to discharge any weapon or similar device in a park or recreation facility.

(Code 1978, § 4-3004; Ord. of 1-2-02(2), § 1; Ord. of 6-5-07, § 1)

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Sec. 78-33. - Throwing objects prohibited.

It shall be unlawful for any person to throw any stone or missile at any person or at any public or private building in a park or recreation facility.

(Code 1978, § 4-3005; Ord. of 1-2-02(2), § 1)

Sec. 78-34. – Improper use of sound producing devices

It shall be unlawful for any person to operate or use any sound producing or motorized equipment, including but not limited to generators and vehicles, or play or operate any sound amplification devices, including but not limited to radios, television sets, stereos, musical instruments, public address systems and the like, in such a manner as to unreasonably annoy, disturb, injure, or endanger other persons, or to otherwise destroy the comfort, repose, peace or safety of other persons in a park or recreation facility.

(Code 1978, § 4-3006; Ord. of 1-2-02(2), § 1)

Sec. 78-35. – Improper personal conduct.

It shall unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be disturbing or annoying to other persons, or that could cause injury to other persons while in a park or recreation facility, which conduct may include, but is not limited to, loitering, fighting, throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness. No person shall upon or in connection with a recreation facility 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 director.

(Code 1978, § 4-3007; Ord. of 1-2-02(2), § 1)

Sec. 78-36. - Fires restricted.

It shall be unlawful for any person to build or maintain a fire in a park or recreation facility except in designated areas which are clearly marked by signs or defined with fire rings, fireplaces, grills or other facilities designated for the purpose of safely maintaining a fire, except by written permit by the director. Fires shall be confined to those areas so designated, shall not be left unattended and must be completely extinguished prior to departure.

(Code 1978, § 4-3008; Ord. of 1-2-02(2), § 1; Res. of 11-16-05, § 1)

Sec. 78-37. - Damaging or removal of any park property or vegetation prohibited.

It shall be unlawful for any person to deface, graffiti, harm or damage any park buildings, wildlife, property, equipment or signs; or dig up, cut, damage or remove any trees, tree limbs, shrubbery, flowers, rocks, mulch, water, historical artifacts or other vegetation in a park or recreation facility.

(Code 1978, § 4-3009; Ord. of 1-2-02(2), § 1; Res. of 11-16-05, § 1)

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Sec. 78-38. - Possession, use or consumption of alcoholic beverages.

It shall be unlawful for any person to possess, use, or consume any alcoholic beverage in a park or recreation facility, other than at the leased Vines Mansion and grounds, a publicly-owned golf course, an indoor publicly-owned civic and cultural center/arena or publicly-owned stadium or when approved, by permit, at the Gwinnett Historic Courthouse, Pinckneyville Center, or the Gwinnett Environmental and Heritage Center.

(Code 1978, § 4-3010; Ord. of 8-4-92, § 5; Ord. of 1-2-02(2), § 1; Res. of 11-16-05, § 1)

Cross reference— Alcoholic beverages, ch. 6.

Sec. 78-39. - Vehicles restricted.

It shall be unlawful for any person to drive any unauthorized vehicle in a park or recreation facility except upon designated roadways and parking areas maintained for vehicular traffic. Approved personal mobility devices for those persons with disabilities are allowed on pedestrian trails and walkways or when permitted and approved by the director. Law enforcement or other public safety officials, and parks and recreation employees whose duties require them to drive maintenance vehicles and equipment shall be exempt from the limitations set forth in this section. All persons operating any vehicle in a park or recreation facility upon roadways designated and maintained for vehicular traffic must operate such vehicle in a safe manner, and must obey all posted speed limits and traffic signs. It shall be a violation of this article for any person to operate any vehicle in a park and/or recreation facility at an excessive speed, in a reckless and unsafe manner, or in violation of posted traffic signs.

(Code 1978, § 4-3011; Ord. of 1-2-02(2), § 1)

Sec. 78-40. - Parking restricted.

It shall be unlawful to park a vehicle in a park or recreation facility except in those areas designated by the appropriate signs as vehicle parking areas or in marked parking spaces. It shall be unlawful to leave a vehicle standing or parked in a park or recreation facility during hours when the park or recreation facility is closed. It is unlawful for any person to park a vehicle in a parking space or location designated for handicapped parking unless the vehicle properly displays a handicapped parking permit. In all such instances, the vehicle may be towed and impounded from the park or recreation facility at the owner's expense.

(Code 1978, § 4-3012; Ord. of 1-2-02(2), § 1)

Sec. 78-41. - Parking limited to park and recreation facility users.

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

(Code 1978, § 4-3013; Ord. of 1-2-02(2), § 1)

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Sec. 78-42. - 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 activity in a park or recreation facility unless approved by permit, by the director or the director's agent.

(Code 1978, § 4-3014; Ord. of 1-2-02(2), § 1)

Sec. 78-43. - Hours open to public restricted.

(a) It shall be unlawful for any person or vehicle to enter or be within a park or recreation facility outside of the posted hours of operation unless approved by permit, by the director or unless such person is participating in authorized and scheduled programs, classes, special events or meetings.

(b) Park hours of operation are sunrise until 11:00 p.m., or sunrise to sunset, as determined by the park designation, unless posted otherwise as authorized by the director.

(Code 1978, § 4-3015; Ord. of 1-18-94, § 1; Ord. of 1-2-02(2), § 1)

Sec. 78-44. - Golfing regulated.

It shall be unlawful for any person to practice, play or otherwise participate in the game of golf, except at a park or recreation facility designated for such use and only in accordance with the rules, regulations and restrictions promulgated by the director or the director's agent.

(Ord. of 1-2-02(2), § 1)

Editor's note— Section 1 of an ordinance adopted Jan. 2, 2002, repealed the former § 78-44 and enacted a new section as set out herein. The former § 78-44 pertained to hours for vehicles restricted and derived from Code 1978, § 4-3016, and § 2 of an ordinance adopted Jan. 18, 1994.

Sec. 78-45. - 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 park or 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.

(Code 1978, § 4-3018; Ord. of 1-2-02(2), § 1)

Sec. 78-46. - Violation of facility regulations.

It shall be unlawful for any person to violate any rules or regulations relating to the use of the park or recreation facility as established by the director or by the board of commissioners.

(Code 1978, § 4-3020; Ord. of 1-2-02(2), § 1)

Editor's note— Section 1 of an ordinance adopted Jan. 2, 2002, repealed the former § 78-46 and renumbered § 78-47 as § 78-46. The former § 78-46 pertained to interference with the use and injurious use prohibited, and derived from Code 1978, § 4-3019. The historical notation has been retained with the amended provisions for reference purposes.

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Sec. 78-47. - Animals restricted.

(a) It shall be the duty of every animal owner or custodian whose animal is in a park or recreation facility to have physical control of the animal by leash or lead line at all times unless in designated dog park areas where off leash is permitted or approved otherwise, by permit, by the director or the director's agent. It shall be unlawful for any person with an animal, other than service animals (such as guide dogs) as necessary, to access areas of a park or recreation facility which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a park or recreation facility to immediately and properly dispose of solid waste deposited by the animal, except for horses on designated equestrian trails.

(b) It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to have in their possession proof of a current rabies vaccination for their animal. It shall be the duty of every horse owner or custodian whose horse is in a park or recreation facility to have in their possession proof of a current negative Coggins test for their horse.

(c) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to immediately remove from such park or recreation facility such animal upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to, barking, growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.

(Ord. of 1-2-02(2), § 1; Res. of 11-16-05, § 1)

Note—See the editor's note to § 78-46

Sec. 78-48. - 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 or other pyrotechnics, unless approved by written permit by the director or the director's agent.

(Ord. of 1-2-02(2), § 1)

Sec. 78-49. - 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, except at those areas designated by the director for such use and then only in accordance with such rules, regulations and restrictions promulgated by the director or the director's agent.

(Ord. of 1-2-02(2), § 1)

Sec. 78-50. - Launching hot air balloons and hobby rockets restricted.

It shall be unlawful for any person to launch hot air balloons and hobby rockets from a park or recreation

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facility unless approved by written permit by the director or the director's agent.

(Ord. of 1-2-02(2), § 1)

Sec. 78-51. - Park and recreation facility restrictions.

It shall be unlawful for anyone to enter a locked or closed park or recreation facility including any sports field (by field closed signage) unless approved by permit, by the director or the director's agent.

(Res. of 11-16-05, § 1)

Sec. 78-52. Use or possession of controlled substance.

No person shall possess or use any drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in any park or recreation facility.

Sec. 78-53. Camping.

It shall be a violation of this article for persons to camp in a park or recreation facility, except at sites or areas specifically designated for camping within the park or recreation facility, and unless such person has first purchased or obtained a permit to camp in the park or recreation facility from the director or his designee.

Sec. 78-54. Smoking in prohibited areas.

It shall be a violation of this article for persons to smoke or use tobacco products in enclosed buildings in all parks or recreation facilities, and in areas posted within a park or recreation facility to restrict smoking or tobacco products in such areas.

Sec. 78-55. Hunting and trapping prohibited.

It shall be a violation of this article for any person to hunt or trap animals, or attempt to hunt or trap animals, within a park or recreation facility.

Secs. 78-56—78-100. - Reserved.

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Sec. 78-101. - Guidelines for issuance.

Sec. 78-101. - Guidelines for issuance.

Permits for special events in a park or recreation facility shall be obtained by application to the director or employees under the direction of the director. Guidelines for the issuance of permits by the director include:

- (1) That the proposed activity or use of the park or recreation facility will not unreasonably interfere with or detract from the enjoyment of the park or recreation facility;

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- (2) That the proposed activity or use of the park or recreation facility will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation of a park or recreation facility;
- (3) That the proposed activity or use of the park or recreation facility is not reasonably anticipated to incite violence, crime, or disorderly conduct;
- (4) That the proposed activity or use of the park or recreation facility will not entail unusual, extraordinary, or burdensome expenses or policy operation by the county;
- (5) That the proposed activity or use of the park or recreation facility will not conflict with existing parks and recreation services;
- (6) That the proposed activity or use of the park or recreation facility desired has not been reserved for other use;
- (7) That the permitting person or persons will abide by all other state, county and parks and recreation laws, ordinances, rules and regulations and shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of negligence of the person or persons to whom such permit shall have been issued;
- (8) That the director or the director's agent shall have the authority to revoke any permit upon the finding of a violation of any laws, ordinances, rules or regulations or upon good cause shown; and
- (9) Persons may apply for a permit for a proposed activity or use of the park or recreation facility under the following categories: picnicking, fund-raising, special event, food service for approved activities, and park or recreation facility rentals.

(Ord. of 1-2-02(2), § 1)