

Chapter 28 PARKS AND RECREATION¹

ARTICLE I. IN GENERAL

Sec. 28-1. 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.

Director means either the City Manager, or his authorized designee, or the Director of the Gwinnett County Department of Community Services or ~~her~~ authorized designee. In the case of park facilities owned and operated by the City, the term "Director" means the City Manager or his authorized designee. In the case of park facilities owned or operated by Gwinnett County, such as the Historic Courthouse and Rhodes Jordan Park, the term "Director" means the Director of the Gwinnett County Department of Community Services or authorized designee.

Dog park means a fenced in outdoor area designated as a "Dog Park" with signage, for dogs to exercise and play off leash under the close supervision of their owner or handler.

Handler means a person aged 16 or older who is not the owner of the dog they are with, but who is in charge of the care of the dog.

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 city, the county, the county recreation authority, the designated agents or departments of the city, the county or the county recreation authority, and including all recreation areas and parks in the city owned by the state or federal government and managed by the county or the city.

Personal watercraft means as defined by the U.S. Coast Guard any craft which is less than 16 feet in length and designed to be operated by person or persons sitting, standing or kneeling in the hull.

Tobacco use means the use of the tobacco plant leaf and any tobacco product including smoking cigarettes, cigars, chewing tobacco and vaping.

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.

¹Editor's note(s)—Ord. No. 2021-3, adopted Jan. 25, 2021, repealed former Ch. 28, §§ 28-1—28-72, and enacted a new Ch. 28 as set out herein. Former Ch. 28 pertained to similar subject matter and derived from Ord. No. 2765-001, §§ 15-101—15-103, 15-131—155, 15-201, 8-6-2012.

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 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-2. Enforcement of chapter.

This chapter shall be enforced by any authorized law enforcement officer of the city, any official appointee of the Lawrenceville Police Department, or any Gwinnett county law enforcement officer unless otherwise stated. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-3. Penalties for violation of chapter.

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

(Ord. No. 2021-3, 1-25-2021)

Secs. 28-4—28-26. Reserved.

ARTICLE II. USE OF RECREATION FACILITIES

Sec. 28-27. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-28. Discharging weapons prohibited.

It shall be unlawful for any person to discharge any weapon or similar device in a park or recreation facility.
(Ord. No. 2021-3, 1-25-2021)

Sec. 28-29. 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.
(Ord. No. 2021-3, 1-25-2021)

Sec. 28-30. 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 reasonable persons, or to otherwise destroy the comfort, repose, peace or safety of other reasonable persons in a park or recreation facility.
(Ord. No. 2021-3, 1-25-2021)

Sec. 28-31. 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.
(Ord. No. 2021-3, 1-25-2021)

Sec. 28-32. 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.
(Ord. No. 2021-3, 1-25-2021)

Sec. 28-33. 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 except in special designated areas such as Food Forest and Community Gardens or if personnel are employed or the organization was granted permission by the director or director's agent to engage in a county approved project for the enhancement of a park or other areas owned or operated by the county.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-34. Possession, use or consumption of alcoholic beverages.

It shall be unlawful for any person to possess, use, sell or consume any alcoholic beverage in a park or recreation facility, other than, an indoor publicly-owned civic and cultural center ~~/arena or publicly owned stadium~~ or when approved, by permit, in the entertainment district, at the Lawrenceville Lawn, Gwinnett Historic Courthouse, Lawrenceville Female Seminary, Bicentennial Plaza, Isaac Adair House and Preservation Lawn or other City of Lawrenceville owned property.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-35. 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, city or county ~~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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-36. 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 or during overnight hours from 11:00 pm to 7:00 am. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-37. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-38. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-39. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-40. 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. No. 2021-3, 1-25-2021)

Sec. 28-41. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-42. 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 City of Lawrenceville Council.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-43. Animals.

(a) *Animals restricted.*

- (1) 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.
- (2) 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 as required by State law 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 vaccination as required by State law for their horse.
- (3) 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 and includes, but is not limited to, pinning down or attacking.
- (4) This section shall be equally enforceable by any authorized law enforcement officer as well as animal control officers.

(b) *Dog park rules.*

- (1) Animal control officers shall have the right to enforce any and all provisions of these rules by removing the dog from the dog park or from the larger park wherein the dog park is contained. Animal control officers also have the right to issue warnings and citations for enforcement of these provisions. In the discretion of the Animal Control Officer, a dog may also be permanently banned from the dog park and/or be required to wear a cage-style muzzle to the dog park, if the Animal Control Officer deems the muzzle and/or the ban necessary to protect the public safety.
- (2) The following are prohibited in the dog park and will subject a dog to removal from the park, and will subject the dog owner and/or handler to the issuance of a warning or citation from an animal control officer.
 - a. A dog who appears to be aggressive, sick, injured, in heat, or has or appears to have a contagious health condition; All dogs must be current on vaccinations.
 - b. A dog who is exhibiting aggressive behavior as described herein in section 28-43(4a)(c3) toward a person or other dog;
 - c. A dog who while unprovoked, has inflicted any physical injury on a person or another dog while in the dog park, or while in the larger park wherein the dog park is contained;

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- d. A dog wearing one or any combination of the following collars: spiked, choke or pronged;
 - e. Any dog on a leash that is longer than six feet in length or on a retractable leash;
 - f. A dog that is in heat;
 - g. A dog that is less than ~~six~~ four months old;
 - h. Dog treats or any type of food;
 - i. Dog toys or any type of toys;
 - j. Vehicles or bicycles;
 - k. Smoking, food, and Glass containers;
 - l. Excessive barking such that another user of the dog park complains to the park staff or to an Animal Control Officer, or if witnessed by an Animal Control Officer without any such complaint;
 - m. Digging holes;
 - n. Any animal other than a dog;
 - o. Any child under the age of ten years.
- (3) The dog owner or handler must closely supervise their dog in order to prevent injuries to another person or dog. The owner or handler must hold the dog's leash at all times, to enable the dog to be under their control.
- (4) If the dog park contains more than one area for dogs such that there are two separate fenced areas one designated for "Small Dogs" and the other designated for "Large Dogs" owners and handlers shall abide by any guidelines for dog weight and/or height noted on those signs in relation to which area their dog may use for recreation.
- (5) Any child between the ages of ten and 16 who is in the dog park must be accompanied and properly supervised by an adult.
- (6) No more than two dogs are permitted to be brought into the dog park by any one owner or handler.
- (7) All dogs in the dog park must wear a collar at all times, with the current rabies tag attached.
- (8) City of Lawrenceville, its agents and employees are not liable for any injuries sustained by any dog or person in the use of any dog park. All persons and dogs enter and use the dog park at their own risk.
Agility components are for dogs only.
- (9) All owners must supervise their dog(s) at all times and must properly dispose of their dog's waste.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-44. 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. No. 2021-3, 1-25-2021)

Sec. 28-45. 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, drone, 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. No. 2021-3, 1-25-2021)

Sec. 28-46. 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 facility unless approved by written permit by the director or the director's agent.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-47. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-48. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-49. 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.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-50. Use of tobacco prohibited.

It shall be a violation of this article for persons to use any form of tobacco, including E-cigarettes and smokeless tobacco, at any City- or County-owned or operated indoor and/or outdoor recreational facilities, including, but not limited to, the restrooms, athletic fields, beaches, aquatic areas, parks, walking/hiking trails, agency owned vehicles, bodies of water, spectator and concession areas.

(Ord. No. 2021-3, 1-25-2021)

Sec. 28-51. 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 except where the director or the director's agent has authorized said action to remove said animals from within a county owned or operated park or recreation facility.

(Ord. No. 2021-3, 1-25-2021)

Secs. 28-52—28-75. Reserved.

ARTICLE III. PERMITS

Sec. 28-76. 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;
- (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 city or 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, city 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, fundraising, special event, food service for approved activities, and park or recreation facility rentals.

(Ord. No. 2021-3, 1-25-2021)