LUMPKIN COUNTY RESOLUTION NO. 2009-64

A RESOLUTION TO ADOPT AN ORDINANCE
FOR
THE LUMPKIN COUNTY PARK FACILITY AT AURARIA PARK

Whereas, the governing authority of Lumpkin County has entered into a lease with the U. S. Army for the development and operation of a Park facility located near Chestatee River; and,

Whereas, the governing authority of Lumpkin County now desires to establish certain limitations for the safety of the public and to provide for violations of the rules and regulations set out herein;

Now therefore, it is hereby resolved that the Lumpkin County Auraria Park Canoe Launch Ordinance attached hereto as Exhibit "A" is hereby adopted.

Resolved, adopted and effective this 14th day of October, 2009.

John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:

Ruth A. Bohac
Clerk, Lumpkin County

Resolution 2009-64 "Exhibit A"

Lumpkin County
Auraria Park
Canoe Launch Ordinance

Section 1. The Canoe Launch Park (hereinafter referred to as the 'Park') is owned by the United States and leased to Lumpkin County for Public Park and Recreational Purposes under the terms of a lease by the Secretary of the Army acting through the Corps of Engineers.

Section 2. Any commercial use of the Park other than by sublease or concession agreement is specifically prohibited. All subleases and agreements are subject to the provisions of the Department of the Army lease with Lumpkin County and must be approved by the District Engineer.

a. At present there are no concession agreements approved. Any future concession proposals shall require review and approval by the Lumpkin County Board of Commissioners after consideration and written response from such parties as the Board deems appropriate.

b. All use of the Park facilities by commercial entities for watercraft activities are by sublease, which shall be on an annual basis. A copy of the model lease is available from the Lumpkin County Board of Commissioners. For the penalties for commercial use without an approved lease, see Section 8.

Section 3. One primary use of the Park is for putting canoes, boats, and other watercraft into the water and for taking such watercraft out of the water. Such watercraft of each and every kind shall, for this ordinance, be referred to in the collective as canoes. To facilitate this activity, a concrete facility has been erected.

a. To enhance safety, no fishing and no placement of lawn chairs, ice chests, bait buckets or other objects shall be permitted at, or within fifty feet of, the facility except for those items associated with the placement of a canoe into the water or the removal of a canoe from the water.

b. For the penalties for violation of this provision, see Section 8.

Section 4. Fishing and general park activities shall be permitted in other areas of the Park, except as may otherwise be provided by this ordinance or by signs posted at the Park.

Section 5. Off-road vehicles are not allowed in the Park. For the penalties for use of off-road vehicles in the Park, see Section 8.

Section 6. Motorized vehicles permitted to travel on Georgia highways are permitted in the parking areas only, and are not permitted in the dirt or grass areas outside the parking area. For the penalties for operating motorized vehicles outside the parking area, see Section 8.

Section 7. No use of the Park is permitted when the gates providing access to Georgia Highway 60 are locked. If signs are posted in the Park limiting hours of operation for various activities, participating in such activities in violation of the posted signs is not permitted. For the penalties for violation of this section, see Section 8.

Section 8. Penalties.

a. Civil Penalties. Any person or entity who operates any commercial activity without a written and approved concession agreement or sublease, or who operates with a written and approved concession agreement or sublease, but acting in violation of any term or condition of said concession agreement or sublease, may be subject to a civil penalty of Five Hundred and no/100s Dollars ($500) for each occurrence. Each day of operation not in compliance as set out in this section shall constitute a separate violation.

b. Criminal Penalties. Any person or entity who violates any provisions of this ordinance may be punished by a fine not to exceed One Thousand and no/100s Dollars ($1,000.00) for each occurrence and/or imprisoned for a term not to exceed six (6) months.

Section 9. Conflicts Between General and Specific Provisions.

Where there is an apparent conflict in this Ordinance between specific and general provisions, it is the intention hereof that the general shall control.

Section 10. Repeal of Conflicting Provisions.

All ordinances or parts of ordinances in conflict with this Ordinance and not preserved hereby are hereby repealed.

Section 11. Severability.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular section or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the provisions of this Ordinance not so held to invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.