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JACKSON COUNTY ORDINANCE 09-02

AN ORDINANCE TO PROVIDE FOR RULES AND REGULATIONS PERTAINING TO THE USE OF BEAR CREEK RESERVOIR; TO PROVIDE FOR HOURS OF OPERATION; TO PROVIDE FOR ENTRANCE FEES; TO PROVIDE FOR REGULATIONS REGARDING LICENSING; TO PROVIDE FOR REGULATIONS REGARDING BOAT PERMITS FOR ADJACENT LANDOWNERS; TO PROVIDE FOR A PROHIBITION ON LITTERING; TO PROVIDE FOR A PROHIBITION ON ABANDONING PROPERTY; TO PROVIDE FOR A PROHIBITION ON DUMPING POLLUTANTS AND OTHER WASTE; TO PROVIDE FOR A PROHIBITION ON DAMAGING AND DEFACING PROPERTY; TO PROVIDE FOR PARKING REGULATIONS; TO PROVIDE FOR REGULATIONS RELATED TO THE OPERATION OF VEHICLES; TO PROVIDE FOR BOATING REGULATIONS; TO PROVIDE FOR A PROHIBITION ON THE OPERATION OF AIRCRAFT; TO PROVIDE FOR A PROHIBITION ON SWIMMING; TO PROVIDE FOR REGULATIONS ON FISHING; TO PROVIDE FOR REGULATIONS ON CAMPING AND PICNICKING; TO PROVIDE FOR REGULATIONS ON FIRES; TO PROVIDE FOR A PROHIBITION ON HUNTING AND TRAPPING GAME; TO PROVIDE FOR REGULATIONS ON CONTAINERS; TO PROVIDE FOR A PROHIBITION ON EXCESSIVE NOISE; TO PROVIDE FOR A PROHIBITION ON ANIMALS; TO PROVIDE FOR A PROHIBITION ON FIREARMS; TO PROVIDE FOR A PROHIBITION ON DRUGS AND ALCOHOL; TO PROVIDE FOR A PROHIBITION ON THE RELEASE OF PLANTS AND ANIMALS; TO PROVIDE FOR REGULATIONS ON THE USE OF AUTHORITY PROPERTY; TO PROVIDE FOR REGULATIONS REGARDING SPECIAL EVENTS ON AUTHORITY PROPERTY; TO PROVIDE FOR A PROHIBITION ON THE OCCUPATION OF AUTHORITY PROPERTY; TO PROVIDE FOR REGULATIONS ON STRUCTURES AND IMPROVEMENTS; TO PROVIDE FOR REGULATIONS ON ADVERTISING; TO PROVIDE FOR A PROHIBITION ON COMMERCIAL ACTIVITY; TO PROVIDE FOR A PROHIBITION ON THE INTERFERENCE WITH AUTHORITY EMPLOYEES; TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; TO PROVIDE SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the Upper Oconee Basin Water Authority was created by an act of the Georgia Legislature in 1994 appearing in 1994 Georgia laws at Page 5123, hereinafter referred to as the "Authority" for the general purpose to be that of acquiring and developing adequate sources of water supply, including but not limited to the construction of reservoirs; the treatment of such water, and thereafter the transmission of such water within the Upper Oconee Basin area, and to the various counties, municipalities, and public authorities located therein; and the collection and treatment of wastewater from the counties, municipalities, and public authorities within the Upper Oconee Basin area.; and,

WHEREAS, the constitution of the State of Georgia provides in Article IX, Section II, Paragraph I, that: “the governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, etc.”, and provides in Article IX, Section II, Paragraph III, for the exercise of supplementary powers in regard to police protection; and,

WHEREAS, pursuant to that certain Intergovernmental Agreement for Management of Recreational Project between Jackson County and the Upper Oconee Basin Water Authority (the “Authority”) dated May 19, 2008, Jackson County has the responsibility of managing, operating, and maintaining the Bear Creek Reservoir; and,

WHEREAS, Jackson County, by and through its Board of Commissioners, hereby approves of and desires the creation of certain regulations pertaining to Bear Creek Reservoir,

NOW, THEREFORE, be it ordained and it is hereby ordained that the following Ordinance be enacted into law:

ARTICLE 1. RULES AND REGULATIONS

Section 1. Hours of Operation.

- (1) The Bear Creek Reservoir is open for public access according to the following schedule:

May through September

Friday: 6:00 a.m. – 9:00 p.m.

Saturday: 6:00 a.m. – 9:00 p.m.

Sunday: 6:00 a.m. – 6:00 p.m.

October through April

Saturday: 6:00 a.m. – 5:00 p.m.

Sunday: 6:00 a.m. – 5:00 p.m.

Jackson County is authorized to operate the boat ramp facilities and adjacent areas during said hours and dates of operation and on other dates but within normal hours of operation, as determined by Jackson County in its sole discretion, for special events and holidays.

Jackson County shall report to the Authority on an annual basis its operating schedule, including special events.

- (2) It shall be unlawful for any person or persons other than authorized employees of the Authority and Jackson County while on active duty to be present on the Bear Creek

Reservoir property at any time Bear Creek Reservoir is not open for public access with the exception of adjacent property owners who have purchased a yearly pass for their boat from the Authority or its representative.

Section 2. Entrance Fees and Permits.

The entrance fee shall be reviewed and adopted annually by the Authority. Said entrance fee may be changed if deemed appropriate without notice by the Authority. It shall be unlawful to enter the Bear Creek Reservoir without first securing the appropriate permit.

Persons who are bank fishing from permitted areas of the Bear Creek Reservoir shall not be required to pay any entrance fee.

All persons under the age of 16 years must be accompanied by an adult at all times while on the Bear Creek Reservoir property.

Only those persons who have paid the appropriate entrance fees and obtained the proper permits shall be allowed to access the Bear Creek Reservoir facilities. General public access may be made only through the entrance gates adjacent to State Route 330. The Authority has the discretion to limit the total number of boats on the Bear Creek Reservoir waters during any period of time. Persons other than adjacent landowners shall check in at the designated site location and present proper identification in the form of a driver's license or other government issued identification that contains a description of the person, a photograph of the person, and the person's date of birth. Upon checking in, a person shall receive a permit which must be maintained in the person's possession at all times while the person is on the Authority's property. Persons using the Bear Creek Reservoir facilities shall maintain proper identification in their possession at all times while on the Authority's property and shall present their identification and permit upon request from any personnel of the Authority or the Department of Natural Resources.

Section 3. Licenses.

All persons using the Bear Creek Reservoir facilities shall comply with all the fishing and boating licensing requirements of the State of Georgia Department of Natural Resources.

Section 4. Boat Permits for Adjacent Landowners.

Adjacent landowners owning property contiguous to Bear Creek Reservoir may obtain a permit from the Authority upon the payment of the fee currently charged by the Authority. The fee for the boat permit shall be reviewed and adopted annually by the Authority. The fee may be changed by the Authority without notice. All permits issued by the Authority are nontransferable. All permits issued by the Authority shall expire by their own terms at the end of the calendar year in which they are issued.

Section 5. Littering.

- (1) "Litter" means any discarded or abandoned refuse, rubbish, junk, or other waste material or dead animals.
- (2) It shall be unlawful for any person or persons to dump deposit, throw, or leave or to cause to permit the dumping, placing, throwing, or leaving of litter on any portion of the Bear Creek Reservoir.

Section 6. Abandoned Property.

It shall be unlawful for any person or persons to abandon any personal property (including, but not limited to, vehicles) on the Authority's property. Any personal property left on the Authority's property for a period of twenty-four (24) hours or more, or at any time after a posted closure hour in a public use area of the Authority's property, shall be presumed to be abandoned.

Section 7. Pollutants and Other Waste.

It shall be unlawful for any person or persons to discharge or place any sewage, galley waste, garbage, refuse, and/or pollutants into the Bear Creek Reservoir waters and/or on the Authority's property from any vessel or watercraft.

Section 8. Defacement and Destruction of Property.

It shall be unlawful for any person or persons to deface, damage, or destroy any property owned by the Authority.

Section 9. Parking.

- (1) Persons using the Bear Creek Reservoir facilities may park vehicles only in designated parking areas. Vehicles parked in areas other than designated parking areas shall be towed at the vehicle owner's expense.
- (2) It shall be unlawful for any person or persons to park a vehicle on the Authority's property unless said vehicle has been authorized to park in areas designated for recreation.

Section 10. Operation of Vehicles.

- (1) It shall be unlawful for any person or persons to operate any vehicle in an area other than the authorized roadways.
- (2) It shall be unlawful for any person or persons to operate any vehicle in a manner contrary to posted regulations and applicable federal, state, and local laws and ordinances.

Section 11. Boating

- (1) It shall be unlawful to operate a boat with a gasoline engine on Bear Creek Reservoir. It shall be unlawful to operate a boat greater than 20 feet in length on Bear Creek Reservoir.
- (2) All boat operators shall comply with all rules and regulations of the State of Georgia Department of Natural Resources regarding boat registration and display of validation decals.
- (3) It shall be unlawful for any boat operator to travel within fifty (50) feet of the Authority's water intake tower. It shall be unlawful for any boat operator to enter any restricted or prohibited areas of Bear Creek Reservoir.
- (4) It shall be unlawful for any person or persons to operate any vessel for a fee or profit on the Bear Creek Reservoir waters and/or the Authority's property.
- (5) It shall be unlawful for any person or persons to operate any vessel in a careless, negligent, or reckless manner or in any manner that endangers any person (including the operator and occupants of the vessel) or property.
- (6) All vessels while in use on the Bear Creek Reservoir waters shall have all safety equipment, including without limitation, personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the State of Georgia. The failure of any person or persons operating a vessel on the Bear Creek Reservoir waters to comply with the above requirements shall be a violation of this Ordinance.
- (7) It shall be unlawful for any person or persons to use any vessel on Bear Creek Reservoir waters for overnight occupancy or as a place of habitation or residence.
- (8) It shall be unlawful for any person or persons to use water skis, parasails, ski kites, or any similar devices while on the Authority's property.
- (9) It shall be unlawful for any person or persons to place any vessel on the Authority's property unless said vessel is either in actual operation or is moored or stored in an area designated and approved by the Authority.
- (10) It shall be unlawful for any person or persons to place any floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker, or other navigational aid.

Section 12. Aircraft.

It shall be unlawful for any person or persons to operate any aircraft on the Authority's property.

Section 13. Swimming.

It shall be unlawful for any person or persons to swim, dive, snorkel, or scuba dive in Bear Creek Reservoir.

Section 14. Fishing.

It shall be unlawful for any person or persons to engage in bank fishing from the boat ramps located on the Authority's property or from any area other than areas designated for bank fishing by the Authority.

Section 15. Camping and Picnicking.

- (1) It shall be unlawful for any person or persons to camp or engage in any camping activities unless it is done in an area specifically designated for camping by the Authority.
- (2) It shall be unlawful for any person or persons to picnic or engage in any related day-use activity in any area other than areas specifically designated for such activities by the Authority.

Section 16. Fires.

- (1) All fires shall be confined to those areas specifically designated by the Authority, and shall at all times be contained in fireplaces, grills, or other similar facilities designated for this purpose. Fires shall not be left unattended and shall be extinguished completely prior to the departure from the Authority's property of the person making or utilizing the fire. Any violation of this subsection shall be a violation of this Ordinance.
- (2) It shall be unlawful for any person or persons to burn any material that produces toxic fumes when burned, including, but not limited to, tires, plastic, and treated wood products.
- (3) It shall be unlawful for any person or persons to dispose of any lighted smoking materials, matches, or other burning material in an improper manner.

Section 17. Hunting and Trapping.

It shall be unlawful for any person or persons to hunt or trap game on the property of the Authority unless that person has been issued an emergency permit to hunt or trap game in order

to control overpopulation. All federal, state, and local laws and ordinances governing hunting and trapping game shall apply to the Authority's property.

Section 18. Containers.

It shall be unlawful for any person or persons to possess a glass or Styrofoam container on the Bear Creek Reservoir property.

Section 19. Excessive Noise.

It shall be unlawful for any person or persons on the Authority's property to make or cause to be made any noise which unreasonably disturbs other persons.

Section 20. Animals.

It shall be unlawful for any person or persons to bring any animal (with the exception of any service animal) on the Bear Creek Reservoir property.

Section 21. Firearms.

It shall be unlawful for any person or persons to possess any firearms, ammunition, loaded projectile firing devices, any bows and arrows, any crossbows, any explosives or any explosive devices of any kind, including fireworks, unless (1) such devices are in the lawful possession of a federal, state, or local law enforcement officer, or (2) prior written permission for such possession has been received from the manager of Bear Creek Reservoir.

Section 22. Drugs and Alcohol.

It shall be unlawful for any person or person to possess any alcohol, drugs, or any controlled substance (except for a legally prescribed drug) on the Bear Creek Reservoir property.

Section 23. Release of Plants and Animals.

It shall be unlawful for any person or persons to release any amphibians, reptiles, or plants on the Bear Creek Reservoir property.

Section 24. Use of Authority Property.

- (1) It shall be unlawful for any person to cut or gather any trees or parts of trees or to remove any wood from the Authority's property.
- (2) It shall be unlawful for any person or persons to gather any dead wood on the Authority's property for use as firewood.
- (3) It shall be unlawful for any person or persons to pump or remove any water from the Bear Creek Reservoir.

- (4) It shall be unlawful for any person or persons to use the Authority's property and/or the Bear Creek Reservoir waters for agricultural purposes unless such use is pursuant to and in compliance with the terms and conditions of a lease, license, or other written agreement signed by the Authority.

Section 25. Use of Authority Property for Special Events.

The use of the Authority's property for any special events shall be arranged through Jackson County Parks and Recreation Department in compliance with the Reservoir Management Plan.

Section 26. Occupation of the Authority Property.

It shall be unlawful for any person or persons to occupy the land, buildings, vessels, or other facilities located on the Authority's property as a full-time or part-time residence.

Section 27. Structures and Improvements.

It shall be unlawful for any person or persons to construct, place, or cause to exist any structure or improvement (including, but not limited to, roads, trails, docks, signs, and landscape features) of any kind under, upon, in, or over the Authority's property unless such structure or improvement has been authorized by a permit, lease, license, or other written agreement that has been issued by or executed by the Authority and such structure or improvement complies with the terms and conditions of such permit, lease, license, or written agreement.

Section 28. Advertising.

It shall be unlawful for any person or persons to place, distribute, or utilize any billboards, signs, markers, audio devices (other than personal audio devices used with headphones and at a reasonable volume), handbills, circulars, posters, or any other advertisement without the prior written permission of the Reservoir Manager.

Section 29. Commercial Activity.

It shall be unlawful for any person or persons to engage in any commercial activity on the Authority's property.

Section 30. Interference with Authority Employees.

It shall be unlawful for any person or persons to forcibly assault, resist, oppose, impede, intimidate, or interfere with any Jackson County official, agent, or employee of the Authority engaged in the lawful performance of his official duties. It shall be unlawful for any person or persons to fail to comply with a lawful order issued by a Jackson County official or an employee of the Authority who is engaged in the lawful performance of his official duties.

ARTICLE 2. PENALTY

Section 1.

The Rules and Regulations of the Upper Oconee Basin Water Authority, as such exists from time to time, are incorporated herein by reference and made a hereof. A violation of The Rules and Regulations of the Upper Oconee Basin Water Authority, as such exists from time to time, shall be considered a violation of this Ordinance.

Section 2.

Prosecutions for violations of this Ordinance shall be commenced by the completion, signing and service of a citation by any agent of Jackson County who is authorized by the Jackson County Board of Commissioners, from time to time, to issue citations or by any agent of the Upper Oconee Basin Water Authority who is authorized by the Authority, from time to time, to issue citations.

Section 3.

Any person violating any provisions of this Ordinance, as such exists from time to time, shall be guilty of violating a duly adopted ordinance of Jackson County, and upon conviction of such violation shall be punishable as a misdemeanor, pursuant to O.C.G.A. § 15-10-60, subject to a fine not to exceed \$1,000 and subject to imprisonment for no more than 60 days or both, except as otherwise provided by general law, or by subsequent amendment of O.C.G.A. § 15-10-60. O.C.G.A. § 15-10-60, et seq. shall govern the trial of any violation of this Ordinance, and any violation of this Ordinance may be tried upon citation as contemplated by O.C.G.A. § 15-10-63. Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation.

ARTICLE 3. SEVERABILITY AND REPEALER

Section 1.

If any portion of this Ordinance is held invalid, the remaining provisions shall continue in full force and effect.

Section 2.

All previous resolutions or ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective immediately upon adoption.