

O.C.G.A. § 12-3-10

GEORGIA CODE
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*** Current through the 2007 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 3. PARKS, HISTORIC AREAS, MEMORIALS, AND RECREATION
ARTICLE 1. GENERAL PROVISIONS
PART 1. GENERAL PROVISIONS

O.C.G.A. § 12-3-10 (2007)

§ 12-3-10. Directing persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations; prohibited acts generally

(a) As used in this Code section, the term "park, historic site, or recreational area" means a park, historic site, or recreational area which is operated by or for and is under the custody and control of the department.

(b) It shall be unlawful for any person to enter upon any park, historic site, or lands managed by the Department of Natural Resources except when in compliance with all applicable laws and all rules, regulations, and permits adopted pursuant to paragraph (1) of subsection (a) of Code Section 12-3-9.

(c) It shall be unlawful for any person, in any manner, to mark on, deface, injure, displace, dig, excavate, remove, or construct on any real or personal property on any park, historic site, or recreational area, except when done with special written permission granted by the commissioner of natural resources or his authorized representative.

(d) It shall be unlawful for any person to drive a vehicle on any roads in a park, historic site, or recreational area in excess of 35 miles per hour. It shall also be unlawful for any person to drive a vehicle in excess of 15 miles per hour within 200 feet of an intensive-use area in a park, historic site, or recreational area. As used in this subsection, the term "vehicle" means any wheeled conveyance for the transportation of persons or materials. As used in this subsection, the term "intensive-use area" means a picnic area, a beach or pool area, a check-in station, or a camping or cabin area.

(e) It shall be unlawful for any person to have or use a privately owned boat on any of the following state park lakes:

(1) A. H. Stephens Federal Lake and Lake Liberty; or

(2) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply only from May 1 through Labor Day of each year.

(f) Reserved.

(g) It shall be unlawful for any person to have or use a boat, other than one on official business, with other than paddles or a portable bow or stern mounted electric trolling motor

on any of the following state park lakes:

- (1) Black Rock Mountain Lake;
- (2) James H. "Sloppy" Floyd Lake;
- (3) A. H. Stephens-Lake Buncombe;
- (4) Franklin D. Roosevelt-Lake Franklin or Lake Delano;
- (5) John D. Tanner Lake (the 12 acre lake);

(5.1) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply only from the day after Labor Day each year through April 30 of the following year;

- (6) Sweetwater Creek Lake;
- (7) Hard Labor Creek Lake (the 37 acre lake);
- (8) Fort Mountain Lake;
- (9) Vogel Lake; or
- (10) Unicoi Lake.

(h) It shall be unlawful for any person to use a boat, other than one on official business, with a motor which is neither an electric trolling motor nor ten horsepower or less on the following state park lakes:

- (1) Fort Yargo Lake;
- (2) Hamburg Lake;
- (3) Hard Labor Creek Lake (the 275 acre lake);
- (4) High Falls Lake;
- (5) Indian Springs Lake;
- (6) Kolomoki Mounds Lake;
- (7) Stephen C. Foster Lake;

(8) Laura S. Walker Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset);

(9) Little Ocmulgee Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset); and

(10) Magnolia Springs Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset).

(i) It shall be unlawful for any person to fish in waters of any park, historic site, or recreational area, except for boat fishing between the hours of 7:00 A.M. and sunset and bank fishing between the hours of 7:00 A.M. and 10:00 P.M. It shall also be unlawful to fish in waters of any park, historic site, or recreational area which have been closed and posted by the department for fisheries management purposes.

(j) It shall be unlawful to fish commercially or to buy or sell fish caught in the waters of any park, historic site, or recreational area.

(k) It shall be unlawful to fish with any device other than a pole and line or rod and reel in the waters of any park, historic site, or recreational area, except with the written permission of the commissioner of natural resources or his authorized representative.

(l) It shall be unlawful to hunt, trap, or otherwise pursue or catch any wildlife in any park, historic site, or recreational area, unless such activity involves the use of bows and arrows, primitive weapons, rifles, or shotguns and has been approved by prior written permission of the commissioner of natural resources or the commissioner's authorized representative. It shall also be unlawful to shoot into a park, historic site, or recreational area from beyond the boundaries of such park, historic site, or recreational area.

(m) It shall be unlawful for any intoxicated person to enter or remain on any park, historic site, or recreational area. It shall also be unlawful for any person to consume or use alcoholic beverages or intoxicants in any public use area of a park, historic site, or recreational area. As used in this subsection, the term "public use area" shall not include cabins, rooms, trailers, tents, and conference facilities which facilities are rented for exclusive use by one individual or group.

(n) It shall be unlawful for any person to use in any park, historic site, or recreational area any electronic device for the detection of metals, minerals, artifacts, or lost articles or for treasure hunting.

(o) It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be readily accessible or unless such use has been approved by prior written permission of the commissioner of natural resources or his authorized representative. It shall also be unlawful for any person to use or possess in any park, historic site, or recreational area any firearms, bows and arrows, spring guns, air rifles, slingshots, or any other device which discharges projectiles by any means, unless the device is unloaded and stored so as not to be readily accessible or unless such use has been approved within restricted areas by prior written permission of the commissioner of natural resources or his authorized representative.

(p) It shall be unlawful to refuse to leave a park, historic site, or recreational area after violating any law or regulation of the Board of Natural Resources promulgated pursuant to Code Section 12-3-9 and after being directed to leave by an authorized representative of the department.

(q) It shall be unlawful for any person to park a vehicle at any place within any park, historic site, or recreational area, including upon the right of way of any county, state, or

federal highway which traverses the park, historic site, or recreational area, where signs placed at the direction of the commissioner of natural resources or his official designee prohibit parking or condition the privilege of parking upon the purchase and display of a parking permit. The posting of signs at the entrances of a park, historic site, or recreational area designating the places for which a parking permit is required shall constitute sufficient notice for the entire park, historic site, or recreational area.

(r) Any person who violates any of the provisions of this Code section commits the offense of criminal trespass.

(s) (1) The jurisdiction of the probate courts of the several counties of this state is enlarged and extended so that probate courts, acting by and through the judge or presiding officer, shall have the right and power to receive pleas of guilty and impose sentence upon defendants violating the provisions of this Code section.

(2) When a person is arrested for any violation of the provisions of this Code section, the arresting officer may, at his discretion, choose to issue to the offender a summons to appear before a court of jurisdiction. Every such summons shall show:

(A) That it is issued by authority of the department;

(B) The name of the person summoned or, if the person to be summoned refuses to give his name or the officer serving the summons believes the name given is false or if the officer is for other cause unable to ascertain the correct name of the person to be summoned, a fictitious name plainly identified as such;

(C) The offense with which the person being summoned is charged and the date and location of the alleged offense;

(D) The location of the court and the day and hour at which he is summoned to appear;

(E) That failure to so appear is a violation of Georgia laws and subject to prosecution;

(F) The date the summons is served; and

(G) The name and official designation of the officer serving it.

(3) Personal delivery of the summons to the person charged or, if the violation is for a vehicle parking violation and the vehicle illegally parked is unattended, the placement of the summons on the windshield of the driver's side of the illegally parked vehicle shall constitute due and proper service of the summons.

(4) Every person so summoned shall appear at the place and on the date ordered except in cases where a bond has been posted in lieu of the summons or where the court has granted a continuance.

(5) The officer serving a summons pursuant to this subsection shall, on or before the return date of the summons, deliver a copy thereof to the court before which it is returnable, or to the clerk of such court, and shall file any information and such affidavits as may be required with respect to the alleged offense.

(6) If the person charged shall fail to appear as specified in the summons, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of the

person commanding that he be brought before the court to answer the charge contained within the summons and the charge of his failure to appear as required. The person shall then be allowed to make a reasonable bond to appear on a given date before the court.

HISTORY: Ga. L. 1976, p. 1160, § 2; Ga. L. 1977, p. 1175, § 1; Ga. L. 1982, p. 3, § 12; Ga. L. 1984, p. 374, §§ 1-3; Ga. L. 1986, p. 437, §§ 1, 2; Ga. L. 1991, p. 1007, § 1; Ga. L. 1992, p. 1547, § 1; Ga. L. 1995, p. 945, § 1; Ga. L. 1996, p. 6, § 12; Ga. L. 1998, p. 253, § 2; Ga. L. 1999, p. 81, § 12; Ga. L. 1999, p. 159, § 1; Ga. L. 2006, p. 96, § 1/ HB 1490.