

ORDINANCE

An Ordinance to amend the Code of Ordinances of the City of McIntyre, Georgia, to govern the regulation and operation of All Terrain Vehicles within the city limits.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCINTYRE, GEORGIA,

THAT this ordinance is enacted to protect, preserve, and promote the health, safety, and welfare of the citizens of the City of McIntyre, Georgia through the control of All Terrain Vehicles in the city limits. It is the intent of this ordinance to establish standards for the operation of All Terrain Vehicles in the city limits.

(a) Definitions. The following words and phrases, when used in this section, shall have the meanings as set out herein:

All Terrain Vehicles (ATV) means a self-propelled vehicle designed primarily for operation over natural terrain and steered by wheels, to specifically include, but not be limited to, off-road motorcycles, three-wheelers, four-wheelers and all other such vehicles with one or more wheels. The term "ATV" is not intended to include bicycles or street legal vehicles operating on public road right-of-ways.

ATV trails mean the property designated and posted for lawful, authorized use by ATVs.

Operate means to ride in or on and control the operation of an ATV.

Operator means every person who operates an ATV.

Owner means a person, other than a person with a security interest, having a right of use regarding, property interest in or title to an ATV and entitled to the use and possession of

the vehicle.

Person includes an individual, partnership, corporation or other legal entity whether incorporated or not.

Public road right-of-way means the entire right-of-way of a public road, street or highway including the traveled portions, banks, ditches, shoulders and medians of a roadway that is not privately owned.

(b) Intent It is the intent of this section to limit the use of ATVs within incorporated McIntyre, Georgia.

(c) Unlawful operation. Unless otherwise noted, it is unlawful for any person to operate an ATV:

(1) In a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to endanger, or cause injury or damage to any person or property.

(2) So as to tow any person or thing on a public road right-of-way.

(3) In a manner so as to create loud, unnecessary or unusual and unreasonable noise so as to disturb or interfere with the peace and quiet of other reasonable persons of ordinary sensibilities. Such sound that is plainly audible at a distance of 200 feet from the origin of sound shall be presumed to be a violation of this provision. Additionally, it shall be presumed to be a violation of this provision if an individual rides an ATV continuously past, around, or near an inhabited dwelling place so as to disturb or unduly annoy the inhabitants.

(4) On private property without the express permission to do so by the owner and occupant of the property.

(5) On public grounds, park property, playgrounds, recreational areas, cemeteries or any other public places, except on posted "ATV trail" locations, unless the operator has the express permission of the proper public authority.

(6) On any portion of any public road right-of-way.

(d) Age Restrictions. No person shall operate an ATV in violation of the age requirements established by Georgia State law.

(e) Organized events. Nothing in this section shall prohibit the use of ATVs within the city limits in organized events, provided the event organization and property owner do not object to such use.

(f) Exceptions. This section shall not apply to:

(1) Any military, fire or law enforcement vehicle;

(2) Any farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting, for utility services and maintenance, for earth moving, and for like activities, and


(3) Self-propelled lawnmowers, garden or lawn tractors while such vehicles are being used exclusively for their designed purposes and used in a location consistent with their designed purpose.

(g) Penalties. Any person violating the terms of this section shall be subject to issuance of a citation, and if proven guilty before a court of competent jurisdiction, shall be subject to a fine of up to \$1,000.00 upon conviction.

SO ORDAINED this 19 day of June, 2017.



Mayor



City Clerk

McREE & ASSOCIATES
ATTORNEY AT LAW
LAFAYETTE SQUARE
P.O. Box 1310
MILLEDGEVILLE, GEORGIA 31059-1310

J. DAVID McREE

TELEPHONE
478-453-3233
FAX
478-453-3233

May 9, 2017

Ms. Pam Roberts
City Clerk
City of McIntyre
P.O. Box 38
McIntyre, GA 31054

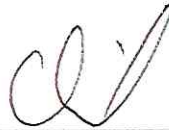
Re: ATV Ordinance

Dear Pam:

Enclosed herewith is the ATV Ordinance that I was asked to prepare. Please distribute a copy to the Mayor and Council and present it at the next council meeting.

With kindest regards, I remain

Sincerely,



J. David Mcree

JDM/dj

Enclosure

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(2) So as to tow any person or thing on a public road right-of-way.

(3) In a manner so as to create loud, unnecessary or unusual and unreasonable noise so as to disturb or interfere with the peace and quiet of other reasonable persons of ordinary sensibilities. Such sound that is plainly audible at a distance of 200 feet from the origin of sound shall be presumed to be a violation of this provision. Additionally, it shall be presumed to be a violation of this provision if an individual rides an ATV continuously past, around, or near an inhabited dwelling place so as to disturb or unduly annoy the inhabitants.

(4) On private property without the express permission to do so by the owner and occupant of the property.

(5) On public grounds, park property, playgrounds, recreational areas, cemeteries or any other public places, except on posted "ATV trail" locations, unless the operator has the express permission of the proper public authority.

(6) On any portion of the paved public road right-of-way or any unpaved portion of a public road right-of-way that is used for automated travel.

(d) Age Restrictions. No person shall operate an ATV in violation of the age requirements established by Georgia State law.

(e) Organized events. Nothing in this section shall prohibit the use of ATVs within the city limits in organized events, provided the event organization and property owner do not object to such use.

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(2) Any farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting, for utility services and maintenance, for earth moving, and for like activities, and

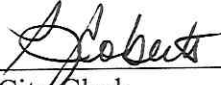
(3) Self-propelled lawnmowers, garden or lawn tractors while such vehicles are being used exclusively for their designed purposes and used in a location consistent with their designed purpose.

(g) Penalties. Any person violating the terms of this section shall be subject to issuance of a citation, and if proven guilty before a court of competent jurisdiction, shall be subject to a fine of up to \$1,000.00 upon conviction.

SO ORDAINED this 18th day of September, 2017.



Mayor



City Clerk

