

ORDINANCE

WHEREAS, following a public hearing and meeting advertised in accordance with O.C.G.A. §§ 36-66-4 and 50-14-1 *et seq.*, the Douglas County Planning and Zoning Board and Douglas County Board of Commissioners has considered and adopted the following amendment to the Douglas County Code of Ordinances.

NOW, THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that the Chapter 11 of the Douglas County Code of Ordinances be amended as follows:

SECTION ONE

Section 11-71 of Chapter 11 is amended by inserting the following:

Off-Road Vehicle: Means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland or other natural terrains and not intended for use predominantly on public roads. The term includes, but is not limited to, four wheel-drive or low-pressure-tire vehicles, two-wheel vehicles (including trail bikes and mini-bikes), amphibious machines, ground effect or air-cushion vehicles and any other means of transportation deriving power from any source other than muscle or wind. The term does not include any motor-boards; any military, fire or law enforcement vehicle; any vehicles used exclusively for airports; any farm machinery, farm tractors and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planning, for utility services and maintenance, for earth moving, construction or mining; or any self-propelled lawnmower, snow blowers, garden or lawn tractors or golf carts while such vehicles are being used exclusively for their designed purposes.

Private Property: Means any property owned by any private individual, business or corporation or any private utility corporation.

Public Property: Means any property owned by the federal or state government, including any of their political subdivisions or agencies or any public utility company.

SECTION TWO

Section 11-77 of Chapter 11 is amended by inserting the following:

Sec. 11-77 All terrain vehicles.

- (a) It shall be unlawful for any person to operate an off-road vehicle:
- (1) without operative brakes;
 - (2) without operative mufflers or other silencing equipment;
 - (3) in such a manner as to make, continue to make or cause to be made any loud, unnecessary or unusual sound which endangers the comfort, repose, health, peace or safety of other citizens and which is audible to a person of normal hearing ability more than 50 feet from the point of origin of such sound or noise;

- (4) on any private property or public property without the owner of the property being present or without the express written permission of the owner;
 - (5) upon any roadway, street, avenue, highway, public thruway and/or right-of-way of any street or highway of the State of Georgia or Douglas County, including those rights-of-way regulated by the Georgia Uniform Rules of the Road.
- (b) (1) Any violation of this Section shall be subject to penalties as provided in Section 11.80.
- (2) Each action or activity committed in violation of this section is deemed a separate offense.
 - (3) In addition to the above penalties, any violation of this section is hereby deemed to be a continuing nuisance, and may be abated by an application for injunction or other proceedings by law in the appropriate court.
 - (4) Any off-road vehicle found to be operated in violation of this section, may at the discretion of the deputy marshal, deputy sheriff, or other duly authorized law enforcement office, be impounded at the vehicle owner's/operator's expense.

SECTION THREE

The previous text of Section 11-77 through 11-80 is now numbered 11-78 through 11-81.

SECTION THREE

This ordinance shall be effective upon adoption.

SO ORDAINED this 3rd day of March, 2009

Tom Worthan, Chairman

Freddie Ashmon, Jr., District I

Kelly Robinson, District II

Michael Mulcare, District III

David Latham, District IV

Attest:
