AN ORDINANCE OF THE TOWN OF RESACA, GEORGIA FOR THE PURPOSE OF **REGULATION OF NUISANCES; REGULATION OF NUISANCE CAUSED BY OPERATION OF OFF-ROAD MOTORIZED VEHICLES**, AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE TOWN COUNCIL OF RESACA HELD APRIL 8, 2014.
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 **WHEREAS**, the Town Council of the Town of Resaca, Georgia, finds that the operation of certain off-road motor vehicles, typically referred to as “four wheelers,” ATVs, or off road vehicles, disturbs the quiet enjoyment of residential tranquility within the city limits of Resaca; and

**WHEREAS,** the Town Council finds that it would be in the best interest of public health, safety and general welfare to regulate the operation of off-road motor vehicles; and

 **WHEREAS**, it is within the police power of the Town of Resaca to adopt reasonable ordinances to promote the public health, safety and welfare;

 **NOW THEREFORE THE COUNCIL OF THE TOWN OF RESACA, GEORGIA** ORDAINS, and it is hereby ordained, pursuant to its Home Rule authority under the Georgia Constitution and the powers granted the Town in its Charter, that the following ordinance is adopted:

**TOWN OF RESACA**

**NUISANCE ORDINANCE**

**Sec. 1 Title**

This Ordinance shall be known as the Town of Resaca Nuisance Ordinance.

**Sec. 2 Purpose**

This ordinance is intended to regulation the operation of off-road motorized vehicles that have the potential to, when operated in the evening, disturb the quiet enjoyment of residential tranquility within the city limits of Resaca and thereby constitute a nuisance.

**Sec. 3 Definitions**

“Off-road motorized vehicle” means any motorized vehicle designed for off-road use, commonly referred to as all-terrain vehicles, also known as “ATVs,” “Side-by-Sides,” “Four-wheelers,” “gators,” “mules,” etc.

**Sec. 4 Restriction of Hours of Operation**

A. It shall be unlawful to operate any off-road motorized vehicle after sunset or before sunrise if the operation of such vehicle is audible on any adjacent property containing a residence or residences.

**Sec. 5 Exceptions.**

A. It shall not be a violation to operate off-road motorized vehicles as set forth in Section 4 in the event of an emergency, including but not limited to, severe weather events.

B. The restrictions of Sec. 4 shall not apply to government-owned vehicles being operated in the course of official duties.

**Sec. 6 Violations**

Any violation of this Ordinance shall be a misdemeanor, and shall be punishable by citation to the municipal court. Any person convicted shall be subject to a minimum fine of $100 for the first offense, and a minimum fine of $250 for the second offense. The maximum fine shall be $500. Other lawful sentences may be imposed by the municipal court, including imprisonment up to 60 days, probation or community service,.

**Sec. 7 Repealer**

Any existing ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Sec. 8 Effective Date**

This Ordinance shall be effective April 9, 2014, the public health, safety and welfare demanding. This Ordinance was adopted the 8th day of April, 2014.

TOWN OF RESACA

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Mayor Samuel Allen

ATTEST:

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City Clerk