

AN ORDINANCE OF THE TOWN OF RESACA, GEORGIA FOR THE PURPOSE OF
**PROHIBITING THE OBSTRUCTION OF RAILROAD CROSSINGS IN THE TOWN
OF RESACA; TO PROVIDE FOR PROTECTIVE DEVICES AT GRADE CROSSINGS;
PROVIDING PENALTIES THEREFORE; PROVIDING FOR EXCEPTIONS;
AUTHORIZING THE TOWN TO POST APPROPRIATE SIGNS, AND FOR OTHER
PURPOSES, AT THE REGULAR TOWN COUNCIL MEETING HELD FEBRUARY 12, 2013**

WHEREAS, the Town Council of the Town of Resaca, Georgia, finds that the blockage of railroad crossing points by trains that are halted for more than ten minutes creates significant problems for public health, safety and welfare, including creating dangerous traffic back-ups onto Highway 41, and further causes great inconvenience to citizens and public safety vehicles, who have no way to cross from one side of Resaca to another when a train blocks the crossings; and

WHEREAS, the requirement of protective devices at grade crossings as set forth in O.C.G.A. § 32-6-200 serves the public health, safety and welfare; 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 TOWN 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 hereby adopted:

Section 1 Title

This ordinance shall be known as the Resaca Railroad Crossing Ordinance.

Section 2 Purpose

The Town declares and finds that the obstruction of railroad crossing points by trains halted for more than ten minutes is a public nuisance, and is a threat to public health, welfare and safety, by causing traffic back-ups onto Highway 41 and also by preventing public safety vehicles from crossing from one side of town to the other, as well as citizens, while such trains are halted. It is the purpose of this ordinance to prohibit such obstructions and to provide for safe grade crossings.

Section 3 Prohibition

(a) It shall be unlawful for any railroad company to permit any car, train or engine to stand upon or block any street or grade crossing in the town for a time longer than ten minutes. This provision shall not apply to trains in motion or to those instances where a street or grade crossing is blocked as a result of a derailment, wreck or mechanical failure that renders the car, train or engine incapable of operation in any capacity.

(b) The passing of each ten-minute interval subsequent to the initial ten minutes that a car, train or engine continues to block a street or grade crossing shall be deemed a separate and distinct violation of this section.

Section 4 Protective Devices

All railroads operating within the town limits shall establish and maintain safety signals, safety lights or other protective devices at all grade crossings within the town limits in accordance with O.C.G.A. § 32-6-200.

Section 5 Violations

Any person, including any railroad company, as well as any train engineer, violating the provisions of this ordinance shall have committed a misdemeanor that shall be subject to citation to and trial at the municipal court of the City of Resaca. Penalties for violation shall include fines of up to \$500 per occurrence and jail time of up to 60 days, as well as any other authorized sanction of the municipal court, including community service. The town shall also be authorized to bring a nuisance action in municipal court to remedy repeat violations, or seek injunctive relief in superior court.

Section 6 Signage

The Town maintenance department is authorized and directed to post appropriate signs consistent with the provisions of this ordinance at the boundaries of the town to provide notice of the ordinance, and to give notice to any railroad companies using tracks through the town.

Section 7 Effective Date

This ordinance shall take effect upon signature of the Mayor or as otherwise provided by Charter, unless vetoed.

SO ORDAINED AND ADOPTED this 12th day of February, 2013.

ATTEST:

TOWN OF RESACA, GEORGIA

by: _____
Town Clerk
(SEAL)

by: _____
Mayor