AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DAWSON COUNTY REGULATING THE OPERATION OF ALL TERRAIN VEHICLES; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ARTICLE I. GENERAL.

(a) This ordinance shall be known and may be referenced as the “Dawson County All Terrain Vehicle Operations Ordinance”.

(b) Intent. The intent of this ordinance is to limit the use of ATVs within the unincorporated area of Dawson County.

(c) Provisions of ordinance cumulative. Conflicts. This ordinance shall be considered as cumulative to any other law, rule and regulation regarding the subject matter. However, if this ordinance conflicts with existing rules, regulations and resolutions, then this ordinance shall prevail and be considered governing.

ARTICLE 2. DEFINITIONS.

Definitions. The following words and phrases, when used in this ordinance, shall have the meanings set out herein:

*All-Terrain Vehicle (ATV)* means a self-propelled vehicle designed for off-road use which is equipped with two or more tires and with a seat to be straddled by the operator and with handlebars for steering control, to specifically include, but not be limited to, off-road motorcycles, three-wheelers, and all other such vehicles. The term “ATV” shall not include bicycles, self-propelled lawnmowers, snow blowers, garden or lawn tractors, or golf carts.

*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 an ATV, a property interest in or title to an ATV and entitled to the use and possession of the ATV.

*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 are not privately owned.

ARTICLE 3. 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) to tow or pull any person or thing on a public road right-of-way;

(3) without operative brakes;

(4) in a manner so as to violate the Dawson County Noise Ordinance;

(5) on private property without express written permission to do so by the owner and occupant of the property;

(6) on public school grounds, park property, playgrounds, recreational areas, golf courses, cemeteries or any other public places, unless the operator has the express written permission of the entity that owns or leases such property;

(7) on any portion of any public road right-of-way in a manner that causes damage to the road or right of way; or

(8) on or in any permitted public place, road, or right-of-way without a valid drivers license.

ARTICLE 4. JUVENILE OFFENDERS.

Violations of county ordinances are delinquent acts under the jurisdiction of the juvenile court pursuant to O.C.G.A. § 15-55-2(6). Juvenile offenders shall be processed through the juvenile court system. Parents of children under twelve years of age may be held liable for the actions of their children.

ARTICLE 5. ORGANIZED EVENTS

Nothing in this ordinance prohibits the use of ATVs within the county during organized events for which a permit has been obtained from Dawson County if the event organization and property owner do not object to such use.
ARTICLE 6. EXCEPTIONS

(A) This ordinance shall not apply to:

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

(2) any ATV used while performing agricultural activities;

(3) 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, and for like agriculture activities;

ARTICLE 7. PENALTIES.

Any person found to have violated any provision of this ordinance shall be punished by a fine and/or imprisonment in accord with the maximum limits established in O.C.G.A. § 36-1-20.

Any person found to have caused damage to public property or rights-of-way that constitutes a violation of O.C.G.A. § 16-7-24 or O.C.G.A. § 36-9-11 shall be liable for damages.

If the operator of an ATV is taken into custody, then the law enforcement officer involved may have the ATV towed in accord with the procedure used by such officers in other matters involving motor vehicles.

ARTICLE 8. ENFORCEMENT.

This ordinance may be enforced by any authorized law enforcement officer of Dawson County including, but not limited to, the Dawson County Marshal's Office.

ARTICLE 9. SEVERABILITY.

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall not be held to be invalid. Dawson County Board of commissioners hereby declares the intent of Dawson County Board of commissioners is to provide for separable and divisible parts and Dawson county Board of Commissioners hereby adopts any and all parts hereof as may not be held invalid for any reason.
ARTICLE 10. REPEALER.

All resolutions or ordinances or parts thereof in conflict with the terms of this ordinance are hereby repealed.

SO ORDAINED, this 1st day of October, 2009.

DAWSON COUNTY
Board of Commissioners

By: Mike Berg, Chairman

ATTEST:

Davida Simpson, County Clerk

VOTE: Yes 4
No

Dates of Public Hearing: 09/17/09; 10/01/09
Dates of Advertising: 09/22/09; 09/24/09