

First Reading: The 5 day of JUNE, ~~2017~~. 2018

Second Reading: The 7 day of AUGUST, ~~2017~~. 2018

ORDINANCE NO. 1322B

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF LYONS, GEORGIA, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LYONS, BY AMENDING CHAPTER 70, ARTICLE I, AS MORE PARTICULARLY SET FORTH AS FOLLOWS: BY STRIKING AND DELETING THE EXISTING SEC. 70-3 AND THEN REPLACING AND RENUMBERING CHAPTER 70, ARTICLE 1, BY INSERTING NEW SECTIONS 70-1 THROUGH 70-3 AND RESERVING NEW SECTIONS 70-4 THROUGH 70-30; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR THE REPEAL ALL CONFLICTING ORDINANCES; AND TO PROVIDE FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of the City of Lyons, Georgia, is empowered pursuant to O.C.G.A. § 36-35-3(a) by the General Assembly to adopt clearly reasonable ordinances relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any Charter provision applicable thereto;

WHEREAS, Chapter 70 of the Code of Ordinances of the City of Lyons, Georgia, relates to Traffic and Vehicles, and the City desires to amend same by striking and deleting the existing Section 70-3 of Article 1; and

WHEREAS, the City further desires to replace and renumber Chapter 70, Article I, by inserting a new Sections and reserving new Sections, thereby revising its policies and regulations relating to Traffic And Vehicles.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lyons, Georgia, and it is hereby ordained by the authority of same, that Chapter 70, Article I, of the Code of the City of Lyons, Georgia, is hereby amended, by striking and deleting the existing Section 70-3, and by replacing and renumbering Chapter 70, Article I, by inserting new Sections 70-1 through 70-3 and reserving new Sections 70-4 through 70-30, all of which shall include the following language and read as follows:

SECTION I

Sec. 70-1. - Uniform rules of the road.

Sec. 70-2. - Off-road vehicles.

Sec. 70-3. - Riding bicycles on sidewalks.

Secs. 70-4 – 70-30. - Reserved.

Sec. 70-1. - Uniform rules of the road.

The provisions of O.C.G.A. § 40-6-1 and definitions of O.C.G.A. § 40-1-1 are hereby incorporated herein by reference and adopted as and for the traffic regulations of this city with like effect as if recited in this chapter. Unless another penalty is expressly provided by law, every person convicted of a violation of this section shall be guilty of an offense.

Sec. 70-2. - Off-road vehicles.

(a) *Definition.* As used in this section, the term "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 terrain and not intended for use predominantly on public roads. It includes but is not limited to four-wheel drive or low-pressure-tire vehicles, two-wheeled vehicles, amphibious machines, ground-effect or air-cushion vehicles, and any other means of transportation deriving power from any source other than muscle or wind. However, such term shall exclude the following:

- (1) Any motorboat;
- (2) Any military, fire, or law enforcement vehicle;
- (3) Any vehicles used exclusively on airports;
- (4) All farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, clearing of land for planting, utility, service and maintenance, and earth moving, construction, or mining; and
- (5) Self-propelled lawn mowers, snow blowers, garden or lawn tractors, or golf carts, while such vehicles are being used exclusively for their designed purposes.

(b) *Operating instructions.* Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this section and subject to the penalties provided in subsection (c) of this section:

- (1) Without operative brakes or without mufflers or other silencing equipment;

(2) On any private property without the express written permission of the owner of the property or his agent; or

(3) On any city street, highway, or alley.

(c) *Enforcement and penalties.* All law enforcement officers shall enforce this section within the city. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$25.00.

Sec. 70-3. - Riding bicycles on sidewalks.

It shall be unlawful for any person to ride a bicycle on the sidewalk on any city street.

Secs. 70-4 – 70-30. - Reserved.

SECTION II

All provisions of the Code of Ordinances of the City of Lyons, Georgia, or parts thereof that are in conflict herewith are hereby expressly repealed.

SECTION III

This Ordinance shall be codified and shall become effective upon its adoption in a manner consistent with the laws of the State of Georgia and the City of Lyons, Georgia.

SECTION IV

It is the intention of the governing body of the City of Lyons, Georgia, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City Lyons, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SECTION V

The effective date of this Ordinance shall be the date of its approval by the Council of the City of Lyons, Georgia.

Approved and ordained by the Mayor and Council of the City of Lyons, Georgia,
this 7th day of August, 2018.

CITY OF LYONS, GEORGIA

BY: [Signature]
Willis D. NeSmith, Jr., Mayor

Attest: [Signature]
Lynn Rowland
City Clerk

[CORPORATE SEAL]



Approved by:

[Signature]
Tom A. Peterson IV, City Attorney