

AN ORDINANCE TO AMEND CHAPTER 66 - OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE ROCKDALE COUNTY CODE OF ORDINANCES, AS AMENDED, TO ENACT AN ORDINANCE CREATING NON-DRIVER PARTICIPATION IN ILLEGAL STREET RACING, RECKLESS DRIVING EXHIBITION OR RECKLESS STUNT DRIVING EXHIBITION; TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 66 of the Code of Rockdale County, Georgia provides for offenses and penalties associated thereto; and

WHEREAS, following a review of the existing county regulations, the Board of Commissioners of Rockdale County, upon advice of the Rockdale County Sheriff's Office, finds that the creation and implementation of a violation of non-driver participation in illegal street racing, reckless driving exhibition or reckless stunt driving exhibition is appropriate in order to protect and advance the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Rockdale County, Georgia follows:

Section 1

That Chapter 66 is hereby amended by the addition of a new Section 66-8 of the Rockdale County Code of Ordinance, as amended, by inserting the following language so that said section, as amended, shall read in full as follows:

"Sec. 66-8. – Non-driver participation in illegal street racing, reckless driving exhibition or reckless stunt driving exhibition.

(a) It shall be unlawful for:

- (1) Any person to knowingly act as an organizer in an illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition, as defined herein.
- (2) Any person, except as provided elsewhere in this chapter, to knowingly act as a participant in and/or spectator of an illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition as defined herein.
- (3) Any person remaining in or around an illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition after being instructed by law enforcement to leave the area.
- (4) Any property owner to knowingly allow any part of an illegal street racing, reckless driving exhibition or reckless stunt driving exhibition to occur on their property.

(b) Definitions.

- (1) Illegal street racing, reckless driving exhibition or reckless stunt driving exhibition includes, but is not limited to, a motor vehicle speed contest using public highways,

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- streets or rights of way, public or private driveways, or parking lots in violation of applicable motor vehicle and traffic laws.
- (2) Illegal street racing, reckless driving exhibition or reckless stunt driving exhibition may include, but are not limited to, situations in which:
- (i) A group of motor vehicles or individuals has arrived at a location for the purpose of participating in the event;
 - (ii) A group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in the event;
 - (iii) One or more individuals has impeded the free public use of a public street, sidewalk or highway by actions, words, or physical barriers for the purpose of conducting the event;
 - (iv) Two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed;
 - (v) One or more drivers are revving his engine or spinning his tires in preparation for the event, laying drag; or
 - (vi) An individual is stationed at or near one or more motor vehicles serving as a race starter; or
 - (vii) A motor vehicle associated with the event is being driven in reckless disregard for the safety of persons or property.
- (3) Organizer means any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising, collection of monies or sharing of the location for any such illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition, as defined herein.
- (4) Participant means any individual who is knowingly present at an illegal street racing, reckless driving exhibition or reckless stunt driving exhibition for the purpose of actively taking part in the event, through conduct including riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; or exchanging money or anything of value with any driver, car owner, or other participant in connection with the event. For the purposes of this section, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.
- (5) This section shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

(b) Penalties.

- (1) Whenever in this Code or in any ordinance, rule, regulation or order of the county any act is prohibited or is made or declared to be unlawful, or whenever in the Code or any ordinance, rule, regulation or order the doing of any act is required or the

failure to do any act is declared to be unlawful, the violation of that provision of the Code or any ordinance, rule, regulation or order may be punished by the Magistrate Court of Rockdale County, for each single violation, by a fine of not more than \$1,000.00, or by imprisonment for not more than 60 days, or both.

- (2) Each day, a violation of any provision of this Code shall constitute a separate offense.
- (3) Any motor vehicle used in illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition or driving as defined in this ordinance shall be removed and impounded by law enforcement to the extent authorized by applicable state law, including, without limitation, O.C.G.A. § 40-6-206, or pursuant to a warrant issued by a court of competent jurisdiction. An impounded vehicle may be held in impound for not less than 30 days or final adjudication of the case, to the maximum extent allowed under state law.
- (4) Notwithstanding all other provisions previously established for punishment of violations of this Code, this provision shall prevail.

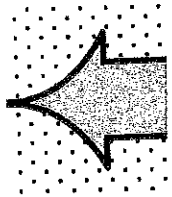
Section 2

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3

This Ordinance shall become effective upon adoption.

This _____ day of _____, 2024.



**Rockdale County, Georgia
Board of Commissioners**

By: _____
Osborn Nesbitt, Sr., Chairman

Attest:

By: _____
Jennifer Rutledge, County Clerk

By: _____
Sherri L. Washington, Commissioner Post I

Approved as to form:

By: _____
M. Qader A. Baig, County Attorney

By: _____
Dr. Doreen L. Williams, Commissioner Post II

First Reading: _____
Second Reading: _____