

ORDINANCE NO. CHAPTER 30 ARTICLE 7

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GRAYSON, GEORGIA, TO PROVIDE FOR
REGULATION OF STREET RACING AND RECKLESS DRIVING EXHIBITIONS

The Mayor and Council of the City of Grayson, Georgia hereby ordains that Chapter 30 of the Code of the City of Grayson, Georgia be amended by adding a new article to be designated as Article VII. Street Racing and Reckless Driving Exhibitions, which shall appear and read as follows:

CHAPTER 30

ARTICLE VII - STREET RACING AND RECKLESS DRIVING EXHIBITIONS

Sec. 30-151. Definitions.

As used herein, the following terms shall have the meanings ascribed to them below:

Illegal street racing or reckless driving exhibition shall mean a motor vehicle speed contest using public highways, streets, or rights-of-way in violation of applicable motor vehicle and traffic laws. Illegal street racing or reckless driving exhibition may include, but is not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in the event; (2) 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; (3) 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; (4) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (5) one or more drivers is revving his engine or spinning his tires in preparation for the event; or (6) an individual is stationed at or near one or more motor vehicles serving as a race starter.

Organizer shall mean any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising or sharing of the location for any such illegal street race or collects moneys in connection with an illegal street racing or reckless driving exhibition, as defined herein.

Participant shall mean any individual who is knowingly present at an illegal street racing or reckless driving exhibition for the purpose of actively taking part in the event, through conduct including, but not limited to: riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; taking video or photographic images for purpose of promoting and/or profiting from the event (also known as a "spectator"); or exchanging money or anything of value with any driver, car owner, organizer or other participant in connection with the event. For the purpose of this definition, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

Sec. 30-152. Violations.

- (a) No person shall knowingly act as an organizer of an illegal street racing or reckless driving exhibition.

- (b) Except as provided elsewhere in this article, no person shall knowingly act as a participant in, or spectator of, an illegal street racing or reckless driving exhibition, as defined herein.
- (c) Nothing in this article prohibits law enforcement officers or their agents from being participants or spectators at an illegal street racing or reckless driving exhibition in the course of their official duties.
- (d) This article shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.
- (e) In all cases of violations of this ordinance, the person charged shall appear in Gwinnett County Recorder's Court.

Sec. 30-153. Penalties.

Violations of this article shall be punished as follows:

- (a) Organizers and those driving motor vehicles shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable state law.
- (b) All other participants shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable state law.
- (c) Any motor vehicle used in illegal street racing or reckless driving exhibition as defined in this article may be removed and impounded by police to the extent authorized by applicable state law, 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.

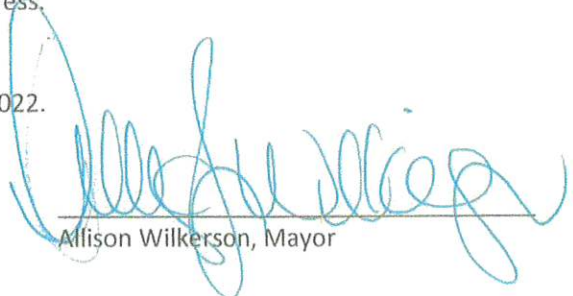
Sec. 30-154. Proving a Violation.

Notwithstanding any other provision of law, to prove a violation of this article, admissible evidence may include, but is not limited to, any of the following:

- (1) The time of day;
- (2) The nature and description of the scene;
- (3) The number of people at the scene;
- (4) The location of the individual charged in relation to any individual or group present at the scene;
- (5) The number and description of motor vehicles at the scene;

- (6) That the individual charged drove or was transported to the scene;
- (7) That the individual charged has previously participated in an illegal street racing or reckless driving exhibition;
- (8) That the individual charged has previously aided and abetted an illegal street racing or reckless driving exhibition;
- (9) That the individual charged has previously organized an illegal street racing or reckless driving exhibition; or
- (10) That the individual charged previously was present at a location where preparations were being made for an illegal street racing or reckless driving exhibition or where an illegal street racing or reckless driving exhibition was in progress.

IT IS SO ORDAINED, this 17th day of October, 2022.



Allison Wilkerson, Mayor

Attest:



Dan Prughs, City Administrator/Clerk