

CITY OF RINGGOLD

STATE OF GEORGIA

ORDINANCE NO.: 2023-1113-01

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RINGGOLD, GEORGIA, BY THE ADDITION OF A NEW ARTICLE IVA CAPTIONED “ENGINE BRAKING”; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof; and

WHEREAS, all of the notice requirements of state law and the Zoning Ordinance have been complied with, and a public hearing has been held by the Planning Commission prior to consideration by this governing body.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:

SECTION 1.

That the Zoning Ordinance of the City of Ringgold, Georgia is hereby amended by the addition of a new Section 6.11 captioned “Engine Braking” which shall read as follows:

SECTION 6.11 ENGINE BRAKING

Sec. 6.11 Engine Braking

(a) Title. This section shall be referred to as the City of Ringgold Engine Braking Ordinance.

(b) Definitions.

(1) Engine braking means:

- a. The utilization of any mechanical device which uses a motor vehicle's exhaust to aid in the braking, slowing, stopping, or deceleration of the motor vehicle; or
- b. The utilization of a "jake brake," retarder, or compression release brake to aid in the braking, slowing, stopping, or deceleration of a motor vehicle.

(2) Emergency means a situation in which no other means is available to avoid an imminent collision with another vehicle, person, or property.

(3) Excessively loud noise means a sound generated by engine braking which is audible to a person of ordinary hearing at least 100 feet away from the vehicle which is the source of said sound.

(c) Prohibition on engine braking resulting in an excessively loud noise in the incorporated City of Ringgold. It shall be unlawful, while on any public road, street, or highway in the city limits, except in the case of an emergency, for the operator of a motor vehicle to engage in engine braking which results in an excessively loud noise.

(d) Violation and penalties.

(1) Any person charged with violating the Engine Braking Ordinance shall be tried in the Municipal Court in accordance with the provisions of this Code. Prosecution for such violations shall be upon citation issued and served upon the accused violator by the Ringgold Police Department.

(2) Any person convicted of a violation of the Engine Braking Ordinance shall be punished by a fine of not more than \$500.00 per offense or by imprisonment in the county jail for a period not to exceed six months, or by both fine and imprisonment, as provided by O.C.G.A. § 15-10-60. Each act in violation of this Engine Braking Ordinance shall constitute a separate offense.

Section 2.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3.

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4.

The adoption date of this Ordinance shall be November 13, 2023. The effective date of this Ordinance is the same as the adoption date.

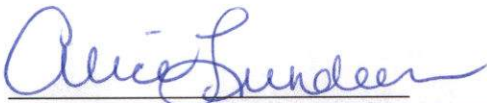
SO ORDAINED, this 13th day of November, 2023.

CITY OF RINGGOLD, GEORGIA



NICK MILLWOOD, MAYOR

ATTEST:



ALICE LUNDEEN, CITY CLERK