

MOTOR VEHICLES AND TRAFFIC

Chapter 13

MOTOR VEHICLES AND TRAFFIC\*

- Art. I. In General, §§ 13-1—13-30
- Art. II. Operation of Vehicles Generally, §§ 13-31—13-50
- Art. III. Operation of Vehicles not Required by State Law to be Registered and Inspected, §§ 13-51—13-70
- Art IV. Parking, §§ 13-71—13-85
- Art V. Disabled, Abandoned, Etc., Vehicles on Public Property, §§ 13-86—13-100
- Art. VI. Bicycles, §§ 13-101—13-105

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**\*Cross references**—License fee for automobile dealers, § 12-21; excessive noise from vehicles, § 14-8 et seq.; picketing in such manner as to obstruct traffic, § 13-13; railroads, Ch. 18; securing of vehicle loads, § 20-43; streets and sidewalks, Ch. 21; vehicles for hire, Ch. 24; zoning ordinance, App. A.

**State law references**—Motor vehicles and traffic, OCGA Title 40; general authority of city to regulate traffic on streets and highways under its jurisdiction, OCGA § 40-6-371.

## MOTOR VEHICLES AND TRAFFIC

### ARTICLE I. IN GENERAL

#### **Sec. 13-1. Definitions.**

Unless otherwise indicated, words and phrases used in this chapter, which are defined in Section 40-1-1 of the Official Code of Georgia Annotated, shall have the meanings ascribed to them in such section.

#### **Sec. 13-2. Certain traffic ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance regulating traffic on specific streets or at specific locations, including but not limited to, ordinances establishing speed limits, designating one-way streets, through streets or stop or yield intersections, prohibiting, limiting or otherwise regulating parking at specific places or establishing weight limits for vehicles on specific streets, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

#### **Sec. 13-3. Applicability of chapter generally.**

This chapter shall apply on all streets within the limits of the city and under the jurisdiction of the city to regulate.

(Ord. of 9-21-76, § 1[11-103])

#### **Sec. 13-4. Applicability of chapter to persons propelling push carts.**

Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this chapter and the provisions of the *Uniform Rules of the Road* referred to in Section 13-31, except those provisions which, by their very nature, have no application.

(Ord. of 9-21-76, § 1[11-103])

**State law reference**—Authority to regulate persons propelling push carts, OCGA § 40-6-371(a)(17).

#### **Sec. 13-5. Compliance with chapter.**

It shall be unlawful for any person to do any act forbidden or fail to perform any act required in this chapter.

(Ord. of 9-21-76, § 1[11-103])

#### **Sec. 13-6. Penalty for violations of chapter.**

Unless another penalty is expressly provided by general state law, any person convicted of a violation of any provision of this chapter shall be punished as prescribed in Section 1-14 of this Code.

(Ord. of 9-21-76, §§ 1[11-115], 2)

#### **Sec. 13-7. Authority of council to regulate traffic.**

The city council shall have the power to make rules necessary for the regulation of traffic in any area which has not been preempted by the *Uniform Rules of the Road* referred to in Section 13-31 or by

## MOTOR VEHICLES AND TRAFFIC

other general state law. This power shall include, but not be limited to, the areas reserved specifically to local authorities under Section 40-6-371 of the Official Code of Georgia Annotated.  
(Ord. of 9-21-76, § 1[11-102])

### **Sec. 13-8. General duties of police department with respect to traffic.**

It shall be the duty of the police department to enforce the traffic regulations of the city and all of the state vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with other officers of the city in the administration of the traffic ordinances and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon such department by this chapter.

(Ord. of 9-21-76, § 1[11-102])

**Cross reference**—Police, Ch. 16.

### **Sec. 13-9. General authority of chief of police with respect to traffic.**

The chief of police is hereby empowered to make regulations necessary to make effective the provisions of this chapter and other traffic ordinances of the city and enforce temporary regulations to cover emergencies or special conditions. The chief of police may authorize the temporary placing of official traffic control devices when required by an emergency. No temporary regulations or placements shall remain in effect for more than ninety (90) days.

(Ord. of 9-21-76, § 1[11-102])

### **Sec. 13-10. Direction of traffic by officers of police and fire departments.**

Officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws and ordinances; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of traffic laws and ordinances. Officers of the fire department, when at the scene of a fire, may direct, or assist the police in directing, traffic thereat or in the immediate vicinity.

(Ord. of 9-21-76, § 1[11-103])

**State law reference**—Authority to regulate traffic by means of police officers, OCGA § 40-6-371(a)(2).

### **Sec. 13-11. Traffic control devices generally.**

- (a) All traffic control signs, signals and other devices shall conform to the regulations promulgated by the state department of transportation and to state law. All such devices required under this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.
- (b) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by the competent evidence.

## MOTOR VEHICLES AND TRAFFIC

(c) Any traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(Ord. of 9-21-76, § 1[11-104])

**State law reference**—Authority to regulate traffic by official traffic control devices, OCGA § 40-6-371(a)(2).

### **Sec. 13-12. Duty of department of sidewalks, streets and sanitation with respect to traffic control devices.**

Unless otherwise specified, it shall be the duty of the department of sidewalks, streets and sanitation to carry out any order, ordinance or resolution of the city council relating to the installation, alteration, maintenance or removal of any traffic control sign, marking or other device.

(Ord. of 9-21-76, § 1[11-102])

### **Sec. 13-13. Identification of vehicles in funeral procession.**

The city council shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions. A funeral composed of a procession of vehicles shall conform to the method of identification prescribed by the council.

(Ord. of 9-21-76, § 1[11-109])

### **Sec. 13-14. Boarding or alighting from vehicle.**

No person shall board or alight from any vehicle while such vehicle is in motion. Persons boarding or alighting from a vehicle shall do so on the side nearest the curb.

(Ord. of 9-21-76, § 1[11-114])

### **Sec. 13-15. Riding on portion of vehicle not intended for passengers.**

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(Ord. of 9-21-76, § 1[11-114])

### **Sec. 13-16. Storage of inoperable vehicles and vehicle parts.**

(a) For the purpose of this Section, an “inoperable motor vehicle” is defined as any motor vehicle which is not capable of being operated on its own power and in a safe manner on public streets and roads, and as any motor vehicle which does not have attached to the rear thereof a current numbered license plate and current revalidation decal if such vehicle is otherwise required to be so registered.

(b) It shall be unlawful for any person to keep, maintain, store or park, or cause to be kept, maintained, stored or parked, any inoperable motor vehicle, or any part or piece of a motor vehicle, at or in any place within the corporate limits of the city, for a period of more than thirty (30) days, except as otherwise provided in this section.

## MOTOR VEHICLES AND TRAFFIC

- (c) Inoperable motor vehicles and parts and pieces of motor vehicles may be kept, stored, parked or maintained on the premises of businesses licensed as motor vehicle repair businesses, motor vehicle sales businesses, automotive parts businesses or junk yards.
- (d) Nothing in this subsection shall in any way limit the right of the city council to proceed to abate a public nuisance, should inoperable motor vehicles or parts or pieces of motor vehicles be kept, maintained, stored or parked by the businesses listed in this subsection in such a manner as to create a public nuisance.
- (Ord. of 1-2-80, §§ 1—3; Ord. of 12-7-04, §§ 1, 2)

**Secs. 13-17—13-30. Reserved.**

### ARTICLE II. OPERATION OF VEHICLES GENERALLY\*

#### **Sec. 13-31. Uniform rules of the road adopted.**

Pursuant to Sections 40-6-372 through 40-6-376 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, Sections 40-6-1 through 40-6-395 of such chapter, known as the Uniform Rules of the Road are hereby adopted as and for the traffic regulations of the city, with like effect as if recited in full herein.

(Ord. of 9-21-76, § 1[11-101])

**State law references**—Specific authority for above section, OCGA § 40-6-372; future amendment or repeal of adopted state law effective in city without council action, OCGA § 40-6-373.

#### **Sec. 13-32. Operation on city property not designed or designated for vehicular use.**

No person shall operate any vehicle upon any city property, other than the city streets, except where such property is clearly designed or designated for vehicular use. This provision shall apply specifically to, but not be limited to, the city parks, the municipal golf course and any vacant lots owned by the city.

(Ord. of 9-21-76, § 1[11-114])

#### **Sec. 13-33. Speed limits.**

The state laws regulating the speed of vehicles shall be applicable upon all streets within the city, except where the city council, upon the basis of an engineering and traffic investigation, determines that other speed limits shall be applicable on specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so determined when signs are posted giving notice thereof.

(Ord. of 9-21-76, § 1[11-1051])

**State law references**—Speed restrictions, OCGA §§ 40-6-180—40-6-187; alteration of speed limits by local authorities, § 40-6-183.

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\***Cross reference**—Driving near scene of fire, § 11-2.

## MOTOR VEHICLES AND TRAFFIC

### **Sec. 13-34. U-turns.**

It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction upon any street within the city limits.

(Ord. of 9-21-76, § 1[11-1061])

**State law reference**—Authority to regulate or prohibit turning of vehicles, OCGA § 40-6-371(a)(9).

### **Sec. 13-35. Driving tractor with cleats or caterpillar tread.**

(a) It shall be unlawful for any person to drive or cause to be driven on any paved street in the city any tractor using cleats on wheels for traction or caterpillar tread, unless he has obtained a permit to do so from the mayor. Such a permit shall be issued only in cases of emergency or absolute necessity.

(b) The owner, as well as the driver, of a vehicle operated in violation of this section shall be responsible for such violation.

(Ord. of 9-21-76, § 1[11-108])

### **Sec. 13-36. Driving in processions.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Ord. of 9-21-76, § 1[11-109])

**State law reference**—Authority to regulate processions, OCGA § 40-36-371(a)(3).

### **Sec. 13-37. Driving between vehicles comprising procession.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are identified as required in Section 13-13. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(Ord. of 9-21-76, § 1[11-109])

### **Secs. 13-38—13-50. Reserved.**

## **ARTICLE III. OPERATION OF VEHICLES NOT REQUIRED BY STATE LAW TO BE REGISTERED AND INSPECTED**

### **Sec. 13-51. Intent of article.**

Pursuant to a reasonable exercise of the police power with respect to the streets and highways within the city limits and pursuant to the authority to regulate and control the use of the public roads and streets of the city and to the authority to perform all acts which are necessary, proper and incidental to the efficient operation of the city street system, this article is to provide for certain regulations and controls of the use of the public roads within the city and to promote public safety.

(Ord. of 4-7-81, § 1)

### **Sec. 13-52. Applicability of article to shopping centers, parking lots, etc.**

## MOTOR VEHICLES AND TRAFFIC

The provisions of this article shall apply to motor vehicles operated at shopping centers, parking lots or similar areas which, although privately owned, are customarily used by the public as a through street or connector street.

(Ord. of 4-7-81, § 3c)

### **Sec. 13-53. Parents and guardians not to permit or authorize violations of article.**

No parent of a child or guardian of a ward shall authorize or knowingly permit such child or ward to violate any of the provisions of this article.

(Ord. of 4-7-81, § 3d)

### **Sec. 13-54. Prohibited operation—Generally.**

No person shall drive any motor vehicle upon, over or across any highway, roadway, street or sidewalk within the city, unless such vehicle is of the type that is required under Georgia law to be registered and inspected.

(Ord. of 4-7-81, § 3a)

### **Sec. 13-55. Same—Exceptions—Special mobile equipment.**

(a) Section 13-54 shall not apply to the operation of special mobile equipment.

(b) As used in this section, the term “special mobile equipment” means and includes every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, road construction and maintenance machinery, tractors, other than truck tractors, earth moving equipment, other than trucks, self-propelled lawnmowers and vehicles designed and adapted exclusively for agricultural, horticultural or livestock raising operations.

(Ord. of 4-7-81, §§ 2, 3b)

### **Sec. 13-56. Same—Same—Vehicles in parades.**

Section 13-54 shall not apply to the operation of motor vehicles that would otherwise be in violation of such section, when such motor vehicles are operated and driven in authorized parades by a person properly licensed to drive and after it has been determined by the city council that the operation of such vehicles therein will not endanger the lives, safety or property of other participants in the parade, bystanders, drivers or other persons or property. This exception shall extend only to such time as such vehicles are actually engaged in the parade and not when traveling to and from the parade site or when not directly participating in the parade.

(Ord. of 4-7-81, § 3b)

### **Secs. 13-57—13-70. Reserved.**

## MOTOR VEHICLES AND TRAFFIC

### ARTICLE IV. PARKING\*

#### Sec. 13-71. General prohibitions.

It shall be unlawful for any person to park a vehicle at any time in the following areas:

- (1) Within fifteen (15) feet of any fire hydrant.
- (2) In front of any place of business within the city in such a way as to interfere with the free access of the owner or of the public transacting business at such place.
- (3) On any park or parkway.
- (4) On the golf course owned by the city.
- (5) At any place where official signs prohibit parking.
- (6) At such other place or places as the council shall designate.  
(Ord. of 9-21-76, § 1[11-111])

#### Sec. 13-72. Marking of no parking areas.

There shall be painted, at such points as may be deemed advisable for the council for the public convenience and safety, yellow lines parallel to the curb within which no vehicles shall be parked.  
(Ord. of 9-21-76, § 1[11-111])

#### Sec. 13-73. Marking of parking spaces.

There shall be painted on the pavements in the business sections of the city and elsewhere, as deemed advisable by the council from time to time, clear and distinct lines within which all vehicles shall be parked.  
(Ord. of 9-21-76, § 1[11-111])

#### Sec. 13-74. Limitations on parking for purpose of selling from vehicle.

It shall be unlawful for any person to park any vehicle on any street or other public right-of-way in the city for more than five (5) minutes at a time, or for any length of time within three (3) blocks of the courthouse, for the purpose of peddling or selling any vegetables, fruit, produce, goods, wares or merchandise from such vehicle.  
(Code 1967, §13-13; Ord. of 12-17-73)

**Cross reference**—Operation of curb market near courthouse, § 15-3.

#### Secs. 13-75—13-85. Reserved.

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\***Cross references**—Off-street parking requirements of zoning ordinance, App. A, § 62; restricted parking areas for business and industrial use, App. A, § 64.

**State law reference**—Authority of city to regulate or prohibit parking, OCGA § 40-6-371(a)(1).

## MOTOR VEHICLES AND TRAFFIC

### ARTICLE V. DISABLED, ABANDONED, ETC., VEHICLES ON PUBLIC PROPERTY\*

#### Sec. 13-86. Prohibited.

- (a) No person shall park, store, place, or allow to remain on the public streets, alleys or other public places in the city any disabled, wrecked, junked or abandoned motor vehicle or part thereof.
- (b) Any violation of this section is hereby declared to be a nuisance.  
(Code 1967, § 15-51)

#### Sec. 13-87. Removal and impoundment.

- (a) The chief of police is authorized to remove or cause to be removed any motor vehicle or part thereof found on the public streets, alleys or other public places within the city in violation of Section 13-86 and to store and impound the same until the expense of removal and storage is paid by the owner of such property. Such expense shall be paid by the owner and may be assessed against him and collected as city taxes are assessed and collected.
- (b) No motor vehicle or part thereof shall be removed pursuant to this section, if at the time of the intended removal, the owner or person in charge thereof is present and removes the same as soon as practicable.  
(Code 1967, §§ 15-52, 15-53)

#### Sec. 13-88. Sale or other disposition generally.

If the owner of vehicle or part thereof impounded pursuant to his article does not appear to redeem such property or cannot be located, by the exercise of reasonable diligence, within thirty (30) days after such property was impounded, the chief of police may sell or otherwise dispose of the same, after first giving opportunity for competitive bidding, at least three (3) bids being required. Notice by certified mail shall be sent at least ten (10) days prior to such disposition to the owner of such property, if his address is known or can be ascertained by reasonable diligence. If such address cannot be ascertained, such notice shall not be required.  
(Code 1967, § 15-54)

#### Sec. 13-89. Disposition of proceeds of sale.

The proceeds of a sale pursuant to Section 13-88 shall be applied first to pay the expense of removal and storage and any other expense incurred in connection therewith, and the balance, if any, shall be paid to the owner of the property sold, if known. If the owner of the property is not known and cannot be located by the exercise of reasonable diligence, the balance of such proceeds, if any, shall be paid into the city treasury.  
(Code 1967, § 15-54)

#### Secs. 13-90—13-100. Reserved.

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\*Cross reference—Personal property, other than motor vehicles, stored on public property, § 15-46 et seq.

State law reference—Authority of city with respect to discarded, junked, etc., motor vehicles, OCGA § 36-60-4.

## MOTOR VEHICLES AND TRAFFIC

### ARTICLE VI. BICYCLES\*

#### **Sec. 13-101. Short title.**

This article shall be known as the “Bicycle Ordinance of the City of Forsyth.”  
(Ord. of 7-2-85, § 1)

#### **Sec. 13-102. Definition.**

For the purposes hereof, “bicycle” means every device propelled by human power upon which any person may ride, having only two (2) primary wheels which are in tandem and either of which is more than thirteen (13) inches in diameter.

(Ord. of 7-2-85, § 2)

#### **Sec. 13-103. Construction with state law.**

This article is intended to be complementary of and supplemental to Official Code of Georgia Annotated, Sections 40-6-290 through 40-6-299 (“uniform rules of the road”) adopted in the city, and this article shall not have the effect of repealing or conflicting with those code provisions.

(Ord. of 7-2-85, § 5)

#### **Sec. 13-104. When operation by persons under sixteen prohibited.**

No bicycle shall be operated upon any street, highway, lane, alley, or other public way within the municipal limits of the city by any person under the age of sixteen (16) years from a half-hour before sunset to a half-hour after sunrise, and at any time when it is raining, and at any other time when there is not sufficient visibility to render clearly discernible persons and vehicles on the public ways at a distance of five hundred (500) feet ahead.

(Ord. of 7-2-85, § 3)

#### **Sec. 13-105. Parental responsibility.**

The parent of any child and the guardian of any ward under the age of sixteen (16) years shall not authorize or knowingly permit such child or ward to violate any of the provisions of this article.

(Ord. of 7-2-85, § 4)

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\***Editor’s note**—At the discretion of the editor, an ordinance of July 2, 1985, has been codified as Art. VI, §§ 13-101—13-105. Said ordinance did not amend the Code.

**Cross reference**—Riding bicycles on sidewalks, § 21-6.