

MOTOR VEHICLES AND TRAFFIC

Chapter 13

MOTOR VEHICLES AND TRAFFIC

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ARTICLE I. IN GENERAL

Section 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.

Section 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. 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.

Section 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.

Section 13-4. Penalty for violations of chapter.

Unless another penalty is expressly provided by state law or another city ordinance, any person convicted of a violation of any provision of this chapter shall be punished as prescribed in the General Provisions Chapter of this Code.

Section. 13-5. 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, and to investigate accidents. Additionally, the police department shall be required to cooperate with other officers of the city in the administration of the traffic ordinances and in developing ways to improve traffic conditions.

Section 13-6. General authority of chief of police with respect to traffic.

The chief of police is hereby empowered to make regulations necessary to effectively enforce the provisions of this chapter and any other temporary or permanent traffic ordinances or regulations of the city. The chief of police may authorize the temporary placing of official traffic control devices when required by an emergency, construction activity, or other special event. No temporary regulations or placements shall remain in effect for more than ninety (90) calendar days without reauthorization by the chief of police. The city council shall have the authority to rescind any such regulation.

Section 13-7. 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. In the event of a fire or other emergency, 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 in the immediate vicinity of the fire.

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Section 13-8. Traffic control devices generally.

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.

Section 13-9. Duty of public works with respect to traffic control devices.

Unless otherwise specified, it shall be the duty of the department of public works 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.

Section 13-10. Boarding or alighting from vehicle.

No person shall enter or exit from any vehicle while such vehicle is in motion.

Section. 13-11. 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 work duty.

Section 13-12. Applicability of article to shopping centers, parking lots, etc.

In addition to public roads and rights-of-way, 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.

Sections 13-13—13-30. Reserved.

ARTICLE II. OPERATION OF VEHICLES GENERALLY

Section 13-31. Uniform rules of the road adopted.

The State of Georgia's *Uniform Rules of the Road* as delineated in the state code are hereby adopted as the traffic regulations of the city, with like effect as if recited in full herein.

Section 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.

Section 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

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speed limits shall be applicable on specified streets or in certain areas. It shall be unlawful for any person to drive a vehicle at a speed in excess of the posted speed limit.

Section 13-34. 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 continuous track tread, unless he has obtained a permit to do so from the City Manager. 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.

Section 13-35. 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. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Sections 13-36—13-50. Reserved.

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

DIVISION I: GENERALLY

Section 13-51. Intent of article.

The purpose of 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, particularly regarding the operation of vehicles not required by state law to be registered and inspected.

Section 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.

Section 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 a type required under Georgia law to be registered and licensed, or is of another type set out in this ordinance.

Section 13-55. 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

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maintenance machinery, tractors (excluding truck tractors), earth moving equipment (excluding trucks), self-propelled lawnmowers, and vehicles designed and adapted exclusively for agricultural, horticultural, or livestock raising operations.

Section 13-56. Exceptions—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.

DIVISION II: MOTORIZED CARTS

Section 13-57. Definition.

The term “motorized cart”, as used in this ordinance and as otherwise applicable to other ordinances of the City of Forsyth, shall mean every motor vehicle having no less than three wheels and an unloaded weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour. For the purpose of this ordinance and this definition, an example of a “motorized cart” would be a vehicle commonly referred to as a “golf cart” or similar vehicles.

Section 13-58. Registration.

(a) *Motorized carts.* It shall be the duty of every owner of an electric or gasoline-powered motorized cart that is operated over the streets and roads of the City of Forsyth to register the cart with the city within 10 business days of the date of purchase and between December 1 and December 31 for all subsequent years. Two numerical decals shall be issued upon registration by the city, and a record of each motorized cart number, along with the name and address of the owner shall be maintained by the City Clerk’s office. The decals must be affixed to the cart in such a manner as to be fully visible at all times. The failure to have a current registration decal on a motorized cart shall be a violation of this ordinance.

(b) *Registration fee.* The registration fee for motorized carts owned by city residents shall be \$25.00 per calendar year or portion thereof for persons registering a cart for the first time between January 1st and June 30th of any year and persons renewing the registration of a motorized cart. Persons who register a motorized cart for the first time on July 1st or later of any year shall pay a registration fee of \$12.50 for that year and \$25.00 each year for all subsequent years.

(c) *Age of registrants.* Only persons 18 years of age or older may register a motorized cart.

Section 13-59. Operation Regulations.

(a) Every motorized cart shall at all times be equipped with rear-view mirrors, brake lights, and headlights in good working order.

(b) Only those persons who are at least 16 years of age and older may drive a motorized cart on the streets

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and roads of the City of Forsyth which have a posted speed limit of 35 miles per hour or less. Any such person operating a motorized cart must have a valid driver's license to operate a motor vehicle. Those persons who are at least 15 years of age but not yet 16 years of age may drive a motorized cart under the same operating provisions as for persons under general state law for operating motor vehicles.

(c) All motorized carts shall be operated in strict compliance with all motor vehicle and traffic laws of the State of Georgia and regulations of the City of Forsyth applicable to vehicular traffic. No motorized carts shall be operated over any highway of the state or federal highway system where such operation of a motorized cart is not permitted.

(d) All rules of the road under Georgia law and the City of Forsyth shall apply to the use and operation of motorized carts.

Section 13-60. Liability.

Each person operating a motorized cart with the City of Forsyth is liable for his or her own actions. Liability and casualty insurance coverage shall be maintained by such owner and operator as required under State law.

Section 13-61. Penalties.

Any violation of any of the terms, conditions, privileges, or sections of this ordinance shall be punished as follows:

- (a) For a first offense, a fine of up to \$250.00;
- (b) For a second offense, a fine of up to \$500.00; and
- (c) For a third offense, a fine of up to \$1,000.00 and revocation of the motorized cart registration, which registration may not be reinstated for a period of up to two years following such third conviction.

Sections. 13-62—13-70. Reserved.

ARTICLE IV. PARKING

Section 13-71. General prohibitions.

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

- (a) Within fifteen (15) feet of any fire hydrant.
- (b) 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.
- (c) On any park or parkway.
- (d) On the golf course owned by the city.
- (e) At any place where official signs prohibit parking.
- (f) At such other place or places as the council shall designate.

Section 13-72. Marking of no parking areas.

There shall be painted, at such points as may be deemed advisable by the city council for the public convenience and safety, yellow lines parallel to the curb within which no vehicles shall be parked.

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Section 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 city council from time to time, clear and distinct lines within which vehicles shall be parked.

Section 13-74. Limitations on parking.

It shall be unlawful for any person to park any vehicle on any street or other public right-of-way in the city outside of a designated parking spot.

Section 13-75—13-85. Reserved.

ARTICLE V. DERELICT OR INOPERABLE VEHICLES

Section 13-90. Derelict or inoperable vehicles - Disposal.

It is hereby declared that derelict or inoperable motor vehicles, as herein defined, when left unattended on a public street, road, or highway or other public or private real property within the corporate limits of the city for a period of not less than ten calendar days on public property or 30 calendar days on private property, constitute a health hazard or public nuisance. Such vehicles provide a place for insects, rodents, and other animals to exist; may cause injury to people; and obstruct the streets and rights-of-way on which they may be found. It is the further purpose and intent of this article to provide for the removal and disposal of said vehicles.

Section 13-91. Definitions.

The following definitions shall apply to this ordinance:

- (a) *Derelict or inoperable vehicle.* A motor vehicle or part thereof which is incapable of being moved under its own power, has had one or more of the major parts for its safe operation removed or destroyed, and has no value other than nominal salvage value. This definition shall not apply to any motor vehicle or part thereof which shall be located within the premises of a business licensed as a motor vehicle repair business, motor vehicle sales business, automotive parts business or junk yard. Furthermore, this definition shall not apply to an abandoned motor vehicle, as defined in O.C.G.A. § 40-11-1(1)(A).
- (b) *Owner.* Any person, firm, corporation, or other entity which is named as owning a vehicle, holding a lien for a vehicle, having any security interest in a vehicle, and/or having any other interest in a vehicle as reflected according to any certificate of title for said vehicle issued by and department or agency of the state having authority to issue said certificates. If no such evidence indicating ownership shall be available; and furthermore that if with reasonable diligence the information contained on the title certificate and the vehicle license registration cannot be obtained, the owner of a vehicle shall be considered "unknown."
- (c) *Public property.* Any real property owned, operated, in the possession of, or controlled by any federal, state, county, municipal governmental entity, or authority created by any such entity; and any street, alley, sidewalk, or other right of way used, owned, or dedicated to public use.
- (d) *Real property.* Any land or structure located within the corporate limits of the City of Forsyth, Georgia, or any land or structure over which that jurisdiction possesses ownership, custody, or control beyond its corporate jurisdiction.

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Section 13-92. Duties of city employees.

The City Manager is hereby authorized to designate such city employees as are necessary to identify derelict or inoperable vehicles and cause the removal and disposal of the same, to supervise any contract with a third party to provide for the removal and disposal of said vehicles, and to otherwise cause the implementation of and compliance with the provisions of this article. Wherever it is necessary to enter onto private real property in order to enforce this ordinance, the person entering onto such property on behalf of the city shall be a code enforcement officer or police officer of the city, and shall possess such legal documentation as required to allow removal of derelict or inoperable vehicles.

Section 13-93. Procedures.

- (a) When the designee of the City Manager shall ascertain that a motor vehicle and/or a part thereof is a derelict or inoperable vehicle and constitutes a health hazard or public nuisance according to the standards set in this article, he or she shall prepare a notice to require its removal and shall proceed to designate the same as a derelict or inoperable vehicle. In order to designate a derelict or inoperable vehicle, the designee of the City Manager shall affix a notice to the vehicle or part thereof in a conspicuous place. This notice shall include the following information to the extent that it is available at the time of preparing said notice: the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle, make, year, and model; the location of said vehicle; the date of execution and placing of said notice on the vehicle; and such other information as may be required by the City Manager. Additionally, this notice shall provide the owner with ten days to remove a derelict or inoperable vehicle from public property or thirty days to remove a derelict or inoperable motor vehicle from private property.

The above notice shall be supplemented by an additional notice imprinted on a water-resistant material, printed with indelible ink, of a size not less than three inches by five inches, to adhere in wind and rain, to be affixed to a window of a vehicle separate from the above-required notice which informs the owner of the vehicle that is subject to removal within ten or thirty days as applicable and that the owner should contact the City of Forsyth.

The 10 or 30-day removal period, as applicable, begins the day that the notice is affixed to the vehicle. A presumption exists that the vehicle remained on the property when the notice was affixed during the notice period if it is present there on the date the notice period expires.

It will be considered a violation of this ordinance for the owner of a derelict or inoperable vehicle to simply relocate said vehicle to a different public or private place where it still constitutes a public nuisance.

- (b) If, at the expiration of the applicable period as above provided after the posting of the notice, said derelict or inoperable vehicle has not been removed from the public street, road, highway, or other public or private real property where it constitutes a public nuisance, the designee of the City Manager may initiate its removal. Upon the removal of any derelict or inoperable vehicle, it shall be placed in an impounding area for a period of not less than thirty (30) days, which shall be referred to as the "holding period" for the vehicle. While being retained within the impounding area for the holding period, no person shall willfully remove any part or cause any damage to the vehicle.
- (c) At any time prior to the expiration of the holding period as above specified, the owner of the derelict or inoperable vehicle, upon showing satisfactory evidence of ownership, may claim and take possession of said vehicle by making payment of such towing and storage charges as may have been

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incurred in such amount(s) and in accordance with any requirements of the City Manager and/or any contract executed by the city pursuant to this article.

- (d) Subsequent to the removal of any derelict or inoperable vehicle and the placing of the same in an impounding area, the owner of the vehicle shall be notified of its removal, impounding, and right of reclamation, provided that the name and address of the owner can be determined with reasonable diligence. Notice to the owner shall be given by certified mail sent to the owner's known address within five business days after ascertaining the owner of such vehicle. If the notice is unclaimed, returned, or refused no further mail notice shall be required. If the notice is refused, it will be considered to have been delivered. If the notice is unclaimed or returned, the following provisions pertaining to a published notice shall be performed. Whenever it is impossible to determine the name or address of any party entitled to receive notice, notice shall be given to said party as an "unknown" owner or as an owner at an "unknown address" as applicable by publishing notice in a newspaper of general circulation within the city once a week for two consecutive weeks during the holding period as above specified. This notice shall contain information to the extent it is available at the time of issuing the notice, specifying the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year, and model; the location of the vehicle at the time of its removal; the location of the impounding area where the vehicle is being stored; the name and address of the party who is believed to be the present or last owner from such information as has been ascertained or, if none, then the owner will be stated to be "unknown"; the name and address of the party having custody over the impounding area; the date of expiration of the holding period for said vehicle; and the right of the owner to reclaim said vehicle.
- (e) Subsequent to the expiration of the holding period as above specified, the vehicle may be sold, destroyed, dismantled or otherwise disposed of at public or private sale by the designee of the City Manager or a third party with whom the city has contracted, provided that said derelict or inoperable vehicle has not been claimed by its owner as provided herein.
- (f) The designee of the City Manager shall maintain records which reasonably specify the identity of each derelict or inoperable vehicle, its owner, its location prior to removal, its date of removal, the party removing and impounding the vehicle, the date and manner of its disposal, procedures to notify the owner, a copy of any notices given pursuant to this chapter, and such additional items as may be required by the City Manager. Such records shall be preserved for not less than two years from the date of impounding of any derelict motor vehicle and shall be made available for examination by any owner of such vehicle which has been removed pursuant to this chapter.
- (g) Any funds received by the city from the disposal of any derelict or inoperable vehicle shall be paid to the general fund of the city.
- (h) If a vehicle is removed from public property at the request of a law enforcement officer or if the vehicle is stored, the police department or the designee of the City Manager shall seek the identity and address of the last known registered owner with 72 hours of removal.
- (i) If a derelict or inoperable vehicle, for which the owner is unknown, is removed from private property at the request of the property owner, or such a vehicle is stored by the city, the Forsyth police Department shall be notified in writing of the location of the vehicle, the manufacturer's identification number (VIN), license number, model, year, and make of the vehicle within 72 hours of the removal of the vehicle. Furthermore, the police department shall attempt to discern the identity and address of the last known registered owner of the vehicle and any information indicating that the vehicle is a stolen vehicle.

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- (j) If any vehicle removed under subsections (h) and (i) is determined to be a stolen vehicle, the Forsyth Police Department shall notify the Georgia Crime Information Center and the owner, if known, of the location of the vehicle within 72 hours after receiving notice that the vehicle is a stolen vehicle.

Section 13-94. Contracts.

Any party with whom the city may contract to perform services pursuant to this article shall not be deemed to be an agent, employee, or other representative of the city. The performance of any act as authorized by this chapter shall be considered to be an act in the name of said party as an independent contractor.

Any party with whom the city has contracted shall comply with all the terms and conditions of this article as may be required to be performed while in the custody and possession of a vehicle by that party. Upon the failure of a contracted party to so comply, that party shall not be entitled to any storage fees. Any party with whom the city shall contract shall be licensed pursuant to Georgia law.

Section 13-95. Interference with city employees prohibited.

It shall be considered an offense for any person to obstruct any city employee or other party in the removal of any derelict or inoperable vehicle as authorized herein.

Section 13-96. Vehicles obstructing public property; removal.

Whenever a vehicle is present on public property in such a place as to cause any obstruction to pedestrian or motor vehicle traffic, it shall not be necessary to comply with the provisions of section 12-93 pertaining to the notice period. In such an event, the police department shall be authorized to cause the removal of the vehicle to an impounding area as provided in this article.

Section 13-97—13-100. Reserved.

ARTICLE VI. BICYCLES

Section 13-101. Short title.

This article shall be known as the "Bicycle Ordinance of the City of Forsyth."

Section 13-102. Definition.

For the purposes of this article, "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.

Section 13-103. Construction with state law.

This article is intended to be complementary of and supplemental to the State of Georgia's *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.

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Section 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.

Section 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.