

**STATE OF GEORGIA
COUNTY OF FORSYTH**

ORDINANCE NUMBER _____

An Ordinance by the Board of Commissioners of Forsyth County to repeal Chapter 50, Section 50-2 of the Code of Forsyth County, Georgia; to amend Chapter 78, Article I, Section 78-1 of the Code of Forsyth County, Georgia; to adopt a new provision to be codified in Chapter 78, Article I of the Code of Forsyth County, Georgia, prohibiting the unauthorized use of private or public property in disregard of an official traffic-control device; to provide for exceptions; to repeal conflicting ordinances; and to provide for an effective date.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Official Code of Georgia Annotated (“O.C.G.A.”) § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county, including but not limited to ordinances that provide for traffic regulation; and

WHEREAS, O.C.G.A. Title 40, Chapter 6 is titled and referred to herein as the “Uniform Rules of the Road”; and

WHEREAS, O.C.G.A. § 40-6-372 provides that local authorities by ordinance may adopt any or all provisions of the Uniform Rules of the Road or of O.C.G.A. § 40-1-1 (Definitions) by reference without publishing or posting in full the provisions thereof; and

WHEREAS, the Board of Commissioners of Forsyth County (“Board”) desires to amend the Code of Forsyth County, Georgia (“Code”), to add a new provision to expressly prohibit driving on public or private property to avoid an official traffic control device; and

WHEREAS, the Board also desires to amend the Code to remove redundant references to the incorporation of the Uniform Rules of the Road therein; and

WHEREAS, the Board finds that the changes contemplated herein are in the best interest of the health, safety, and general welfare of the citizens of Forsyth County, Georgia; and

WHEREAS, appropriate notice and hearing on the matters contained herein have been provided according to the general and local law.

NOW THEREFORE, be it ordained and resolved by the Board of Commissioners of Forsyth County, Georgia, as follows:

1. Chapter 50, Section 50-2 of the Code of Forsyth County, Georgia (“Code”), is hereby deleted in its entirety and replaced with the word “Reserved,” as follows - by removing the language stricken below and by adding the language in bold type:

“Sec. 50-2. – [Reserved.] Adoption by reference of Georgia Uniform Rules of the Road.

~~Pursuant to Code Sections 40-6-372 through 40-6-376 of Title 40, Chapter 6 of the Official Code of Georgia Annotated, Code Sections 40-6-1 — 40-6-397 of that chapter known as the Uniform Rules of the Road, and the definitions contained in Code Section 40-1-1, are hereby adopted as and for the traffic regulations of this county with like effect as if recited herein for the purpose of regulating traffic upon the public streets of the county.”~~

2. Chapter 78, Article I, Section 78-1 of the Code shall be amended as follows - by removing the language stricken below and by adding the language in bold type:

“Sec. 78-1. - Uniform rules of the road adopted.

- (a) Pursuant to O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. §§ 40-6-~~21~~ through 40-6-~~395~~7, known as the Uniform Rules of the Road, and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of the ~~city~~ **county** with like effect as if recited in this section.
 - (b) Unless another penalty is expressly provided by state law, every person convicted of a violation of any provision of this section shall be punished in accordance with section 1-12.”
3. Chapter 78, Article I of the Code shall be amended by adding the following new provision at Section 78-5, as follows:

“Sec. 78-5. - Avoiding official traffic-control device by driving on public or private property; violation; authorized signage; penalty.

- (a) The driver of a vehicle shall not disobey the instructions of an official traffic-control device unless otherwise directed by a police officer, subject to the exemptions granted to the driver of an authorized emergency vehicle under state law.
- (b) The driver of a vehicle shall not, for the purpose of avoiding obedience to an official traffic-control device, drive upon or through private property, or upon or through public property which is not a street or highway.

- (c) The Forsyth County Manager, the Forsyth County Engineer, or the Forsyth County Sheriff acting in conjunction with the Forsyth County Manager or Engineer, are authorized to erect permanent or temporary signage along and within the County right-of-way to provide notice to vehicle operators of the prohibition against driving on public or private property to avoid an official traffic control device. The County officials referenced in this paragraph shall have the discretion to determine the placement of such signage.
 - (d) Unless another penalty is expressly provided by state law, every person convicted of a violation of any provision of this section shall be punished in accordance with section 1-12.
 - (e) In the event this provision ever conflicts with State law (i.e., Uniform Rules of the Road), then, in such event, the State law shall control and any enforcement of the acts prohibited hereby shall be enforced in accordance with section 78-1 herein.”
4. All remaining portions of the Code shall continue in full force and effect, and shall remain unaffected by this amendment.
 5. **Severability.** It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.
 6. **Conflicting Ordinances Repealed.** Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.
 7. **Effective Date.** This Ordinance shall become effective immediately upon passage.

[signature page follows]

PASSED AND ADOPTED this ____ day of _____, 2017, the public health, safety, and welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS:

Todd Levent, Chairman

Rick Swope, Vice Chairman

Laura Semanson, Secretary

Ralph J. Amos, Member

Cindy J. Mills, Member

Attest:

Clerk to the Board