

**FORSYTH COUNTY, GEORGIA**  
**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE**  
**BY THE BOARD OF COMMISSIONERS**  
**OF FORSYTH COUNTY**

An Ordinance of Forsyth County, Georgia to amend  
Ordinances 1, 2, 3, 4 and 5 of Forsyth County,  
Georgia; and for other purposes.

**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 a county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, the Board of Commissioners of Forsyth County desires to amend Ordinances 1, 2, 3, 4 and 5 of Forsyth County, Georgia; and

**WHEREAS**, Ordinance 1 (attached hereto as Exhibit "A"), which attempted to adopt the Georgia Uniform Rules of the Road, failed to follow the proper statutory procedure to accomplish same; and

**WHEREAS**, the Board of Commissioners of Forsyth County deems Ordinance 2 (attached hereto as Exhibit "B"), which prohibits minors from being on the premises of any pool hall or establishment providing electro-mechanical amusement devices if alcoholic beverages of any type are present, to now be antiquated, unnecessary, and otherwise addressed by other Forsyth County Ordinances; and

**WHEREAS**, Ordinance 3 (attached hereto as Exhibit "C"), which prohibits criminal trespass by motor vehicles, is preempted by O.C.G.A. § 16-7-21; and

**WHEREAS**, the Board of Commissioners of Forsyth County desires to amend Ordinance 4 (attached hereto as Exhibit "D"), which prohibits public drunkenness, to conform to the statutory verbiage of O.C.G.A. § 16-11-41; and

**WHEREAS**, the Board of Commissioners of Forsyth County desires to amend Ordinance 5 (attached hereto as Exhibit "E"), which prohibits disorderly conduct, to conform to the statutory verbiage of O.C.G.A. § 16-11-39; and

**WHEREAS**, appropriate notice and hearing on the regulations contained herein having been carried out according to general and local law.

**NOW THEREFORE**, be it resolved and ordained by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of same as follows:

1.

Ordinance 1, adopted by the Forsyth County Board of Commissioners on June 11, 1979, and as amended thereafter, is hereby repealed in its entirety.

Additionally, Chapter 50, Offenses and Miscellaneous Provisions, Article I, In General, of the Code of Forsyth County, Georgia is hereby modified by replacing the current Section 50-2, Provisions Saved from Repeal (attached hereto as Exhibit "F"), with the following new Section 50-2, 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 to 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.

Ordinance 2, adopted by the Forsyth County Board of Commissioners on June 25, 1979, and as amended thereafter, is hereby repealed in its entirety.

3.

Ordinance 3, adopted by the Forsyth County Board of Commissioners on June 25, 1979, and as amended thereafter, is hereby repealed in its entirety.

4.

Ordinance 4, adopted by the Forsyth County Board of Commissioners on June 25, 1979, and as amended thereafter, is hereby repealed in its entirety.

Additionally, Chapter 50, Offenses and Miscellaneous Provisions, Article I, In General, of the Code of Forsyth County, Georgia is hereby modified, pursuant to O.C.G.A. § 16-11-41, by adding the following new Section 50-3, Public Drunkenness:

"It shall be unlawful for any person to be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, when such condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language."

5.

Ordinance 5, adopted by the Forsyth County Board of Commissioners on June 25, 1979, and as amended thereafter, is hereby repealed in its entirety.

Additionally, Chapter 50, Offenses and Miscellaneous Provisions, Article I, In General, of the Code of Forsyth County, Georgia is hereby modified, pursuant to O.C.G.A. § 16-11-39, by adding the following new Section 50-4, Disorderly Conduct:

“(a) A person commits the offense of disorderly conduct when such person commits any of the following:

(1) Acts in a violent or tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person's life, limb, or health;

(2) Acts in a violent or tumultuous manner toward another person whereby the property of such person is placed in danger of being damaged or destroyed;

(3) Without provocation, uses to or of another person in such other person's presence, opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment, that is, words commonly called ‘fighting words’; or

(4) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace.

(b) It shall be unlawful for any person to commit the offense of disorderly conduct.”

### **Penalties**

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Ordinance shall be punished as prescribed by Section 1-12 of the Code of Forsyth County, Georgia.

### **Effective Date and Repealer Provision**

This Ordinance Number \_\_\_\_\_ shall become effective immediately upon adoption by the Forsyth County Board of Commissioners. Any and all existing or pre-existing ordinances covering the same matters as embraced in this Ordinance are hereby repealed, and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Charles Laughinghouse, Chairman

\_\_\_\_\_  
Jim Harrell, Vice Chairman

\_\_\_\_\_  
Jim Boff, Secretary

\_\_\_\_\_  
Patrick B. Bell, Member

\_\_\_\_\_  
Brian R. Tam, Member

Attest:

\_\_\_\_\_  
County Clerk

*Adopted 7/12/84*



*Amendment*

*#1-A*

A RESOLUTION

by

THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA

WHEREAS, House Bill Number 910 adding a new section 36-1-20 to the Official Code of Georgia Annotated has been signed into law by the Governor; and,

WHEREAS, it is necessary and proper for Forsyth County, a Political Subdivision of the State of Georgia, to conform its various local ordinances and resolutions to the terms of such enactment;

NOW THEREFORE,

BE IT RESOLVED, that Ordinance Number 1 adopted June 11, 1979, is hereby amended by striking the text thereof in its entirety and inserting in lieu thereof the following:

*Ordinance #1*

"Section One. This Ordinance adopts the Georgia Rules of the Road, Chapter 6, Title 40, to regulate traffic upon the public streets of Forsyth County.

Section Two. The Uniform Rules of the Road, Official Code of Georgia Annotated, Chapter 6, Title 40, is hereby adopted by the Political Subdivision of Forsyth County and shall be enforceable as a county ordinance as such chapter now exists or as it may be hereafter amended by the legislature, with like effect as if recited herein.

Section Three. Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both.

Section Four. This Ordinance shall take effect from and after the 24th day of April, 1984."

~~BE IT FURTHER RESOLVED, that Ordinance Number 2, adopted June 25, 1979, is hereby amended by striking the words "and shall be subject to a fine of One Hundred Dollars if convicted or pleading guilty to this offense" and inserting in lieu thereof the following:~~

~~"Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both."~~

~~BE IT FURTHER RESOLVED, that Ordinance Number 3, adopted June 25, 1979, is hereby amended by striking therefrom the words "every person convicted or pleading guilty of violating this Ordinance shall be punished by a fine of Twenty-Five Dollars" and inserting in lieu thereof the following:~~

~~"Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both."~~

~~BE IT FURTHER RESOLVED, that Ordinance Number 4, adopted June 25, 1979, is hereby amended by striking therefrom the words "every person convicted or pleading guilty of violating this Ordinance shall be punished by a fine of Twenty-Five Dollars" and inserting in lieu thereof the following:~~

~~"Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both."~~

~~BE IT FURTHER RESOLVED, that Ordinance Number 5, adopted June 25, 1979, is hereby amended by striking therefrom the words "every person convicted or pleading guilty of violating this Ordinance shall be punished by a fine of Twenty-Five Dollars" and inserting in lieu thereof the following:~~

~~"Any person violating this Ordinance shall be punished by a fine not to~~



*Amendment*  
A RESOLUTION

#2-A

by

THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA

WHEREAS, House Bill Number 910 adding a new section 36-1-20 to the Official Code of Georgia Annotated has been signed into law by the Governor; and,

WHEREAS, it is necessary and proper for Forsyth County, a Political Subdivision of the State of Georgia, to conform its various local ordinances and resolutions to the terms of such enactment;

NOW THEREFORE,

BE IT RESOLVED, that Ordinance Number 1 adopted June 11, 1979, is hereby amended by striking the text thereof in its entirety and inserting in lieu thereof the following:

Section One. This Ordinance adopts the Georgia Rules of the Road, Chapter 6, Title 40, to regulate traffic upon the public streets of Forsyth County.

Section Two. The Uniform Rules of the Road, Official Code of Georgia Annotated, Chapter 6, Title 40, is hereby adopted by the Political Subdivision of Forsyth County and shall be enforceable as a county ordinance as such chapter now exists or as it may be hereafter amended by the legislature, with like effect as if recited herein.

Section Three. Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both.

Section Four. This Ordinance shall take effect from and after the 24th day of April, 1984."

BE IT FURTHER RESOLVED, that Ordinance Number 2, adopted June 25, 1979, is hereby amended by striking the words "and shall be subject to a fine of One Hundred Dollars if convicted or pleading guilty to this offense" and inserting in lieu thereof the following:

"Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both."

BE IT FURTHER RESOLVED, that Ordinance Number 3, adopted June 25, 1979, is hereby amended by striking therefrom the words "every person convicted or pleading guilty of violating this Ordinance shall be punished by a fine of Twenty-Five Dollars" and inserting in lieu thereof the following:

"Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both."

BE IT FURTHER RESOLVED, that Ordinance Number 4, adopted June 25, 1979, is hereby amended by striking therefrom the words "every person convicted or pleading guilty of violating this Ordinance shall be punished by a fine of Twenty-Five Dollars" and inserting in lieu thereof the following:

"Any person violating this Ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both."

BE IT FURTHER RESOLVED, that Ordinance Number 5, adopted June 25, 1979, is hereby amended by striking therefrom the words "every person convicted or pleading guilty of violating this Ordinance shall be punished by a fine of Twenty-Five Dollars" and inserting in lieu thereof the following:

"Any person violating this Ordinance shall be punished by a fine not to

Ordinance #2



RESOLUTION

# 2

BE IT RESOLVED, by the Forsyth County Board of Commissioners, pursuant to Georgia Laws 1964, Ex. Sess., Page 2225, as amended, as follows:

(1) It shall be unlawful for vehicles or trailers to be parked upon portions of the rights-of-way of any streets or roads which have been designated and duly posted as no parking areas or zones by the governing authority of Forsyth County, Georgia. The Forsyth County Sheriff's Department is hereby empowered to remove, or cause to be removed, any vehicle or trailer found situated within such areas or zones and to store, or cause to be stored, such vehicle or trailer at the expense of the owner.

The owner of any vehicle or trailer found parked within such no parking areas or zones shall be deemed in violation of this ordinance and shall be subject to a fine of Twenty-Five Dollars if convicted or pleading guilty to this offense.

*Ordinance #2* (2) No minor shall be permitted upon the premises of any pool hall or establishment providing electro-mechanical amusement devices for use by the public if alcoholic beverages of any type are present. The owner, operator, manager or other person upon the premises and in supervisory control thereof at the time of such violation shall be deemed to be in violation of this ordinance and shall be subject to a fine of One Hundred Dollars if convicted or pleading guilty to this offense.

(3) No person shall be permitted upon the premises known as "Lanier Village Shopping Center" between the hours of midnight and 6:00 a.m. after having been asked to leave the premises by an officer of the Forsyth County Sheriff's Department or upon returning to such premises after having been so asked to leave the premises. Every person convicted or pleading guilty of violating this ordinance shall be punished by a fine of Twenty-Five Dollars.

(4) No open alcoholic beverages shall be permitted within the parking area or other common areas of the premises known as "Lanier Village Shopping Center." Every person convicted or pleading guilty of violating this ordinance shall be punished by a fine of Twenty-Five Dollars.

(5) It shall be unlawful for any person to loiter upon the premises known as "Lanier Village Shopping Center" or to remain upon such premises when that person does not have a legitimate cause or need to be present thereon. Every person convicted or pleading guilty of violating this ordinance shall be punished by a fine of Twenty-Five Dollars.

Effective Date — June 25, 1979



A RESOLUTION AND ORDINANCE  
BY THE  
BOARD OF COMMISSIONERS OF FORSYTH COUNTY

A Resolution and Ordinance to clarify and amend Ordinance Numbers 3, 4, and 5, adopted June 25, 1979, and amended on April 23, 1984, and on May 31, 1984, to repeal the ordinances adopted on October 28, 1986, and on June 8, 1987, which purported to amend Ordinance 3; to provide for certain definitions; to provide for certain prohibited conduct, to provide penal sanctions for violations; to provide an effective date; and for other purposes.

WHEREAS it is requisite and proper for the security, welfare, health, and convenience of the citizens of Forsyth County, Georgia, and for the preservation of the peace and good order of said county that additional rules and regulations be promulgated for the maintenance of the peace and good order of shopping centers, commercial business districts and other areas in this County, and that the violation of said rules and regulations be designated as a misdemeanor punishable as provided by law;

NOW THEREFORE BE IT RESOLVED AND ORDAINED, by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of the same as follows:

Section 1. Criminal Trespass by Motor Vehicle.

Ordinance Number 3, as amended, is hereby further amended by striking the text thereof in its entirety and inserting in lieu thereof the following:

*Ordinance #3*

(a) A person commits the offense of criminal trespass by motor vehicle when that person, after having been requested not to do so by a law enforcement officer or by the owner or an authorized agent of the owner, parks or stands an occupied or unoccupied motor vehicle in, or repeatedly drives a motor vehicle through or within, a parking area which is located on privately owned property and is provided by a merchant, a group of merchants, or a shopping center or other similar facility for customers if:

(1) The parking area is identified by at least one sign as specified in this paragraph; and, if the parking area contains more than one hundred and fifty parking spaces, then by at least one sign for every one hundred and fifty parking spaces, each such sign containing the following information in easy to read printing:

Ordinance  
# 3

(A) Notice of the elements of the crime of criminal trespass by motor vehicle;

(B) Identification of the property which is reserved for customers' use only;

(C) Identification of the merchant, group of merchants, or shopping center or other similar facility providing the parking area; and,

(D) Warning that violators will be prosecuted; and,

(2) The motor vehicle is parked, is standing, or is being operated other than for the purpose of:

(A) Transporting some person to or from the interior of the place of business or a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facilities so identified;

(B) Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;

(C) Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or

(D) Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) A person who commits the offense of criminal trespass by motor vehicle shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine:

(1) Not to exceed \$50.00 for the first such offense;

(2) Not to exceed \$100.00 for the second such offense;

(3) Not to exceed \$150.00 for the third or subsequent such offense.

Section 2. Public Drunkenness.

Ordinance Number 4, as amended, is hereby further amended by striking the text thereof in its entirety and inserting in lieu thereof the following:

(a) A person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbefitting language, is guilty of a misdemeanor.

## EXHIBIT

D

(A) Notice of the elements of the crime of criminal trespass by motor vehicle;

(B) Identification of the property which is reserved for customers' use only;

(C) Identification of the merchant, group of merchants, or shopping center or other similar facility providing the parking area; and,

(D) Warning that violators will be prosecuted; and,

(2) The motor vehicle is parked, is standing, or is being operated other than for the purpose of:

(A) Transporting some person to or from the interior of the place of business or a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facilities so identified;

(B) Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;

(C) Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or

(D) Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) A person who commits the offense of criminal trespass by motor vehicle shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine:

(1) Not to exceed \$50.00 for the first such offense;

(2) Not to exceed \$100.00 for the second such offense;

(3) Not to exceed \$150.00 for the third or subsequent such offense.

Section 2. Public Drunkenness.

Ordinance Number 4, as amended, is hereby further amended by striking the text thereof in its entirety and inserting in lieu thereof the following:

(a) A person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language, is guilty of a misdemeanor.

Ordinance  
# 4

(b) Any person violating this ordinance shall be punished by a fine not to exceed \$500.00, imprisonment not to exceed 60 days, or both.

Ordinance # 4

Section 3. Disorderly Conduct.

Ordinance Number 5, as amended, is hereby further amended by striking the text thereof in its entirety and inserting in lieu thereof the following:

(a) It shall be unlawful for any person to engage in disorderly conduct in the unincorporated areas of Forsyth County.

(b) A person engages in disorderly conduct if he or she does any of the following:

(1) Loiters or does any other related activity for the purpose of procuring others to engage in any sexual act for hire.

(2) Is in a place at a time or in a manner not usual for lawabiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(i) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.

(ii) Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for any offense under this ordinance, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct.

(iii) No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(3) Engages in conduct or behavior likely to provoke or incite an immediate breach of the peace.

(4) Engages in indecent conduct in the presence of another in any public place in the unincorporated area of Forsyth County.

(5) Recklessly or knowingly commits an act which may reasonably be expected to prevent or disrupt a lawful meeting, gathering, or procession.



(b) Any person ~~violating~~ this ordinance shall be punished by a fine not to exceed \$500.00, ~~imprisonment~~ not to exceed 60 days, or both.

Section 3. Disorderly Conduct.

Ordinance Number 5, as amended, is hereby further amended by striking *Ordinance* the text thereof in its entirety and inserting in lieu thereof the following: *# 5*

(a) It shall be unlawful for any person to engage in disorderly conduct in the unincorporated areas of Forsyth County.

(b) A person engages in disorderly conduct if he or she does any of the following:

(1) Loiters or does any other related activity for the purpose of procuring others to engage in any sexual act for hire.

(2) Is in a place at a time or in a manner not usual for lawabiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(i) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.

(ii) Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for any offense under this ordinance, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct.

(iii) No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(3) Engages in conduct or behavior likely to provoke or incite an immediate breach of the peace.

(4) Engages in indecent conduct in the presence of another in any public place in the unincorporated area of Forsyth County.

(5) Recklessly or knowingly commits an act which may reasonably be expected to prevent or disrupt a lawful meeting, gathering, or procession.

(6) Possesses or uses beer, wine or any alcoholic beverages in or from an open container within any parking area or common area of a shopping center, other than a place where such possession or use is made lawful by statute, ordinance, or other public authority. A "shopping center", for the purpose of this ordinance, is any neighborhood shopping district, highway business district, commercial business district, or lakeside business district, as the same has been classified for zoning and land use pursuant to the Comprehensive Zoning and Land Use Resolution of Forsyth County, Georgia, adopted December 10, 1979, and as subsequently amended.

(c) Any person violating this ordinance shall be punished by a fine not to exceed \$500, imprisonment not to exceed 60 days, or both.

Section 4. Repeal of Ordinances.

Ordinances adopted on October 28, 1985, and June 8, 1987, purporting to amend Ordinance Number 3, as amended, have served their purposes and are hereby repealed.

Section 5. Effective Date.

This Resolution and Ordinance shall be effective on the date of its adoption by the Board of Commissioners of Forsyth County.

This Resolution is hereby adopted this 12th day of October, 1987, the public, health, safety and general welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Attest: Betty Shadburn  
Clerk

Lesley Hubbard  
Chairman

Devin Gilbert  
Commissioner

James Livingston  
Commissioner

M.P. Bennett  
Commissioner

Charles F. Welch  
Commissioner

This is to certify that this is a true and correct copy of the Resolution adopted by the Forsyth County Board of Commissioners at its Regular Meeting held on October 12, 1987, clarifying and amending Ordinance Numbers 3, 4 and 5, which were adopted June 25, 1979.

Betty Shadburn



**Sec. 50-2. Provisions saved from repeal.**

Ordinance numbers one, two, three, four and five, as amended, on the subjects of vehicles parked on right-of-way, pool hall restrictions, criminal trespass by motor vehicles, public drunkenness, disorderly conduct, loitering in shopping centers, and open containers of alcohol are not repealed and shall continue in full force and effect pending a revision of the subject matter of the county.