



AN ORDINANCE BY COUNCILMEMBERS JOYCE SHEPERD, KWANZA HALL, IVORY LEE YOUNG JR., CLETA WINSLOW, NATALYN ARCHIBONG, ALEX WAN, HOWARD SHOOK, MICHAEL JULIAN BOND, MARY NORWOOD AND ANDRE DICKENS AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 150, TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, AT ARTICLE III, "GENERAL RULES OF VEHICLE OPERATION" FOR THE PURPOSE OF AMENDING THE CITY OF ATLANTA CODE OF ORDINANCES TO PROHIBIT THE OPERATION OF ALL-TERRAIN VEHICLES ON THE PUBLIC ROADS AND HIGHWAYS WITHIN THE CITY OF ATLANTA; TO SET MANDATORY MINIMUM PENALTIES FOR VIOLATIONS THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta and other major cities are experiencing a proliferation of all-terrain vehicles ("ATVs") on the public roads and highways within the City of Atlanta; and

WHEREAS, in the 2015-2016 Session of the Georgia General Assembly, the General Assembly passed HB 579 which amended the Uniform Rules of the Road to create a new OCGA section 40-6-307 which gives municipalities the ability to prohibit or limit the operation of ATVs or personal transportation vehicles on public roads and highways within their jurisdictions if it is determined that such operation endangers the safety of the traveling public; and

WHEREAS, the mission of the Atlanta Police Department is to create a safer Atlanta by reducing crime, ensuring the safety of our citizens and building trust in partnership with our community; and

WHEREAS, the Atlanta Police Department has examined the operation of such vehicles on the public roads and highways within the City of Atlanta to determine whether such operation endangers the safety of the traveling public; and

WHEREAS, as a result of this examination, the Atlanta Police Department determined that the safety of our citizens and visitors is jeopardized by the reckless conduct of ATV and dirt-bike riders. ATV riders routinely drive at reckless speeds, ride on city streets, city sidewalks, and in city parks. They disregard stop lights and stop signs and put pedestrians and other drivers at risk of serious injury; and

WHEREAS, based upon this examination by the Atlanta Police Department, it is the determination of the Atlanta City Council that the operation of ATVs and personal transportation vehicles endanger the safety of the traveling public on the public roads and highways within the City of Atlanta; and

WHEREAS, in accordance with the authority granted to it by the State of Georgia via OCGA § 40-6-307, and based upon its determination that the operation of ATVs and personal transportation vehicles endangers the safety of the traveling public, it is the desire of the Atlanta City Council to prohibit the operation thereof on the public roads and highways within the City of Atlanta; and



WHEREAS, it is the desire of the Atlanta City Council to amend the City of Atlanta Code of Ordinances to prohibit the operation of these vehicles, and to set mandatory minimum penalties to be imposed by the Municipal Court of the City of Atlanta for a violation of this ordinance.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: Section 150-1 of Article III of Chapter 150 of the City of Atlanta Code of Ordinances is hereby amended to amend the definition of All-terrain vehicle (ATV) which shall read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

All-terrain vehicle (ATV) means any motorized vehicle designed for off-road use which is equipped with four low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering ~~any motorized vehicle designed for off-road use which is equipped with three or more non-highway tires and which is 50 inches or less in width~~ [See O. C. G. A. Section 40-1-1(3)].

SECTION 2: Chapter 150, Article III, Section 150-70 of the City of Atlanta Code of Ordinances is hereby amended such that it shall read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

Sec. 150-70. - Registered and licensed motor vehicles.

All vehicles that are required to be registered and licensed under the laws of the State of Georgia are not subject to the restrictions regarding the use of all-terrain and off road vehicles as set out herein at sections 150-71 and 150-72.

SECTION 3: Chapter 150, Article III, Section 150-71 of the City of Atlanta Code of Ordinances is hereby amended such that it shall read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

- (a) It shall be unlawful for anyone to operate an ATV on the public roads and highways within the City of Atlanta.
- (ab) It shall be unlawful for anyone to operate an ATV or off road vehicle as defined in this Chapter, on any city sidewalk, city park, city trail, city shared multi-use path, city bicycle path, city recreation facility, and all other city property. (This section does not apply to authorized city employees/agencies in the performance of their duties (i.e. police officers, parks employees, etc.). Also, see Section 110-59(a)(30) of the City Code which also prohibits the use of off road vehicles in City parks.
- (bc) It shall be unlawful for anyone to operate an ~~ATV or~~ off road vehicle, as defined in this Chapter, in the public right-of-way in residential zoning districts (designated as R-1 through R-5 districts) and in multi-family zoning districts (designated as RG and MR districts). These specific restrictions are authorized pursuant to the State of Georgia's "Off-Road Vehicle Act of 1975", Georgia Code Annotated §§ 40-7-1 through 40-7-6.
- (ed) No person shall operate an ATV or off road vehicle in a manner which violates the City's Noise Ordinance.

(de) Nothing in this ordinance shall prohibit or interfere with the open access of sidewalks or public infrastructure to persons with disabilities, wheelchairs, or in any way conflict with the American with Disabilities Act.

SECTION 4: Chapter 150, Article III, Section 150-72 of the City of Atlanta Code of Ordinances is hereby amended such that it shall read as follows (with permanent additions in underline font and permanent deletions in strikethrough font):

For any violations of this article, any person violating these provisions will be subject to the following penalties:

(a) For a first violation, the penalty will be in the amount of \$750.00~~250.00~~.

(b) For a second violation, the penalty will be in the amount of \$1,000.00~~500.00~~.

(c) For a third violation, the penalty shall be a minimum of 30 days in jail, not to exceed 6 months.

(d) For all subsequent violations, the penalty shall be a minimum of 60 days in jail, not to exceed 6 months.

SECTION 5: That the amendments reflected in this Ordinance shall become effective immediately upon approval.

SECTION 6: That all ordinances or parts thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 7: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 150, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,


Deputy Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JUL 05, 2017
JUL 06, 2017

2017-39 (17-O-1376)

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