

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: **STREET RACING AND RECKLESS DRIVING EXHIBITIONS**

ADOPTION DATE: October 4, 2022

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland D. Carden, District I	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins III, District 3	Yes	Aye
Marlene M. Fosque, District 4	Yes	Aye

On motion of Commissioner Ku, which carried by a 5-0 vote, the Gwinnett County Board of Commissioners hereby adopts the following Ordinance:

STREET RACING AND RECKLESS DRIVING EXHIBITIONS

WHEREAS, the Gwinnett County Board of Commissioners is charged with the protection of the health, safety and welfare of the residents and visitors of unincorporated Gwinnett County; and

WHEREAS, the Official Code of Georgia Annotated § 36-1-20 authorizes counties to adopt ordinances for the governing and policing of the unincorporated areas of the County; and

WHEREAS, violations of such ordinances may be punished by fine or imprisonment or both; and

WHEREAS, there has been an increase in street racing and reckless driving activities in the unincorporated areas of the County over the past few years; and

WHEREAS, street racing has drawn spectators, causing a disturbance of the peace and a threat to public safety; and

WHEREAS, street racing has caused occurrences of public streets being shut down and made impassable; and

WHEREAS, street racing and reckless driving has resulted in loss of life and private property damage in unincorporated Gwinnett County; and

WHEREAS, establishing an ordinance to prohibit the organization of and participation in street racing exhibitions would enable the Gwinnett County Police Department to more effectively combat the occurrence of such behavior; and

WHEREAS, the Gwinnett County Board of Commissioners finds that the creation of a Street Racing and Reckless Driving Exhibitions ordinance is in the best interest of the residents and visitors of Gwinnett County to promote public safety and ensure the well-being of motorists and pedestrians.

NOW, THEREFORE, BE IT ORDAINED by the Gwinnett County Board of Commissioners that an Article III, entitled "Street Racing and Reckless Driving Exhibitions", as set forth in Exhibit A attached hereto, shall be added to Chapter 66 of the Gwinnett County Code of Ordinances.

BE IT FURTHER RESOLVED that this ordinance shall be effective on October 1, 2022.

BE IT FURTHER RESOLVED that all ordinances, resolutions, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

This Ordinance is hereby adopted this 4th day of October, 2022.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: 
Nicole L. Hendrickson, Chairwoman

ATTEST:

By: 
Tina King, County Clerk

(SEAL)



APPROVED AS TO FORM:

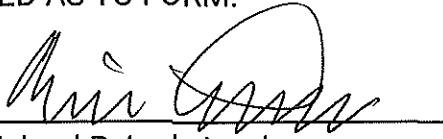
By: 
Michael P. Ludwiczak
County Attorney

EXHIBIT A

CHAPTER 66

ARTICLE III – STREET RACING AND RECKLESS DRIVING EXHIBITIONS

Sec. 66-38. - Definitions.

As used herein, the following terms shall have the meanings ascribed to them below:

Illegal street racing or reckless driving exhibition shall mean a motor vehicle speed contest using public highways, streets, or rights-of-way in violation of applicable motor vehicle and traffic laws. Illegal street racing or reckless driving exhibition may include, but is not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in the event; (2) a group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in the event; (3) one or more individuals has impeded the free public use of a public street, sidewalk or highway by actions, words, or physical barriers for the purpose of conducting the event; (4) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (5) one or more drivers is revving his engine or spinning his tires in preparation for the event; or (6) an individual is stationed at or near one or more motor vehicles serving as a race starter.

Organizer shall mean any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising or sharing of the location for any such illegal street race or collects moneys in connection with an illegal street racing or reckless driving exhibition, as defined herein.

Participant shall mean any individual who is knowingly present at an illegal street racing or reckless driving exhibition for the purpose of actively taking part in the event, through conduct including, but not limited to: riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; taking video or photographic images for purpose of promoting and/or profiting from the event (also known as a "spectator"); or exchanging money or anything of value with any driver, car owner, organizer or other participant in connection with the event. For the purpose of this definition, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

Sec. 66-39. - Violations.

(a) No person shall knowingly act as an organizer of an illegal street racing or reckless driving exhibition.

(b) Except as provided elsewhere in this article, no person shall knowingly act as a participant in, or spectator of, an illegal street racing or reckless driving exhibition, as defined herein.

(c) Nothing in this article prohibits law enforcement officers or their agents from being participants or spectators at an illegal street racing or reckless driving exhibition in the course of their official duties.

(d) This article shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

(e) In all cases of violations of this ordinance, the person charged shall appear in Gwinnett County Recorder's Court.

Sec. 66-40. - Penalties.

Violations of this article shall be punished as follows:

(a) Organizers and those driving motor vehicles shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable state law.

(b) All other participants shall be punished by a fine not to exceed \$1,000.00, imprisonment for a term not to exceed six months, or any combination thereof, subject to all limitations contained in applicable state law.

(c) Any motor vehicle used in illegal street racing or reckless driving exhibition as defined in this article may be removed and impounded by police to the extent authorized by applicable state law, or pursuant to a warrant issued by a court of competent jurisdiction. An impounded vehicle may be held in impound for not less than 30 days or final adjudication of the case, to the maximum extent allowed under state law.

Sec. 66-41. - Proving a Violation.

Notwithstanding any other provision of law, to prove a violation of this article, admissible evidence may include, but is not limited to, any of the following:

- (1) The time of day;
- (2) The nature and description of the scene;
- (3) The number of people at the scene;
- (4) The location of the individual charged in relation to any individual or group present at the scene;

- (5) The number and description of motor vehicles at the scene;
- (6) That the individual charged drove or was transported to the scene;
- (7) That the individual charged has previously participated in an illegal street racing or reckless driving exhibition;
- (8) That the individual charged has previously aided and abetted an illegal street racing or reckless driving exhibition;
- (9) That the individual charged has previously organized an illegal street racing or reckless driving exhibition; or
- (10) That the individual charged previously was present at a location where preparations were being made for an illegal street racing or reckless driving exhibition or where an illegal street racing or reckless driving exhibition was in progress.