

1 **AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE II OF THE FULTON COUNTY**
2 **CODE OF ORDINANCES TO CREATE A NEW SECTION 78-41 RESTRICTING,**
3 **ADDRESSING AND PROHIBITING THE OFFENSE OF STREET RACING;**
4 **PRESERVING SAFETY AND ORDER; AND FOR OTHER PURPOSES.**
5

6 **WHEREAS,** Fulton County has an interest in maintaining public safety and the
7 welfare of the citizens of the County and its visitors; and

8 **WHEREAS,** the Fulton County Board of Commissioners has authority, pursuant to
9 the Constitution of the State of Georgia, Article 9, Sec. 2 ¶ 1(a), to adopt reasonable
10 ordinances, resolutions, or regulations relating to its affairs for which no provision has
11 been made by general law and which is not inconsistent with this Constitution or any local
12 law applicable thereto; and

13 **WHEREAS,** unregulated street racing threatens the health and safety of the public;
14 interferes with pedestrian and vehicular traffic; creates a public nuisance; and interferes
15 with the right of private business owners to enjoy the use of their property within the
16 County; and

17 **WHEREAS,** the Board of Commissioners has determined that it is in the best
18 interest of the public safety and welfare of the residents of the County and its visitors to
19 prohibit street racing as set forth in this Ordinance; and

20 **WHEREAS,** this Ordinance is in the best interests of the health, safety and general
21 welfare of the County, its residents and general public.

22 **NOW, THEREFORE, BE IT ORDAINED** that the Board of Commissioners of
23 Fulton County hereby amends Chapter 78, Article II of the Fulton County Code of
24 Ordinances to create a new section 78 – 41, “Street Racing Prohibited,” to address this
25 important and growing safety concern. The new section shall read as follows:

26 **Sec. 78-41. – Street Racing Prohibited.**

1 **a)** The Purpose of this section is to prohibit illegal street races and reckless driving
2 exhibitions with the aim of significantly curbing this dangerous criminal activity within
3 unincorporated areas of Fulton County.

4 **b)** *Illegal street racing and reckless driving exhibition* means a motor vehicle speed
5 contest using public highways, streets or rights of way in violation of applicable motor
6 vehicle and traffic laws, including without limitation, O.C.G.A. § 40-6-186, § 40-6-251 and
7 § 40-6-390. Illegal street racing and reckless driving exhibitions may include, but are not
8 limited to, situations in which:

- 9 1) a group of motor vehicles or individuals has arrived at a location for the
10 purpose of participating in the event;
- 11 2) a group of individuals has gathered on private property open to the general
12 public without the consent of the owner, operator, or agent thereof for the
13 purpose of participating in the event;
- 14 3) one or more individuals has impeded the free public use of a public street,
15 sidewalk or highway by actions, words, or physical barriers for the purpose
16 of conducting the event;
- 17 4) two or more vehicles have lined up with motors running for an illegal motor
18 vehicle speed contest or exhibition of speed;
- 19 5) one or more drivers is revving his engine or spinning his tires in preparation
20 for the event; or
- 21 6) an individual is stationed at or near one or more motor vehicles serving as
22 a race starter.

1 **c) Organizer** means any individual who in any manner knowingly takes part in the
2 planning, organization, coordination, facilitation, advertising or sharing of the location for
3 any such illegal street race, or collect moneys in connection with an illegal street racing
4 exhibition, as defined herein;

5 **d) Participant** means any individual who is knowingly present at an illegal street
6 racing exhibition for the purpose of actively taking part in the event, through conduct
7 including riding in a race vehicle as a passenger; assisting the organizers and/or drivers
8 in carrying out or promoting the event; or exchanging money or anything of value with any
9 driver, car owner, or other participant in connection with the event. For the purposes of
10 this section, a person who is a mere bystander, passerby, or observer not aware of the
11 illegal activity shall not be deemed a participant.

12 **e) It is unlawful for a person to:**

- 13 1) Drive a vehicle in an illegal street race or reckless driving exhibition within
14 the unincorporated areas of Fulton County; or
- 15 2) Participate in an illegal street race or reckless driving exhibition on any
16 public street within the unincorporated areas of Fulton County; or
- 17 3) Organize an illegal street race or reckless driving exhibition to take place
18 within the unincorporated areas of Fulton County.

19 **f) This Ordinance shall not apply to licensed or duly authorized racetracks, drag**
20 **strips, or other designated areas set aside by proper authorities for such purposes.**

21 **g) Any violation of this Ordinance shall constitute a separate offense and shall not**
22 **merge with any other violation of County, State or Federal law. Violation of this code**
23 **section shall result in the issuance of a citation pursuant to Code Section 46-200(b).**

