

FIRST READING March 19, 2024

SECOND READING April 16, 2024

PASSED April 16, 2024

**AN ORDINANCE NO. BR2024-09**

**AN ORDINANCE TO AMEND CHAPTER 22 (“TRAFFIC CODE”) OF THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA TO ADD A NEW ARTICLE IV (“OFF-HIGHWAY VEHICLES”); TO ALLOW FOR CERTAIN “OFF-HIGHWAY VEHICLES” TO BE DRIVEN ON CITY STREETS; TO PROVIDE FOR THE REGULATION OF SAME; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 22 (“Traffic Code”) of the Code of the City of Blue Ridge, Georgia (“Code”) provides generally for the regulation of traffic within the City of Blue Ridge, Georgia (“City”); and

**WHEREAS**, in 2023, the Georgia General Assembly passed House Bill 121, which Georgia Governor Brian Kemp signed into law on May 2, 2023; and

**WHEREAS**, House Bill 121 generally allows for the operation of “off-highway vehicles” on county roads and provides certain rules and regulations for same; and

**WHEREAS**, the Mayor and the City Council of Blue Ridge find it in the public interest to similarly allow for the operation of “off-highway vehicles” on City streets and to provide certain rules and regulations for same.

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, that Chapter 22 (“Traffic Code”) of the Code of the City of Blue Ridge, Georgia is hereby amended to provide for a new Article IV (“Off-Highway Vehicles”) as set forth herein:

**SECTION 1.**

**CHAPTER 22 (“TRAFFIC CODE”), ARTICLE IV  
 (“OFF-ROAD VEHICLES”)**

Chapter 22 (“Traffic Code”) of the Code of the City of Blue Ridge, Georgia is hereby amended to provide for a new Article IV (“Off-Highway Vehicles”) as follows:

Chapter 22

**TRAFFIC CODE**

...

## ARTICLE IV. OFF-HIGHWAY VEHICLES

### Sec. 22-90. Off-Highway Vehicle Defined.

For purposes of this article, *off-highway vehicle* shall mean any motorized vehicle having features specifically intended for utility use and having the following characteristics: (a) has the capability to transport persons or cargo or both; (b) operates between 25 miles per hour (40.2 kilometers per hour) and 65 miles per hour (80.4 104.6 kilometers per hour); (c) has an overall width of 80 inches (2,030 millimeters) or less, exclusive of accessories or attachments; (d) is designed to travel on four or more wheels; (e) uses a steering wheel for steering control; (f) contains a nonstraddle seat; (g) has a gross vehicle weight rating of less than 4,000 pounds (1,814 kilograms); and (h) has a minimum cargo capacity of 350 pounds (159 kilograms).

### Sec. 22-91. Off-Highway Vehicles Permitted.

Subject to the rules and regulations set forth in this article, off-highway vehicles shall be permitted on city streets and shall be authorized to cross highways that are part of the state highway system. Every person operating an off-highway vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article:

(a) All off-highway vehicles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any such vehicles of the full use of a lane.

(b) The operator of an off-highway vehicle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate an off-highway vehicle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Off-highway vehicles shall not be operated two or more abreast in a single lane.

### Sec. 22-92. Registration, Licensing, and Equipment.

Off-highway vehicles shall be registered with a state, shall be equipped with a license plate, and shall have the following equipment: (a) headlights; (b) brake lights; (c) taillights; (d) rearview mirror; and (e) safety belts.

### Sec. 22-93. Penalty for violation of the article.

Any owner, operator, or driver, or any combination thereof, violating the provisions of this article is subject to a fine and/or imprisonment or community service, or any combination thereof, up to the maximum allowed under the city Charter or general state law for each violation of any provision of this article.

**SECTION 2. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 3. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

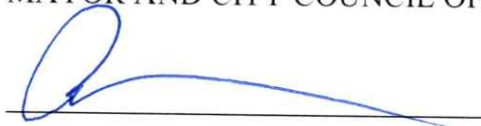
All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 4. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

**SO ORDAINED** this 16 day of April, 2024.

MAYOR AND CITY COUNCIL OF BLUE RIDGE



Mayor, City of Blue Ridge



Clerk, City of Blue Ridge

