

## **ORDINANCE**

### **AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 19, SECTION 28, TO AUTHORIZE CLASS 1 AND CLASS 2 ELECTRIC ASSISTED BICYCLES TO BE OPERATED ON BICYCLE PATHS AND SHARED USE PATHS WHERE BICYCLES ARE PERMITTED TO BE OPERATED**

**WHEREAS**, the Governing Authority of DeKalb County is tasked with protecting the health, safety, and general welfare of the residents of DeKalb County; and

**WHEREAS**, current state law, O.C.G.A. § 40-6-303, authorizes certain electric assisted bicycles to be operated on any bicycle path or shared use path where bicycles are permitted to be operated; and

**WHEREAS**, the Governing Authority of DeKalb County wishes to bring its Code section regulating motorized vehicles in parks, DeKalb County Code Section 19-28, in line with current technology and state law; and

**WHEREAS**, DeKalb County encourages municipalities within the County to pass the same or similar legislation relating to their parks.

**NOW THEREFORE**, be it ordained by the Governing Authority of DeKalb County, Georgia that Section 28 of Chapter 19 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

#### **PART I. ENACTMENT**

*By revising Section 19-28 to read as follows:*

\* \* \*

(a) Definitions:

1. A motorized vehicle means a self-propelled, wheeled conveyance that does not run on rails. A motorized vehicle shall not include a wheelchair used by a person with disabilities as an auxiliary aid.
2. A wheelchair means a device designed solely for use by a mobility-impaired person for locomotion that is suitable for use in an indoor pedestrian area.
3. An electric assisted bicycle means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor having a power output of not more than 750 watts.
  - a. A Class I electric assisted bicycle means an electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the device reaches a speed of 20 miles per hour.
  - b. A Class II electric assisted bicycle means an electric assisted bicycle equipped with a motor that may be used exclusively to propel the vehicle but is not capable of reaching a speed of 20 miles per hour.

- c. A Class III electric assisted bicycle means an electric assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the device reaches a speed of 28 miles per hour.
- (b) No person shall operate a motorized vehicle of any kind or nature in or on any county park, bicycle path, or other area owned or operated by the county for recreational purposes. This section does not prohibit persons with disabilities from using a wheelchair as an auxiliary aid in or on any county park, bicycle path, or other area owned or operated by the county for recreational purposes.
- (c) This section does not prohibit the use of motorized vehicles for maintenance purposes, golf carts operated on prescribed paths, or motorized vehicles using marked roads, driveways or parking areas.
- (d) This section does not prohibit the use of any Class I or Class II electric assisted bicycle on any bicycle path or shared use path where bicycles are permitted to be operated; provided, however, that no electric assisted bicycle may be operated on any bicycle path or shared use path if such path has a natural surface tread made by clearing and grading the native soil with no added surface materials.

## **PART II. EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

## **PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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**MICHELLE LONG SPEARS**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_, 2025.

\_\_\_\_\_  
**LORRAINE COCHRAN-JOHNSON**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

\_\_\_\_\_  
**BARBARA SANDERS-NORWOOD, CCC**  
Clerk to the Board of Commissioners and Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

**APPROVED AS TO SUBSTANCE:**

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**MATTHEW C. WELCH**  
Interim County Attorney  
DeKalb County, Georgia

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**CHUCK ELLIS**  
Director of Department of Recreation, Parks,  
and Cultural Affairs  
DeKalb County, Georgia