

Chapter 36

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Chapter 36. TRAFFIC AND VEHICLES*

ARTICLE I. IN GENERAL

Sec. 36-1. Rules of the Road, Miscellaneous Offenses and Jurisdiction of Offenses adopted by Reference.

(a) Pursuant to O.C.G.A. §40-5-124, O.C.G.A. §40-5-120 et seq. and the definitions contained in O.C.G.A. §4-1-1 are hereby adopted by reference as and for, and made a part of, the traffic regulations of the city, with like effect as if recited in this section.

(b) O.C.G.A. §§40-6-372 through 40-6-376, and O.C.G.A. §§40-6-393 and 40-6-394, known as the Uniform Rules of the Road are hereby adopted by reference as and for the traffic regulations of the city with like effect as if recited fully in this section.

(c) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this section shall be punished in accordance with Section 1-9. (Code 1968, §20-24)

State Law Reference – Municipal Authority to adopt traffic code by reference, O.C.G.A. §40-6-372.

Sec. 36-2. Wheels Injurious to Pavement Prohibited.

It shall be unlawful for any person to drive or operate upon the streets of the city any vehicle with spikes or cleats upon its wheels. The driving or towing of cutaway harrows or other like implements is prohibited. (Code 1968, §20-7)

Section 36-3. Riding or Driving on Sidewalks.

It shall be unlawful for any person to ride or drive a bicycle, motor vehicle, or animal or animal-drawn vehicle on any portion of the paved sidewalks within the city, except across driveway approaches; provided, however, that nothing in this section shall prevent the rights of handicapped persons to full, complete and unrestricted access to public facilities and public buildings, to include, but not to be limited to, sidewalks, walkways, retail establishments and all other facilities and buildings enjoyed by the general public. (Code 1968, §20-9)

Cross Reference – Streets, Sidewalks, and other Public Places, ch. 32.

Sec. 36-4. Signal on Protruding Load.

All trucks hauling lumber, pipe, or other material that protrudes from the rear of such trucks shall tie onto the end of such material a large red flag or rag during the day and, after sundown, shall equip the rearmost protrusion with a red light adequate to warn motorists of the danger. (Code 1968, §20-10)

Sec. 36-5. Trains Blocking Crossings.

It shall be unlawful for any engineer or other person running or operating or in charge of any locomotive, train or cars or portion of a train of cars to stop such locomotive, train or part of train of cars, upon any railroad crossing within the city for a longer period than five minutes consecutively. (Code 1968, §20-22)

Sec. 36-6. Official Traffic Map; Traffic Schedules.

The official traffic map along with the schedule of speed zones, traffic lanes, one-way streets, truck routes, traffic directions, stop streets, yield intersections, through streets, etc., is not printed in this volume but is on file and available in the City Clerk and Treasurer's office. (Code 1968, §§20-14, 20-16-20-19, 20-86-20-96.2)

State Law Reference – Municipal Authority to Designate Yield Intersections, Speed Limits, Through Streets, One-way Streets, Truck Routes, Stop Intersections, etc., O.C.G.A. §40-6-371.

Sec. 36-7 – 36-30. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING.

Sec. 36-31. Proof of Vehicle Ownership and Illegal Parking.

In any hearing of the Municipal Court on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully as prohibited by the provisions of this article, and further testimony that the records of the registrar of motor vehicles for the state show that the license plates were issued to the defendant shall be prima facie evidence that the vehicle unlawfully parked was so parked by the defendant. A certified copy showing such fact from the registrar or deputy registrar shall be proof of ownership. (Code 1968, §20-23)

Sec. 36-32. Broken Down Vehicles.

It shall be unlawful for any person to park, abandon, or leave on the streets or alleys of the city, for any period in excess of 24 hours, any vehicle which is broken down or which is not in usable condition. (Code 1968, §20-21)

Sec. 36-33. Maximum Parking Time for Trucks.

It shall be unlawful for any person to park or cause to be parked any truck, truck and trailer, or trailer, of one ton capacity and above, for a period of more than 60 minutes at any one time on any street or avenue in the city. (Code 1968, §20-63)

Sec. 36-34. Parking in or Blocking of Alleys Prohibited, Exceptions.

Parking is hereby prohibited on all public alleys within the city and no public alley of the city shall be blocked by vehicle or otherwise so as to prohibit the movement of traffic thereon; provided, however, that service vehicles may stop briefly in alleys for loading and unloading, provided they are attended by a driver at all such times. (Code 1968, §20-64)

Sec. 36-35. Viewing Contests on Athletic Field from Outside.

It shall be unlawful to park any vehicles on North McIntosh Street and the street adjacent to the athletic field and upon the street running at right angles to North McIntosh Street and on the northeast side of the athletic field during the hours when athletic games or contests are in progress on the field, when such vehicle is large enough to afford a view of any game or contest in progress on the athletic field. It shall also be unlawful for any person to utilize any vehicle or other device upon the streets named by means of which athletic games or contests in progress

upon the athletic field may be observed or to utilize any vehicle or other means upon any property adjacent to

***State Law Reference**—Municipal Authority to regulate or prohibit stopping, standing, or parking, O.C.G.A. §40-6-371(a)(1) the athletic field by means of which any athletic games or contests may be observed upon the athletic field without the payment of the entrance fees required to see the game or contest from the field.

(Code 1968, §20-20)

Cross Reference – Viewing athletic event from street without paying. §28-1.

Sec. 36-36. Handicapped Parking.

From time to time the Mayor and Council shall designate reserved parking for the handicapped. These parking spaces shall be reserved exclusively for the vehicles of handicapped persons and any other parking in these designated spaces shall be a violation punishable in accordance with section 1-9. The schedule of such handicapped parking locations is on file and available for inspection in the City Clerk and Treasurer's office. (Code 1968, §20-66)

State Law Reference—Handicapped Parking Law, O.C.G.A. §40-6-220 et seq.

Sec. 36-37. Double Parking; Parallel and Angle Parking Positions.

Double parking of vehicles on the streets of the city shall be unlawful, and except when necessary in obedience to the direction of a traffic officer or in obedience to traffic regulations or traffic signs or signals, the driver of a vehicle shall not, for more than one minute, stand, stop, or park such vehicle in a street in the city other than parallel with the edge of the street, heading in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the street, except, however, upon those streets which have been marked or signed for angle parking. Vehicles shall be parked at the angle to the curb indicated by such marks or signs. (Code 1968, §20-78)

Sec. 36-38. Parking in Spaces Only.

It shall be unlawful for any person to leave any vehicle attended or unattended on any of the streets of the city where spaces are marked in any place other than within regularly designated and established parking spaces. (Code 1968, §20-79)

Sec. 36-39. Protrusion of Trucks into Street; Maximum Distance.

It shall be unlawful for any person to park any truck or trailer in a space marked and set aside for diagonal parking where or in such manner that the rear of the vehicle shall extend more than 16 feet from the curb adjacent to which the vehicle is parked, such distance to be measured at right angles from the curb to the point of the vehicle extending the greatest distance into the street. (Code 1968, §20-80)

Sec. 36-40. Two Hour Parking Limitations.

The City Manager shall have lines or markings painted or placed upon the curb or upon the street for the purpose of designating the parking spaces for automobile use and each vehicle shall park within the lines or markings so established. The City Manager shall also have marked or painted in a conspicuous place, either on the curb or in the street, a designation of

“Two Hour Parking, Monday – Friday, 8:00 a. m – 5:00 p. m.” It shall be unlawful to park any vehicle across any line or marking establishing the parking spaces, or to park a vehicle in such a position that the vehicle shall not be entirely within the area so designated by lines or markings, or in a direction facing against traffic flow. (Ord. No. 2061, §1,4-3-00)

Editor’s Note – Ord. No. 2061, §1, adopted April 3, 2000, amended §36-40 in its entirety to read as herein set out. Formerly, said section pertained to marking spaces and parking within. See the Code Comparative Table.

Sec. 36-41. Thirty Minute Parking Limitations.

It shall be unlawful for any person to cause or permit any vehicle registered in the name of, or operated by, such person to be parked for a period of time in excess of 30 minutes, Monday—Friday, 8:00 a. m. – 5:00 p. m. in designated green spaces marked in a conspicuous place for 30 minute parking within the two hour parking zone, Monday – Friday, 8:00 a. m. – 5:00 p. m. as adopted by the Mayor and Council from time to time. Each owner or operator found to be in the 30 minute spaces for a period in excess of the two hour limit may pay as a cash bond for each violation. (Ord. No. 2061, §1, 4-3-00)

Editor’s Note – Ord. No. 2061, §1, April 3, 2000, amended §36-41 in its entirety to read as herein set out. Formerly said section pertained to the prohibition of overtime parking. See the Code Comparative Table.

Sec. 36-42. Schedule of Parking Zones, Loading Zones, No Parking Zones, etc.

The schedule of limited parking zones, loading zones, no parking zones, etc. is not printed in this volume but is on file and available in the City Clerk and Treasurer’s office. (Code 1968, §§20-34—20-63, 20-69-2077; 20-97)

Sec. 36-43. Police Duties; Illegal Parking Fines.

(a) It shall be the duty of Police Officers of the city to report:

- (1) The location of each parking space wherein a vehicle has been parked in violation of any of the provisions of this article.
- (2) The state license and number on such vehicle.
- (3) The time of day or night the officer detected such violation.
- (4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

(b) Each Police Officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this article, and instructing such owner or operator to report at the office of the Municipal Court in regard to such violation lieu of cash bond. Each such owner or operator may pay a cash bond for such violation the sum of \$5.00. Each and every violation over the two hour parking limit set by this article shall be subject to a separate notice or ticket and subject to an additional cash bond for each such violation.

(Code 1968, §20-101; Ord. No. 1076, §1, 11-6-95)

Sec. 36-44. Excessive Parking Offenders; Designation; Fines; Penalty.

- (a) As used in this section, the term “excessive parking offender” means any person who has, within a calendar year period, violated the overtime parking ordinance of the city six times.
- (b) When the records of the city Police Department disclose that any person is an excessive parking offender, such person shall be declared to be an excessive parking offender.
- (c) A person declared by the city to be an excessive parking offender shall be notified of that status by the city, notice to be given by certified mail, receipt requested, or in the alternative, by personal delivery. Such notice shall further provide a directive to the excessive parking offender that all future overtime parking violations within the city during the following 24 month period shall carry a fine of \$25.00.
- (d) Further overtime parking violations within the 24 month period shall carry that person’s status as an excessive parking offender forward an additional 24 months without further notice to that person.
- (e) Once declared an excessive parking offender the failure to pay the requisite fine as set forth in subsection (c) of this section shall result in the excessive parking offender being prosecuted as such in the Municipal Court with the punishment provided in Section 1-9.
(Code 1968, §20-102; Ord. No. 1019, §1, 7-12-93)

Secs. 36-45 – 36-84. Reserved.

ARTICLE III. SPEED ZONES

Sec. 36-85. Speed Zones for the Purpose of Using Radar Traffic Enforcement.

In conformance with O.C.G.A. §§40-6-181 and 40-6-183, as amended, the following speed limits are established:

ON-SYSTEM:

- | | | | | |
|----|---|--------------------------|------------|--------|
| 1. | State Route 17/72 (Heard Street)
From: 264’ N. of Golf Course Road
To: Hayes Street
(260’ South of State Route 72) | M.L. 9.65
M.L. 10.80 | 1.15 Miles | 45 MPH |
| 2. | State Route 17/72 (Heard St./Elbert St.)
From: Hayes Street
To: North Tusten Street | M.L. 10.80
M.L. 11.34 | 0.54 miles | 40 MPH |
| 3. | State Route 17/72 (Elbert St./College Ave.)
From: North Tusten Street
To: 422’ North of Wayne Street | M.L. 11.34
M.L. 12.79 | 1.45 miles | 35 MPH |
| 4. | State Route 17 (College Avenue)
From: 370’ North of Oliver Street
To: 185’ North of Harper Street
School Zone 0730—0830 and 1430—1530 school days only | M.L. 11.80
M.L. 12.08 | 0.28 miles | 25 MPH |
| 5. | State Route 77 (South Oliver St.)
From: 634’ S. of Mineral Springs Rd. | M.L. 7.17 | | |

	To: 106' N. of Athenia Street	M.L. 7.56	0.39 miles	45 MPH
6.	State Route 77 (South Oliver Street) From: 106' North of Athenia Street To: 106' South of Church Street	M.L. 7.56 M.L. 8.16	0.60 Miles	35 MPH
7.	State Route 77 (South Oliver Street) From: 106' South of Church Street To: 106' South of Railroad Street	M.L. 8.16 M.L. 8.42	0.29 Miles	25 MPH
8.	State Route 77 (North Oliver Street) From: 106' South of Railroad Street M.L. 8.45 To: 53' North of Hillcrest Avenue	M.L. 8.90	0.45 Miles	35 MPH
9.	State Route 77 (North Oliver Street) From: 53' North of Hillcrest Avenue To: 53' South of Ridgeway Road (North Elberton C/Limits)	M.L. 8.90 M.L. 9250	0.35 Miles	45 MPH
10.	State Route 77 Conn. From 211' South of Oglesby Boulevard To: 317' South of Gordon Street	M.L. 0.34 M.L. 1.09	0.75 Miles	45 MPH
11.	State Route 77 Conn. From: 317' South of Gordon Street To: State Route 17 (260' North of Elmhurst Drive)	M.L. 1.35	M.L. 1.09 0.26 Miles	35 MPH

**END OF STATE ROUTE SPEED ZONES
DEPARTMENT OF TRANSPORTATION TO ERECT AND MAINTAIN SIGNS**

OFF-SYSTEM:

12.	Almond Street From: Mill Street To: Dead End	0.35 Miles	25 MPH
13.	Brookside Drive From: Church Street To: Cardinal Drive	0.75 Miles	25 MPH
14.	Brookwood Circle From: Lake Forest Drive To: Forest Drive	0.55 Miles	25 MPH
15.	Campbell Street From: State Route 17/72 To: North Elberton City Limits	0.65 Miles	25 MPH
16.	Carey Street From: State Route 77 To: Highland Drive	0.48 Miles	25 MPH
17.	Chestnut Street From: Forest Avenue To: Laurel Drive	0.25 Miles	25 MPH
18.	Church Street From: State Route 17/72 To: Parkwood Drive	0.35 Miles	25 MPH

19.	Church Street From: Church Hill Road To: Forest Avenue (Grade exceeds 7% beginning 550' west of SR 77 and extends 200' west)	0.85 Miles	25 MPH
20.	Clairmont Avenue From: Elm Street To: State Route 77 Conn.	0.49 Miles	25 MPH
21.	Edwards Street From: McIntosh Street To: Springdale Road	0.51 Miles	25 MPH
22.	Elm Street From: Tate Street To: North Elberton City Limits	0.50 Miles	30 MPH
23.	Elmhurst Drive From: State Route 77 To: E. Elberton C/Limits	0.47 Miles	35 MPH
24.	Forest Avenue From: Lake Forest Drive To: State Route 77 (Grade exceeds 7% from Brookwood Circle to 300' South of Church Street, a distance of 550')	0.46 Miles	25 MPH
25.	Forest Hills Drive From: Forest Avenue To: Lake Forest Drive	0.35 Miles	25 MPH
26.	Gordon Street From: State Route 77 To: State Route 77 Conn.	0.41 Miles	25 MPH
27.	Heard Drive From: Tusten Street To: SE Elberton C/Limits (Grade exceeds 7% beginning at Wildwood Circle and extends 600' East)	0.65 Miles	25 MPH
28.	Heard Street From: McIntosh Street To: State Route 17/72	0.65 Miles	25 MPH
29.	Highland Drive From: Kathwood Drive To: Elm Street	0.31 Miles	25 MPH
30.	Highland Park From: Granite Street To: McDonough Avenue	0.35 Miles	25 MPH
31.	Hillcrest Street From: State Route 77 To: Dead End	0.32 Miles	25 MPH
32.	Jones Street From: State Route 17/72 To: W. Elberton C/Limits	1.10 Miles	25 MPH
33.	Jones Street From: 250' South of Johnson Drive To: County Road 380 (School Zone 0730-0830 and 1430 – 1530 school days only)	0.42 Miles	35 MPH

34.	Kathwood Drive From: Tate Street To: N. Elberton C/Limits	0.28 Miles	25 MPH
35.	Lake Forest Drive From: Jones Street To: State Route 77	0.95 Miles	25 MPH
36.	Lake Forest Circle From: Lake Forest Drive To: Lake Forest Drive	0.35 Miles	25 MPH
37.	Laurel Drive From: Brookwood Circle To: State Route 17/72 (Grade exceeds 7% beginning at Pine Street and extending south 250')	0.32 Miles	25 MPH
38.	Locklin Street From: State Route 17/72 To: Dead End	0.35 Miles	25 MPH
39.	McIntosh Street From: Adams Street To: Heard Street	0.62 Miles	25 MPH
40.	McIntosh Street From: State Route 17/72 To: Clairmont Avenue	0.62 Miles	30 MPH
41.	McKinley Street From: Thompson Street To: Prince Street	0.25 Miles	25 MPH
42.	Mill Street From: State Route 17/72 To: NE Elberton C/Limits	0.54 Miles	25 MPH
43.	Mineral Springs Road From: State Route 77 To: W. Elberton C/Limits	0.25 Miles	35 MPH
44.	Oak Drive From: Oak Street To: Forest Hill Road	0.25 Miles	25 MPH
45.	Prince Street From: Campbell Street To: Burke Street	0.36 Miles	25 MPH
46.	Pulliam Street From: State Route 1772 To: Jones Street	0.45 Miles	25 MPH
47.	Railroad Street From: State Route 77 To: Brewers Bridge Road	1.14 Miles	30 MPH
48.	Reese Street From: State Route 77 To: Elm Street	0.29 Miles	25 MPH

49.	Rhodes Drive From: Jones Street To: Fleming Road (Grade exceeds 7% beginning 350' N. of Fleming Road and extending S. to Fleming Road)	0.67 Miles	25 MPH
50.	Rhodes Drive From: Fleming Road To: W. Elberton C/Limits	0.35 Miles	35 MPH
51.	Springdale Road From: Church Street To: Heard Drive	0.35 Miles	25 MPH
52.	South Tusten Street From: Heard Drive To: State Route 17/72	0.50 Miles	25 MPH
53.	Taggart Street From: State Route 77 Conn. To: Campbell Street	0.37 Miles	5 MPH
54.	Tate Street From: Brewers Bridge Road To: Wilson Street	1.32 Miles	30 MPH
55.	Thomas Street From: 500' South of Adams Street To: Deadwyler Street	0.78 Miles	25 MPH
56.	Wilcox Heights From: Adams Street To: End of Curb/Gutter	0.25 Miles	25 MPH
57.	Williams Street From: State Route 17/72 To: Prince Street (Grade exceeds 7% beginning 300' south of Prince Street and extending north to Prince Street)	0.31 Miles	25 MPH

Ord. No. 2102, §1, 5-6-02)