

Chapter 17 - MOTOR VEHICLES AND TRAFFIC

Chapter 17 - MOTOR VEHICLES AND TRAFFIC

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ARTICLE I. - IN GENERAL

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Sec. 17-1. - Adoption of State of Georgia Motor Vehicles Regulations.

(a) The following provisions are adopted by reference as if set out at length in this chapter:

(1) O.C.G.A. § 40-1-1.

(2) O.C.G.A. title 40, chapter 6 [§ 40-6-1 et seq.].

(3) O.C.G.A. title 46, chapter 7 [§ 46-7-1 et seq.].

(b) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished as provided in the Code.

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Sec. 17-2. - Chapter does not affect property rights.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified herein, or otherwise regulating such use as may seem best to such owner.

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Sec. 17-3. - Applicability to public officers and employees.

The provisions of this chapter applicable to the drivers of vehicles upon the streets and highways shall apply to the drivers of all vehicles owned or operated by the United States, any state or any county, city, town, district or any other political subdivision of the state, except as otherwise provided.

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Sec. 17-4. - Owners or persons directing drivers of vehicles not to permit violation.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly permit the operation of that vehicle upon a street or highway in any manner contrary to this chapter.

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Sec. 17-5. - Use of vehicle without consent of the owner.

It shall be unlawful for any person to take, use or operate any motor vehicle or motorcycle upon the public streets and highways of the city without the permission of the owner thereof.

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Sec. 17-6. - Obstructions to right-of-way.

- (a) *Prohibited.* It shall be unlawful for any person to obstruct the right-of-way of any public road, street or other easement in the unincorporated area of the city by placing or maintaining thereon any obstruction, whether it is in the nature of shrubbery, signs, fences or whatever, which interferes with the clear view of motorists or the free passage of pedestrians thereon.
- (b) *Notice to remove.* Whenever any obstruction prohibited by subsection (a) has been placed and is being maintained, the police department shall notify in writing the owner of the obstruction and the owner of the land abutting the right-of-way where the obstruction is found and also the person in possession of the property. Such notice shall state the nature of the obstruction and the fact that the obstruction is an interference with the clear view of motorists or the free passage of pedestrians and that it shall be removed within ten (10) days from the date of the notice.
- (c) *Issuance of summons upon failure to remove.* Whenever the person so notified as provided by subsection (b) of this section fails or refuses to remove the obstruction within the time allowed in the written notice, the police department shall issue a summons to this person to appear in Municipal court on a day certain to stand trial for the violation.
- (d) *Continued violations; issuance of summons without notice.* If upon conviction for the first offense the person continues to refuse to remove the obstruction, each day that it remains intact shall constitute

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a new violation of subsection (a) of this section for which the police department shall issue a summons, without first issuing the written notice.

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Secs. 17-7—17-25. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

DIVISION 2. - TRAFFIC SIGNS, SIGNALS AND MARKINGS

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DIVISION 1. - GENERALLY

Sec. 17-26. - Authority of chief of police to delegate powers.

Sec. 17-27. - Authority of police and fire officers.

Sec. 17-28. - Issuance of special permits for operation otherwise prohibited.

Secs. 17-29—17-40. - Reserved.

Sec. 17-26. - Authority of chief of police to delegate powers.

The chief of police may delegate to any other officer in the department the duties and responsibilities conveyed to the chief of police by this chapter.

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Sec. 17-27. - Authority of police and fire officers.

- (a) It shall be the duty of police officers or such officers as are assigned by the chief of police to enforce this chapter and all other traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (b) Police officers or such officers as are assigned by the director may direct all traffic by voice, hand or signal in conformity with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) Fire officers, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

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Sec. 17-28. - Issuance of special permits for operation otherwise prohibited.

The city may issue special permits authorizing the operation upon a street or highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of these movable tracks, the operation of which would otherwise be prohibited.

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Secs. 17-29—17-40. - Reserved.

DIVISION 2. - TRAFFIC SIGNS, SIGNALS AND MARKINGS

[Sec. 17-41. - Removal of signs from public rights-of-way.](#)

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[Sec. 17-46. - Stop signs or yield signs—Generally.](#)

[Sec. 17-47. - Same—Specifications.](#)

[Sec. 17-48. - Through streets.](#)

[Sec. 17-49. - Stop signs at grade level crossings.](#)

[Sec. 17-50. - Restricted turn signs.](#)

[Secs. 17-51—17-60. - Reserved.](#)

Sec. 17-41. - Removal of signs from public rights-of-way.

The public works department may remove any signs located in public rights-of-way.

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Sec. 17-42. - Installation.

The public works department shall cause to be placed and maintained traffic-control signs, signals and devices when and as required under this chapter and other traffic ordinances of the city to make effective the provisions of this chapter and those ordinances. The public works department may cause to be placed and maintained such additional traffic-control devices as deemed necessary to regulate traffic under this chapter and other traffic ordinances of the city or under state law, or to guide or warn traffic.

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Sec. 17-43. - Designation of crosswalks; establishment of safety zones; marking of traffic lanes.

The public works department may, upon approval of the City Council:

- (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway and at such other places as deemed necessary. The city shall make proper studies of all existing crosswalks not at roadway intersections and shall abolish those which are unnecessary.
- (2) Establish safety zones of such kind and character and at such places as necessary for the protection of pedestrians.
- (3) Mark lanes for traffic on street pavements at places consistent with this chapter and other traffic ordinances of the city.

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Sec. 17-44. - Specifications for traffic-control devices.

All traffic-control signs, signals and devices shall conform to specifications in the Manual on Uniform Traffic-Control Devices adopted by the state transportation board. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

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Sec. 17-45. - One-way streets and alleys.

Whenever this chapter or any ordinance of the city designates any one-way street or alley, the public works department shall place and maintain signs giving notice thereof, and no regulation shall be effective unless these signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

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Sec. 17-46. - Stop signs or yield signs—Generally.

Whenever any ordinance of the public works department designates and describes a through street, it shall be the duty of the city to place and maintain a stop sign or yield right-of-way sign on each street intersecting that portion thereof so described and designated by this chapter or any ordinance of this city.

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Sec. 17-47. - Same—Specifications.

Every sign erected pursuant to [section 17-46](#) shall at nighttime be rendered luminous by steady or flashing internal illumination, by a fixed floodlight projected on the face of the sign or by efficient reflecting elements on the face of the sign. This sign shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection or in conformity with the recommendation of the Manual on Uniform Traffic-Control Devices. Every stop sign shall be in letters not less than six (6) inches in height.

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Sec. 17-48. - Through streets.

- (a) Those streets and parts of streets as are designated by this chapter or by ordinance and marked as provided in this chapter are hereby declared to be through streets.
- (b) In accordance with the foregoing, and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the streets or parts of streets designated as same.

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Sec. 17-49. - Stop signs at grade level crossings.

The city shall erect and maintain stop signs in accordance with state standards at all grade level crossings where the need for these signs is determined by an engineering study.

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Sec. 17-50. - Restricted turn signs.

The public works department, upon the approval of the City Council, may determine those intersections at which drivers of vehicles shall not make a right or left or U-turn, and shall place proper signs at these intersections. The making of these turns may be prohibited between certain hours of any day and permitted at other hours, in which event the hours shall be plainly indicated on the signs or they may be removed when these turns are permitted.

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Secs. 17-51—17-60. - Reserved.

DIVISION 3. - IMPOUNDMENT OF VEHICLES

[Sec. 17-61. - Establishment of vehicle pounds.](#)

[Sec. 17-62. - Reasons for impoundment.](#)

[Sec. 17-63. - Report of impoundment.](#)

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[Sec. 17-66. - Release of impounded vehicle—Generally.](#)

[Sec. 17-67. - Same—Protest and bond.](#)

[Sec. 17-68. - Impoundment does not preclude other prosecution.](#)

[Secs. 17-69—17-85. - Reserved.](#)

Sec. 17-61. - Establishment of vehicle pounds.

The chief of police may create a vehicle pound or pounds to which automobiles and other vehicles may be removed by police officers. The pound may be located at such place as may be designated by the city.

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Sec. 17-62. - Reasons for impoundment.

Whenever any vehicle is found parked in any place within the city where parking is not permitted at that time, or whenever any vehicle is found parked in violation of the terms of this chapter or any other ordinance relating to traffic, such vehicle may be removed and conveyed by the police department to a vehicle pound.

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Sec. 17-63. - Report of impoundment.

It shall be the duty of the person impounding a vehicle pursuant to this division immediately to report the fact of this impounding, together with any other information which will definitely identify the vehicle, to the police department, which shall cause a permanent record to be made thereof.

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Sec. 17-64. - Pound records; disposition of fees collected.

It shall be the duty of the police department to keep a permanent record of all vehicles committed to the pound, the names and addresses of the owners of the vehicles, the number of the state license tags and the nature and circumstances of each violation, as well as the disposition of each case, and to account for all fees collected under this division and pay them to the finance director or clerk of the Municipal court, taking a receipt therefor.

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Sec. 17-65. - Fees.

A fee to cover the cost of removal, plus a storage fee for each day or fraction of a day the impounded vehicle is stored in excess of the first twenty-four (24) hours the vehicle is impounded under this division, shall be assessed against the owner or other person having the right to the possession of the impounded vehicle. The specific amounts of such fees shall be established by action of the City Council, a copy of which is on file in the office of the City Clerk.

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Sec. 17-66. - Release of impounded vehicle—Generally.

Any person claiming a vehicle impounded under this division shall produce evidence of identity and ownership or right of possession to the person in charge of the pound in order for the pound to discharge the vehicle and to deliver it to the person. Thereupon, the impounded vehicle may be surrendered by the person in charge thereof, except where the impounded vehicle is retained as evidence or incidental to a search for evidence. Impounded vehicles retained as evidence or incidental to a search for evidence cannot be released without prior permission of the law enforcement agency. A receipt shall be obtained for all impounded vehicles upon their surrender. Such receipt shall definitely identify the vehicle and shall become a permanent record of the city. These fees shall be paid to the person in charge of the pound and a receipt shall be written.

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Sec. 17-67. - Same—Protest and bond.

In case protest is made against the payment of any impounding or storage fees, the police department may authorize the person in charge of the impounded vehicle to discharge it upon the following terms and conditions:

- (1) Such person shall be charged with violation of this chapter or other traffic ordinance and required to make bond for appearance and trial.
- (2) Thereupon, the police department shall authorize the person in charge of the impounded vehicle to deliver it to such person.
- (3) If such person is convicted of violating this chapter or any other traffic ordinance, in addition to other costs, the court shall assess as cost the fees for removal and storage which have accumulated in connection with the impounding of the vehicle.

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Sec. 17-68. - Impoundment does not preclude other prosecution.

The impounding of a vehicle shall not prevent or preclude prosecution for violations of the penal provisions of this chapter or any other ordinance relating to traffic.

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Secs. 17-69—17-85. - Reserved.

ARTICLE III. - VEHICLE OPERATION

DIVISION 1. - GENERALLY

DIVISION 2. - SPEED

DIVISION 3. - TRAFFIC-CALMING MEASURES

DIVISION 1. - GENERALLY

Sec. 17-86. - Slowly moving or heavily laden vehicles.

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[Sec. 17-87. - Vehicles propelled by human or animal power prohibited on limited-access highways.](#)

[Sec. 17-88. - Manner of driving in procession.](#)

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[Sec. 17-91. - Identification, right-of-way of vehicles in funeral procession.](#)

[Sec. 17-92. - Driving through processions.](#)

[Sec. 17-93. - Limitations on turning around.](#)

[Sec. 17-94. - Truck routes.](#)

[Sec. 17-95. - Tractors, semitrailers, trailer combinations.](#)

[Secs. 17-96—17-109. - Reserved.](#)

[Sec. 17-110. – Road and other right-of-way restrictions, generally; violations.](#)

Sec. 17-86. - Slowly moving or heavily laden vehicles.

Slowly moving or heavily laden vehicles shall not be driven upon the streets or highways abreast, but one must follow behind the other and keep as near the right-hand curb as possible.

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Sec. 17-87. - Vehicles propelled by human or animal power prohibited on limited-access highways.

It shall be unlawful for any person to push or drive any vehicle upon the limited-access highways of the city which is propelled by human or animal power, including any bicycle, tricycle, pushcart, animal-drawn vehicle of any kind and any vehicle incapable of a speed of at least forty-five (45) miles per hour.

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Sec. 17-88. - Manner of driving in procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the street or roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

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Sec. 17-89. - Leaving street or highway at other than intersection or driveway.

No driver of any vehicle shall operate it in such a manner so as to enter or leave any street or highway except at an intersection or at an alley or private drive.

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Sec. 17-90. - Sanitation vehicles.

All employees and vehicles of the city, when engaged or used in performance of sanitation or solid waste collection and disposal service, shall have the right-of-way in the use of the streets, and may use any part thereof in cleaning up and washing streets.

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Sec. 17-91. - Identification, right-of-way of vehicles in funeral procession.

- (a) Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles; provided, that each vehicle shall identify itself by burning regular headlights, shall keep in close formation and shall display a windshield sticker carrying the word "funeral." The identifying windshield sticker on vehicles shall be at least twelve (12) inches long and three (3) inches high, with dark letters at least one and one-half (1½) inches high on a white background.
- (b) When the lead vehicle in a funeral procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though the signal may change to red.

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Sec. 17-92. - Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when these vehicles are conspicuously designated as required in [section 17-91](#).

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Sec. 17-93. - Limitations on turning around.

The driver of any vehicle shall not turn that vehicle so as to proceed in the opposite direction upon any street in a business district, or upon any street between intersections. These turns may be made outside of a business district at intersections not controlled by a traffic signal.

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Sec. 17-94. - Truck routes.

- (a) All motor vehicles having a gross vehicle weight rating in excess of thirty-six thousand (36,000) pounds, or having an overall length in excess of thirty (30) feet, except vehicles designed to carry passengers, are prohibited from using any street within the city except those authorized by ordinance and designated as truck routes. When the terminal, parking lot, repair garage or headquarters of the restricted motor vehicle is not on a designated truck route, ingress to and egress from such places shall be made by the most direct route available between the terminal, parking lot, repair garage or headquarters and nearest designated truck route.
- (b) Any person driving or in charge or control of any of the restricted vehicles defined in subsection (a) of this section, when upon streets other than those designated as truck routes, shall be prepared to present for the inspection of police officers a log book, weight slips, delivery slips and other written evidence of such person's destination and point of origin to justify the presence of the restricted vehicle on a street other than a designated truck route.

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- (c) If any designated truck route or portion thereof shall be under repair or otherwise temporarily out of use, restricted vehicles as defined in subsection (a) of this section shall use such other temporary truck route as may be designated by the city.
- (d) The routes designated as truck routes are as listed in this Chapter.
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Sec. 17-95. - Tractors, semitrailers, trailer combinations.

Tractors, semitrailers and trailer combinations shall not be operated upon any road, thoroughfare, street or alley maintained by the city, except when authorized by the police department. With authorization, vehicles may be operated on commercial or industrial roads, thoroughfares or streets for the distance approved by the city. Such distance shall not exceed one (1) mile from the interstate exit ramp. Any such authorization shall be made for a specific designated route and shall begin at the exit point from the interstate as approved by the state department of transportation.

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Secs. 17-96—17-109. - Reserved.

Sec. 17-110. – Road and other right-of-way restrictions, generally; violations .

(a) *General restrictions enumerated.* General restrictions on the public streets, parts of the public streets or right-of-ways are set forth in exhibit B, identified as Brookhaven General Restrictions, and by this reference incorporated herein. Exhibit B establishes general restrictions for certain roadways currently within the territorial boundaries of the city.

(b) *Operating a vehicle in violation of restrictions unlawful.* It shall be unlawful for any person to drive within or upon any of the streets in the city in violation of the restrictions listed for such street in exhibit B and as posted on each such street.

(c) *Amendment to exhibit B.* The city may add to or amend the list of roadways designated in exhibit B from time to time pursuant to the statutes and regulations governing the establishment or alteration of general restrictions in the state.

(d) *Exhibit B incorporated by reference.* Exhibit B referenced in this section, as amended from time to time, is incorporated herein by reference as if set out in its entirety, and the original shall be maintained in the office of the city clerk, and a copy shall be maintained in the office of the public works director, and available for inspection by the public during city business hours.

DIVISION 2. - SPEED ^[66]

[Sec. 17-111. – Speed limits on certain streets; violations.](#)

[Sec. 17-112. - Regulation by traffic signs.](#)

[Sec. 17-113. - Maximum speed in parks.](#)

[Sec. 17-114. - Minimum speeds on streets and highways.](#)

[Sec. 17-115. - School crossing zones.](#)

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Sec. 17-111. – Speed limits on certain streets; violations.

(a) *Speed limits enumerated.* The maximum speed limits on the public streets or parts of the public streets are set forth in exhibit A, identified as Brookhaven Speed Limits, and by this reference incorporated herein. Exhibit A establishes speed limits for all roadways currently within the territorial boundaries of the city.

(b) *Driving in excess of speed limit unlawful.* It shall be unlawful for any person to drive within or upon any of the streets in the city at a rate of speed in excess of the speed limit as listed for such street in exhibit A and as posted on each such street.

(c) *Amendment to exhibit A.* The city may add to or amend the list of roadways designated in exhibit A from time to time pursuant to the statutes and regulations governing the establishment or alteration of speed limits and zones in the state.

(d) *Exhibit A incorporated by reference.* Exhibit A referenced in this section, as amended from time to time, is incorporated herein by reference as if set out in its entirety, and the original shall be maintained in the office of the city clerk, and a copy shall be maintained in the office of the public works director, and available for inspection by the public during city business hours.

Sec. 17-112. - Regulation by traffic signs.

The public works department may regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

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Sec. 17-113. - Maximum speed in parks.

No person shall drive a motor vehicle in parks in excess of twenty (20) miles per hour.

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Sec. 17-114. - Minimum speeds on streets and highways.

It shall be unlawful for any person to operate any vehicle within the left-hand lane on any expressway within the city at a speed of less than forty (40) miles per hour. This section shall not apply to portions of the expressway system known as connectors or bypasses.

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Sec. 17-115. - School crossing zones.

No person shall drive a vehicle in excess of twenty-five (25) miles per hour on any street where flashing yellow traffic beacons and twenty-five-mile-per-hour speed signs are installed and operating or where standard school or school crossing signs and twenty-five-mile-per-hour speed signs are installed,

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thereby designating the area as a school speed zone. The reduced speed limit shall be in effect only on days and hours when the school is in operation.

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DIVISION 3. - TRAFFIC-CALMING MEASURES

[Sec. 17-116. - Definitions.](#)

[Sec. 17-117. - Application.](#)

[Sec. 17-118. - Reserved.](#)

[Sec. 17-119. - Procedure for requesting a traffic study.](#)

[Sec. 17-120. - Initial interest petition.](#)

[Sec. 17-121. - Evaluating the initial interest petition and informing the initiator.](#)

[Sec. 17-122. - Traffic study to comply with national standards.](#)

[Sec. 17-123. - Priority for the conduct of traffic studies.](#)

[Sec. 17-124. - The affected area and the traffic-calming plan.](#)

[Sec. 17-125. - Notification that traffic-calming measures are not warranted.](#)

[Sec. 17-126. - Notification to initiator for commencement of traffic-calming conceptual design and presentation of the traffic-calming plan for public hearing.](#)

[Sec. 17-127. - Traffic-calming petition; choice of measures.](#)

[Sec. 17-128. - Creation of a special tax district and assessment of costs associated with the maintenance of the traffic-calming measure.](#)

[Sec. 17-129. - Removal of traffic-calming measures.](#)

[Sec. 17-130. - Reserved.](#)

Sec. 17-116. - Definitions.

For purposes of this article, certain terms and words are defined. Where words have not been defined, but are defined in a subsequent sub-section of this article, those words shall have the meaning as defined therein. The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AASHTO means the American Association of State Highway and Transportation Officials.

Affected area means a geographic portion of a neighborhood consisting of all property owners whose quality of life as a resident in the neighborhood, and not necessarily as a traveler through the neighborhood, is being directly impacted by the cut-through or speeding traffic problem being addressed. The affected area will include all lots from which residents must traverse the traffic calming measure. The affected area will also include all lots from which residents may have an alternate route without traffic calming measures but whose lots have driveways that access the residential street for which traffic calming measures are sought.

Department means the public works department.

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Eligible petitioner means the person whose name is recorded as a property owner in the tax records maintained by the county's tax commissioner and board of tax assessors for the address listed on the petition that falls within the affected area.

Initiator is a real property owner who has requested an initial interest petition form and/or has assumed a primary role in circulating the initial interest petition and the subsequent traffic-calming petition and undertakes to serve as the city's sole contact with respect to the progress of the initial interest petition and any subsequent traffic study and traffic-calming petition.

I. T. E. means the Institute of Transportation Engineers.

MUTCD means the Manual on Uniform Traffic Control Devices.

Real property owners means homeowners or other real property owners as indicated in the tax records maintained by the county's tax commissioner and board of tax assessors.

Reference number means the number assigned to a completed initial interest petition which meets the city's criteria for a study that will be used to determine the order in which traffic studies will be conducted.

Residential street means a street classified and defined as "residential" in the records of the City of Brookhaven Planning Department.

Traffic-calming measures means those methods and processes, prescribed by "AASHTO" or other nationally recognized organizations, that the city may use to reduce aggressive driving behavior that impairs the quality of life of its citizens in any neighborhood in which the posted speed limit is no greater than thirty (30) miles per hour. Such measures include, but are not limited to, speed humps, bicycle lanes, center traffic islands, splitter islands, and striping and turn restriction lanes.

Traffic-calming program guidelines means the guidelines for the design and application of speed humps and alternative traffic-calming measures adopted by the city

Traffic study means the process by which data pertinent to the flow, rate of speed and density of traffic, collected over a defined period of time, is measured and analyzed to determine its impact on the safety of citizens within a neighborhood or affected area.

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Sec. 17-117. - Application.

The provisions of this division shall govern in the event that there is any conflict between the provisions of this division and the provisions in the Speed Humps and Alternative Traffic-Calming Measures Program adopted by DeKalb County in 1995 and amended thereafter, as well as the Guidelines for the Design and Application of Speed Humps and Alternative Traffic-Calming Measures Manual adopted by DeKalb County in 1995 and amended thereafter, and any guidelines adopted in the future by the City of Brookhaven, collectively referred to herein as the traffic-calming program. All initial interest petitions and traffic studies pending as of the effective date of the ordinance adopting this division shall be required to comply with and shall be subject to the provisions of this division.

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Sec. 17-118. - Reserved.

Sec. 17-119. - Procedure for requesting a traffic study.

- (a) The city shall require the filing of the initial interest petition on a form promulgated by the department director or designee.

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- (b) Any person(s) interested in pursuing the installation of traffic-calming measures on a residential street, upon request to the department, will be provided with an initial interest petition for the department to perform a traffic study. The initial interest petition must be marked with the date on which it is required to be returned to the department, hereinafter referred to as the return date. Such return date shall be forty-five (45) days after the date the department issues the initial interest petition. The initial interest petition will allow for persons to sign in favor of requesting a traffic study or to register their opposition to the conduct of a traffic study.
 - (c) All persons signing an initial interest petition to request that the department carry out a traffic study shall hereinafter be referred to as applicants. All persons opposed shall hereinafter be referred to as opponents.
 - (d) All applicants and opponents must be either real property owners or rental occupants.
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Sec. 17-120. - Initial interest petition.

- (a) The department will not consider an initial interest petition unless it is complete, as that term is defined herein, and unless at least twenty (20) percent of the real property owners or rental occupants on the residential street are in favor of the traffic study.
 - (b) The completed initial interest petition shall be filed with the department by the return date as provided for in [section 17-119\(b\)](#) or it shall be deemed abandoned and any further action by the city will require a new initial interest petition.
 - (c) In order to be considered complete, the initial interest petition shall include all of the following:
 - (1) The full name, signature, home address, and daytime telephone number of each person that signed the initial interest petition.
 - (2) The date upon which each person signed the initial interest petition.
 - (3) A description of the precise area for which the traffic study is requested by reference to the name of the subdivision or popular name of the neighborhood, or the bridges, streets, roads and where appropriate with house numbers that identify the area where a perceived speeding or cut-through problem exists.
 - (4) The name, address and telephone number of an initiator.
 - (d) Only one (1) real property owner or renter for each street address may sign the initial interest petition.
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Sec. 17-121. - Evaluating the initial interest petition and informing the initiator.

- (a) Upon receipt of a completed initial interest petition, the department will make a determination as to whether at least twenty (20) percent of the real property owners or rental occupants on the residential street are in favor of the traffic study.
- (b) After the department has received the complete initial interest petition, no signature will be withdrawn from an initial interest petition unless the department is notified in writing within thirty (30) days, that there is reasonable proof that fraud or other impropriety occurred regarding the obtaining of the petitioner's signature.
- (c) Within sixty (60) days, the initiator of the initial interest petition will be notified in writing by the department as to whether the initial interest petition meets the criteria for a traffic study. In the event

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that the department decides to conduct a traffic study, the written notification to the initiator will include a reference number assigned to the initial interest petition for the conduct of the study.

- (d) In the event that the initiator moves away or is otherwise no longer a point of contact for the department and a new initiator's name or address has not been provided to the department, the department shall consider the initial interest petition abandoned and shall cease all work on processing of the initial interest petition and any subsequent traffic study.

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Sec. 17-122. - Traffic study to comply with national standards.

National standards promulgated by the American Association of State Highway and Transportation Officials, the Institute of Transportation and other national standards shall govern the execution of traffic studies and the design and installation of traffic-calming measures.

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Sec. 17-123. - Priority for the conduct of traffic studies.

- (a) The department will conduct traffic studies based on the reference number assigned to the completed initial interest petition.
- (b) The department reserves the right to change the order in which a traffic study is conducted where the department determines that there is an initial interest petition further down the waiting list for an area that may relate to, or be affected by, another traffic study to be conducted on a neighboring street or in a neighboring area.

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Sec. 17-124. - The affected area and the traffic-calming plan.

- (a) Where a traffic study is warranted it will be conducted at a time to be determined by, and within the sole discretion of, the department.
- (b) Upon completion of a traffic study, the department shall make a determination as to whether the results clearly demonstrate that the installation of traffic-calming measures are warranted based upon the criteria established in the traffic-calming program guidelines.
- (c) When considering traffic-calming program guidelines relating to speeding, the determination regarding whether the established criteria for traffic-calming measures have been met will be based on a comparison of actual study speeds obtained to the posted speed limit. When considering the criteria in traffic-calming program guidelines that relate to cut-through, the determination will include a comparison of cut-through traffic volumes obtained in a study to allowable volumes of cut-through traffic established in those guidelines.

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Sec. 17-125. - Notification that traffic-calming measures are not warranted.

Following the completion of the study, if the department director or designee determines that no traffic-calming measures are warranted, then the department director or designee shall notify the initiator of that conclusion in writing.

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Sec. 17-126. - Notification to initiator for commencement of traffic-calming conceptual design and presentation of the traffic-calming plan for public hearing.

- (a) Where traffic-calming measures are warranted the department shall, within a reasonable time following the completion of the traffic study, not to exceed twelve (12) months, prepare a traffic-calming conceptual plan and notify the initiator in writing about the traffic-calming conceptual plan.
- (b) The traffic-calming conceptual plan must identify the affected area and include a recommendation for a specific traffic-calming measure or a combination of such measures that the department has determined to provide the most effective solution to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage. The plan may also include alternative measures that could be installed to provide some relief to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage.
- (c) A public comment period, not to exceed twelve (12) months, shall commence on the date that the letter of notification is sent to the initiator pursuant to subsection (a). During that public comment period, department staff assigned to work on the traffic-calming conceptual plan shall meet with the initiator(s) and other interested persons for neighborhood input and public comment on the traffic-calming conceptual plan.
- (d) The department shall, within 60 days of the completion of the public comment period present the traffic-calming conceptual plan to the City Council for a public hearing at a regularly scheduled meeting.
- (e) The date, time, place and purpose of the public hearing must be advertised in the city's legal organ at least once within three (3) weeks prior to the hearing. The department shall also post signs within the affected area informing residents of the date, time and place of the public hearing and its purpose.
- (f) The City Council may vote to accept or reject the department's recommendation for installation of the most effective traffic-calming measures, or to accept any alternative measures provided by the department. Additionally, the City Council may vote to defer the item for up to sixty (60) days for additional review by staff with respect to the traffic-calming measures recommended and the affected area to which the proposed measures would apply.
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Sec. 17-127. - Traffic-calming petition; choice of measures.

- (a) Following the public hearing at which the City Council accepts the recommended or alternative measures, the department director or designee shall provide the initiator with a traffic-calming petition form to be used for recording all of the signatures. The petition must set forth the traffic-calming measures approved by the City Council that shall be the subject of the vote and the eligible petitioners will thereby have the opportunity to vote in favor or in opposition to the approved measures. No other measure may be included on the petition.
- (b) The initiator is responsible for circulating the traffic-calming petition to all eligible petitioners in the affected area.
- (c) A traffic-calming petition must be returned to the department within ninety (90) days of the City Council's decision allowing the installation of traffic-calming measures or it will be deemed abandoned and no further action shall be taken on the traffic calming petition or the initial interest petition from which it arose.

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- (d) The traffic-calming petition shall indicate the full name, signature, home address date, and daytime telephone number for each person signing the selection petition.
 - (e) The tax records maintained by the county's tax commissioner and board of tax assessors shall control in determining whether a signatory to the petition is a real property owner and thus an eligible petitioner.
 - (f) In the event that the City Council votes to reject the department's recommendation no further action shall be taken with respect to traffic calming measures for at least twelve (12) months.
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Sec. 17-128. - Creation of a special tax district and assessment of costs associated with the maintenance of the traffic-calming measure.

- (a) In order to be eligible for the creation of special tax district the petition must secure signatures in favor of the installation of traffic-calming measures from eligible petitioners representing sixty-five (65) percent of properties in the affected area.
 - (b) In the event that the petition secures the requisite percentage of signatures in favor of the approved traffic-calming measure or combination of traffic calming measures, the director of the department shall present a resolution to the City Council at a regularly scheduled meeting and the City Council shall thereafter by said resolution approve the creation of a special tax district. Advertising for said meeting must comply with [section 17-126\(e\)](#).
 - (c) The special tax district shall be created to include all of real property in the affected area for which the traffic-calming measure was approved. An annual maintenance charge in an amount to be determined by the City Council shall be assessed to and collected from property owners within the affected area as part of their annual property tax assessment for the maintenance of the traffic-calming measures installed pursuant to the creation of the special tax district.
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Sec. 17-129. - Removal of traffic-calming measures.

- (a) Upon presentation of a petition from eligible petitioners representing sixty-five (65) percent of the properties in the affected area, traffic-calming measures previously installed may be removed. No such petition shall be presented earlier than twelve (12) months after initial installation of the traffic-calming measure(s).
 - (b) A removal petition may be obtained from the department director or the director's designee.
 - (c) The removal petition shall be returned and filed with the department within ninety (90) days of the date on which it was provided pursuant to a request or it shall be deemed abandoned and any further action by the city shall require a new removal petition.
 - (d) The removal petition shall be presented to the City Council at a public hearing within sixty (60) days of the receipt of the petition. The date, time, place and purpose of the public hearing must be advertised in the city's legal organ at least once within three (3) weeks of the hearing. The department shall also post signs within the affected area informing residents of the date, time and place of the public hearing and its purpose.
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Sec. 17-130. - Reserved.

ARTICLE IV. - STOPPING, STANDING AND PARKING ^[67]

DIVISION 1. - GENERALLY

DIVISION 2. - RESIDENTIAL PERMIT PARKING

DIVISION 1. - GENERALLY

Sec. 17-131. - Signs required for enforcement.

Sec. 17-132. - Emergency parking restrictions.

Sec. 17-133. - Authority to prohibit parking on certain streets.

Sec. 17-134. - Loading and unloading at angle to curb; permit.

Sec. 17-135. - Leaving vehicle unattended; setting brakes, stopping motor.

Sec. 17-136. - Parking prohibited in certain places.

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Sec. 17-146. - Parking of taxicabs and buses regulated.

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Sec. 17-148. - Bus stops.

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Sec. 17-150. - Fire zones.

Sec. 17-151. - Use of parking facilities on city property.

Sec. 17-152. - Parking prohibited during certain hours.

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Sec. 17-131. - Signs required for enforcement.

When by this chapter or any other ordinance or order of the public works department any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the public works department to erect appropriate signs giving notice thereof, and no regulations shall be effective unless these signs are erected and in place at the time of any alleged offense. At least one (1) sign shall be erected in each block on each side of the street where parking is either prohibited or restricted.

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Sec. 17-132. - Emergency parking restrictions.

When not inconsistent with this chapter or any other ordinance, the chief of police has authority in an emergency to prohibit the parking or stopping of vehicles on any street or portion of a street or to close a street to traffic. All these orders shall be temporary only.

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Sec. 17-133. - Authority to prohibit parking on certain streets.

When not inconsistent with this chapter or any other ordinance, the chief of police may prohibit parking or stopping of vehicles on any street or portion of a street when traffic and engineering surveys indicate that stopping or parking may impede the free flow of traffic on the street.

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Sec. 17-134. - Loading and unloading at angle to curb; permit.

The chief of police may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms or conditions of these permits. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle, and shall grant to that person the privilege as therein stated in this section. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of the permit.

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Sec. 17-135. - Leaving vehicle unattended; setting brakes, stopping motor.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of the vehicle and, when standing upon a perceptible grade, without turning the wheels of this vehicle to the curb or the side of the street or highway.

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Sec. 17-136. - Parking prohibited in certain places.

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic-control device, at any place prohibited by ordinance and indicated by official signs or markings.

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- (b) No person shall move a vehicle, not lawfully under such person's control, either into any prohibited area or move and leave such vehicle away from a curb such distance as is prohibited by this chapter or other ordinance.
- (c) As indicated by official signs or markings, parking is prohibited as indicated.
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Sec. 17-137. - Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
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Sec. 17-138. - Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for:

- (1) Displaying the vehicle for sale.
- (2) Washing, greasing or repairing the vehicle, except repairs necessitated by sudden emergency; in such emergency the vehicle shall be moved or towed away with all due haste.
- (3) Displaying advertising.
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Sec. 17-139. - Parking adjacent to schools.

- (a) The public works department may erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in such designated place.
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Sec. 17-140. - Parking on narrow streets.

- (a) The public works department may erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by signs when the width of the roadway does not exceed thirty (30) feet.
- (b) When official signs prohibiting parking are erected upon narrow streets, no person shall park a vehicle in violation of such a sign.
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Sec. 17-141. - Parking on one-way streets.

The public works department may erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When these signs are in place, no person shall stand or park a vehicle upon such left-hand side.

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Sec. 17-142. - Parking on one-way roadways.

If a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking. The public works department may determine when standing or parking may be permitted upon the left-hand side of the one-way roadway and erect signs giving notice thereof.

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Sec. 17-143. - Hazardous or congested places.

- (a) The public works department may determine and designate by proper signs, places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in such designated place.

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Sec. 17-144. - Designation of curb loading zones.

The public works department may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating them and stating the hours during which the provisions of this section are applicable.

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Sec. 17-145. - Freight curb loading zones.

- (a) No person shall stop, stand or park a truck for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to these zones are in effect, nor stop, stand or park any other vehicle for the unloading or loading of materials.
- (b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading and unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

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Sec. 17-146. - Parking of taxicabs and buses regulated.

The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the driver of such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading and unloading passengers, and except for making emergency repairs. The provisions of this section shall not apply to common carriers stopping at regular designated passing or layover locations.

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Sec. 17-147. - Use of bus and taxicab stands restricted.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

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Sec. 17-148. - Bus stops.

- (a) A no parking zone of eighty (80) feet shall be created at all bus stops for the purpose of loading and unloading passengers.
- (b) These no parking zones shall be marked by signs and, in addition, these zones in all congested areas shall have the curbs painted yellow. This proper marking of zones shall be maintained by the companies operating buses in and out of these zones.
- (c) Buses or any vehicles parked in these zones for the purpose of loading and unloading passengers shall pull as close to the curb as possible.
- (d) This section does not prohibit buses from loading and unloading at platforms at loading zones where they are provided for that purpose in the street.

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Sec. 17-149. - Restrictions on parking heavy or oversize vehicles, campers, boats, etc., on residential streets.

- (a) No person shall park or stand any bus, truck or other freight- or passenger-carrying vehicle in excess of one-half-ton capacity upon any public street or highway for a period longer than one (1) hour at any time during the day or night.
- (b) No person shall stop or stand any truck or bus with a body more than eight (8) feet (or 2.4384 m.) wide or ten (10) feet (or 3.048 m.) high on any street or public place without the driver or chauffeur being actually present and in charge thereof.
- (c) No person shall park or stand any truck camper, camper trailer, motor home, boat, boat trailer or other recreational vehicle on any residential street or public place for more than one (1) hour at any time during the day or night.

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Sec. 17-150. - Fire zones.

The chief of police may designate any area on public property or private property used for public purposes as restricted areas to be known as fire zones. Standing or parking a vehicle in a fire zone shall be a violation of this section and the city may enforce this section by the issuance of a citation and the immediate removal of the vehicle to an impound lot.

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Chapter 17 - MOTOR VEHICLES AND TRAFFIC

Sec. 17-151. - Use of parking facilities on city property.

Parking facilities on city property designated for this use by the City Manager shall be used only in accordance with regulations for this use established by the City Manager. The City Manager may designate certain spaces or areas as reserved for all elected officials, designated administrative officials whose position responsibilities require the provision of a reserved parking space for efficiently discharging those responsibilities and for other general purposes such as court and visitor parking. Occupancy of these reserved spaces or areas by other than those individuals assigned to use the spaces or areas shall be deemed a violation of this section. The public works department shall be responsible for posting of signs to ensure effective notice to parking facility users as to the regulations governing and limitations on the use thereof. It shall be unlawful to park any private vehicle in any city parking facility for a period of more than twelve (12) hours in any one (1) day or to park a commercial or freight-carrying vehicle or trailer in these lots except by written permission of the public works department.

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Sec. 17-152. - Parking prohibited during certain hours.

- (a) When prohibited by this chapter or any other ordinance or by order of the city, no person shall park a vehicle during the hours prohibited at places so indicated by official signs.
- (b) When so indicated as provided in subsection (a) of this section, parking is prohibited on the streets or portions thereof so indicated by official signs.

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DIVISION 2. - RESIDENTIAL PERMIT PARKING

[Sec. 17-153. - Definitions.](#)

[Sec. 17-154. - Program established.](#)

[Sec. 17-155. - Penalties for violations.](#)

[Sec. 17-156. - Petition required.](#)

[Sec. 17-157. - Eligibility of area.](#)

[Sec. 17-158. - Application for permit.](#)

[Sec. 17-159. - Permit terms; fees.](#)

[Sec. 17-160. - Issuance of permits.](#)

[Sec. 17-161. - Permit form and display.](#)

[Sec. 17-162. - Uniformity of parking regulations.](#)

[Sec. 17-163. - Adding or removing block faces.](#)

[Sec. 17-164. - Termination of parking area.](#)

[Sec. 17-165. - Limitation on permit use.](#)

[Secs. 17-166—17-170. - Reserved.](#)

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Sec. 17-153. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Block face means that portion of one side of a street located between an intersecting street and the next occurring side street or between the termination of a street and the first occurring side street.

Commuter vehicle means a motor vehicle, parked in a residential area, which is not registered to or operated by a resident of such area.

Curb parking space means a twenty-four-foot-long section of street, adjacent to the curb or edge or roadway, where a motor vehicle may lawfully park.

Director means the associate director of public works.

Residential area means a contiguous or nearly contiguous area containing public roadways which are primarily abutted by residential property and nonbusiness property, such as parks, churches and schools.

Street address means the lot number assigned to a lot of record as shown on the official tax maps of the city.

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Sec. 17-154. - Program established.

There is established a residential permit parking program whereby motor vehicles bearing a special parking permit issued pursuant to this division may be parked in excess of the time limits posted on streets within certain areas known as residential permit parking areas.

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Sec. 17-155. - Penalties for violations.

- (a) It shall be unlawful and a violation of this division for a person to furnish false information in an application for any permit authorized by this division or to represent falsely that such person is eligible for such permit.
- (b) A person holding a valid parking permit issued pursuant to this division shall not allow the use or display of such permit on a vehicle other than that for which the permit was issued. Such conduct shall be unlawful and a violation of this division both by the person holding the valid permit and the person who so uses or displays the permit improperly.
- (c) It shall be unlawful and a violation of this division for a person to produce or display a facsimile or counterfeit parking permit in order to evade time limitations on parking in a residential permit parking area.
- (d) Violation of this section shall constitute an offense and shall be punishable as provided under the City of Brookhaven Code.

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Sec. 17-156. - Petition required.

- (a) Residents of a residential area who desire to have such an area designated as a residential permit parking area shall submit to the director a petition requesting such designation. To warrant

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consideration, the request must be supported by the signature of one (1) adult resident from sixty-five (65) percent or more of the residences within the area, provided only one (1) signature is needed for each street address. Apartment buildings and other multiple-family dwellings shall be considered as one residence and shall be limited to one (1) signature, which shall be the signature of the property owner or the signature of a person who is legally authorized to sign on behalf of the owner.

- (b) The petition shall clearly define the boundaries of the proposed residential permit parking area.
 - (c) The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by the director.
 - (d) Upon receipt of a petition referred to in this section, the director shall undertake evaluations and studies as needed to determine whether such residential area is eligible for designation as a residential permit parking area.
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Sec. 17-157. - Eligibility of area.

- (a) In establishing the eligibility of a proposed residential permit parking area, the director shall consider the following factors:
 - (1) The petition shall meet all of the requirements as stated in [section 17-156](#)
 - (2) The residential area proposed for designation as a residential permit parking area shall contain no less than fifty (50) single-family street addresses or shall contain no less than four thousand (4,000) linear feet of street frontage, measured from the center of adjacent intersections.
 - (b) Having determined that the requirements for a residential permit parking area are met, the director shall assign an appropriate and unique identification letter to the area and shall notify the petition coordinator that the area has been approved as a residential permit parking area.
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Sec. 17-158. - Application for permit.

- (a) The application for a resident parking permit shall provide the name of the owner or operator of the motor vehicle to be permitted; the residential address; the operator's state driver's license number; the motor vehicle make, model and license number; and other information requested on the application form. The applicant shall provide proof of residency as required by the director.
 - (b) Visitor permits shall require no written application except as provided in [section 17-160\(3\)](#); however, the director may require that previously issued and used permits be surrendered prior to placement.
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Sec. 17-159. - Permit terms; fees.

- (a) All resident parking permits issued for a discrete residential permit parking area shall have a common expiration date. Full-term permits shall be valid for one year.
 - (b) The permit fee shall be twelve dollars (\$12.00).
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Sec. 17-160. - Issuance of permits.

Following approval of a residential permit parking area, the director shall issue resident permits and visitor permits as follows:

- (1) Each residential permit parking area shall have a unique permit expiration date. One (1) permit may be issued to the owner of a motor vehicle who resides on property fronting or at a residential street address on a block face located within the residential permit parking area, upon application, payment of the applicable fee, and approval by the director. Residential street addresses include apartments, condominiums, attached dwellings, row houses, town houses and the like.
- (2) Upon request, three (3) visitor permits may be issued without charge to the recipient of a resident permit, and such visitor permits may be renewed or replaced in accordance with procedures established by the director. Additional visitor permits may be issued, at a cost of fifteen dollars (\$15.00) per visitor permit. In no event, however, shall a motor vehicle owner who is eligible for a permanent parking permit receive more than seven (7) visitor permits (three (3) free permits, plus no more than four (4) additional permits) during any twelve-month period.
- (3) A resident of a residential permit parking area who is eligible for a resident permit but does not apply for such permit may be issued three (3) visitor permits by making application as provided in subsection (1) of this section and omitting information which is not applicable. No fee shall be charged for such visitor permits.
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Sec. 17-161. - Permit form and display.

- (a) The resident parking permit shall be a decal and shall be affixed only to the motor vehicle for which it was issued. The decal shall be permanently attached to the inside lower corner of the rear window driver's side, and must be clearly visible from outside the vehicle. Information shown on the permit decal shall include but not be limited to the residential permit parking area identification letter, the permit number and the expiration date.
- (b) The visitor permit shall be a temporary permit designed for use by transient visitors and guests of residents of a residential permit parking area. Except as provided in subsection (c) of this section, each visitor permit shall be valid for the same period of time on the period given to owner of the motor vehicle who resides on property fronting or at a residential street address on a block face located within the residential permit parking area and shall provide all the rights and privileges of a resident permit. The visitor permit shall be of a form and shall be displayed as determined by the director.
- (c) The director may issue temporary permits, valid for not more than one (1) year, for a vehicle operated by persons who provides health care services or other essential services on a regular basis at an address within a residential permit parking area. Such temporary permit shall be a visitor permit bearing special validation and which is issued by the director upon satisfactory proof of need presented by the resident at such address. A temporary permit shall not be issued for use by a person who provides services for a commercial activity conducted at a residence.
- (d) A vehicle bearing a resident permit for one residential permit parking area may display a visitor permit for a different residential permit parking area when the vehicle is in a valid visitor status within the area identified on the visitor permit.
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Sec. 17-162. - Uniformity of parking regulations.

Within each discrete residential permit parking area there shall be uniform parking regulations applied to all locations where parking is allowed. Upon approval of a residential permit parking area, the director shall have parking regulation signs installed within the area indicating the time, location and conditions of the restricted parking.

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Sec. 17-163. - Adding or removing block faces.

- (a) All block faces of a discrete residential permit parking area shall have identical parking regulations where parking is allowed, and such regulations shall not be removed or modified on individual interior block faces.
- (b) The director may add or remove block faces along the boundaries of a residential permit parking area upon receipt of a petition in which more than sixty-five (65) percent of the residences request such action. The petition shall conform to [section 17-156](#)
- (c) Eligibility for a block face to be added to or removed from a residential permit parking area shall be determined by the director, who shall, to the extent possible, avoid approving changes which will create an isolated block face, which is considered as one which:
 - (1) Is not across the street from a residential permit parking area block face for its entire length; or
 - (2) Neither end of the block face is connected to an existing residential permit parking area block face by a continuous curb or edge of roadway.
- (d) During the initial process of approving a residential permit parking area or as related to the addition or removal of block faces, the director may determine the appropriate status for any block face abutting a park or other property which has no street address or which has no resident qualified to sign a related petition.

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Sec. 17-164. - Termination of parking area.

Upon receipt of an appropriate petition signed by a representative of sixty-five (65) percent or more of the qualified street addresses, as identified in [section 17-156\(a\)](#), the city will terminate residential permit parking area subject to the following conditions:

- (1) The parking regulations which will replace those installed as provided in [section 17-154](#) must be determined on a block-by-block basis by consultations between the director and the affected residents prior to the termination of the residential permit parking area. The final determination shall be made by the director.
- (2) The city shall not refund any fees which residents have paid for permits, as provided for in [section 17-159](#), as a consequence of the termination of a residential permit parking area.
- (3) Any street section which has been part of a residential permit parking area and which is terminated under this section shall be ineligible for inclusion in a future residential permit parking program for a period of twenty-four (24) months after such termination.

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Chapter 17 - MOTOR VEHICLES AND TRAFFIC

Sec. 17-165. - Limitation on permit use.

A motor vehicle which displays a valid resident parking permit or visitor permit shall be allowed to stand or park in the residential permit parking area for which the permit has been issued without being limited by time restrictions. Such permits shall not authorize a motor vehicle to stand or park in any place where or during any time when the stopping, standing or parking of a motor vehicle is prohibited or the area is designated for other uses. A residential parking permit shall not guarantee or reserve the holder a parking space within a designated residential permit parking area.

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Secs. 17-166—17-170. - Reserved.

ARTICLE V. - PEDESTRIANS ^[68]

[Sec. 17-171. - Use of crosswalks.](#)

[Sec. 17-172. - Crossing at right angles.](#)

[Secs. 17-173—17-190. - Reserved.](#)

Sec. 17-171. - Use of crosswalks.

Pedestrians shall not cross any street or roadway in a business district or any designated streets or highways except in a crosswalk.

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Sec. 17-172. - Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

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Secs. 17-173—17-190. - Reserved.

ARTICLE VI. - BICYCLES ^[69]

[Sec. 17-191. - Method of parking.](#)

[Sec. 17-192. - Operation on roadways and paths.](#)

[Sec. 17-193. - Turning movements.](#)

[Sec. 17-194. - Acrobatic or fancy riding; racing.](#)

[Secs. 17-195—17-210. - Reserved.](#)

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Sec. 17-191. - Method of parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at a curb, in such manner as to afford the least obstruction to pedestrian traffic.

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Sec. 17-192. - Operation on roadways and paths.

- (a) The operator of a bicycle, upon entering a bicycle lane or path, shall yield the right-of-way to all bicycles approaching upon the lane or path and, upon entering the roadway, shall yield the right-of-way to all vehicles and bicycles in the roadway.
- (b) Any bicycle being operated on a public roadway shall yield to the right following an audible signal when overtaken by another vehicle. The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.
- (c) No person shall ride or operate a bicycle upon a roadway adjacent to which or upon which bicycle lanes have been designated, except within this bicycle lane or except as otherwise permitted by the provisions of this chapter. No person shall ride or operate a bicycle upon a roadway adjacent to which there is a bicycle path which is less than seventy-five (75) feet from the roadway and which is in a safe condition for bicycle riding.
- (d) When a roadway is determined to be unsafe for bicycling by the city, bicycle users may be restricted from the roadway by the erection of a sign prohibiting bicycle use and directing bicycle users to a suitable alternative route similar in directness and surface quality to the roadway.

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Sec. 17-193. - Turning movements.

- (a) When completing a left turn on two-way roadways, bicyclists shall merge to the portion of the roadway nearest the centerline thereof and shall negotiate the left turn so as to enter the intersecting roadway near the right side of the centerline, giving right-of-way to all vehicles proceeding through the intersection in the opposite direction.
- (b) When completing a right turn, motor vehicles shall yield the right-of-way to bicycles crossing the intersecting roadway or completing a right turn.
- (c) All vehicles or bicycles making turns at intersections shall not proceed into the intersection nor make this turn without first yielding the right-of-way to all bicycles or other vehicles within or approaching the intersection and shall proceed only when it is safe to do so.
- (d) A bicyclist may also negotiate a left turn by dismounting the bicycle and crossing as a pedestrian, leading the bicycle to the other side of the intersecting roadway, and hence to the other side of the traffic roadway. When the person dismounts from a bicycle, such person shall then obey the regulations applicable to pedestrians.
- (e) When a bicycle "ride" control signal is shown, the bicyclist may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right-of-way over other vehicles. When a bicycle "wait" control signal is shown:
 - (1) The bicyclist facing the signal shall not commence to cross the roadway until bicycle ride control signal is shown.

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- (2) A bicyclist proceeding across the roadway when a wait signal is shown after the bicyclist has entered the roadway shall quickly proceed across the roadway and has the right-of-way for that purpose over other vehicles.

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Sec. 17-194. - Acrobatic or fancy riding; racing.

No rider of any bicycle shall remove both hands from the handlebars, or feet from the pedals, or practice any acrobatic or fancy riding on any street. No person operating a bicycle upon a street shall participate in any race or speed or endurance contest with any other bicycle or vehicle, unless the street has been temporarily set aside for such purposes.

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Secs. 17-195—17-210. - Reserved.

ARTICLE VII. - PARADES ^[70]

DIVISION 1. - GENERALLY

DIVISION 2. - PERMIT

DIVISION 1. - GENERALLY

Sec. 17-211. - Definition.

Secs. 17-212—17-220. - Reserved.

Sec. 17-211. - Definition.

In this article "parade" means an assemblage of persons, groups of persons, vehicles, bands, floats or devices gathered together in public with some circumstance of show and shall not include a funeral procession or an assemblage of public officials gathered for any purpose in the public interest.

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Secs. 17-212—17-220. - Reserved.

DIVISION 2. - PERMIT

Sec. 17-221. - Required.

Sec. 17-222. - Application; contents.

Sec. 17-223. - Application to be made in advance; notice to city departments.

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[Sec. 17-224. - Bond.](#)

[Sec. 17-225. - Issuance.](#)

[Sec. 17-226. - Appeals from denial.](#)

[Sec. 17-227. - Hours restricted.](#)

[Secs. 17-228—17-240. - Reserved.](#)

Sec. 17-221. - Required.

It shall be unlawful for any person or group of persons to hold or participate in a parade in the city, without first securing a parade permit from the city.

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Sec. 17-222. - Application; contents.

To obtain a parade permit the person or group of persons desiring to hold a parade shall file with the police department an application form which shall contain the following information:

- (1) The name, address and telephone number, both business and residential, of the applicant.
- (2) The date and hours when the parade is to be held.
- (3) The location and time of the point of assembly.
- (4) The location and time of the disbursal.
- (5) The parade route.
- (6) The anticipated number of marching persons.
- (7) The anticipated number and types of motorized and other vehicles and devices.
- (8) The number of bands and floats in the parade.
- (9) A statement by the applicant agreeing to assume all responsibility for the mechanical condition of each vehicle in the parade, and all damages caused by mechanical failure of any vehicle, float or other device in the parade.

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Sec. 17-223. - Application to be made in advance; notice to city departments.

The application for a parade permit shall be made at least five (5) days before the date of the scheduled parade during which time the police department shall notify public utility companies and all affected persons in city government of the time, place, route and other circumstances of the parade. If either or any of the city departments are in the process of utility improvements or contemplated improvements along the parade route during the time of the parade which cannot be interrupted, the chief of police shall deny the application for a parade permit or shall reroute it.

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Sec. 17-224. - Bond.

The chief of police may require the applicant for a parade permit to furnish to the city a bond in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00) secured by a surety company licensed to do business in the state, payable to the city or to any person in the city who may suffer any injury or damage from any vehicle, float, device or person participating in the parade.

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Sec. 17-225. - Issuance.

The chief of police shall determine whether or not the parade permit application is properly made and, after analyzing the information contained therein, the information from the departments consulted and any other information gathered, shall determine whether or not the parade permit should be granted.

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Sec. 17-226. - Appeals from denial.

Any applicant who has been denied a parade permit by the chief of police has the right to file an appeal to the City Council within five (5) days from the date the application is denied. It shall be incumbent upon the council to hear the appeal at any regular or special meeting of the council, to be held at any time not less than thirty (30) nor more than ninety (90) calendar days from the date the appeal is received by the City Manager.

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Sec. 17-227. - Hours restricted.

No parade permit shall be issued for any parade to be held between 9:00 p.m. and 7:00 a.m.

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Secs. 17-228—17-240. - Reserved.

ARTICLE VIII. - OFF-ROAD VEHICLES [171](#)

[Sec. 17-241. - Definitions.](#)

[Sec. 17-242. - Enforcement.](#)

[Sec. 17-243. - Operation.](#)

[Secs. 17-244—17-260. - Reserved.](#)

Sec. 17-241. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Off-road vehicle means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain and not intended for use predominantly on public roads. "Off-road vehicle" includes, but is not limited to, four-wheel drive or low-pressure tire vehicles, two-wheel vehicles, amphibious machines, ground effect or air cushion vehicles, and any other means of transportation deriving power from any source other than muscle or wind, except that such term excludes any motorboat; any military, fire or law enforcement vehicle; any vehicle used exclusively on airports; all farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting, for utility services and maintenance, for earth moving, construction or mining; and self-propelled lawnmowers, snowblowers, garden or lawn tractors, or golf carts, while such vehicles are being used exclusively for their designed purposes.

Operate means to ride in or on and control the operation of an off-road vehicle, whether in motion or at rest.

Operator means any person who operates or is in actual physical control of an off-road vehicle.

Ride means to ride in or on as a passenger but not control the operation of an off-road vehicle.

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Sec. 17-242. - Enforcement.

Any law enforcement officer whose duty it is to enforce the provisions of this article may stop and examine any off-road vehicle for the purpose of ascertaining whether it is being operated in compliance with this article.

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Sec. 17-243. - Operation.

It shall be unlawful for any person to operate an off-road vehicle off the roadway or on the property of another under the following circumstances:

- (1) On the private property of another without first obtaining permission from the landowner, lessee or other person in control of the property; permission shall not be required where notice is conspicuously posted on the property declaring it open to off-road vehicles;
- (2) Within one thousand (1,000) feet of any residence, place of worship, business or public meeting place between 9:00 p.m. and 9:00 a.m. except where the off-road vehicle operator is the owner, lessee or invited guest of the owner or lessee of the residence, place of worship, business or public meeting place.

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Secs. 17-244—17-260. - Reserved.

ARTICLE IX. - MISCELLANEOUS RULES

[Sec. 17-261. - Manner of riding on vehicle.](#)

[Sec. 17-262. - Play streets—Authority to establish; signing.](#)

[Sec. 17-263. - Same—Driving on; speed limit.](#)

[Sec. 17-264. - Roller skates, coasters, etc.](#)

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[Sec. 17-265. - Towing.](#)

[Sec. 17-266. - Speed of trains.](#)

[Sec. 17-267. - Railroad trains not to block streets.](#)

[Sec. 17-268. - Motor vehicles using bike lanes or paths.](#)

[Sec. 17-269. - Contributing factor to a collision.](#)

[Sec. 17-270. - Outdoor advertising spotlights, definitions.](#)

[Sec. 17-271. - Outdoor advertising spotlight permit and time restrictions.](#)

[Sec. 17-272. - Application and issuance of permit.](#)

[Sec. 17-273. - Denial.](#)

[Sec. 17-274. - Suspension or revocation.](#)

[Sec. 17-275. - Permit fees.](#)

[Secs. 17-276—17-300. - Reserved.](#)

Sec. 17-261. - Manner of riding on vehicle.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in a space intended for merchandise.

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Sec. 17-262. - Play streets—Authority to establish; signing.

The city may declare any street or part thereof a play street and place appropriate signs or devices in the roadway indicating and helping to protect it.

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Sec. 17-263. - Same—Driving on; speed limit.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then the driver shall exercise the highest degree of care in driving upon such street or portion thereof, and at no time shall the driver's speed exceed five (5) miles per hour.

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Sec. 17-264. - Roller skates, coasters, etc.

- (a) No person upon roller skates, or riding in or by means of any coasters, toy vehicles or similar devices, shall go upon any roadway except while crossing a street on a crosswalk, and when so coasting such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street.

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- (b) It shall be unlawful for persons so skating or riding to gather in crowds, or to create noise or be guilty of any disorderly conduct, or to take hold of or hang onto any automobile or other vehicle, or in any way to interfere with the natural progress of automobiles or other vehicles along and in the streets of the city, or for two (2) or more persons to join hands while skating on the sidewalk. Any person so skating or riding shall give right-of-way to, and in no way interfere with, persons walking on the sidewalks.
- (c) Any person violating any provision of this section shall be subject to the penalties provided for violation of this chapter; provided, however, that an offender under the age of seventeen (17) years shall be dealt with as provided by O.C.G.A. tit. 15, ch. 11 [§ 15-11-1 et seq.]. The parent of any child and the guardian of the person or any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this section.

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Sec. 17-265. - Towing.

No vehicle shall tow more than one (1) other vehicle, nor shall the connection between vehicles exceed sixteen (16) feet in length.

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Sec. 17-266. - Speed of trains.

The maximum speed limit for grade crossings in the city is established and all train operators or engineers shall reduce the speed of their trains to a maximum of the stated speed limits within one thousand (1,000) feet before crossing each of these grade crossings.

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Sec. 17-267. - Railroad trains not to block streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate it in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes. This provision shall not apply to trains or cars in motion other than those engaged in switching.

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Sec. 17-268. - Motor vehicles using bike lanes or paths.

- (a) No motor vehicle or motorcycle shall be operated on any bicycle lane or path for any purpose including parking, passing or turning unless otherwise permitted by the provisions of this chapter.
- (b) No person shall at any time drive, stop or park any vehicle except an emergency vehicle within a bike lane or bike path.
- (c) No person shall drive upon or across a bicycle lane except after giving the right-of-way to all bicycles within the lane.

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Sec. 17-269. - Contributing factor to a collision.

- (a) If a driver improperly uses a mobile telephone while he or she operates a moving motor vehicle and it is proven that the mobile telephone's improper usage distracted the driver from safe operation of such a vehicle and was a contributing factor in any collision resulting in death, physical injury, and/or property damage; then the court is authorized to impose an additional fine up to five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court for the violation of the underlying traffic offense. The total fine amount shall not exceed the maximum fine amount allowed by this Code.

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Sec. 17-270. - Outdoor advertising spotlights, definitions.

Outdoor advertising spotlight in sections [17-270](#) through [17-272](#) means a mobile or fixed projector designed to produce an approximately parallel beam of light which is aimed above the horizontal plane, the use of which includes, but is not limited to, advertising for special events or an apparatus containing a source of light and a reflector that projects the light produced in a concentrated, far-reaching beam and can be mounted on a swivel so that the beam can be directed.

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Sec. 17-271. - Outdoor advertising spotlight permit and time restrictions.

- (a) It shall be unlawful for any person to use an outdoor advertising spotlight in the city without first securing a permit from the city. No permit issued by the city shall allow outdoor advertising spotlights to be used for a period exceeding fourteen (14) days from date of issuance. It shall be unlawful for any person to use a permitted outdoor advertising spotlight after midnight.
- (b) Outdoor advertising spotlights shall not be mounted in a way that is distracting to motorists or pilots who operate aircraft or in a way that interferes with the safe operation of a motor vehicle or aircraft, as may be determined by the police chief or designee.

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Sec. 17-272. - Application and issuance of permit.

- (a) *Application.* To obtain an outdoor advertising spotlight permit, the applicant shall file with the police chief or designee a written application on a form promulgated by the police chief or designee. The police chief or designee shall have the authority to determine what pertinent information is required in the application. The application for a permit shall be made at least fifteen (15) days before the date of use of the outdoor advertising spotlight.
- (b) *Issuance.* The chief of police or designee shall determine whether or not the permit application is complete; that is if it contains all of the pertinent information required in the application form to grant the permit. After receipt of a complete application the police chief or designee shall grant or deny the permit within ten (10) days. If the permit is issued, it shall be granted for a period not to exceed fourteen (14) days from date of issuance. If the permit is denied, the police chief or designee shall provide written notice to the applicant setting forth in reasonable detail the reasons for such denial.
- (c) *Appeals from denial.* The decision of the police chief or designee to deny an outdoor advertising spotlight permit shall be final unless the applicant files a petition for writ of certiorari to the DeKalb County Superior Court within fifteen (15) days of the date of the police chief or designee's decision.

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- (d) *Exemptions.* The following properties are exempt from obtaining an outdoor advertising spotlight permit and exempt from the time restrictions set forth in [section 17-271](#)
 - (1) Any property owned or operated by the federal government, state government, any municipality or any public authority of the state, including, but not limited to, Stone Mountain Park.
- (e) *Renewals.* A permit for an outdoor advertising spotlight shall indicate an expiration date which is fourteen (14) days from the date of issue. Application for renewal may be made at any time following the ninetieth day after the date of expiration.
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Sec. 17-273. - Denial.

No permit for an outdoor advertising spotlight shall be issued under any of the following circumstances:

- (1) The outdoor advertising spotlight compromises safety, security and visibility through excessive glare;
 - (2) The outdoor advertising spotlight diminishes the privacy of the surrounding neighborhood or neighbors; or
 - (3) The applicant has violated any provision of this code or any other applicable state or federal laws.
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Sec. 17-274. - Suspension or revocation.

An outdoor advertising spotlight may be suspended or revoked by the chief of police or designee for failure of a permit applicant to comply with the provisions of this article or where the applicant furnishes fraudulent or false information on the permit application.

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Sec. 17-275. - Permit fees.

No outdoor advertising spotlight permit shall be issued until a fee in the amount established by action of the City Council, a copy of which will be on file in the office of the City Clerk, is paid to the city.

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Secs. 17-276—17-300. - Reserved.

ARTICLES X—XX. - RESERVED

[Secs. 17-301—17-350. - Reserved.](#)

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Secs. 17-301—17-350. - Reserved.

ARTICLE XXI. - TRAFFIC SCHEDULES

Sec. 17-351 – 17-363. - Reserved.