

**City of Pendergrass, Georgia  
County of Jackson  
State of Georgia  
A Georgia Municipal Corporation**

**ORDINANCE NUMBER: 06-033**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF PENDERGRASS TO PROVIDE FOR MUNICIPAL AND STATE ROUTE STREET PARKING REGULATIONS, TO EXERCISE ITS AUTHORITY TO PROVIDE TRAFFIC CONTROL DEVICES, AUTHORITY TO REGULATE VEHICULAR TRAFFIC AND ON-STREET PARKING, AUTHORITY TO REGULATE OFF STREET PARKING WITHIN RESIDENTIAL ZONING DISTRICTS WITHIN THE CORPORATE CITY LIMITS OF PENDERGRASS, GEORGIA, TO PROVIDE FOR AN EFFECTIVE DATE, TO PROVIDE FOR PENALTIES, AND FOR OTHER PURPOSES.

**SECTION 1.**

**THE GOVERNING AUTHORITY OF THE CITY OF PENDERGRASS HEREBY ORDAINS AS FOLLOWS:**

WHEREAS, the Governing Body of the City of Pendergrass prioritizes roadway safety within the corporate city limits of Pendergrass, Georgia; and

WHEREAS, the Governing Body of the City of Pendergrass finds that it is in the best interest of the citizens of Pendergrass as to the public health and safety of our community to improve our transportation network so every citizen can travel wherever they need to go safely, reliably and efficiently whether they are traveling on our roads or sidewalks; and

WHEREAS, the Governing Body of the City of Pendergrass desires to enhance the quality of residential neighborhood life and safety on city streets; and

WHEREAS, the Governing Body of the City of Pendergrass desires to regulate city street parking in order to provide for the orderly flow of vehicle traffic throughout the city and its residential neighborhoods and to provide for safe, orderly and unimpeded movement of Police, Fire, Emergency Medical Services, School bus, Delivery vehicles, Sanitation trucks as well as Utility Contractor vehicles on our city streets: and

WHEREAS, the Governing Body of the City of Pendergrass has throughout the past years received numerous complaints from the Police Department, Fire Department, Emergency Medical Services, Jackson County School Transportation Department, Home Delivery Companies, Sanitation trucks and contractors regarding on-street parking in our residential neighborhoods; and

WHEREAS, each of the subdivisions in the City of Pendergrass have Home Owner Covenants that mandate no vehicles shall park on the street in any part of these common scheme

communities, and these covenants run with the Deed of each and every property owner in these subdivisions; and

WHEREAS, the Governing Body of the City of Pendergrass is made aware that the District Fire Rating (ISO) is in danger of being raised because fire and rescue vehicles response times are slowed because of the massive number of vehicles parked on the city streets, resulting in a higher insurance premium for each homeowner in our corporate limits; and

WHEREAS, the members of the Governing Body of Pendergrass have each repeatedly seen the inherent dangers in their neighborhoods due to the vast amounts of vehicles parked on the roadways in our community and experienced traffic delays due to this issue.

THEREFORE, pursuant to the powers granted to this municipality pursuant to the Georgia Constitution of 1983 and its amendments, the Home Rule provision (Ga. Const. Art. IX, Sec. II, Par. II). and the Supplementary Powers provision (Ga. Const. Art. IX, Sec. II, Par. III(c)), it is hereby ordained by the authority of the same, that the following sections (ordinance) known collectively as the “Vehicle Parking Ordinance for the City of Pendergrass” are hereby enacted into law.

## **SECTION 2 Findings, Purpose and Intent.**

The Governing Body of the City of Pendergrass tasked the City Administrator to conduct a study in the community as to the issue of on-street parking in January of 2021. The purpose of this study was to determine if a safety issue exists on our city streets due to vehicles parking on the roadways, particularly in our residential neighborhoods. The Citizens Advisory Panel for the City of Pendergrass studied this issue as well, and the City Administrator reported to this City Council, after a five-month study, that on-street parking in our subdivisions represent a very real danger and threat to public safety vehicles, the motoring public in general, the Jackson County School System Transportation Department (school buses) and other motorists performing governmental and commercial business on our streets. It is the intent of this Ordinance to eliminate the danger vehicles parking on City and State streets pose to our motoring public, public safety professionals, school busses and Sanitation and commercial vendors traveling our streets. These vehicles clog the roadways and present impediments to other vehicles traveling these roads. Several of these vehicles parked on the roadway have been struck by other vehicles. The Mayor and City Council, after public input and reports from the City Administrator and Chief of Police, therefore agree on the necessity of this Ordinance:

## **SECTION 3 Vehicle Parking Ordinance.**

### **I. Parking Signs.**

(a) Whenever any parking prohibition is imposed or parking is prohibited on designated streets, appropriate signs shall be erected giving notice thereof, and the regulations shall be effective only after the signs are erected and in place at the time of any alleged offense. At least one sign shall be erected on each street on each side of a street where parking is either prohibited or restricted.

(b) Whenever a particular section does not state that official parking control signs are required, the section shall be effective even though no signs are erected or in place. The presence of signs shall not be required to enforce parking prohibitions of general application as provided for in this chapter or state law.

Effect of change of Regulations:

When any change in official parking regulations is established upon any street, the new regulations shall become effective as follows:

(1) Vehicles which park in the area *after* the time of installation of the new signs or markings shall immediately be subject to the new regulation.

(2) Vehicles which are parked in the area *at* the time of installation of the new signs or markings shall become subject to the new regulation upon the expiration of twenty-four hours.

(3) In areas where parking regulations have not previously existed, the new regulation shall become effective twenty-four hours after the installation of the signs or markings.

## **II. Unlawful Parking.**

It shall be unlawful for any person to cause, allow, or permit any vehicle registered in any name, or operated by any person, to be parked beyond the period of the legal parking time established by any signage as described in this article, or parked in area where no parking is allowed by ordinance or state law.

At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control device:

- (1) In any intersection;
- (2) In a crosswalk;
- (3) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet;
- (4) At any place where the vehicle will block the use of a driveway;
- (5) At any place where the vehicle will block the driveway entrance to any fire department;
- (6) On any sidewalk;
- (7) At any place where official signs prohibit parking;
- (8) Within 12 feet of any fire hydrant.

## **III. Off-Street Parking in Residential Areas -**

(a) In single-family residential zoning districts, parking in the front yard (not the roadway in front of the home) is allowed for each dwelling unit only within a hard-surfaced **driveway** (i.e., asphalt, concrete, gravel, or if approved by an Engineer, and the City, a turf-reinforced driveway).

(b) No parking of any vehicles, whether commercial or private, shall be allowed on grass or lawn areas of any residence. The parking or storage of more than four vehicles at a single-family residence in a manner visible from the public street is unlawful.

(c) No vehicle with a gross vehicle weight rating greater than 6,000 pounds shall be parked past the front plane of the front door of a residential dwelling at any time.

#### **IV. Parking for Commercial Purposes:**

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any public street from which vehicle merchandise is peddled.

##### **A. Restrictions for trucks, Tractors, Buses.**

a) *Time limit for trucks.* No person shall park or stand any truck or other freight-carrying vehicle, including any truck tractor, in excess of one-half ton capacity, upon any public street or highway for longer than the time necessary to deliver its cargo, and at no time longer than thirty (30) minutes without police escort.

(b) *Attendant required for certain trucks, buses.* No person shall stop or stand any truck or bus with a body more than eight feet wide or ten feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

(c) *Time limit for idling.* No person shall stop or stand any truck or bus on any street or public place and idle for more than 15 minutes. A violation of this subsection shall, upon conviction, be punishable by a minimum fine of \$500.00. This limitation shall not apply under the following conditions:

(1) Emergency vehicles, utility company, construction and maintenance vehicles where the engines must run to perform needed work;

(2) Truck or bus is forced to remain motionless because of traffic conditions;

(3) Truck or bus is being used to supply heat or air conditioning necessary for passenger safety or comfort, and such truck or bus is being used for commercial passenger transportation or is a transit authority bus or school bus, in which idling shall be limited to a maximum of 25 minutes;

(4) If the ambient temperature is less than 32 degrees Fahrenheit, idling shall be limited to a maximum of 25 minutes; or

(5) Any vehicle, truck, bus, or transit authority bus in which the primary source of fuel is Natural Gas (CNG) or electricity shall be exempt from the idling limitations set forth in this section.

##### **B. Hazardous Materials**

Parking vehicles carrying dynamite, propane gas or explosive substances near certain buildings.

It shall be unlawful to park any vehicle carrying dynamite, propane gas or any other volatile or explosive substance for more than one hour within 200 feet of any building used for assembly or institutional or residential occupancy.

**C. Stopping, standing or parking of a motor vehicle on sidewalk or within five feet of the public right-of-way. No Parking on Sidewalks or other Pedestrian Access Routes**

(a) No person, shall stop, leave standing, or park any passenger vehicle, automobile, light truck, sport utility vehicle, or motorcycle, whether attended or unattended, on any portion of a **sidewalk** or other pedestrian access route adjacent to the public right-of-way within the city's municipal street system and on extensions of a county road system within the city's corporate limits, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer or official traffic control device. Any person violating this section shall, on conviction, be punished, as follows:

First Offense -	\$25.00
Second Offense -	\$50.00
Third Offense -	\$75.00
Fourth and subsequent Offenses -	\$ 100.00 and Impounded – responsible for towing and storage fees

**V. Single Family Residential Zoning Districts –**

(a) No person shall park any vehicle upon a street in a residential zoning district. It shall be unlawful for any person willfully and unnecessarily to fail or refuse to move such person's vehicle when it is stopped on any municipal or state street or route in a residential zoning district. Residential zoning districts include ALL subdivisions within the corporate city limits of Pendergrass, Georgia. Any person violating this section shall, on conviction, be punished, as follows:

First Offense -	\$25.00
Second Offense -	\$50.00
Third Offense -	\$75.00
Fourth and subsequent Offenses -	\$ 100.00 and Impounded – responsible for towing and storage fees

(b) No person shall park a vehicle upon a roadway in a residential zoning district for:

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

(c) “No Parking” signs shall be placed at the entrances of each subdivision and on each road within each subdivision.

(d) The City shall post signs on all other streets where on-street parking is prohibited due to narrow streets or safety concerns.

## **VI. Moving, impoundment of vehicles; sale of impounded vehicles.**

(a) *Unlawful parking/standing.* Any police officer who finds a vehicle standing upon a street or highway in violation of this chapter may have the vehicle impounded, write a citation to the registered owner per the tag information and place such citation on the vehicle under its windshield wipers, or require the driver or other person in charge of the vehicle to move it to a position off the roadway. The provisions of Chapter five (V) above apply to City Police Officers. No improperly parked vehicle may receive more than one citation for every twenty-four (24) hours it is improperly parked. At ANY time, any vehicle deemed to be improperly parked and a danger to the motoring public, may be towed from the location it is illegally parked by a City Police Officer. In all cases, any vehicle improperly or illegally parked that has received more than three (3) citations shall be impounded to an impound lot.

(b) *Unattended vehicle on highway, bridge or tunnel.* Any police officer may remove or cause to be removed to the nearest vehicle impound any unattended vehicle unlawfully left standing upon any highway, bridge, causeway or in any tunnel.

(c) *Impoundment.* Any police officer may remove or cause to be removed to the nearest vehicle impound any vehicle found upon a highway when:

- (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner;
- (2) The person in charge of the vehicle is unable to provide for its custody or removal;
- (3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay;
- (4) The vehicle is stopped, except when traffic congestion makes movement impossible, on a controlled access highway which is a part of the national system of interstate and defense highways, for more than eight hours, unless the vehicle constitutes a traffic hazard, in which case it may be removed immediately; or
- (5) The vehicle is without a current license tag, current registration or the proper inspection sticker.

(d) *Responsibility for towing and storage fees.* The registered owner of any such vehicle subject to this chapter shall be responsible for any and all towing and storage fees associated with any such vehicle removed from a city street or property pursuant to the provisions of this chapter.

(e) *Authority to sell; notice.* When any vehicle is left on the streets and it becomes necessary for the department of police to take charge of the vehicle in order to preserve the safety of travel on the streets and the department of police does take charge of the vehicle and removes the vehicle and places the vehicle in storage, the vehicle shall be safely kept for 60 days. If after 60 days the vehicle shall be unclaimed by a person making the necessary proof of title,

the police chief shall, for two days, put an advertisement in the newspaper in which the city's advertisements are published, describing the vehicle to be sold and giving such information about the vehicle as will put the owner or other persons having knowledge thereof in possession of the facts, stating that the property is in the police chief's possession or control and that, at the expiration of 20 days, it will be exposed for sale. The advertisement shall also state the time and place the vehicle shall be sold and that the proceeds shall be turned in to the city treasury. However, the advertisement shall also state that, within 20 days of the last advertisement provided for in this subsection, any person making satisfactory proof of title or any person who shall claim title to the vehicle shall have the right to request a hearing before the police chief or the police chief's designee to establish, by evidence, proof of title to the vehicle claimed. Upon request for a hearing, the police chief or the police chief's designee shall, within ten days, set a time and place for the hearing and shall notify the person claiming title to the vehicle of the hearing. This hearing shall consist of a member of the police department and two (2) citizens of the city. In all cases, any owner of any vehicle impounded subject to the provisions of this chapter shall be responsible for the payment in full of all towing and storage fees.

(f) *Conduct, record of sale.* At the time named in the notice pursuant to subsection (e) of this section, the police chief or some officer authorized by the police chief, shall proceed to the place where the vehicle is stored and expose the vehicle for sale and sell the vehicle to the highest bidder for cash. A record shall be kept of such sale showing each vehicle sold, with a description corresponding to the advertisement, the name of the purchaser and the amount received therefor.

(g) *Disposition of proceeds.* The police chief shall turn the proceeds of the sale into the general fund of the city, keeping such a record thereof as may serve to identify the vehicle with the proceedings required in this section. The chief financial officer is authorized to pay to a wrecker or storage garage which has an agreement or contract with the city the towing and storage fees on impounded vehicles or the sales price of the impounded vehicle, if such should be less than the towing and storage fees, but less than \$10.00 for each vehicle impounded. The payments made to a wrecker or storage garage shall be paid from and charged to a special appropriations account established with the general fund.

(h) *Impoundment of vehicles.* Any sworn police officer or parking enforcement officer may cause a vehicle to be impounded if the vehicle has been issued a minimum of three parking tickets, regardless of whether the parking tickets have been paid or not.

## **VII. Illegal Parking Citations.**

Illegal parking citations may be written by City Police Officers under the provisions of OCGA §40-6-203(2)(B), Stopping, Standing or Parking in specified places.

**VII. Penalties.**

Any person violating any provision this section that does not specify a fine amount shall, on conviction, be punished, as follows:

First Offense -	\$25.00
Second Offense -	\$50.00
Third Offense -	\$75.00
Fourth and subsequent Offenses -	\$ 100.00 and Impounded – responsible for towing and storage fees

**SECTION 4 Applicability.**

This Ordinance shall apply to all roadways and lands located within the corporate city limits of Pendergrass, Georgia.

**SECTION 5 Conflicting Ordinances.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 6 Constitutionality**

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

**SECTION 7 Effective Date**

This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: