

CHAPTER 58 – TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

Sec. 58-1. - Adoption of state and federal laws; penalty for violation of chapter.

- (a) *Adoption of federal law by reference.* For the purpose of regulating vehicles and traffic in the city, there is hereby adopted, as if fully set out herein, the following federal regulations:
 - (1) Reference 49 CFR 382, 383, 390—393, and 395—397, the Commercial Motor Vehicle Safety Act of 1986; and
 - (2) The Federal "Out of Service" Criteria as amended from time to time.
- (b) *Adoption of state law by reference.* Pursuant to O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. title 40, ch. 6 (O.C.G.A. § 40-6-1 et seq.), known as the "Uniform Rules of the Road," and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this city with like effect as if recited herein.
- (c) *Penalties.* Unless another penalty is expressly provided for by law, every person convicted of any provision of this chapter shall be punished as provided in section 1-10.

State law reference— Authority to adopt state traffic laws by reference, O.C.G.A. § 40-6-372.

Sec. 58-2. - Temporary traffic regulations.

In cases where traffic upon the streets may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the police may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them shall be liable for that violation as for other violations of this Code.

Sec. 58-3. - Funeral processions.

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

Funeral procession means a group of vehicles traveling from a funeral home or similar business to a cemetery or other proper burial site. Funeral processions shall be led by a funeral vehicle such as a hearse, and all cars in the procession shall burn regular headlights and stay in close formation.

Vehicles given the right-of-way; exception. Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and shall keep in close formation. 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 such signal may change to red.

State law reference— Funeral processions, O.C.G.A. § 40-6-76.

Sec. 58-4. - Speed limits on city roadways.

- (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 "List of Roadways for City of Summerville," and by this reference incorporated herein. Exhibit A contains two parts consisting of "on-system" and "off-system" designations. As used in Exhibit A, "on-system" shall mean the designation of roadways in the city for which authorization has been obtained to utilize radar detection systems. As used in Exhibit A, "off-system" shall mean the designation of roadways in the city for which there is no authorization to utilize radar detection systems. Exhibit A establishes speed limits for all roadways currently within the territorial boundaries of the city.
- (b) *Speed detection devices.* All law enforcement personnel of the city who are certified in the use of speed detection devices are authorized to use such devices, in accordance with all applicable laws and regulations, in the locations designated as "on-system" on Exhibit A, as approved by the state department of transportation and the state department of public safety.

- (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. The city may add to or amend the list of roadways designated as "on-system" and "off-system" in Exhibit A from time to time pursuant to the statutes and regulations governing applications for permits to use speed detection devices 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 available for inspection by the public during city business hours.

State law reference— Authority for local regulation of speed limits, O.C.G.A. § 40-6-9.

Sec. 58-5. - Skateboards and bicycles.

- (a) No person shall ride a bicycle or propel roller skates, skateboards, or other similar devices upon a public street, highway, or sidewalk in a manner which would constitute an unreasonable danger to the public or which would disrupt the public's ordinary and customary use of such street, highway or sidewalk.
- (b) No person shall ride a bicycle or propel roller skates, skateboards, or other similar devices on sidewalks which are properly designated for pedestrians only. The chief of police and the department of public works, after approval of the city manager, are authorized to erect or have erected signs on any sidewalk or roadway prohibiting the riding of bicycles or propelling of roller skates, skateboards, or other similar devices. When such signs are in place, no person shall disobey the signs.
- (c) Whenever any person is riding a bicycle or skating upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
- (d) Any person violating any provision of this section is guilty of a violation of this Code; provided, however, that any offender under the age of 17 years shall be treated as provided by O.C.G.A. title 15, ch. 11 (O.C.G.A. § 15-11-1 et seq.). The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit that child or ward to violate any provision of this section.

State law reference— Bicycles, O.C.G.A. § 40-6-290 et seq.

Sec. 58-6. - Reserved.

Sec. 58-7. - Reserved.

Sec. 58-8. - Direction of traffic.

- (a) It shall be unlawful for an individual, business, private contractor or other entity to utilize the services of an off-duty public safety officer to direct traffic in a public right-of-way within the city for its clients, employees or events without having obtained a permit from the city to do so as hereinafter provided. "Direction of traffic", as used in this section, shall mean the controlling or restricting of movement of any motor vehicle that is traveling in a public right-of-way within the city.
- (b) A public safety officer utilized by an individual, business, private contractor or other entity to direct traffic shall be approved by the city police department as qualified to do so and shall be subject to all applicable rules, regulations and guidelines of the city's police department.
- (c) Every individual, business, private contractor or other entity desiring to obtain a permit required by this section shall make written application to the city's revenue department in the form approved by the department. The application shall provide all information as may be requested by the city. Failure to furnish any information requested by the city in consideration of the application within 30 days of request by the city shall result in automatic dismissal of the application.
- (d) Any application for a permit submitted to the revenue department pursuant to this section shall be subject to the approval of the city's public works department, with the concurrence of the city's police department. Approval of a permit under this section, when given, is subject to modification or cancellation by the city at any time by providing seven days' written notice of modification or cancellation to the holder of the permit.

- (e) A permit issued under this section shall be renewable on an annual basis. At all times, an individual, business, private contractor or other entity having obtained a permit pursuant to this section must have on display, in a conspicuous location within the offices of the individual, business, private contractor or other entity as designated in the permit application, the permit for the current permitting year, to be available for inspection by authorized representatives of the city at all times.
- (f) Any individual, business, private contractor or other entity who violates this provision is guilty of a violation of this Code and shall be punished as provided in section 1-10.

Secs. 58-9—58-30. - Reserved.

ARTICLE II. - TRUCK ROUTES

State Law reference— Vehicle size and load limits, O.C.G.A. § 32-6-20 et seq.; enforcement of load limits, O.C.G.A. § 32-6-27

Sec. 58-31. – 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:

Bimodal semitrailer means a detachable load-carrying unit designed to be attached to a coupling on the rear of a truck by which it is partially supported during movement over the highway and designed either with retractable flanged wheels or to attach to a detachable flanged wheel assembly for movement on the rails.

Public or private property means the right-of-way of any road or highway, any body of water or watercourse or the shores thereof, any park, playground, building, refuge or conservation or recreation area, and residential or farm properties, timberland or forest.

State law reference— Definitions, motor vehicles and traffic, O.C.G.A. § 40-1-1.

Sec. 58-32. - Restrictive vehicles required to use truck routes; exceptions.

All trucks are prohibited from using roadways within the city limits, except those roadways authorized by this article as truck routes, including any amendments hereof, or as may be further designated by the governing authority as truck routes, with the following exceptions:

- (a) If the terminal, parking lot, repair garage, or headquarters of the restricted motor vehicle is not a designated truck route, ingress to and egress from those 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) If a delivery or pickup is to be made at a location which is not on a designated truck route; ingress to and egress from that location shall be made by the most direct route available between that location and the nearest designated truck route.
- (c) If a delivery or pickup is to be made by a truck, road tractor, combination road tractor-trailer within any area that is not on a designated truck route; such delivery or pickup shall not be made between the hours of 7:00 a.m. and 7:00 p.m.

Sec. 58-33. - Posted regulatory signs.

A list and map of approved truck routes are kept on file with the city police department and the city clerk. The list of truck routes may be revised as deemed necessary by the city police department with the approval of the city council, with the entire list requiring renewal by the city council biannually. All listed routes will be further identified by posted regulatory signs.

State law reference— No violation of ordinance unless regulatory sign is posted on roadway, O.C.G.A. § 40-6-371(c).

Sec. 58-34. - Use of temporary truck routes by restricted vehicles.

If a designated truck route, or any portion thereof, is under repair or otherwise temporarily out of use, restricted vehicles shall use other temporary truck routes as may be designated by the city council and further identified by the posting of the regulatory traffic control sign.

Sec. 58-35. - Evidence required for restricted vehicle to be off truck route.

When upon roadways other than those designated as truck routes, any person driving or in charge or control of any of the motor vehicles restricted by this article is prepared to present for inspection of police officers his log book, weight slips, delivery slips or other written evidence of his destination and point of origin to justify the presence of the restricted vehicle on a roadway other than a designated truck route.

Sec. 58-36. - Weight of vehicle and loads.

No vehicle shall be operated on any roadway within the city limits designated as a truck route, with a total gross weight in excess of 56,000 pounds unless the vehicle is making a pickup or delivery on such road. The maximum gross weight of any vehicle operating on any roadway within the city limits shall not exceed 80,000 pounds.

Sec. 58-37. - Weight limitations on streets, bridges and culverts.

- (a) It is unlawful to operate any motor vehicle on any street within the city limits, where the weight of such motor vehicle, with or without load, is in excess of the weight as limited by this article and where signs indicating such limitations are posted. Further, it is unlawful to drive any motor vehicle over a bridge or culvert within the city limits, over the weight capacity shown on said bridge and/or culvert.
- (b) The driver and/or owner is liable to the city for any and all damages caused by driving an overweight motor vehicle over any street, bridge and/or culvert with a posted sign. These damages are in addition to any fine or punishment that may be assessed for violation of this article.

Sec. 58-38. - Enforcement of weight and load limitations.

- (a) Any person who violates the load limitation provisions of this article is conclusively presumed to have damaged the public roads, including bridges within the city limits by reason of such overloading and shall, in addition to any other penalty at law, recompensed the city for such damages in accordance with O.C.G.A. § 32-6-27, as same may be amended.
- (b) Any owner or operator of a vehicle which is operated on the public roads within the city limits, in violation of the weight limits provided in this article, is required, in addition to paying the monies provided in subsection (a) of this section, to unload all gross weight in excess of 6,000 pounds over the legal weight limit before being allowed to move the vehicle.
- (c) Any person authorized by state law and this article to enforce this article may seize the offending vehicle of an owner who fails or whose operator has failed to pay the monies proscribed in O.C.G.A. § 32-6-27(a) and hold such vehicle until the proscribed moneys are paid. Any authorized person seizing such vehicle under this subsection or subsection (b) of this section may, when necessary, store the vehicle, and the owner thereof is responsible for all reasonable storage charges thereon. When any vehicle is seized, held, unloaded or partially unloaded under this section, the load or any part thereof is removed or cared for by the owner or operator of the vehicle without any liability on the part of the authorized person or the city because of damage to or loss of such load or any part thereof.

Sec. 58-39. - Parking of commercial vehicles, trucks, trailers and buses.

- (a) It is unlawful to park any commercial vehicle or any trailer, whether commercial or private, on the right-of-way of any residential street, unless said commercial vehicle is making a delivery to residential property. This section shall not apply to vehicles, trailers, or equipment temporarily located within a construction area, provided such vehicles, trailers or equipment are used in connection with dwelling units or utilities under construction or repair within such construction area. Any parking allowed within the right-of-way pursuant to this subsection shall comply with all other rules, regulations and ordinances of the city.
- (b) No person shall park or stand any bus, truck, or other freight-carrying vehicle in excess of 12,500 pounds (gross vehicle weight) upon the right-of-way of any nonresidential public street or highway for a period longer than one hour at any time during the day or night.
- (c) No person shall stop or stand any vehicle with a body more than eight feet wide or ten feet high on any street or public place, except where permitted for loading or unloading as designated, without the driver or chauffeur being actually present and in charge thereof.

State law reference— Authority of city to regulate parking, O.C.G.A. §§ 32-6-2(3), 40-6-200 et seq., 40-6-371.

Sec. 58-40. - Parking or storage of unlicensed, inoperable vehicles, trailers or equipment.

Vehicles and trailers of any kind without current license plates, or vehicles, trailers or equipment permitted to remain in an inoperable condition for more than 30 days shall not be parked or stored on or about any property within a residential zoned district. Provided, however, this section shall not apply to vehicles, trailers or equipment stored in an enclosed structure or appropriately covered and located in the rear yard area.

Sec. 58-41. - Penalty of article.

Any person who violates this article is guilty of a violation of this Code and shall be punished as provided in section 1-10.

Secs. 58-42—58-70. - Reserved.

ARTICLE III. - ABANDONED VEHICLES

Sec. 58-71. - 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:

Commercial motor vehicle means any self-propelled or towed vehicle, or combination of such, designed or used to transport passengers or property and satisfies all or one of the following criteria:

- (a) Has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds;
- (b) Is designed or used to transport more than eight passengers, including the driver, for compensation;
- (c) Is designed or used to transport more than 15 passengers, including the driver, and is not for compensation; or
- (d) Is used in transporting hazardous material in a quantity requiring placards in accordance with the motor carrier safety rules prescribed by the United States Department of Transportation, 49 CFR 172.500—172.560.
- (e) *Recreational vehicle* means any self-propelled or towed vehicle, or combination of such, used for leisure time activities or as a dwelling unit while traveling. Examples include a camper, a motor home and a travel trailer.
- (f) *Trailer* means any nonautomotive vehicle designed to be towed for the purpose of transporting or carrying objects or persons.

Sec. 58-72. - Parking or abandonment prohibited.

It is unlawful for any person to park or abandon a commercial motor vehicle, recreational vehicle, or trailer upon the streets or upon the rights-of-way of the streets and allow said commercial motor vehicle to remain parked or abandoned for more than 72 consecutive hours.

State law reference— Local authority for removal of discarded vehicles, O.C.G.A. § 36-60-4.

Sec. 58-73. - Removal and storage.

Should any sworn police officer find any motor vehicle that has been parked or abandoned as aforesaid, he shall have the right to impound the vehicle and to have same removed from the streets at the expense of the owner, and charge the owners storage.

State law reference— Authority for all peace officers to remove abandoned vehicles from public property, O.C.G.A. § 40-11-3.