

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-024

AN ORDINANCE TO AMEND TITLE 8, TRAFFIC AND VEHICLES, CHAPTER 2, COMMERCIAL VEHICLES/TRUCKS, OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH FULTON, GEORGIA, RELATED TO PENALTIES FOR COMMERCIAL VEHICLES TRAVELING OFF TRUCK ROUTES; AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Rowell)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City, is the Mayor and Council thereof ("City Council");

WHEREAS, the City Charter authorizes the City to enact rules and regulations concerning the public health, safety and welfare of the City;

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1. It is hereby ordained by the City Council that Title 8, Traffic and Vehicles, Chapter 2, Commercial Vehicles/Trucks, Section 8-2003, of the Code of Ordinances of the City of South Fulton is hereby amended to read as follows:

"Sec. 8-2003. - Prohibition on commercial vehicles traveling off truck routes.

A. When truck routes are established pursuant to this chapter and designated by appropriate signs, the operator of any restricted vehicle shall drive said vehicle only on such routes and none other except for the following:

- (1) Restricted vehicles coming from a truck route having ingress and egress by direct routes to and from a restricted street when necessary for the purpose of providing a direct service requiring the utilization of such vehicles or making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street for which a building permit has previously been obtained;

(2) Restricted vehicles leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the city, provided the most direct routes to and from a designated truck route is utilized.

(3) Vehicles as may be reasonably necessary:

a. For the operation of authorized emergency vehicles or as otherwise necessary when an emergency has been declared by public officials or public act;

b. For the purpose of transporting farm or ranch supplies, produce, or animals to and from ranches or farms situated along a street otherwise forbidden to be used by such vehicles,

c. For the purpose of transporting a trailer used for recreation or noncommercial purposes and/or boat to and from locations along a street otherwise forbidden to be used by such vehicles;

(4) If a delivery or pickup is to be made by a restricted vehicle within any area that is not on a designated truck routes; such delivery or pickup shall not be made between the hours of 7:00 a.m. and 7:00 p.m.

B. Violation of this code section is punishable as follows: \$500.00 for the first offense, \$750.00 for the second offense, and \$1,000.00 for each additional offense.

Section 2. It is hereby ordained by the City Council that Title 8, Traffic and Vehicles, Chapter 2, Commercial Vehicles/Trucks, Section 8-2007, subsection (a), of the Code of Ordinances of the City of South Fulton is hereby amended, without amending the remaining subsections, as follows:

“Sec. 8-2007. - Penalties for violation of chapter.

(a) Unless otherwise provided by law, any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with [section 8-1002](#); and each occurrence shall be deemed a separate offense. These penalties shall be separate and apart from any costs associated with the removal, towing, seizure, holding or storage of an offending vehicle authorized elsewhere in this article.”

Section 3. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase

of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

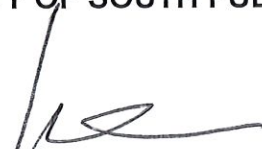
The foregoing ORDINANCE No. 2022-024, adopted on August 23, 2022 was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Gumbs, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	_____	_____
Carmalitha Gumbs	X	_____
Catherine Foster Rowell	X	_____
Helen Zenobia Willis	X	_____
Jaceey Sebastian	X	_____
Corey Reeves, Mayor Pro Tem	X	_____
Natasha Williams	X	_____
Vacant	_____	_____


First Read May 25, 2022
Second Read August 23, 2022

THIS ORDINANCE adopted this 23rd day of August 2022.

CITY OF SOUTH FULTON, GEORGIA




khalid kamau, MAYOR

ATTEST: 

COREY E. ADAMS, SR., CITY CLERK



APPROVED AS TO FORM:
 8/24/22

VINCENT D. HYMAN, CITY ATTORNEY