

**ORDINANCE
AMENDMENT
NO. __OA-2023-12__**

CHAPTER 38 – TRAFFIC AND VEHICLES

Sec. 38-6. – Regulations on trucks over two tons.

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding the regulation of heavy vehicle parking within the city limits of Dallas; **AND**

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate parking and traffic in the City of Dallas; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on _____; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding the regulation of heavy vehicle parking within the city limits of Dallas serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

THEREFORE, be it ordained by the Mayor and the City Council of Dallas, Georgia:

SECTION I.

That **CHAPTER 38 – TRAFFIC AND VEHICLES, Sec. 38-6. – Regulations on trucks over two tons,** is struck in its entirety and replaced as follows:

CHAPTER 38 – TRAFFIC AND VEHICLES

Sec. 38-6. – Regulations on heavy vehicles.

- (a) Definitions. For the purposes of this section, the following definitions shall apply.
- (1) *Heavy vehicle*: Any self-propelled vehicle with a gross vehicle weight of over ~~two tons~~ **ten thousand pounds** or exceeding 24 feet in length (including load), or exceeding 96 inches in height (including racks, and excluding antennas). “Heavy vehicle” shall also include semi-trailers and truck-tractors.
 - (2) *Semi – trailer*: a vehicle of the trailer type so designed and used primarily in conjunction with a truck-tractor that a considerable part of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor and semi-trailer combination
 - (3) *Truck – tractor*: a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.
- (b) Heavy vehicles shall be prohibited from entering upon, passing through or stopping upon West Cooper Avenue Monday through Friday during the hour of 8:00 a.m. to 9:00 a.m. and during the hour of 11:00 a.m. to 12:00 noon.
- (c) ~~Commercial h~~**H** Heavy vehicles shall be prohibited from entering upon, passing through or stopping upon the following streets unless the purpose of doing so is to deliver a product or service to a residence, business or industry that is located upon that street. Heavy vehicles that are owned by any business that is

located on the following streets shall be exempted from this section but must utilize the most direct route to the nearest state route

- (1) South Main Street;
 - (2) Main Street;
 - (3) Hardee Street;
 - (4) South Johnston Street;
 - (5) East and West Foster Avenue;
 - (6) Vernoy Aiken Road.
- (d) It shall be unlawful for any person to permit or cause any heavy vehicle to be pulled, pushed or in any way moved across any curb in the city without prior permission from the director of public works or his designee.
- (e) It shall be unlawful for any person to permit or cause any heavy vehicle to be parked or stored on public property or (except as noted in this section) in a residential, office and institutional, business or industrial district not zoned for warehousing, parking or storage of said vehicles for a period longer than three hours during the day or night; except:
- (1) Any heavy vehicle actually engaged in loading or unloading activity where the driver is present and in charge thereof.
 - (2) Where such parking is necessary in the connection with construction activity which is actually occurring on the property pursuant to a valid and current building permit.
 - (3) A heavy vehicle customarily used specifically in connection with a business where the vehicle is parked, as noted on their City-approved business license, but not for the purpose of storage of materials, supplies and/or inventory for the business.
 - (4) *If the vehicle is for personal use and not registered as a commercial vehicle by any governmental unit.*
- (f) It shall further be unlawful for parts of these heavy vehicles, and their accessories, including materials hauled by the heavy vehicles, to be stored on residential property or to be serviced on residential property, except emergency service may be rendered upon permission of the chief of police or his designee.
- (g) Any person found to be in violation of this section shall be subject to the following penalties:
- (1) For violations of subsections (b), (c), (d) or (f) of this section, a fine not to exceed \$150.00 in addition to any restitution ordered by the Municipal Court for damages inflicted upon city or private property.
 - (2) For violations of subsection (e) of this section:
 - a. Owner/operator of the heavy vehicle:
 - i. For each violation of the 3-hour time limitation, a fine not to exceed \$150.00.
 - ii. For the purposes of this chapter, it shall be deemed a separate violation for each 12-hour period in which the heavy vehicle is parked on the same property in excess of such 3-hour limitation.
 - iii. If the heavy vehicle remains on the same property for longer than 48 consecutive hours; the city may, at the option of any police officer or marshal, remove and impound the offending heavy vehicle.
 - iv. Any heavy vehicle impounded under this section shall not be released until all fines and fees associated with impoundment and storage have been paid.
 - v. The owner/operator of any impounded vehicle may request bond pending a hearing in Municipal Court on said violations. Such bond shall be given in cash equal to the total outstanding amounts due on all citations plus impoundment and storage charges. Once bond is paid and certified by the chief of police or his authorized representative, said heavy vehicle shall be released,

provided the owner presents satisfactory evidence of his/her right of possession and signs a receipt thereof.

- b. If the owner or manager (or authorized agent of the owner or manager) of the property is found to have permitted unlawful parking of a heavy vehicle on his property, said person shall be penalized as follows:
 - i. First offense: \$150.00 fine.
 - ii. Second offense within 180 days from the first offense: \$300.00 fine.
 - iii. Third and subsequent offenses within 180 days of the first offense: \$500.00 fine.
 - iv. These fines shall be in addition to any other penalties assessed as a result of violations of zoning ordinances and/or business license requirements.

SECTION II. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

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SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE

CITY OF DALLAS, GEORGIA, THIS THE _____ DAY OF

_____, 2023.

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

ATTEST:

Tina Clark, City Clerk of the City of Dallas, GA

Date