

**STATE OF GEORGIA
COUNTY OF CHATHAM
CITY OF PORT WENTWORTH**

**AN ORDINANCE TO CREATE CHAPTER 13, ARTICLE II, RESIDENTIAL STREET
PARKING OF THE CITY OF PORT WENTWORTH CODE OF ORDINANCES**

WHEREAS, it is necessary from time to time to modify the City’s ordinances; and

WHEREAS the Mayor and City Council is tasked with the authority to adopt and provide for such ordinances, resolutions, rules, and regulations which it deems necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, and well-being of the inhabitants of the City; and

WHEREAS, the City of Port Wentworth is granted the power to regulate the operation of motor vehicles and public parking and to exercise control over all traffic, upon or across the highways, streets, roads, alleys, and walkways of the city; and

WHEREAS, the City of Port Wentworth desires to update its Chapter 13, Motor Vehicles and Traffic to ensure safety and free movement upon the roadways of the city; and

NOW, THEREFORE, that while in regular session THE MAYOR AND COUNCIL OF THE CITY OF PORT WENTWORTH HEREBY ORDAIN as follows:

The Code of Ordinance, Chapter 13, Motor Vehicles and Traffic, is amended as follows:

- I. The entirety of the existing Chapter 13 – Motor Vehicles and Traffic is placed into the newly created Article 1 of Chapter 13, titled “Article I - Miscellaneous Motor Vehicle and Traffic”, and shall retain the existing Code Section numbers, Sections 13-1 through 13-13.
- II. Sec. 13-6 is hereby repealed and shall be “Reserved”.
- III. Sections 13-14 through 13-49 shall be designated as “Reserved” in Article I of Chapter 13.
- IV. There is created a new Article 2 of Chapter 13, titled “Article II – Residential Street Parking”, which shall read as follows:

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Art. II – Residential Street Parking

Sec. 13-50 – Intent and Purpose

- (a) It is the intent and purpose of this Article to ensure the safe and adequate parking for automobiles for the convenience and safety of all residents, visitors, workers, and persons with disabilities within the residential areas of the city.
- (b) It is further the intent and purpose of this Article to provide adequate and safe rights of way for all vehicles throughout the residential areas of the city.
- (c) The city enacts this article upon a finding of fact that unfettered stopping, standing, or parking of vehicles upon the residential roadways of the city is dangerous to those using the roadway where the stopping, standing, or parking of vehicles does unduly interfere with the free movement of traffic thereon.

Sec. 13-51 – Applicability

- (a) The provisions of this Article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- (b) It shall be the duty of the city public development services director and the city chief of police to determine whether and where to install appropriate official traffic control devices giving additional notice thereof this article.
- (c) The provisions of this article shall not apply to the driver of any vehicle which is disabled while on the roadway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (see O.C.G.A. § 40-6-204).
- (d) The provisions of this article shall not apply to public transit vehicles while at designated official stops or stands.
- (e) The provisions of this article shall not apply to any vehicle used solely for the purpose of collecting municipal solid waste while collecting such waste or materials; provided however that such vehicle shall maintain flashing hazard lights at all times that it is engaged in stopping or standing for the purpose of waste or materials collection.

Sec. 13-52 – General Prohibitions

- (a) No vehicle shall be standing or parked on any street or highway at or near any intersection that would create a hazard by obscuring vision on ingress or egress at said intersection. Standing or parked vehicles shall be parked a minimum of 30 feet from any intersection.
- (b) Freight-carrying vehicles are prohibited in all residentially zoned (R-1, R-2, R-3, R-4 and R-5), neighborhood commercial zoned (C-1), and planned use development zoned (PUD) areas except when actively delivering or receiving goods. No person shall stop, stand or park a freight-carrying vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in all residentially zoned (R-1, R-2, R-3, R-4 and R-5), neighborhood commercial zoned (C-1), and planned use development zoned (PUD) areas.

Sec. 13-53 – On Street Parking, Residential Areas

- (a) As provided in this article, every vehicle stopped or parked upon a roadway shall be stopped or parked parallel to the curb or edge of the roadway, and in the direction of authorized traffic movement.
- (b) As provided in this article, every vehicle stopped or parked upon a roadway shall be stopped or parked with the right-hand wheels parallel to and within 12 inches of the curb or as practicable to the edge of the right-hand shoulder.
- (c) As provided in this article, no vehicle shall stop, stand, or park:
 - 1) On a sidewalk;
 - 2) Within an intersection; or
 - 3) At any place where official signs prohibit stopping or parking.
- (d) As provided in this article, no vehicle shall stop, stand, or park, except momentarily to pick up or discharge a passenger or passengers:
 - 1) In front of a public or private driveway;
 - 2) Within 15 feet of a fire hydrant;
 - 3) Within 20 feet of a crosswalk at an intersection;
 - 4) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - 5) Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station within 75 feet of such entrance; or
 - 6) At any place where official signs prohibit standing.
- (e) The provisions of this section shall apply to residentially zoned (R-1, R-2, R-3, R-4 and R-5), neighborhood commercial zoned (C-1), and planned use development zoned (PUD) areas.

Sec. 13-54 – On Street Parking, Odd-Even Parking

- (a) As provided in this article, every vehicle stopped or parked on a roadway within all residentially zoned (R-1, R-2, R-3, R-4 and R-5), neighborhood commercial zoned (C-1), and planned use development zoned (PUD), areas shall park on the side of street with odd numbered addresses in odd months, and shall park on the side of the street with even numbered addresses in even months.
 - 1) Odd months: January, March, May, July, September, and December.
 - 2) Even months: February, April, June, August, October, and December.
- (b) As otherwise provided and pursuant to this article, in order to facilitate orderly and safe transition between months, vehicles may park on either the even or odd side of the roadway between 10:00 PM on the final day of a month and 10:00 AM on the first day of a month.
- (c) A listing of roadways pursuant to this section can be found in Sec. 13-70.

Sec. 13-55 – On Street Parking, Residential Thoroughfares

- (a) As provided in this article, no vehicle shall stop or park on a residential thoroughfare except in a designated parking space.

- (b) A listing of residential thoroughfares pursuant to this section can be found in Sec. 13-71.

Sec. 13-56 – 13-59 – Reserved.

Sec. 13-60 – Violations, In General

- (a) Violations of this article are per se violations for the purposes of scienter.
- (b) Each calendar day constitutes a new and separate offense under this article.
- (c) For the purposes of determining penalties pursuant to this article, the 12 month calculation shall refer to the date of violations.
- (d) There is a rebuttable presumption that the registered owner of any vehicle in violation of this article is the responsible party upon whom to serve the notice of violation and to receive any fines or penalties associated therewith.
- (e) In the event of a leased vehicle:
 - 1) Upon notice of a violation, if the owner notifies the city court clerk of the name and address of the lessee of the vehicle on the date the violation occurred, then the owner of any leased vehicle shall not be liable for violation of this article while such vehicle is leased to another and such leased vehicle was not in the owner's possession or control at the time of the violation.
 - 2) If the owner so notifies the city court clerk, then the owner shall be excused from appearing on court for the violation.
 - 3) If the owner fails to submit the notice within 5 business days prior to the court date, then the court may find the owner of the vehicle liable for the violation.

Sec. 13-61 - Enforcement

- (a) Jurisdiction for enforcement of this article shall lie in the city municipal court.
- (b) The police department or the city is authorized to issue a warning, citation, or other penalties allowed by law for violations of this article. Other such penalties may include, but are not limited to: suspension of vehicle registration and towing of vehicle.
- (c) If a vehicle is towed, then the vehicle owner shall be responsible for any costs related to the vehicle's towing in addition to any fines or other penalties levied for the violation.
- (d) Nothing in this section limits or prevents the police department or the city from utilizing its discretion in whether to issue a warning, a citation, or other penalty pursuant to this article.
- (e) The police department or the city is authorized to immediately tow or otherwise move a vehicle, without regard to prior violations, regardless of whether the vehicle is in violation of this article, upon a determination that such vehicle poses an immediate and unavoidable risk of danger to those using the roadway where the stopped, standing, or parked vehicle does unduly interfere with the free movement of traffic thereon.

Sec. 13-62 – Penalties

- (a) Violation of Sec. 13-52 and 13-53 may incur the following penalties:
 - 1) Upon first and second violation within a 12 month period – a fine not to exceed \$100.
 - 2) Upon third and subsequent violations within a 12 month period – a fine not to exceed \$500, towing of vehicle, and suspension of vehicle registration.
- (b) Violation of Sec. 13-54 and 13-55 may incur the following penalties:
 - 1) Upon first violation within a 12 month period – a fine not to exceed \$100.
 - 2) Upon second and subsequent violations within a 12 month period – a fine not to exceed \$500, towing of vehicle, and suspension of vehicle registration.

Sec. 13-63 – 13-69 – Reserved.

Sec. 13-70 – Odd-Even Roadways, Listing

- (a) The roadways applicable to Sec. 13-54 are as follows:
 - 1) All highways, roads, and streets in residentially zoned (R-1, R-2, R-3, R-4 and R-5), neighborhood commercial zoned (C-1), and planned use development zoned (PUD) areas, unless otherwise noted in this article.

Sec. 13-71 – Residential Thoroughfares, Listing

- (a) The residential thoroughfares applicable to Sec. 13-55 are as follows:
 - 1) Lakeside Boulevard;
 - 2) Parkside Boulevard;
 - 3) Magnolia Boulevard;
 - 4) Bonnybridge Road;
 - 5) South Coastal Highway, south of Bonnybridge Road and north of Grange Road; and
 - 6) Crossgate Road, east of Jimmy Deloach Parkway and west of Ray Street.

Sec. 13-72 – 13-79 – Reserved.

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- V. The Police Department and the City is directed to work with the citizens during implementation and enforcement of this residential street parking ordinance. The Mayor and Council understand there will be a learning curve, and direct the Police Department and the City to highlight education and ramp up enforcement, while maintaining safety and the free movement of traffic upon the city’s roadways.
- VI. All laws and parts of laws in conflict with this Act are hereby repealed.
- VII. This Ordinance shall become effective upon its passage and adoption.