

STATE OF GEORGIA

CHEROKEE COUNTY

ORDINANCE NO. 2015-O-004

AN ORDINANCE to amend Part II, Chapter 58, Section 58-4 of the Code of Ordinances of Cherokee County, Georgia, to regulate and restrict the parking, through travel, and overnight storage of Large Trucks, as defined herein, on certain public roads of Cherokee County, Georgia; to restrict Large Truck traffic from certain roads, bridges, and culverts in Cherokee County; to establish standards for prohibiting Large Trucks and tractor trailers from traveling, parking, or entering in residential subdivision streets and from overnight parking on the rights-of-way in Cherokee County; to promote the public health, safety, and welfare; and for other purposes.

WHEREAS, the Board of Commissioners of Cherokee County is vested with the authority to provide for the safe use of public roads in Cherokee County, Georgia;

WHEREAS, the traffic of Large Trucks as defined below impacts the traveling citizens of Cherokee County on certain roads and at certain locations within the County and can create safety hazards on such certain roads and at such certain locations; and

WHEREAS, Large Truck traffic causes premature and unreasonable destruction or damage on certain roads and bridges and at certain locations within Cherokee County, and the amendment and enactment of this ordinance being necessary to promote the public health, safety, and welfare, and for other purposes;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED INTO LAW BY THE AUTHORITY OF SAME, that Part II, Chapter 58, Section 58-4 of the Code of Ordinances of Cherokee County, Georgia, is amended to read as follows:

Sec. 58-4. – Truck Routes

(a) Definitions.

- (1) “Large Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property and having a gross vehicular weight in excess of 36,000 pounds, including the load thereon, or having an overall length in excess of 30 feet, or having in excess of 3 axles, except recreational vehicles, buses used in transportation of chartered parties, and government owned vehicles.
- (2) “Residential Subdivision” means an area with streets designed primarily for residential and accessory traffic that are primarily interior subdivision streets, specifically including but not limited to all residential areas platted and regulated by the Cherokee County Subdivision Regulations.
- (3) “Person” means and shall extend and be applied to natural persons, as well as to firms, partnerships, associations, organizations, corporations and bodies politic, or any combination thereof, including but not limited to and any owners, operators, lessees, or drivers of a Large Truck that is operated in violation of this Ordinance.

(b) Prohibition on through trucks.

- (1) It shall be unlawful for any Large Truck to travel those certain County roads set forth on the attached Exhibit "A", as now or hereafter amended, unless the Large Truck's trip originates or ends on such road or is made for the purpose of making a delivery to a site on such road. All such roads on which Large Trucks are prohibited as set forth above shall be posted with "No Thru Trucks" signs at each end of such roads, and, at the Board of Commissioners' discretion, such "No Thru Trucks" signs may also be posted at the intersection of any such road with other roads.
- (2) This Ordinance shall apply to roads specifically authorized herein by the Board of Commissioners and as set forth on the attached Exhibit "A" as now or hereafter amended by Resolution of the Board. Upon adoption, this Ordinance shall apply immediately to those County roads listed on Exhibit "A" attached hereto and incorporated herein by reference.

(c) Prohibition on travel in residential subdivisions. No Large Truck shall enter, travel or park on a street in a residential subdivision in Cherokee County, except for the purpose of delivering goods to houses or points within such residential subdivision for short periods of time during daylight hours. ***Operators or owner/operators residing in subdivisions prior to the enactment of this ordinance are exempt from this section of the ordinance until such time that they voluntarily cease operations.***

(d) Limited load streets, bridges and culverts.

- (1) It shall be unlawful to operate any vehicle on any on any street in the County where the weight of such vehicle, with or without loads, is in excess of the weight as limited by ordinance and where signs indicating such limitations are posted. Further, it shall be unlawful to drive any vehicle over a bridge or culvert in the County over the weight capacity shown on said bridge and/or culvert.
- (2) This Ordinance shall apply to bridges and/or culverts specifically authorized herein by the Board of Commissioners and as later added to or deleted from Exhibit "A" by Resolution of the Board. Upon adoption, this Ordinance shall apply immediately to those County bridges and/or culverts listed on Exhibit "A" attached hereto and incorporated herein by reference.

(e) Overnight stay. No Large Truck or tractor-trailer shall enter, travel or park on a street in a residential subdivision or park on a right-of-way in Cherokee County for the purpose of an overnight stay by the driver or operator.

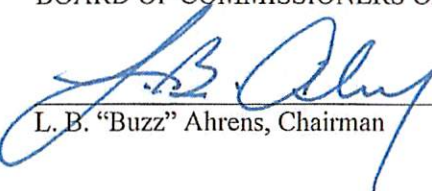
(f) Violations and penalties. Any person violating this Ordinance shall be punished by a fine not to exceed One Thousand and No/100 Dollars (\$1,000.00) or sixty (60) days imprisonment. Each day that the offense continues shall constitute a separate violation. The imposition of any fine against a person for any violation of this Ordinance shall not preclude a civil action against such person to recover for any damages caused by any such person or any such violation of this Ordinance, nor shall this Ordinance constitute a waiver of any rights the County may have to pursue a civil action against such person or to otherwise seek restitution, and all such rights are expressly reserved.

(g) Severability. Should a sentence, section, subsection or provision of this Ordinance or application thereof be declared unconstitutional or invalid, such declaration shall not affect or impair the validity of the remainder of said Ordinance or the Ordinance as a whole or any part or application so declared to be unconstitutional or invalid.

This Ordinance shall take effect and shall be in force from and after the date of its adoption, the public welfare demanding it. All other provisions and terms of the Code of Ordinances of Cherokee County not specifically amended hereby shall remain the same.

SO ENACTED this 7th day of July, 2015.

BOARD OF COMMISSIONERS OF CHEROKEE COUNTY


L. B. "Buzz" Ahrens, Chairman

Attest:

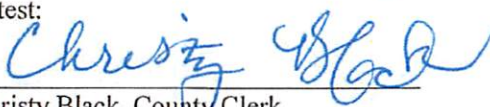

Christy Black, County Clerk



EXHIBIT "A"

List of Roads, Bridges and/or Culverts

Roads:

Butterworth Road
Scott Road
Bart Manous Road
Reavis Mountain Road
Marvin Land Road
Lower Creighton Road
Haley Farms Road
East Cherokee Drive (Holly Springs Parkway/Old Hwy 5 to SR 20/Cumming Highway)
East Cherokee Drive (SR 20/Cumming Highway to Creekside Way)

Bridges and/or Culverts:

Bells Ferry Road crossing Little River
Epperson Road crossing Canton Creek
George Gray Road crossing Shoal Creek
Kemp Drive crossing Kellogg Creek
Leo Taylor Road crossing Sharp Mountain Creek tributary
Lyon Dairy Road crossing Sharp Mountain Creek
Transart Parkway crossing Toonigh Creek
Upper Dowdy Mill Road crossing Sharp Mountain Creek
Union Hill Road crossing Mill Creek
Union Hill Road crossing Canton Creek
Waters Road crossing Mill Creek