

STATE OF GEORGIA
CLAYTON COUNTY
CITY OF RIVERDALE

ADOPTED BY THE GOVERNING BODY THIS 13 DAY OF JANUARY 2020.

ORDINANCE NO. **2-1-2020**

AN ORDINANCE OF THE CITY OF RIVERDALE'S MAYOR AND COUNCIL AMENDING CHAPTER 70 TRAFFIC AND VEHICLES, ARTICLE II PARKING OF TRUCKS, BUSES AND TRAILERS IN RESIDENTIAL AREAS, SECTIONS 70-31 THROUGH 70-35; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City of Riverdale (hereinafter "City") is governed by the Mayor and Council; and

WHEREAS, it is necessary for the City to amend its current truck parking ordinance to protect the health, safety and general welfare of its citizens.

Section 1. *NOW THEREFORE IT IS HEREBY RESOLVED that the title of Article II be amended as to read*

PARKING OF TRUCKS, BUSES AND TRAILERS

Section 2. *NOW THEREFORE IT IS HEREBY RESOLVED that Section 70-31 Definitions be amended to include a definition for Box Truck which will read with the following language:*

Sec. 70-31. - Definitions.

Box Truck means a chassis cab truck with an enclosed cuboid-shaped cargo area, likely, but not always, to have the cabin separate from the cargo area or to have a door between the cabin and the cargo area; or a truck where a cargo box is added to a chassis cab; also known as a box van, cube van, bob truck, or cube truck.

Section 3. *NOW THEREFORE IT IS HEREBY RESOLVED that Section 70-32 General Restriction be deleted and recreated so that as recreated Section 70-32 shall read with the following language:*

Sec. 70-32. - General restriction.

- a) *No person shall stop, stand or park a box truck, truck tractor, bus, trailer, semitrailer or other similar vehicle on the right-of-way of any road, street, thoroughway or other avenue of travel in the city except while actually engaged in active loading or unloading of merchandise or in cases of emergency. Active loading or unloading shall be limited to one hour.*

- b) No person shall stop, stand or park a box truck, truck tractor, bus, trailer, semitrailer or other similar vehicle on any commercial, industrial, manufacturing, office-institutional or residential zoned property in the city except**
- 1. while actually engaged in active loading or unloading and the driver is present and in charge of said vehicle;**
 - 2. in cases of emergency;**
 - 3. the vehicle is owned or is being used by a business located on the property; or**
 - 4. a business on the property is conducting operations and the vehicle is being used in connection with such activity.**
- c) Where a commercial vehicle is parked in a parking lot located in a commercial, mixed-use, industrial, manufacturing, or office-institutional zoning district pursuant to subsections (b)(1) through (b)(4) of this section, such vehicle shall park only in areas designated and posted as loading zones and/or loading docks. The use of loading zones or loading docks by operators of commercial vehicles for sleeping or parking overnight is strictly prohibited.**
- d) The provisions of subsection (b) of this section shall not apply to truck rental, leasing, or sale facilities operating and conducting business within the commercial or manufacturing zoning districts.**
- e) Parking in hotel or motel lots. Commercial vehicles may be parked in the parking lots of hotels and motels provided that**
- 1. the operators of said vehicles are registered guests of the hotel or motel, staying overnight and provided that said vehicles are parked within the lines of a designated parking space clearly marked for trucks;**
 - 2. where said commercial vehicle is a tractor trailer, only the cab of the tractor trailer may be parked in a hotel or motel parking lot in accordance with this subsection;**
 - 3. any hotel or motel providing designated parking spaces for the parking of commercial vehicles pursuant to this subsection is prohibited from acting as a routing agent for said vehicles.**
- f) Commercial vehicles may be parked overnight or for storage purposes only in industrial zoning districts within the city as provided by subsection (d) of this section.**
- g) Parking on vacant commercial property is prohibited.**
- h) It shall be unlawful to park or stand any box truck, truck tractor, bus, trailer, semitrailer or other similar vehicle on private property within any residential area of the city for a period longer than one-half hour.**
- i) Authorized emergency vehicles are excepted from this section.**

Section 4. *NOW THEREFORE IT IS HEREBY RESOLVED that Section 70-33 Limited to one hour be deleted in its entirety and replaced with the following:*

Sec. 70-33. – Enforcement.

- a) The owner or person in possession of any real property or the vehicle operator, or both may be punished as provided in section 1-12 of this Code for a violation of this ordinance.*
- b) After giving proper notice of a violation and a reasonable time thereafter to correct the deficiencies, the city shall have the authority to enter the property and bring it into compliance with these regulations by impounding any vehicle found parked on the property in violation of this section. The expense of such city action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the city. The impounded vehicle may be reclaimed by the vehicle's owner who shall be responsible for payment of the towing and storage fees, otherwise the vehicle shall be disposed of in accordance with state law.*

Section 5. *NOW THEREFORE IT IS HEREBY RESOLVED that Section 70-34 At night be deleted in its entirety.*

Sec. 70-34. - Reserved.

Section 6. *NOW THEREFORE IT IS HEREBY RESOLVED that Section 70-35 Residential Areas at night be deleted in its entirety.*

Sec. 70-35. - Reserved.

Section 7. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 8. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Riverdale.

Section 9. This Ordinance shall take effect immediately upon adoption by the Mayor and Council. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Riverdale, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 10.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, 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 Mayor and 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 and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 11. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 12. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 13 day of January, 2020.

Attest:

THE CITY OF RIVERDALE, GEORGIA

Sylvia Vaughan, City Clerk

Evelyn Wynn-Dixon, Mayor

Approved as to form:

Wanda Wallace, Councilmember

L’Erin Barnes Wiggins, City Attorney

Kenny Ruffin, Councilmember

Cynthia Stamps-Jones, Councilmember

Frank Cobbs Jr, Councilmember