

TA 19-06

STATE OF GEORGIA
 COUNTY OF DEKALB
 CITY OF BROOKHAVEN

ORDINANCE ORD 2019-02-04

AN ORDINANCE TO AMEND CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF BROOKHAVEN

- WHEREAS, Section 1.03(b)(17) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the City; and
- WHEREAS, Section 1.03(b)(23) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to define a nuisance and provide for its abatement whether on public or private property; and
- WHEREAS, the Mayor and City Council find that amendments to the motor vehicles and traffic regulations of the City are necessary.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

The identified sections of Chapter 17, Motor Vehicles and Traffic, are amended to read as follows:

Sec. 17-6. - Obstructions to right-of-way.

- (a) *Prohibited.* It shall be unlawful for any person to obstruct the right-of-way of any public road, street or other easement in the city by placing or maintaining thereon any obstruction, whether it is in the nature of shrubbery, signs, fences or whatever, which interferes with the clear view of motorists or the free passage of pedestrians thereon.
- (b) *Notice to remove.* Whenever any obstruction prohibited by subsection (a) of this section has been placed and is being maintained, the police department or code enforcement department shall notify in writing the owner of the obstruction and the owner of the land abutting the right-of-way where the obstruction is found and also the person in possession of the property. Such notice shall state the nature of the obstruction and the fact that the obstruction is an interference with the clear view of motorists or the free passage of pedestrians and that it shall be removed within ten days from the date of the notice.
- (c) *Issuance of summons upon failure to remove.* Whenever the person so notified as provided by subsection (b) of this section fails or refuses to remove the obstruction within the time allowed in the written notice, the police department or code enforcement department shall issue a summons to this person to appear in municipal court on a day certain to stand trial for the violation.
- (d) *Continued violations; issuance of summons without notice.* If upon conviction for the first offense the person continues to refuse to remove the obstruction, each day that it remains intact shall constitute a new violation of subsection (a) of this section for which the police department or code enforcement department shall issue a summons, without first issuing the written notice.

(Ord. No. O2013-01-59, § 17-6, 1-22-2013)

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SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2019.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL