

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TUCKER, GEORGIA FOR THE PURPOSE OF AMENDING THE TUCKER CODE OF ORDINANCES TO CREATE ARTICLE IV, TRAFFIC CALMING, OF CHAPTER 38, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES; TO PROVIDE DEFINITIONS; TO PROVIDE FOR THE CREATION OF SPECIAL DISTRICTS UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE FOR PROCEDURES; TO PROVIDE FOR THE CREATION OF ENTERPRISE FUNDS; TO PROVIDE FOR FEES AND BILLING RELATED TO THE FUNDING OF SAID DISTRICTS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Georgia Constitution, Article IX, Section II, Paragraph VI(c) empowers this City to create special districts for the provision of local government services within such districts; and fees, assessments, and taxes to be levied and collected within such districts to pay, wholly or partially, the cost of providing such services therein and to construct and maintain facilities therefor; and

**WHEREAS**, the City Council desires to create a system by which property owners on residential streets can chose to have a higher level of service related to traffic calming infrastructure; and

**WHEREAS**, a first and second read of this ordinance by the Mayor and Council took place on November 13, 2023 and December 11, 2023; and

**WHEREAS**, this ordinance is adopted to address the interests of public health, welfare, and safety of the citizens of the City of Tucker;

**NOW THEREFORE**, the Mayor and City Council find that in the interests of the public health, safety, and welfare of the residents and visitors to this city, the enactment of this ordinance by reasonable means, as allowed under state law, and not unduly oppressive is necessary to protect the health, safety, and general welfare of the citizens of the city.

## SECTION ONE

The Code of Ordinances of the City of Tucker, Georgia is hereby amended to add Article IV to Chapter 38, thereof, which shall read in words as follows:

### ARTICLE IV. -TRAFFIC CALMING

#### Sec. 38-50. - Definitions.

For purposes of this article, certain terms and words are defined. Where words have not been defined, but are defined in a subsequent sub-section of this article, those words shall have the meaning as defined therein. The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AASHTO* means the American Association of State Highway and Transportation Officials.

*Affected area* means a geographic portion of a neighborhood consisting of all property owners whose quality of life as a resident in the neighborhood, and not necessarily as a traveler through the neighborhood, is being directly impacted by the cut-through or speeding traffic problem being addressed. The affected area will include all lots from which residents must traverse the traffic calming measure. The affected area will also include all lots from which residents may have an alternate route without traffic calming measures but whose lots have driveways that access the residential street for which traffic calming measures are sought.

*Department* means the public works department.

*Eligible petitioner* means a person whose name is recorded as a property owner in the tax records maintained by the county's tax commissioner and board of tax assessors for the address listed on the petition that falls within the affected area.

*Initiator* is a real property owner who has requested an initial interest petition form and/or has assumed a primary role in circulating the city's traffic study petition and the subsequent traffic-calming petition and undertakes to serve as the city's sole contact with respect to the progress of the initial interest petition and any subsequent traffic study and traffic-calming petition.

*I. T. E.* means the Institute of Transportation Engineers.

*MUTCD* means the Manual on Uniform Traffic Control Devices.

*Real property owners* means homeowners or other real property owners as indicated in the tax records maintained by the county's tax commissioner and board of tax assessors.

*Reference number* means the number assigned to a completed initial interest petition which meets the city's criteria for a study that will be used to determine the order in which traffic studies will be conducted.

*Residential street* means a street classified and defined as "residential" in the records of the City of Tucker.

*Traffic-calming measures* means those methods and processes, prescribed by "AASHTO" or other nationally recognized organizations, that the city may use to reduce aggressive driving behavior that impairs the quality of life of its citizens in any neighborhood in which the posted speed limit is no greater than thirty (30) miles per hour. Such measures include, but are not limited to, speed humps, bicycle lanes, center traffic islands, splitter islands, and striping and turn restriction lanes.

*Traffic-calming program guidelines* means the guidelines for the design and application of speed humps and alternative traffic-calming measures utilized by the city public works department.

*Traffic study* means the process by which data pertinent to the flow, rate of speed and density of traffic, collected over a defined period of time, is measured and analyzed to determine its impact on the safety of citizens within a neighborhood or affected area.

Sec. 38-51. - Procedure for requesting a traffic study.

- (a) The city shall require the filing of the initial interest petition on a form promulgated by the department director or the director's designee.
- (b) Any eligible petitioners interested in pursuing the installation of traffic-calming measures on a residential street, upon request to the department, will be provided with an initial interest petition for the department to perform a traffic study. The initial interest petition must be marked with the date on which it is required to be returned to the department, hereinafter referred to as the return date. Such return date shall be forty-five (45) days after the date the department issues the initial interest petition. The initial interest petition will allow for eligible petitioners to sign in favor of requesting a traffic study.
- (c) All eligible petitioners signing an initial interest petition to request that the department carry out a traffic study shall hereinafter be referred to as applicants.
- (d) All applicants must be eligible petitioners.

Sec. 38-52. - Initial interest petition.

- (a) The department will not consider an initial interest petition unless it is complete, as that term is defined herein, and unless at least fifty (50) percent of the properties in the affected area are represented by signatures of eligible petitioners in the affected area are in favor of the traffic study.
- (b) The completed initial interest petition shall be filed with the department by the return date as provided for in section 38-51 or it shall be deemed abandoned and any further action by the city will require a new initial interest petition.
- (c) In order to be considered complete, the initial interest petition shall include all of the following:
  - (1) The full name, signature, home address, and daytime telephone number of each eligible petitioner that signed the initial interest petition.
  - (2) The date upon which each eligible petitioner signed the initial interest petition.
  - (3) A description of the precise area for which the traffic study is requested by reference to the name of the subdivision or popular name of the neighborhood, or the bridges, streets, roads and where appropriate with house numbers that identify the area where a perceived speeding or cut-through problem exists.
  - (4) The name, address and telephone number of an initiator.
- (d) Only one (1) eligible petitioner for each property in the affected area may sign the initial interest petition.

Sec. 38-53. - Evaluating the initial interest petition and informing the initiator.

- (a) Upon receipt of a completed initial interest petition, the department will make a determination as to whether at least fifty (50) percent of the properties in the affected area are represented by signatures of eligible petitioners.
- (b) After the department has received the complete initial interest petition, no signature will be withdrawn from an initial interest petition unless the department is notified in writing within thirty (30) days, that there is reasonable proof that fraud or other impropriety occurred regarding the obtaining of the petitioner's signature.
- (c) Within sixty (60) days, the initiator of the initial interest petition will be notified in writing by the department as to whether the initial interest petition meets the criteria for a traffic study. In the event that the department decides to conduct a traffic study, the written notification to the initiator will include a reference number assigned to the initial interest petition for the conduct of the study.
- (d) In the event that the initiator moves away or is otherwise no longer a point of contact for the department and a new initiator's name or address has not been provided to the

department, the department shall consider the initial interest petition abandoned and shall cease all work on processing of the initial interest petition and any subsequent traffic study.

Sec. 38-54. - Traffic study to comply with national standards.

National standards promulgated by the American Association of State Highway and Transportation Officials, the Institute of Transportation and other national standards shall govern the execution of traffic studies and the design and installation of traffic-calming measures.

Sec. 38-55. - Priority for the conduct of traffic studies.

- (a) The department will conduct traffic studies based on the order in which completed petitions are received, relying on the reference number assigned to the completed initial interest petition, unless circumstances described in subsection (b) are found to apply.
- (b) The department reserves the right to change the order in which a traffic study is conducted where the department determines that there is an initial interest petition further down the waiting list for an area that may relate to, or be affected by, another traffic study to be conducted on a neighboring street or in a neighboring area.

Sec. 38-56. - The affected area and the traffic-calming plan.

- (a) Where a traffic study is warranted it will be conducted at a time to be determined by, and within the sole discretion of, the department; provided however, that such study shall be completed within twelve (12) months of a determination that the initial interest petition initiator is notified that the completed initial interest petition has met the criteria as provided for in section 38-53.
- (b) Upon completion of a traffic study, the department shall make a determination as to whether the results clearly demonstrate that the installation of traffic-calming measures are warranted based upon the criteria established in the traffic-calming program guidelines.
- (c) When considering traffic-calming program guidelines relating to speeding, the determination regarding whether the established criteria for traffic-calming measures have been met will be based on a comparison of actual study speeds obtained to the posted speed limit. When considering the criteria in traffic-calming program guidelines that relate to cut-through, the determination will include a comparison of cut-through traffic volumes obtained in a study to allowable volumes of cut-through traffic established in those guidelines.

Sec. 38-57. - Notification that traffic-calming measures are not warranted.

Following the completion of the study, if the department director or designee determines that no traffic-calming measures are warranted, then the department director or designee shall notify the initiator of that conclusion in writing.

Sec. 38-58. - Notification to initiator for commencement of traffic-calming conceptual design and presentation of the traffic-calming plan for public hearing.

- (a) Where traffic-calming measures are warranted, the department shall, within a reasonable time following the completion of the traffic study, not to exceed twelve (12) months, prepare a traffic-calming conceptual plan and notify the initiator in writing about the traffic-calming conceptual plan. The plan shall be available from city hall.
- (b) The traffic-calming conceptual plan must identify the affected area and include a recommendation for a specific traffic-calming measure or a combination of such measures that the department has determined to provide the most effective solution to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage. The plan may also include alternative measures that could be installed to provide some relief to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage.

Sec. 38-59. - Traffic-calming petition; choice of measures.

- (a) Following the publication of the traffic-calming conceptual plan, the department director or designee shall provide the initiator with a traffic-calming petition form to be used for recording all of the signatures. The petition must set forth the traffic-calming measures identified in the traffic-calming conceptual plan prepared by the department and the annual fee to be collected from each real property parcel. The traffic-calming petition will allow for eligible petitioners to sign in favor of requesting the implementation of the traffic-calming plan.
- (b) The initiator is responsible for circulating the traffic-calming petition to all eligible petitioners in the affected area.
- (c) A traffic-calming petition must be returned to the department within ninety (90) days of the notification to the initiator. If the initiator fails to return the completed traffic-calming petition within such time frame, it will be deemed abandoned and no further action shall be taken on the traffic calming petition or the initial interest petition from which it arose.
- (d) The traffic-calming petition shall indicate the full name, signature, home address date, and daytime telephone number for each eligible petitioner signing the selection petition.
- (e) The tax records maintained by the county's tax commissioner and board of tax assessors shall control in determining whether a signatory to the petition is a real property owner and thus an eligible petitioner.

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- (b) The initiator is responsible for circulating the traffic-calming petition to all eligible petitioners in the affected area.
- (c) A traffic-calming petition must be returned to the department within ninety (90) days of the notification to the initiator. If the initiator fails to return the completed traffic-calming petition within such time frame, it will be deemed abandoned and no further action shall be taken on the traffic calming petition or the initial interest petition from which it arose.
- (d) The traffic-calming petition shall indicate the full name, signature, home address date, and daytime telephone number for each eligible petitioner signing the selection petition.
- (e) The tax records maintained by the county's tax commissioner and board of tax assessors shall control in determining whether a signatory to the petition is a real property owner and thus an eligible petitioner.

Sec. 38-60. Creation of a special tax district and assessment of costs associated with the maintenance of the traffic-calming measure.

- (a) In order for the affected area to be eligible for the implementation of the traffic-calming measures, the petition must secure signatures in favor of the installation of traffic-calming measures from eligible petitioners representing seventy-five (75) percent of properties in the affected area.
- (b) In the event that the petition secures the requisite percentage of signatures in favor of the approved traffic-calming measure or combination of traffic calming measures, the director of the department shall present a resolution to the city council at a regularly scheduled meeting for consideration.
- (c) The city council shall conduct a hearing on the resolution utilizing the same rules as those utilized for the conduct of hearings on zoning matters.
- (d) Any resolution approving implementing traffic-calming measures pursuant to this Article shall be funded by special tax district which shall be created as part of the resolution.
- (c) The special tax district shall be created to include all of real property in the affected area for which the traffic-calming measure was approved. The annual fee identified in the traffic-calming conceptual plan shall be assessed to and collected from property owners within the affected area as part of their annual property tax assessment for the maintenance of the traffic-calming measures installed.

Sec. 38-61. - Removal of traffic-calming measures.

- (a) Upon presentation of a petition from eligible petitioners representing seventy-five (75) percent of the properties in the affected area, traffic-calming measures previously installed may be removed. No such petition shall be presented earlier than ten (10) years after initial installation of the traffic-calming measure(s).
- (b) A removal petition may be obtained from the department director or the director's designee.
- (c) The removal petition shall be returned and filed with the department within ninety (90) days of the date on which it was provided pursuant to a request or it shall be deemed abandoned and any further action by the city shall require a new removal petition.
- (d) The removal petition shall be presented to the city council at a public hearing within sixty (60) days of the department's receipt of the petition.

- (e) The procedures for the conduct of the city council hearing held pursuant to this section shall be substantially the same as those utilized under section 38-60.

Sec. 38-62. – Traffic-Calming Special District Fees.

- (a) It shall be the policy of the city that fees for traffic-calming special districts, shall be equitably derived through methods which have a demonstrable relationship to the impacts imposed by maintenance of the traffic-calming infrastructure on properties served by the traffic calming infrastructure. Traffic-calming fees shall be structured so as to be fair and reasonable, and the resultant charges shall bear a substantial relationship to the cost of maintain service.
- (b) The cost of the traffic-calming program and infrastructure may include operating, capital investment and reserve expenses, and may consider management problems, needs and requirements.
- (c) Fees shall not be based on property values and such fees shall not be construed to be a tax. All properties within the affected area shall be charged the fee.

**SECTION II.**

This ordinance shall become effective upon adoption.

**SO ORDAINED**, this 11th day of December 2023.

Approved:



Frank Auman, Mayor

City of Tucker

ATTEST:



Bonnie Warne, City Clerk

