

**AN ORDINANCE OF THE TOWN OF RESACA, GEORGIA FOR THE PURPOSE OF REGULATING THE PARKING OF VEHICLES ON CITY STREETS AND RIGHTS OF WAY; REGULATING OTHER PARKING OF COMMERCIAL VEHICLES; REGULATING JUNK VEHICLE PARKING, AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE TOWN COUNCIL OF RESACA HELD MARCH 12, 2013.**

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**WHEREAS**, the Town Council of the Town of Resaca, Georgia, finds that parking of vehicles on city streets and rights of way can cause traffic hazards, can damage city sidewalks and can create unsightly neighborhoods, and that similarly the parking of commercial vehicles and junk vehicles in residential areas is an aesthetic blight and disturbs the quiet enjoyment of residential tranquility; and

**WHEREAS**, the Town Council finds that it would be in the best interest of public health, safety and general welfare to regulate such parking within the city limits of the City of Resaca; and

**WHEREAS**, it is within the police power of the Town of Resaca to adopt reasonable ordinances to promote the public health, safety and welfare;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF RESACA, GEORGIA** ORDAINS, and it is hereby ordained, pursuant to its Home Rule authority under the Georgia Constitution and the powers granted the Town in its Charter, that the following ordinance is adopted:

**TOWN OF RESACA  
PARKING ORDINANCE**

**Sec. 1 Title**

This Ordinance shall be known as the Town of Resaca Parking Ordinance.

**Sec. 2 Purpose**

This ordinance is intended to regulate the use of city streets and rights of way for parking purposes, in order to promote public safety and the general welfare. Improper parking of vehicles and especially commercial vehicles creates traffic hazards, damages town sidewalks, and creates an unsightly aesthetic environment. It is also intended to regulate the parking of commercial motor vehicles and junk vehicles on residential property, in order to promote aesthetics and the quiet enjoyment of residential tranquility.

**Sec. 3 Definitions**

“Commercial motor vehicle” means a motor vehicle with a gross vehicle weight rating of 10,001 pounds or more (a class 3 GVWR or higher) that is used for a commercial purpose.

“Dwelling” means a place to live or abode, and includes single-family homes, duplexes, townhomes and multi-family units (i.e., apartments).

“Motor vehicle” means every vehicle which is self-propelled.

“Residential area” means any subdivision, neighborhood or other area containing dwellings.

“Tractor-trailer” means any semi-trailer, also known as an 18 wheeler.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported upon a highway, excepting devices used exclusively upon stationary rails or tracks.

#### **Sec. 4 Parking Regulations**

- A. It shall be unlawful to park any motor vehicle on or over a city sidewalk.
- B. It shall be unlawful for any tractor-trailer to park overnight on any city street or right of way. This shall apply also to the tractors and trailers separately.
- C. It shall be unlawful for any commercial motor vehicle to be parked on any city street or right of way in any residential area or in front of any dwelling, except when such vehicle is engaged in loading and unloading or rendering a service in the area or to the dwelling involved.
- D. It shall be unlawful to park any commercial motor vehicle in the front yard area of any dwelling, except that no more than two commercial motor vehicles owned or operated by occupants of the dwelling may park in the driveway of the dwelling.
- E. It shall be unlawful to park any junk or inoperable vehicle in the front or side yard areas of any dwelling.

#### **Sec. 5 Variance**

- A. Any person may apply to the Town Council for a variance to the parking regulations set forth in Sec. 4.
- B. Notice. The Town shall cause a public hearing to be advertised in the county’s legal organ, and a sign posted on the subject property, both at least ten days before a public hearing. Such advertisement shall state the property, the applicant and the purpose of the request.
- C. Public Hearing. At the hearing, the Town Council shall hear from the applicant and any opponents or supporters of the request. The Council may decide the request at that hearing or may continue it to another meeting if further information or investigation is desired by the Council.

- D. Standards. The variance may only be granted if due to the size, shape or topography of the subject property, there is not a feasible way to comply with the regulation, or if there is some other exceptional circumstance that renders the requirement of the regulation to be arbitrary and unjust, and the variance can be granted without impairing the purpose of the ordinance. Hardships created by the property owner or requests for convenience are not sufficient basis to grant a variance.
- E. Conditions. Any variance granted by the Town Council shall be in writing and may have imposed conditions to ameliorate the negative impact on neighbors, including time restrictions, location restrictions, buffers, fences or other such measures.

### **Sec. 6 Violations**

Any violation of this Ordinance shall be a misdemeanor, and shall be punishable by citation to the municipal court. Any person convicted shall be subject to a minimum fine of \$100 for the first offense, and a minimum fine of \$250 for the second offense. The maximum fine shall be \$500. Other lawful sentences may be imposed by the municipal court, including imprisonment up to 60 days, probation or community service, as well as restitution for any damage to city property.

### **Sec. 7 Repealer**

Any existing ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

### **Sec. 8 Effective Date**

This Ordinance shall be effective April 12, 2013, the public health, safety and welfare demanding. This Ordinance was adopted the 12th day of March, 2013.

TOWN OF RESACA

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Mayor Samuel Allen

ATTEST:

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City Clerk Debbie Martin