

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO ADOPT AND APPROVE AN
ORDINANCE RELATING TO TRAFFIC AND PUBLIC ROADWAYS
AND PROVIDING FOR THEIR INCLUSION AND
IDENTIFICATION IN THE FUTURE DEVELOPED CODE
OF ORDINANCES FOR THE CITY OF SANDY SPRINGS, GA
TO BE REFERENCED IN THE FUTURE AS
CHAPTER 13 (TRAFFIC AND PUBLIC ROADWAYS) AS
ATTACHED HERETO AND INCORPORATED HEREIN,
AND REPEALING CHAPTER 78, TRAFFIC AND VEHICLES,
CODE OF LAWS OF FULTON COUNTY, GA, PART II, CODE OF
ORDINANCES AND RESOLUTIONS, SUBPART A,
CODE OR ORDINANCES, APPENDIX A.**

BE IT ORDAINED by the City Council of the City of Sandy Springs, GA while in regular session on December 1, 2005 at 7:00 p.m. as follows:

SECTION 1. That the Ordinance relating to Traffic and Public Roadways is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

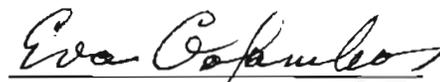
SECTION 2. That this Ordinance shall be designated as Chapter 13 of the Code of Ordinances of the City of Sandy Springs, GA; and,

SECTION 3. This Ordinance is effective December 1, 2005; and,

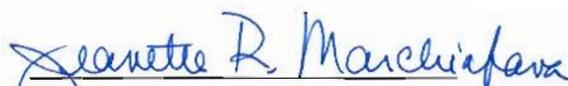
SECTION 4. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 1st day of December, 2005.

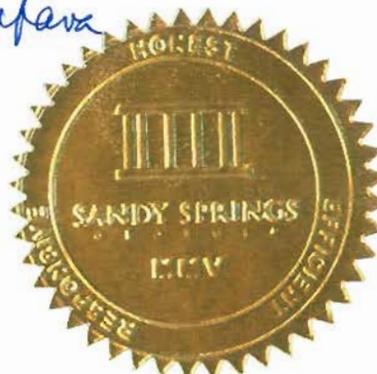
Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



Chapter 13: Traffic and Public Roadways

Article 1: Traffic Control

Section 1: Adoption of State and Federal Laws

- (a) For the purpose of regulating vehicles and traffic in the City, there is hereby adopted the following Federal regulations:
- (i) Parts 382, 383, 390, 391, 392, 393, 395, 396, and 397 of Title 49 of the U.S. Code of Federal Regulations, “The Commercial Motor Vehicle Safety Act of 1986;” and
 - (ii) The Federal “Out of Service” Criteria as amended from time to time.

These provisions are adopted as fully as if set out at length herein.

- (b) Adoption of state law by reference.
- (i) Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, Code Sections 40-6-372 through 40-6-376, Code Sections 40-6-1 through 40-6-395, known as the “Uniform Rules of the Road” and the definitions contained in Code Section 40-1-1 are hereby adopted as and for the traffic regulations of this Municipality with like effect as if recited herein.
 - (ii) *Penalties.* Unless another penalty is expressly provided for by law, every person convicted of any provision of this ordinance shall be punished as provided by Chapter One, Article 3, Section 1 of this Code of Ordinances.
 - (iii) *Effective date.* This ordinance shall take effect from and after the 1st day of December, 2005.
- (c) Any ordinance and/or part of this Chapter of the Code of Sandy Springs, which specifically designates the speed limits on the public streets of the City and/or which designates one way streets, are not affected by the adoption of the “Uniform Rules of the Road.”
- (d) City streets shall be divided into at least three categories. Speed limits for those designated categories shall be set forth in an appendix to this Code of Ordinances.
- (e) The Police Department is hereby empowered and authorized to enforce all provisions of this Chapter upon all roads the City of Sandy Springs.

Section 2: Temporary Traffic Regulations

In cases where traffic upon the streets of the City may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the police may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall

violate them shall be liable for that violation as for other violations of this code.

Section 3: Funeral Processions

- (a) A “Funeral Procession” is a group of vehicles traveling from a funeral home or similar business to a cemetery or other proper burial site. Funeral processions shall be lead by a funeral vehicle such as a hearse, and all cars in the procession shall burn regular headlights and stay in close formation.
- (b) Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and shall keep in close formation. When the lead vehicle in a funeral procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though such signal may change to red.

Section 4: Speed Limits on Certain Streets and Approved Detection Devices

Speed limits enumerated. The maximum speed limit on the public streets or parts of the public streets are set forth in an appendix to this Chapter and incorporated herein.

Speed detection devices are authorized to be used on the streets listed in appendix A of this section.

Appendix A:

(a) All law enforcement personnel of the City of Sandy Springs who are certified in the use of speed detection devices are authorized to use such devices, in accordance with all applicable laws and regulations, in the following locations as approved by the Georgia Department of Transportation and the Georgia Department of Public Safety:

The locations on the list attached hereto as Exhibit “A” and incorporated by reference as if set forth here in full.

(b) The City of Sandy Springs may add to or amend the list of locations as outlined in Section 4 from time to time pursuant to the statutes and regulations governing applications for permits to use speed detection devices in Georgia.

EXHIBIT "A"

OFF SYSTEM

Road Name	From	To	Length in Mi.	Speed Limit
Abernathy Road	Roswell Road	Mount Vernon Highway	1.70	45
Abernathy Road	Roswell Road	Brandon Mill Road	0.70	35
Allen Road	Roswell Road	Lake Forest Drive	0.50	35
Amberidge Trail	River Valley Road	River Valley Road	1.00	25
Bakers Glen Drive	Roberts Drive	Dead end	0.34	25
Ball Mill Road	Spalding Drive	Chaparral Place	0.87	30
Barfield Road	Abernathy Road	Hammond Drive	1.10	35
Black Water Trail	North Harbor Drive	Riverside Drive	0.80	25
Bonnie Lane	Johnson Ferry Road	Angus Trail	0.48	25
Boylston Drive	Mount Vernon Highway	Dead End	0.45	30
Brandon Hall Drive	Spalding Drive	Dead End	1.00	25
Brandon Mill Road	Abernathy Road	Riverside Drive	1.70	35
Brandon Mill Road	100' North of Spalding Dr	500' South of Spalding Dr	0.10	25
Brandon Ridge Drive	Brandon Mill Road	Wright Road	0.34	25
Brandonshire Road	Happy Hollow Road	Dunwoody Club Drive	0.34	25
Breakwater Ridge	Riverside Drive	Johnson Ferry Road	0.44	25
Bridgewood Valley	Road River Valley Road	Colewood Way	0.50	25
Brookgreen Road	Hammond Drive	Glenforest Road	0.47	25
Burdette Road	Long Island Drive	Lake Forest Drive	0.60	25
Central Parkway	Peachtree Dunwoody Road	Dekalb County Line	0.60	35
Chaparral Drive	Chaparral Place	Chevron Drive	0.30	25
Chaparral Place	Dunwoody Club Drive	Ball Mill Road	0.25	30
Cherry Tree Lane	Abernathy Road	Carriage Drive	0.80	25
Chevron Drive	Masters Club Drive	Ball Mill Road	0.38	25
Chevron Way	Chaparral Drive	Dead end	0.45	25
Claire Rose Lane	Glen Errol Road	Dead End	0.60	25
Cliftwood Drive	Roswell Road Lake	Forest Drive	0.45	35
Colewood Way	River Valley Road	Dead End	0.66	25
Colonel Drive	Roberts Drive	North River Parkway	0.50	25
Colquitt Road	Northridge Road	Dead End	1.00	35
Crest Valley Drive	Northside Drive	Mount Vernon Parkway	1.23	30
Crestline Parkway	Mount Vernon Highway	Peachtree Dunwoody Road	0.48	35
Dalmer Road	Windsor Parkway	Meadowbrook Drive	0.25	25
Dalrymple Road	Spalding Drive	Brandon Mill Road	1.50	35
Dalrymple Road	260 feet east of SR 9	360 feet west of Spalding Drive	0.23	25
Davis Drive	Northside Drive	Northside Drive	0.50	25
Dudley Lane	Powers Ferry Road	300 feet south of Barbara Lane	0.80	25
Duncourtney Drive	Dalrymple Road	West Spalding Drive	0.63	25
Dunhill Terrace	Dalrymple Road	West Spalding Drive	0.49	25
Dunwoody Club Drive	Spalding Drive	ett Ferry Road	3.60	35
Dunwoody Place	Roswell Road	Northridge Road	0.70	35
Dupree Drive	Powers Ferry Road	Mount Vernon Highway	0.78	30
East Conway Drive	Atlanta City Limits	Mount Paran Road	0.40	25
Edgewater Drive	Mountain Creek Trail	Edgewater Trail	0.99	25

Edgewater Trail	River Valley Road	Dead End	0.67	25
Elden Drive	Roswell Road	Elden Drive	0.60	35
Evergreen Drive	Peachtree Dunwoody Road	DeKalb County Line	0.25	30
Fair Oaks Manor	Riverside Drive	Dead End	0.28	25
Ferry Drive	Johnson Ferry Road	Johnson Ferry Road	0.38	25
Forest Hills Drive	Roswell Road	High Point Road	0.60	25
Forest Valley Road	High Point Road	Forest Valley Court	0.37	25
Forest Lake Drive	Lake Forest Drive	Mount Paran Road	0.60	25
Franklin Road	SR 9 (Roswell Road)	High Point Road	0.80	25
Glen Errol Road	Mount Vernon Highway	Long Island Drive	1.00	35
Glen Ferry Drive	Barnwell Road	Dead End	2.50	25
Glen Lake Drive	Glen Errol Road	Dead End	0.46	25
Glencourtney Drive	Spalding Drive	Dalrymple Road	0.60	25
Glenforest Road	Garber Drive	Glenridge Road	0.60	25
Glenlake Parkway	Abernathy Road	Glenridge Drive	0.50	35
Glenridge Connector	SR 407 (I-285)	Peachtree Dunwoody Road	0.86	45
Glenridge Drive	SR 9 (Roswell Road)	Glenlake Drive	3.72	35
Glenridge Drive	Glenlake Drive	Spalding Drive	0.63	25
Greenbrier Road	Glenforest Road	Hammond Drive	0.47	25
Grogans Ferry Road	SR 9 (Roswell Road)	Dead End	0.84	25
Habersham Waters Rd	Spalding Drive Brandon	Hall Drive	0.70	25
Hammond Drive	Dekalb County Line	Mount Vernon Highway	2.60	35
Happy Hollow Road	Spalding Drive	Dunwoody Club Drive	0.56	35
Hardeman Road	Roswell Road	Spruell Springs Road	0.30	25
Harleston Road	Hammond Drive	Johnson Ferry Road	0.33	25
Heards Creek Drive	Heards Ferry Road	Riverside Trace	0.36	25
Heards Ferry Road	Mount Vernon Highway	Northside Drive	2.30	35
Heards Ferry Road	200 feet south of river	140 feet south of Heards Creek Dr	0.30	25
Heards Road	Heards Ferry Road	Powers Ferry Road	0.40	35
Heards Road	Heards Ferry Road	100 feet north of SR 407 underpass	0.28	25
Hewlett Road	Spalding Drive	Dead End	0.37	25
High Point Road	Glenridge Drive	Windsor Parkway	1.50	35
High Point Road	500 feet North of Timberland Dr	200 feet south of Zebelin Road	0.20	25
Hightower Trail	Roswell Road	Dead End	0.60	35
Hilderbrand Drive	Sandy Springs Circle	Boyleston Drive	0.34	35
Hilderbrand Drive	Boyleston Drive	Garber Drive	0.98	25
Hunters Branch Drive	Dekalb County Line	Spalding Drive	1.20	25
Hunting Creek Road	Mount Vernon Road	Dead End	0.25	25
Huntingdon Trail	Northridge Road	Dead End	0.50	25
Huntley Drive	Franklin Road	Brinkley Lane	0.35	25
Indian Trail	Northside Drive	Dead End	0.42	25
Innsbruck Drive	Spalding Drive	Wingfoot Drive	1.00	25
Interstate North Pkwy	Northside Drive	Cobb County Line	0.70	40
Jett Ferry Road	Dunwoody Club Drive	Dead End	1.30	35
Jett Road	Crest Valley Drive	Jett Ridge Drive	1.30	30
Johnson Ferry Road	Glenridge Drive	Cobb County Line	2.50	35
Johnson Ferry Road	Glenridge Drive	South Johnson Ferry Road	1.00	35
Kayron Drive	Garber Drive	Johnson Ferry Road	0.90	25
Lake Forrest Drive	Mount Vernon Highway	940 feet north of Barbara Lane	2.84	35
Lake Hearn Drive	Peachtree Dunwoody Road	Dekalb County Line	0.27	35
Lake Island Drive	Glen Lake Drive	Long Island Drive	0.52	25

Lake Placid Drive	Kingsport Drive	Roswell Road	0.29	35
Londonberry Road	Powers Ferry Road	Long Island Drive	1.17	30
Long Island Drive	Mount Vernon Highway	Roswell Road	2.60	35
Long Island Drive	50 feet north of Kitty Hawk Dr	150 north of Kitty Hawk Dr	0.19	25
Long Island Drive	Johnson Ferry Road	Dead End	0.38	25
Long Island Place	Long Island Drive	Bonnie Lane	0.30	25
Meadowbrook Drive	Roswell Road	Dalmer Road	0.36	25
Meridian Mark Drive	Johnson Ferry Road	Glenridge Connector	0.33	35
Misty Oaks Drive	Spalding Drive	Dead End	0.46	25
Mitchell Road	Hammond Drive	Long Island Drive	0.40	25
Montevallo Drive	Forest Hills Drive	Forest Valley Road	0.37	25
Monticello Drive	Spalding Drive	Old Dominion Drive	0.35	25
Morgan Falls Road	Roswell Road	Dead End	1.10	35
Mount Paran Road	Northside Drive	Powers Ferry Road	1.26	30
Mount Paran Road	Powers Ferry Road	Roswell Road	1.31	35
Mount Vernon Hwy	Northside Drive	Dekalb County Line	5.50	35
Mount Vernon Parkway	Mount Vernon Highway	Crest Valley Drive	0.80	25
Mount Vernon Road	Spalding Drive	Dunwoody Club Drive	0.70	35
Mountain Brook Lane	Old Creek Trail	Mountain Brook Way	0.49	25
Mountain Brook Way	Edgewater Drive	Dead End	0.40	25
New Northside Drive	Northside Drive	Interstate North Parkway	0.50	35
North Harbor Drive	Johnson Ferry Road	Riverside Drive	0.50	25
North Island Drive	Jett Road	Rebel Trail	0.69	30
North Mill Road	Johnson Ferry Road	Brandon Mill Road	0.70	25
North Powers Ferry Rd	Mount Vernon Highway	Dead End	0.57	25
North River Drive	Dunwoody Place	North River Parkway	0.54	25
North River Parkway	Colonel Drive	Roswell Road	0.60	35
North Spalding Lake Dr	Spalding Lake Drive	Dead End	0.50	25
Northgreen Drive	Spalding Drive	Northgreen Drive	0.79	25
Northland Drive	Glenridge Drive	Windsor Parkway	1.40	35
Northland Drive	500 feet north of High Point Rd	500 feet south of High Point Rd	0.10	25
Northridge Road	Georgia 400	Dead End	0.70	25
Northridge Road	Roswell Road	Georgia 400	0.60	35
Northside Drive	Heards Ferry Road	Mount Paran Road	3.70	35
Northway Drive	Windsor Park Drive	Dead End	0.33	25
Northwold Drive	Roberts Drive	Dead End	0.45	25
Northwood Drive	SR 9 (Roswell Road)	Lake Forest Drive	0.47	35
Old Cobblestone Drive	Spalding Drive	Dead End	0.31	25
Old Dominion Road	Spalding Drive	Dead End	0.28	25
Old Powers Ferry Road	Northside Drive	Dupree Drive	0.65	30
Old Riverside Drive	Riverside Drive	Riverside Drive	0.47	25
Osner Drive	Mount Paran Road	SR 9 (Roswell Road)	0.27	25
Park Avenue	Roswell Road	Belle Isle Road	0.30	25
Peachtree Dunwoody Rd	Spalding Drive	West Peachtree Dunwoody Road	0.52	35
Peachtree Dunwoody Rd	West Peachtree Dunwoody Rd	West Peachtree Dunwoody Rd	0.35	25
Peachtree Dunwoody Rd	West Peachtree Dunwoody Rd	0.28 mi. south of Starlight Drive	0.35	25
Perimeter Center West	Dekalb County Line	Abernathy Road	0.80	45
Pitts Road	Roswell Road	Spalding Drive	0.60	35
Powers Ferry Road	Cobb County Line	Mount Vernon Highway	2.30	35
Powers Ferry Road	Mount Vernon Highway	150 feet north of Eppington Dri	2.40	35

Princeton Trace	Dalrymple Road	Old Maine Trail	0.50	25
Quiet Water Lane	Spalding Drive	Habersham Waters Road	0.50	25
Rebel Trail	Mount Paran Road	Powers Ferry Road	0.69	30
River Chase Circle	Heards Ferry Drive	River Chase Circle	1.30	30
River Court Parkway	Brandon Mill Road	600' South of River Park	0.70	35
River Ferry Drive	Barnwell Road	Laurel Way	0.40	25
River Overlook Drive	Edgewater Drive	Edgewater Drive	0.40	25
River Run	Huntcliff Trace	Dead End	0.50	25
River Shore Parkway	Colewood Way	Riverside Parkway	0.50	35
River Valley Road	Riverside Drive	Johnson Ferry Road	1.30	35
Riveredge Parkway	Interstate North Parkway	Northside Drive	0.90	35
Riverhill Drive	Rivershore Parkway	Riverwood Dr.	0.70	30
Riverside Dr	Mount Vernon Hwy	Dalrymple Rd	4.30	35
Riverside Pkwy	Riverside Dr	Rivershore Pkwy	0.40	25
Riverview Rd	Northside Dr	Northside Dr	1.65	25
Riverwood Dr	Rivershore Pkwy	Riverhill Dr	1.38	30
Roberts Dr	Roswell Rd	Dunwoody Pl	2.21	35
Roberts Dr	Northridge Rd	Dekalb County Line	0.88	25
Ryefield Dr	Spalding Dr	Mount Vernon Rd	0.36	25
Saddle Ridge Dr	Dunwoody Club Dr	Dead End	0.50	25
Sandy Springs Circle	Roswell Road	Allen Road	1.16	35
Sandy Springs Place	Sandy Springs Circle	Roswell Road	0.37	25
Sherrell Drive	Colton Drive	Glenridge Drive	0.37	25
South Trimble Road	Peachtree Dunwoody Rd	Dead End	0.71	25
Spalding Dr	Roswell Rd	Winters Chapel Rd	7.53	35
Spalding Drive	Hunters Branch Drive	400 feet west of Spender Trace	0.20	25
Starlight Drive	Peachtree Dunwoody Circle	Starlight Ln	0.60	25
Stella Drive	Dudley Ln	.13 mi north of Powers Ferry Rd	0.35	30
Sunnybrook Farm Rd	Roberts Drive	Dead End	0.36	25
Tara Trail	Long Island Dr	Dead End	0.50	25
Trowbridge Road	Roswell Rd	Dalrymple Rd	0.50	30
Twin Branch Ln	Twin Branches Rd	Hunters Branch Dr	0.40	25
Twin Branch Rd	Spalding Dr	Hunters Branch Dr	0.60	25
Tynecastle Dr	Spalding Dr	Dead End	0.36	25
Vernon Woods Dr	Roswell Road	Mount Vernon Highway	1.00	25
Weatherly Drive	Heards Ferry Road	Mountain Brook Lane	0.60	25
West Belle Isle Road	Lake Forrest Drive	Roswell Road	0.33	25
West Garmon Road	Harris Trail	Northside Drive	0.50	25
West Peachtree Dunwoody Rd	Peachtree Dunwoody Rd	Peachtree Dunwoody Rd	0.36	35
West Spalding Drive	Brandon Mill Rd	Dead End	0.90	25
Whitner Dr	Mount Vernon Highway	Idlewood Dr	0.50	30
Williamson Dr	Abernathy Rd	Carriage Dr	0.50	25
Windsor Pkwy	Roswell Rd	Peachtree Dunwoody Rd	1.70	35
Windsor Pkwy	Peachtree Dunwoody Rd	DeKalb County Line	0.40	30
Wing Mill Rd	Grogans Ferry Rd	Dead End	0.81	25
Winters Chapel Rd	Spalding Dr	Gwinnett County Line	0.50	40
Wright Rd	Johnson Ferry Rd	Stone Mill Trail	1.00	25
Wyncourtney Dr	Glencourtney Dr	Dead End	0.40	25

ON SYSTEM

<u>Route</u>	<u>From</u>	<u>To</u>	<u>Length in Mi.</u>	<u>Speed Limit</u>	
SR 9	US 19	50 feet north of Meadowbrook Dr	SR 407	2.42	35
SR 9	SR 407	.10 mi north of Abernathy Rd		1.86	35
SR 9	.10 mi north of Abernathy Rd	.16 mi south of Azalea Dr		5.15	45
SR 9	North Springs High School	820 feet south of Dalrymple Road			
		1060 feet north of Dalrymple Rd		0.36	35
Sr 400	Nancy Creek Bridge	0.55 mi north of the toll plaza		0.23	45
SR 400	.55 north of the toll plaza	Spalding Dr		5.12	55
SR 400	Spalding Dr	0.06 mi south of Chattahoochee River		3.82	65
SR 407	Cobb County Line 21/71	DeKalb County Line		5.89	55

Article 5: Speed Limits Appendix.

(a) The following speed limits and zones shall apply to the streets, roads, and public thoroughfares within the City of Sandy Springs, in accordance with all applicable laws and regulations:

The locations on the list attached hereto as Exhibit "A" and incorporated by reference as if set forth here in full.

(b) The City of Sandy Springs may add to or amend the list of locations as outlined in Article 5 from time to time pursuant to the statutes and regulations governing the establishment or alteration of speed limits and zones in Georgia.

EXHIBIT "A"

OFF SYSTEM

<u>Road Name</u>	<u>From</u>	<u>To</u>	<u>Length in Mi.</u>	<u>Speed Limit</u>
Abernathy Road	Roswell Road	Mount Vernon Highway	1.70	45
Abernathy Road	Roswell Road	Brandon Mill Road	0.70	35
Allen Road	Roswell Road	Lake Forest Drive	0.50	35
Amberidge Trail	River Valley Road	River Valley Road	1.00	25
Bakers Glen Drive	Roberts Drive	Dead end	0.34	25
Ball Mill Road	Spalding Drive	Chaparral Place	0.87	30
Barfield Road	Abernathy Road	Hammond Drive	1.10	35
Black Water Trail	North Harbor Drive	Riverside Drive	0.80	25
Bonnie Lane	Johnson Ferry Road	Angus Trail	0.48	25
Boylston Drive	Mount Vernon Highway	Dead End	0.45	30
Brandon Hall Drive	Spalding Drive	Dead End	1.00	25

Brandon Mill Road	Abernathy Road	Riverside Drive	1.70	35
Brandon Mill Road	100' North of Spalding Dr	500' South of Spalding Dr	0.10	25
Brandon Ridge Drive	Brandon Mill Road	Wright Road	0.34	25
Brandonshire Road	Happy Hollow Road	Dunwoody Club Drive	0.34	25
Breakwater Ridge	Riverside Drive	Johnson Ferry Road	0.44	25
Bridgewood Valley	Road River Valley Road	Colewood Way	0.50	25
Brookgreen Road	Hammond Drive	Glenforest Road	0.47	25
Burdette Road	Long Island Drive	Lake Forest Drive	0.60	25
Central Parkway	Peachtree Dunwoody Road	Dekalb County Line	0.60	35
Chaparral Drive	Chaparral Place	Chevron Drive	0.30	25
Chaparral Place	Dunwoody Club Drive	Ball Mill Road	0.25	30
Cherry Tree Lane	Abernathy Road	Carriage Drive	0.80	25
Chevron Drive	Masters Club Drive	Ball Mill Road	0.38	25
Chevron Way	Chaparral Drive	Dead end	0.45	25
Claire Rose Lane	Glen Errol Road	Dead End	0.60	25
Cliftwood Drive	Roswell Road Lake	Forest Drive	0.45	35
Colewood Way	River Valley Road	Dead End	0.66	25
Colonel Drive	Roberts Drive	North River Parkway	0.50	25
Colquitt Road	Northridge Road	Dead End	1.00	35
Crest Valley Drive	Northside Drive	Mount Vernon Parkway	1.23	30
Crestline Parkway	Mount Vernon Highway	Peachtree Dunwoody Road	0.48	35
Dalmer Road	Windsor Parkway	Meadowbrook Drive	0.25	25
Dalrymple Road	Spalding Drive	Brandon Mill Road	1.50	35
Dalrymple Road	260 feet east of SR 9	360 ft w.of Spalding Drive	0.23	25
Davis Drive	Northside Drive	Northside Drive	0.50	25
Dudley Lane	Powers Ferry Road	300 feet south of Barbara Lane	0.80	25
Duncourtney Drive	Dalrymple Road	West Spalding Drive	0.63	25
Dunhill Terrace	Dalrymple Road	West Spalding Drive	0.49	25
Dunwoody Club Drive	Spalding Drive	Jett Ferry Road	3.60	35
Dunwoody Place	Roswell Road	Northridge Road	0.70	35
Dupree Drive	Powers Ferry Road	Mount Vernon Highway	0.78	30
East Conway Drive	Atlanta City Limits	Mount Paran Road	0.40	25
Edgewater Drive	Mountain Creek Trail	Edgewater Trail	0.99	25
Edgewater Trail	River Valley Road	Dead End	0.67	25
Elden Drive	Roswell Road	Elden Drive	0.60	35
Evergreen Drive	Peachtree Dunwoody Road	DeKalb County Line	0.25	30
Fair Oaks Manor	Riverside Drive	Dead End	0.28	25
Ferry Drive	Johnson Ferry Road	Johnson Ferry Road	0.38	25
Forest Hills Drive	Roswell Road	High Point Road	0.60	25
Forest Valley Road	High Point Road	Forest Valley Court	0.37	25
Forest Lake Drive	Lake Forest Drive	Mount Paran Road	0.60	25
Franklin Road	SR 9 (Roswell Road)	High Point Road	0.80	25
Glen Errol Road	Mount Vernon Highway	Long Island Drive	1.00	35
Glen Ferry Drive	Barnwell Road	Dead End	2.50	25
Glen Lake Drive	Glen Errol Road	Dead End	0.46	25
Glencourtney Drive	Spalding Drive	Dalrymple Road	0.60	25

Glenforest Road	Garber Drive	Glenridge Road	0.60	25
Glenlake Parkway	Abernathy Road	Glenridge Drive	0.50	35
Glenridge Connector	SR 407 (I-285)	Peachtree Dunwoody Road	0.86	45
Glenridge Drive	SR 9 (Roswell Road)	Glenlake Drive	3.72	35
Glenridge Drive	Glenlake Drive	Spalding Drive	0.63	25
Greenbrier Road	Glenforest Road	Hammond Drive	0.47	25
Grogans Ferry Road	SR 9 (Roswell Road)	Dead End	0.84	25
Habersham Waters Rd	Spalding Drive Brandon	Hall Drive	0.70	25
Hammond Drive	Dekalb County Line	Mount Vernon Highway	2.60	35
Happy Hollow Road	Spalding Drive	Dunwoody Club Drive	0.56	35
Hardeman Road	Roswell Road	Spruell Springs Road	0.30	25
Harleston Road	Hammond Drive	Johnson Ferry Road	0.33	25
Heards Creek Drive	Heards Ferry Road	Riverside Trace	0.36	25
Heards Ferry Road	Mount Vernon Highway	Northside Drive	2.30	35
Heards Ferry Road	200 feet south of river	140 feet south of Heards Creek Dr	0.30	25
Heards Road	Heards Ferry Road	Powers Ferry Road	0.40	35
Heards Road	Heards Ferry Road	100 feet north of SR 407 underpass	0.28	25
Hewlett Road	Spalding Drive	Dead End	0.37	25
High Point Road	Glenridge Drive	Windsor Parkway	1.50	35
High Point Road	500 feet North of Timberland Dr	200 feet south of Zeblin Road	0.20	25
Hightower Trail	Roswell Road	Dead End	0.60	35
Hilderbrand Drive	Sandy Springs Circle	Boyleston Drive	0.34	35
Hilderbrand Drive	Boyleston Drive	Garber Drive	0.98	25
Hunters Branch Drive	Dekalb County Line	Spalding Drive	1.20	25
Hunting Creek Road	Mount Vernon Road	Dead End	0.25	25
Huntingdon Trail	Northridge Road	Dead End	0.50	25
Huntley Drive	Franklin Road	Brinkley Lane	0.35	25
Indian Trail	Northside Drive	Dead End	0.42	25
Innsbruck Drive	Spalding Drive	Wingfoot Drive	1.00	25
Interstate North Pkwy	Northside Drive	Cobb County Line	0.70	40
Jett Ferry Road	Dunwoody Club Drive	Dead End	1.30	35
Jett Road	Crest Valley Drive	Jett Ridge Drive	1.30	30
Johnson Ferry Road	Glenridge Drive	Cobb County Line	2.50	35
Johnson Ferry Road	Glenridge Drive	South Johnson Ferry Road	1.00	35
Kayron Drive	Garber Drive	Johnson Ferry Road	0.90	25
Lake Forrest Drive	Mount Vernon Highway	940 feet north of Barbara Lane	2.84	35
Lake Hearn Drive	Peachtree Dunwoody Road	Dekalb County Line	0.27	35
Lake Island Drive	Glen Lake Drive	Long Island Drive	0.52	25
Lake Placid Drive	Kingsport Drive	Roswell Road	0.29	35
Londonberry Road	Powers Ferry Road	Long Island Drive	1.17	30
Long Island Drive	Mount Vernon Highway	Roswell Road	2.60	35
Long Island Drive	50 feet north of Kitty Hawk Dr	1150 north of Kitty Hawk Dr	0.19	25
Long Island Drive	Johnson Ferry Road	Dead End	0.38	25
Long Island Place	Long Island Drive	Bonnie Lane	0.30	25
Meadowbrook Drive	Roswell Road	Dalmer Road	0.36	25
Meridian Mark Drive	Johnson Ferry Road	Glenridge Connector	0.33	35

Misty Oaks Drive	Spalding Drive	Dead End	0.46	25
Mitchell Road	Hammond Drive	Long Island Drive	0.40	25
Montevallo Drive	Forest Hills Drive	Forest Valley Road	0.37	25
Monticello Drive	Spalding Drive	Old Dominion Drive	0.35	25
Morgan Falls Road	Roswell Road	Dead End	1.10	35
Mount Paran Road	Northside Drive	Powers Ferry Road	1.26	30
Mount Paran Road	Powers Ferry Road	Roswell Road	1.31	35
Mount Vernon Hwy	Northside Drive	Dekalb County Line	5.50	35
Mount Vernon Parkway	Mount Vernon Highway	Crest Valley Drive	0.80	25
Mount Vernon Road	Spalding Drive	Dunwoody Club Drive	0.70	35
Mountain Brook Lane	Old Creek Trail	Mountain Brook Way	0.49	25
Mountain Brook Way	Edgewater Drive	Dead End	0.40	25
New Northside Drive	Northside Drive	Interstate North Parkway	0.50	35
North Harbor Drive	Johnson Ferry Road	Riverside Drive	0.50	25
North Island Drive	Jett Road	Rebel Trail	0.69	30
North Mill Road	Johnson Ferry Road	Brandon Mill Road	0.70	25
North Powers Ferry Rd	Mount Vernon Highway	Dead End	0.57	25
North River Drive	Dunwoody Place	North River Parkway	0.54	25
North River Parkway	Colonel Drive	Roswell Road	0.60	35
North Spalding Lake Dr	Spalding Lake Drive	Dead End	0.50	25
Northgreen Drive	Spalding Drive	Northgreen Drive	0.79	25
Northland Drive	Glenridge Drive	Windsor Parkway	1.40	35
Northland Drive 500 feet north of High Point Rd		500 feet south of High Point Rd	0.10	25
Northridge Road	Georgia 400	Dead End	0.70	25
Northridge Road	Roswell Road	Georgia 400	0.60	35
Northside Drive	Heards Ferry Road	Mount Paran Road	3.70	35
Northway Drive	Windsor Park Drive	Dead End	0.33	25
Northwold Drive	Roberts Drive	Dead End	0.45	25
Northwood Drive	SR 9 (Roswell Road)	Lake Forest Drive	0.47	35
Old Cobblestone Drive	Spalding Drive	Dead End	0.31	25
Old Dominion Road	Spalding Drive	Dead End	0.28	25
Old Powers Ferry Road	Northside Drive	Dupree Drive	0.65	30
Old Riverside Drive	Riverside Drive	Riverside Drive	0.47	25
Osner Drive	Mount Paran Road	SR 9 (Roswell Road)	0.27	25
Park Avenue	Roswell Road	Belle Isle Road	0.30	25
Peachtree Dunwoody Rd	Spalding Drive	West Peachtree Dunwoody Road	0.52	35
Peachtree Dunwoody Rd	West Peachtree Dunwoody Rd	West Peachtree Dunwoody Rd	0.35	25
Peachtree Dunwoody Rd	West Peachtree Dunwoody Rd	0.28 mi. south of Starlight Dr	0.35	25
Perimeter Center West	Dekalb County Line	Abernathy Road	0.80	45
Pitts Road	Roswell Road	Spalding Drive	0.60	35
Powers Ferry Road	Cobb County Line	Mount Vernon Highway	2.30	35
Powers Ferry Road	Mount Vernon Highway	150 feet north of Eppington Dri	2.40	35
Princeton Trace	Dalrymple Road	Old Maine Trail	0.50	25
Quiet Water Lane	Spalding Drive	Habersham Waters Road	0.50	25
Rebel Trail	Mount Paran Road	Powers Ferry Road	0.69	30
River Chase Circle	Heards Ferry Drive	River Chase Circle	1.30	30

River Court Parkway	Brandon Mill Road	600' South of River Park	0.70	35
River Ferry Drive	Barnwell Road	Laurel Way	0.40	25
River Overlook Drive	Edgewater Drive	Edgewater Drive	0.40	25
River Run	Huntcliff Trace	Dead End	0.50	25
River Shore Parkway	Colewood Way	Riverside Parkway	0.50	35
River Valley Road	Riverside Drive	Johnson Ferry Road	1.30	35
Riveredge Parkway	Interstate North Parkway	Northside Drive	0.90	35
Riverhill Drive	Rivershore Parkway	Riverwood Dr.	0.70	30
Riverside Dr	Mount Vernon Hwy	Dalrymple Rd	4.30	35
Riverside Pkwy	Riverside Dr	Rivershore Pkwy	0.40	25
Riverview Rd	Northside Dr	Northside Dr	1.65	25
Riverwood Dr	Rivershore Pkwy	Riverhill Dr	1.38	30
Roberts Dr	Roswell Rd	Dunwoody Pl	2.21	35
Roberts Dr	Northridge Rd	Dekalb County Line	0.88	25
Ryefield Dr	Spalding Dr	Mount Vernon Rd	0.36	25
Saddle Ridge Dr	Dunwoody Club Dr	Dead End	0.50	25
Sandy Springs Circle	Roswell Road	Allen Road	1.16	35
Sandy Springs Place	Sandy Springs Circle	Roswell Road	0.37	25
Sherrell Drive	Colton Drive	Glenridge Drive	0.37	25
South Trimple Road	Peachtree Dunwoody Rd	Dead End	0.71	25
Spalding Dr	Roswell Rd	Winters Chapel Rd	7.53	35
Spalding Drive	Hunters Branch Drive	400 feet west of Spender Trace	0.20	25
Starlight Drive	Peachtree Dunwoody Circle	Starlight Ln	0.60	25
Stella Drive	Dudley Ln	.13 mi north of Powers Ferry Rd	0.35	30
Sunnybrook Farm Rd	Roberts Drive	Dead End	0.36	25
Tara Trail	Long Island Dr	Dead End	0.50	25
Trowbridge Road	Roswell Rd	Dalrymple Rd	0.50	30
Twin Branch Ln	Twin Branches Rd	Hunters Branch Dr	0.40	25
Twin Branch Rd	Spalding Dr	Hunters Branch Dr	0.60	25
Tynecastle Dr	Spalding Dr	Dead End	0.36	25
Vernon Woods Dr	Roswell Road	Mount Vernon Highway	1.00	25
Weatherly Drive	Heards Ferry Road	Mountain Brook Lane	0.60	25
West Belle Isle Road	Lake Forrest Drive	Roswell Road	0.33	25
West Garmon Road	Harris Trail	Northside Drive	0.50	25
West Peachtree Dunwoody Rd	Peachtree Dunwoody Rd	Peachtree Dunwoody Rd	0.36	35
West Spalding Drive	Brandon Mill Rd	Dead End	0.90	25
Whitner Dr	Mount Vernon Highway	Idlewood Dr	0.50	30
Williamson Dr	Abernathy Rd	Carriage Dr	0.50	25
Windsor Pkwy	Roswell Rd	Peachtree Dunwoody Rd	1.70	35
Windsor Pkwy	Peachtree Dunwoody Rd	DeKalb County Line	0.40	30
Wing Mill Rd	Grogans Ferry Rd	Dead End	0.81	25
Winters Chapel Rd	Spalding Dr	Gwinnett County Line	0.50	40
Wright Rd	Johnson Ferry Rd	Stone Mill Trail	1.00	25
Wyncourtney Dr	Glencourtney Dr	Dead End	0.40	25

ON SYSTEM

<u>Route</u>	<u>From</u>	<u>To</u>	<u>Length in Mi.</u>	<u>Speed Limit</u>	
SR 9	US 19	50 feet north of Meadowbrook Dr	SR 407	2.42	35
SR 9	SR 407	.10 mi north of Abernathy Rd		1.86	35
SR 9	.10 mi north of Abernathy Rd	.16 mi south of Azalea Dr		5.15	45
SR 9	North Springs High School	820 feet south of Dalrymple Road			
		1060 feet north of Dalrymple Rd		0.36	35
Sr 400	Nancy Creek Bridge	0.55 mi north of the toll plaza		0.23	45
SR 400	.55 north of the toll plaza	Spalding Dr		5.12	55
SR 400	Spalding Dr	0.06 mi south of Chattahoochee River		3.82	65
SR 407	Cobb County Line 21/71	DeKalb County Line		5.89	55

Article 2: Truck Routes.

Section 1: Enactment authority

The Mayor and City Council of Sandy Springs, Georgia, under the authority of Article 9, Section 2, Paragraph II (Home Rule For Municipalities) and Article 9, Section 2, paragraph III (Supplementary Powers) of the 1983 Constitution of the State of Georgia, as amended, hereby ordain and enact into law this article.

State law references: Powers of cities over street systems, O.C.G.A. § 32-4-90 et seq.; dimensions and weight of vehicles and loads, O.C.G.A. § 32-6-20 et seq.; ordinances for governing and policing municipalities, O.C.G.A. § 36-35-3; police powers of local authorities over streets, O.C.G.A. § 40-6-371(1) and (13).

Section 2: Purpose

The Governing Authority of the City of Sandy Springs, Georgia, is authorized to adopt ordinances for the governing and policing of areas within the city limits for the purpose of protecting the public health safety and welfare. Specifically, the governing authority may provide for the regulation and control of motorized vehicles on the streets of the city; plan, designate, improve, manage, control and maintain an adequate city roadway system; and determine the maximum load, weight and vehicle dimensions which can be safely transported over each bridge on the city roadway system. Accordingly, the Mayor and City Council hereby enact the following provisions in an effort to regulate and control motorized vehicles within the city limits for the purpose of protecting and preserving the public health, safety, and welfare of the citizens; to thereby curb the usage of certain residential streets in the city by trucks as cut through routes, and to discourage the parking of such vehicles on these streets and public right of ways.

Section 3: Definitions

As used in this article, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

Driver means every person who drives or is in actual physical control of a vehicle.

Bimodal semitrailer means a detachable load-carrying unit designed to be attached to a coupling on the rear of a truck by which it is partially supported during movement over the highway and designed either with retractable flanged wheels or to attach to a detachable flanged wheel assembly for movement on the rails.

Governing authority means the Mayor and City Council of Sandy Springs, Georgia, and where delegated by the Mayor and Council, the City of Sandy Springs Police Department and/or any other city personnel.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

Motor vehicle means every vehicle that is self propelled.

Operator means any person who drives or is in actual physical control of a motor vehicle.

Owner means a person, other than a lienholder or security interest holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in or lien by another person but excludes a lessee under a lease not intended as security except as otherwise specifically provided in this title.

Person means every natural person, firm, copartnership, association, or corporation.

Pneumatic tire means every tire in which compressed air is designed to support the load. A vehicle shall be considered equipped with pneumatic tires when pneumatic tires are used on all wheels.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores thereof; any park, playground, building, refuge or conservation or recreation area, and residential or farm properties, timberland or forest.

Private road or driveway means every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, but not by other persons.

Roadway means that portion of a street, road, or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively.

Semitrailer means a detachable load-carrying unit designed to be attached to a coupling on the rear of a truck by which it is partially supported.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use by pedestrians.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or stopping:

- (1) When required, means complete cessation from movement; or
- (2) When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Tractor means any self-propelled vehicle designed for use as a traveling power plant or for drawing other vehicles but having no provision for carrying loads independently.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means any motor vehicle having a gross weight of 18,000 pounds or over which is designed and used for the transportation of merchandise or freight.

Truck camper means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

State law references: Definitions, motor vehicles and traffic, O.C.G.A. § 40-1-1.

Section 4: Restrictive vehicles required to use truck routes; exceptions

All trucks are prohibited from using roadways within the city limits of Sandy Springs, except those roadways authorized by this article as truck routes, including any amendments hereof, or as may be further designated by the governing authority as truck routes, except when:

- (1) The terminal, parking lot, repair garage, or headquarters of the restricted motor vehicle is not a designated truck route, ingress to and egress from those places shall be made by the most direct route available between the terminal, parking lot, repair garage or headquarters and nearest designated truck route;
- (2) A delivery or pickup is to be made at a location which is not on a designated truck route; ingress to and egress from that location shall be made by the most direct route available between that location and the nearest designated truck route;
- (3) A delivery or pickup is to be made by a truck, road tractor, combination road tractor-trailer within any area which is not on a designated truck route; such delivery or pickup shall not be made between the hours of 7:00 a.m. and 7:00 p.m.

Section 5: Truck routes; posted regulatory signs

A list and map of approved truck routes shall be kept on file with the Sandy Springs Police Department and the City Clerk. The list of truck routes may be revised as deemed necessary by the Sandy Springs Police Department with the approval of the governing authority, with the entire list requiring renewal by the governing authority biannually. All listed routes will be further identified by posted regulatory signs. State law references: No violation of ordinance unless regulatory sign is posted on roadway, O.C.G.A. § 40-6-371(c).

Section 6: Use of temporary truck routes by restricted vehicles

If a designated truck route, or any portion thereof, shall be under repair or otherwise temporary out of use, restricted vehicles, as defined in this article, shall use other temporary truck routes as may be designated by the governing authority and further identified by the posting of the regulatory traffic control sign.

Section 7: Evidence required for restricted vehicle to be off truck route

When upon roadways other than those designated as truck routes, any person driving or in charge or control of any of the motor vehicles restricted by this Article shall be prepared to present for inspection of police officers his log book, weight slips, delivery slips or other written evidence of his or her destination and point of origin to justify the presence of the restricted vehicle on a roadway other than a designated truck route.

Section 8: Weight of vehicle and loads

No vehicle shall be operated on any roadway within the city limits of Sandy Springs, Georgia, designated as a truck route, with a total gross weight in excess of 56,000 pounds unless the vehicle is making a pickup or delivery on such road. The maximum gross weight of any vehicle operating on any roadway within the city limits of Sandy Springs, Georgia, shall not exceed 80,000 pounds.

State law references: Weight of vehicles and loads on county roadways, O.C.G.A. § 32-6-26(f).

Section 9: Weight limitations on streets, bridges and culverts

(a) It shall be unlawful to operate any motor vehicle on any street within the city limits of Sandy Springs, Georgia, where the weight of such motor vehicle, with or without load, is in excess of the weight as limited by this Article and where signs indicating such limitations are posted. Further, it shall be unlawful to drive any motor vehicle over a bridge or culvert within the city limits of Sandy Springs, Georgia, over the weight capacity shown on said bridge and/or culvert.

(b) The driver and/or owner shall be liable to the city for any and all damages caused by driving an overweight motor vehicle over any street, bridge and/or culvert with a posted sign. These damages are in addition to any fine or punishment that may be assessed for violation of this article.

State law references: Enforcement of load limits, O.C.G.A. § 32-6-27.

Section 10: Enforcement of weight and load limitations

(a) Any person who violates the load limitations provisions of this article shall be conclusively presumed to have damaged the public roads, including bridges within the city limits by reason of such overloading and shall, in addition to any other penalty at law, recompensed the city for such damages in accordance with O.C.G.A. § 32-6-27, as same may be amended.

(b) Any owner or operator of a vehicle which is operated on the public roads within the city limits of Sandy Springs, Georgia, in violation of the weight limits provided in this article shall be required, in addition to paying the monies provided in subsection (a) of this section, to unload all gross weight in excess of 6000 pounds over the legal weight limit before being allowed to move the vehicle.

(c) Any person authorized by state law and this Article to enforce this Article may seize the offending vehicle of an owner who fails or whose operator has failed to pay the monies proscribed in subsection (a) of O.C.G.A. § 32-6-27 and hold such vehicle until the proscribed moneys are paid. Any authorized person seizing such vehicle under this subsection or subsection (b) of this section may, when necessary, store the vehicle, and the owner thereof shall be responsible for all reasonable storage charges thereon. When any vehicle is seized, held, unloaded or partially unloaded under this section, the load or any part thereof shall be removed or cared for by the owner or operator of the vehicle

without any liability on the part of the authorized person or the city because of damage to or loss of such load or any part thereof.

State law references: Enforcement of city ordinances, O.C.G.A. § 36-35-3; enforcement of load limits, O.C.G.A. § 32-6-27.

Section 11: Parking of trucks and trailers

It shall be unlawful to park any truck or any trailer which is designated by the department of public safety for a license tag in a weight category heavier than 6,000 pounds on the right-of-way of any residential street or upon residential zoned property, unless said vehicle is making a delivery to said residential property. School buses shall not fall under this section. This section shall not apply to construction vehicles, trailers, or equipment temporarily located within a construction area, provided such vehicles, trailers or equipment are used in connection with dwelling units under construction within such construction area.

State law references: Authority of city to regulate parking, O.C.G.A. § 32-6-2(3); O.C.G.A. § 40-6-200 et seq.; § 40-6-371.

Section 12: Parking or storage of unlicensed, inoperable vehicles, trailers or equipment

Vehicles and trailers of any kind without current license plates, or vehicles, trailers or equipment permitted to remain in an inoperable condition for more than 30 days shall not be parked or stored on or about any property within a residential zoned district. Provided, however, this section shall not apply to vehicles, trailers or equipment stored in an enclosed structure or appropriately covered and located in the rear yard area.

Section 13: Penalties; enforcement generally

(a) Any person who violates this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not more than \$1,000.00 or no more than 60 days in jail or both for each occurrence; and each occurrence shall be deemed a separate offense.

(b) Unless otherwise specifically provided by resolution of the Mayor and City Council, the enforcement of this article shall be within the jurisdiction of the city's police department and any other city officer authorized by the State of Georgia to make misdemeanor criminal arrests. Persons designated by the governing authority are hereby authorized to issue citations or summons or both, charging violations under this article, returnable to a court or courts having jurisdiction over state traffic offenses or other courts having jurisdiction over violations of city ordinances.

(c) For purposes of enforcing the provisions of this article, any City of Sandy Springs, Georgia, court or courts having jurisdiction over state traffic offenses or other courts having jurisdiction over violations of city ordinances shall be entitled to take such action to ensure compliance, and the person convicted shall reimburse the city for any cost or expense associated with such compliance efforts, and the city shall be entitled to place a

lien on the property or require a bond from the person to secure payment and reimbursement for these expenses.

State law references: Court with jurisdiction for violating city ordinances dealing with traffic offenses, O.C.G.A. § 36-32-1.

CITY OF SANDY SPRINGS, GEORGIA

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE LICENSING AND RULES OF OPERATION OF ADULT ENTERTAINMENT ESTABLISHMENTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOCATION OF SUCH ESTABLISHMENTS; PROVIDING FOR ALCOHOLIC BEVERAGE PROHIBITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Sandy Springs are deeply and profoundly concerned about the many types of criminal activities frequently engendered by adult entertainment establishments; and

WHEREAS, the City is becoming an increasingly attractive place for the location of commercial enterprises and of residence for younger families with small children; and

WHEREAS, the Mayor and Council of the City of Sandy Springs desire to establish policies that provide the maximum protection of the general welfare, health, morals, and safety of the residents of the City of Sandy Springs; and

WHEREAS, O.C.G.A §36-60-3 provides that the governing authority of each municipal corporation is authorized to enact ordinances which have the effect of restricting the operation of adult bookstores and video stores to areas zoned for commercial or industrial purposes; and

WHEREAS, the Georgia Supreme Court, in Chambers d/b/a “Neon Cowboy” v. Peach County, Georgia, 266 Ga. 318 (1996), held that local governments may adopt ordinances designed to combat the undesirable secondary effects of sexually explicit businesses, and further held that a governing body seeking to regulate adult entertainment establishments must have evidence of a relationship between the proposed regulation and the undesirable secondary effects it seeks to control; and

WHEREAS, the Georgia Supreme Court further held in the same opinion that in passing its regulation, a governing body may rely on the experience of other counties and municipalities to demonstrate such a relationship; and

WHEREAS, the United States Supreme Court, in City of Renton v. Playtime Theater, Inc., 475 U.S. 41 (1986), held that a local government may rely on the experience of other cities in enacting legislation to regulate adult entertainment business; and

WHEREAS, based on the experiences of other municipalities and counties, including, but not limited to, Tucson, Arizona; Garden Grove, California; Ellicottville, New York;

New York, New York; Times Square, New York; Oklahoma City, Oklahoma; Cleburne, Texas; Dallas, Texas; Houston, Texas; Newport News, Virginia; St. Croix County, Wisconsin; Gwinnett County, Georgia; and Fulton County, Georgia which are found to be relevant to the problems faced by Sandy Springs, Georgia. The Mayor and City Council note the documented negative economic, physical, and social impact adult entertainment businesses have on the community; and

WHEREAS, among the undesirable community conditions identified with live nude entertainment and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for the allocation of law enforcement personnel to preserve law and order; increased burden on the judicial system as a consequence of the criminal behavior, and acceleration of community blight; and

WHEREAS, the ordinance furthers important governmental interests of reducing crime and protecting property values which are unrelated to the suppression of speech; and

WHEREAS, it is the intent of the Mayor and City Council to enact an ordinance, narrowly tailored, sufficient to combat the undesirable secondary effects of the serving and consumption of alcoholic beverages at adult entertainment facilities; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs desire to regulate the adult entertainment businesses within the city limits this ordinance is not to be construed as an endorsement from the city of these establishments. The Mayor and City Council are faced with the reality that adult entertainment businesses are actually protected under the free speech clause of the First Amendment of the Constitution of the United States for their role in communicating "erotic speech." The courts allow communities to regulate speech, not based on the content of the speech, but in time, place, and manner in which it is presented;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, FULTON COUNTY, GEORGIA, AS FOLLOWS:

Section 1. Intent

It is the intent of this chapter to regulate the place and manner of the operation of businesses or facilities that offer adult entertainment as defined in this ordinance. It is well established and has been the experience of other communities in Georgia and throughout the United States that adult entertainment, which includes public nudity, has been associated with and may encourage disorderly conduct, prostitution and sexual assault. This section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order and prohibiting public nudity. The section is narrowly constructed to protect the First Amendment rights of citizens of the City of Sandy Springs while furthering the substantial governmental interest of combating the secondary effects of public nudity and adult entertainment from areas and uses of the community which are incompatible. Areas

and uses which are to be protected from adult entertainment include but are not limited to residential, churches, day care centers, libraries, recreational facilities, and schools.

Based on the experiences of other counties and municipalities, including, but not limited to, Austin, Texas and Garden Grove, California, which experiences are found to be relevant to the problems faced by Sandy Springs, Georgia; and based on the documentary evidence and oral testimony presented by a law enforcement professional and an expert in economic development, both of whom are familiar with conditions resulting in other localities, at the Gwinnett County Board of Commissioners' hearing on July 17, 2001; the Mayor and City Council take note of the well-known and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the various communities within our country.

It is the finding of the Mayor and City Council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or "adult entertainment," (whether such alcoholic beverages are sold on the premises or not) begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community. Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking.

Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior hereinabove described. The Mayor and City Council find it is reasonable to believe that some or all of these undesirable community conditions will result in the city, as well.

Furthermore, it is the finding of the Mayor and City Council that other forms of adult entertainment including, but not limited to, adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities.

The Mayor and City Council find that the negative secondary effects of adult entertainment establishments upon the city are similar whether the adult entertainment establishment features live nude dancing or sells video tapes depicting sexual activities.

The Mayor and City Council therefore find that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's day care facilities to prevent or reduce the adverse impacts of adult entertainment establishments. Therefore, the Mayor and City Council find that licensing and regulations are necessary for any adult entertainment establishment. The Mayor and City Council find that these regulations promote the public welfare by furthering legitimate public and governmental interests, including but not limited to, reducing

criminal activity and protecting against or eliminating undesirable community conditions and further finds that such will not infringe upon the protected Constitutional rights of freedom of speech or expression. To that end, this article is hereby adopted.

Section 2. Definitions

The following terms used in this chapter defining adult entertainment establishments shall have the meanings indicated below:

(a) "*Adult bookstore*" means an establishment or facility licensed to do business in City of Sandy Springs having a minimum of 25 percent of its stock in trade, for any form of consideration, any one or more of the following materials:

- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, CD's, DVD's or other video reproductions, or slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", as defined herein; or
- (2) Instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with "specified sexual activities" as defined herein or otherwise emulate, simulate, or represent "specified anatomical areas" as defined herein.

(b) "*Adult business*" means either:

- (1) Any business other than those expressly specified in this article, where employees or patrons expose "specified anatomical areas" or engage in "specified sexual activities"; or
- (2) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."

(c) "*Adult dancing establishment*" means a business that features dancers displaying or exposing "specified anatomical areas."

(d) "*Adult entertainer*" means any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

(e) "*Adult entertainment*" means entertainment that is characterized by an emphasis on the depiction, display or the featuring of "specified anatomical areas."

(f) "*Adult motion picture theater*" means an enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(g) "*Adult mini-motion picture theater*" means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(h) "*Adult hotel or motel*" means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(i) "*Adult motion picture arcade*" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

(j) "*Adult video store*" means any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent its net sales from videos which are characterized or distinguished or relating to "specified sexual activities" or "specified anatomical areas."

(k) "*Church*" means a temple or building consecrated to the honor of God or other supreme being and religion; or an assembly of persons united by the profession of the same religious faith, meeting together routinely for religious worship.

(l) "*Erotic dance establishment*" means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(m) "*Encounter center or rap establishment*" means any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing "specified sexual activities," or exposing "specified anatomical areas."

(n) "*Escort bureau*" or "*introduction services*" means any business, agency or person who, for a fee, commission, hire, reward or profit furnishes or offers to furnish names or

persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

(o) "*Good moral character*" means a person is of good moral character according to this chapter if that person has not been convicted of a drug-related or alcohol-related felony or sex-related crime in the past five years.

(p) "*Minor*" means any person who has not attained the age of 18 years.

(q) "*Operator*" means the manager or other person principally in charge of an adult entertainment establishment.

(r) "*Owner*" means any individual or entity holding more than a 20 percent interest in an adult entertainment establishment.

(s) "*Park*" means any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.

(t) "*Premises*" means the defined, closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

(u) "*Reasonable grounds*" shall mean a violation or violations of Section 8(d)(3) of this Article.

(v) "*School*" means state, county, city, church or other schools, public or private, as teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high-school learning centers, kindergartens and day care centers for persons of all ages.

(w) "*Specified sexual activities*" shall include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relations, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

- (5) Masochism, erotic or sexually oriented torture, beating or the inflicting of pain; or
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(x) *"Specified anatomical areas"* shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Section 3. Location

No adult business or use restricted hereunder shall be located:

- (a) Within 1,000 feet of any parcel of land which is zoned for multifamily or single family uses or purposes.
- (b) Within 1,000 feet of any parcel of land upon which a church, school, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located.
- (c) Within 1,000 feet of any parcel of land upon which another establishment regulated or defined hereunder is located.
- (d) Within the central business district of the city per map on file with the planning department.
- (e) Within any zoning category other than M-1 (Light Industrial) and M-2 (Heavy Industrial).

For the purposes of this section, distance shall be from property line to property line using the closest property lines of the parcels of land involved. The term parcel of land means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

Section 4. Rules of Operation

Any person, firm, partnership, or corporation licensed hereunder shall comply with the following rules and regulations pertaining to the operation of the adult entertainment establishment:

- (1) No licensee shall operate between the hours of 2:00 a.m. and 8:00 a.m.
- (2) No person under the age of 18 shall be permitted on the premises.

- (3) No dancing or other performance by an adult entertainer at an adult entertainment establishment shall occur closer than four feet to any patron.
- (4) No patron, customer or guest shall be permitted to touch, caress or fondle any specified anatomical area of or any part of the body or clothing of any adult entertainer.
- (5) No patron shall directly pay or give any gratuity to any adult entertainer. No adult entertainer shall solicit any pay or gratuity from any patron.
- (6) No tips for performers shall be placed on the person of the performer except by hand to hand.
- (7) All performers of adult entertainment shall be restricted to fixed stages, and no patron shall be permitted on such stages. Fixed stage shall be defined as a raised floor area designed exclusively for use by performers.
- (8) The license shall be displayed in a prominent place on the premises at all times.
- (9) No licensee shall permit any alcoholic beverages to be served, offered, or consumed on the premises.
- (10) All areas of an adult entertainment establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 footcandles per square foot.
- (11) All adult entertainment which is licensed and permitted by this article shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.

Violations of these rules and regulations may result in the revocation of the license.

State law references: Sexual acts in establishments that serve alcohol, O.C.G.A. § 3-3-40 et seq.

Section 5. Employee Eligibility Requirements; Fingerprinting; Letter of Clearance

(a) No person may be employed by an establishment holding a license hereunder until such person has been fingerprinted by the police department and has been issued a letter of clearance by the police department indicating the person has not violated any law defined by this article. A letter of compliance shall be issued by the police department indicating the person is eligible for such employment. This section shall apply to performers, entertainers, bartenders, barmaids, bouncers, and musicians engaged in temporary work as well as regular employees.

(b) All persons subject to the provisions of this section shall, within 48 hours after the date of their first work in an adult entertainment establishment, report to the Police Department for purposes of being fingerprinted.

(c) The police department shall have a complete and exhaustive search made relative to any police record of the person fingerprinted. In the event there is a violation of laws as defined in Section 4 of this Article, the police department shall issue a letter to the person fingerprinted stating that the person is ineligible for employment.

(d) Any letter of eligibility for employment issued hereunder shall expire 12 months from the date of issue. The Mayor and City Council may prescribe reasonable fees for certifying the eligibility of employment.

Section 6. License required

(a) It shall be unlawful for any person, association, partnership, or corporation to operate, engage in, conduct, or carry on, in or upon any premises within the city an adult entertainment establishment as defined in this article without first procuring an annual license to do so except as provided in Section 13(b) when the city manager fails to approve or deny an application for an adult entertainment license within 30 days as required by this article.

(b) The issuance of such an annual license shall not be deemed to authorize, condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the state or the United States.

(c) No annual license for an adult entertainment establishment shall be issued by the city if the premises to be used also holds a license to sell alcoholic beverages or malt beverages and wine for consumption on the premises. Any premises licensed as an adult entertainment establishment shall not be eligible to apply at any time for a license to sell alcoholic beverages or malt beverages and wine for consumption on the premises.

(d) There shall be an annual regulatory fee for each adult entertainment establishment licensed within the City as provided in Section 15 of this ordinance.

- (1) The annual regulatory fee must be paid to the city manager within ten days after the city manager approves the initial application for an adult entertainment establishment license or a renewal thereof. In any event, no adult entertainment establishment license or renewal thereof shall be issued until the most recent annual regulatory fee has been paid.
- (2) All licenses granted hereunder shall expire on December 31 of each year.
- (3) Licensees who desire to renew their license shall file an application with the city manager on the form provided for renewal of the license for the ensuing year.
- (4) All businesses desiring to operate an adult entertainment business shall be required to file for a new license within the City of Sandy Springs, Georgia. All applications for such license for conduct of business shall be made on or before December 20, 2005 for any business desiring to apply for a business license commencing on January 1, 2006.
- (5) Applications for renewal must be filed before November 30 of each year. Any renewal application received after November 30 shall pay, in addition to said annual regulatory fee, a late charge of 20 percent.
- (6) If a license renewal application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to

comply with all rules and regulations for the granting of licenses as if no previous license had been held.

- (7) If a license application is received after January 1, investigative and administrative costs as hereinafter set forth in this article will be assessed.
- (8) All licenses granted hereunder shall be for the calendar year and the full annual regulatory fee must be paid for a license renewal application filed prior to July 1 of the license year. One-half of a full annual regulatory fee shall be paid for a license renewal application filed after July 1 of the license year.
- (9) Any person renewing any license issued hereunder who shall pay the annual regulatory fee, or any portion thereof, after January 1, shall, in addition to said annual regulatory fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

Section 7. On-premises operator required

An adult entertainment establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

Section 8. Application process and qualifications

(a) *Process.* Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct, or carry on any adult entertainment establishment in the city shall make application to the city manager of Sandy Springs. Such application shall be made on forms furnished by the city, shall be made in the name of the adult entertainment establishment by an applicant who is a natural person and an agent of the adult entertainment establishment and shall include the name(s) of the operator(s) as defined herein and of the owner(s) as defined herein. If the adult entertainment establishment is a corporation, then the agent for purposes of making application for a license hereunder shall be an officer of the corporation. If the adult entertainment establishment is a partnership, the agent for such purposes shall be a general partner. At the time of submitting such application, a nonrefundable fee payable in cash or by certified check in the amount of \$300.00 shall be paid to the city manager to defray, in part, the cost of investigation and report required by this article. The city manager shall issue a receipt showing that such application fee has been paid. The application for license does not authorize the operation of, engaging in, conduct or carrying on of any adult entertainment establishment.

(b) *Contents.* Each application for an adult entertainment establishment license shall contain the following information:

- (1) The full true name and any other names used by the applicant, the operator(s) and owner(s);

- (2) The present address and telephone number of the applicant, the operator(s) and owner(s);
- (3) The previous addresses of the applicant, the operator(s) and the owner(s), if any, for a period five years immediately prior to the date of the application and the dates of residence at each;
- (4) Acceptable written proof that the applicant, the operator(s) and the owner(s) are at least 18 years of age;
- (5) The operator(s)' height, weight, color of eyes and hair and date and place of birth;
- (6) Two photographs of the operator(s) at least two inches by two inches taken within the last six months;
- (7) The business, occupation or employment history of the applicant, the operator(s) and owner(s) for the five years immediately preceding the date of application;
- (8) The business license history of the adult entertainment establishment seeking a license and whether such establishment, in previous operations in this or any other location under license, has had such license or permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of revocation or suspension;
- (9) If the application is made on behalf of a corporation, the name of the corporation, exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation. If the application is on behalf of a limited partnership, a copy of the certificate of limited partnership filed with the Fulton County Clerk of Superior Court shall be provided. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply;
- (10) The names and addresses of the owner and lessor of the real property upon which the adult entertainment establishment is to be operated, engaged in, conducted or carried on and a copy of the lease or rental agreement;
- (11) With respect to the applicant, the operator(s) and the owner(s), all convictions, (excluding misdemeanor traffic violations unrelated to driving under the influence of drugs or alcohol) within the past five years, including a complete description of the crime or violation, the date of the crime or violation, date of conviction (including plea of guilty or *nolo contendere*), jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed. Each person required to disclose convictions hereunder shall also provide a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of his or her criminal records to the permits unit of the county police department.
- (12) A complete set of fingerprints of the applicant and the operator(s);
- (13) If the person or business entity on whose behalf application for a license is doing business under a trade name, a copy of the trade name as properly recorded. If the application is made on behalf of a corporation, a copy of its

authority to do business in the state, including articles of incorporation, trade name affidavit, if any, and last annual report, if any;

- (14) At least three character references for the applicant, the operator(s) and owner(s) from individuals who are in no way related to the applicant or any operator(s) or owner(s) and who are not or will not benefit financially in any way from the application if the license is granted. The city shall prepare forms consistent with the provisions of this subsection for the applicant, the operator(s) and owner(s), who shall submit all character references on such forms;
- (15) The address of the premises where the adult entertainment establishment will be operated, engaged in, conducted, or carried on;
- (16) A plat by a registered engineer or a registered land surveyor, licensed by the state, showing the location of the proposed premises where the adult entertainment establishment will be operated, engaged in, conducted or carried on in relation to the neighborhood, the surrounding zoning, its proximity to any residential area, church, school, public park or children's day care facility, establishment selling alcoholic beverages or malt beverages and wine or other adult entertainment establishment;
- (17) Provide certification from the Planning and Zoning/Community Development Director or his designee of approved conditions of zoning pertaining to the property to be licensed, provide land use permits, provide an as-built survey depicting the location of the structure which will operate as the adult entertainment establishment, and pay the applicable license fee. Prior to the issuance of such license, the as-built survey shall be submitted to the department of public works for a determination as to whether the proposed site meets the standards set forth in the conditions of zoning.;
- (18) Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:
 - a. If application is made on behalf of an individual, the individual;
 - b. If application is made on behalf of a partnership, by a general partner;
 - c. If application is made on behalf of a corporation, by the president of the corporation;
 - d. If application is made on behalf of any other organization or association, by the chief administrative official.

(c) *Appearance by applicant.* The applicant shall personally appear before the city manager and produce proof that a nonrefundable application fee, in an amount established by resolution of the Mayor and City Council, has been paid and shall present the application containing the aforementioned and described information.

(d) *Investigation; standards for granting of license.* The City shall have 30 business days from the date of actual receipt of a completed application to investigate the facts provided in the application and the background of the applicant, the operator(s) and owner(s). The city manager of the city shall stamp the date of actual receipt of each application on the first page thereof and notify the applicant of the actual receipt of the application within five business days of actual receipt of such application. The City

Manager shall approve or deny any application for an adult entertainment establishment license within 30 days of actual receipt of such properly completed application. The time shall not commence until a completed application has been filed. The application for an adult entertainment establishment license shall be granted if the city manager finds:

- (1) The required \$300.00 investigative fee has been paid;
- (2) The applicant has not made a material misrepresentation in the application;
- (3) Neither the applicant nor any of the operator(s) or owner(s) has been convicted or pled guilty or entered a plea of *nolo contendere* to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages, including sale or transfer of alcoholic beverages to minors in a manner contrary to law, to any crime involving keeping a place of prostitution, pandering, pimping, public indecency, prostitution, sodomy, solicitation of sodomy, masturbation for hire, sexual battery, rape, child molestation, enticing a child for indecent purposes, or any offense included in the definition of a "criminal offense against a victim who is a minor" as defined in O.C.G.A. § 42-1-12 within a period of five years. For purposes of this article, a conviction or plea of guilty or *nolo contendere* shall be ignored as to any offense for which the applicant was allowed to avail himself of the Georgia First Offender Act unless the applicant is later adjudicated guilty of having violated the terms of his first offender treatment;
- (4) Neither the applicant nor any of the operator(s) or owner(s) has had an adult entertainment establishment license or other similar license or permit revoked for cause by this City, Fulton county or any other county, or municipality located in or out of this state prior to the date of application within the preceding five years;
- (5) The building, structure, equipment and location of the premises of the adult entertainment establishment as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards;
- (6) The applicant is at least 18 years of age;
- (7) On the date the business for which a license is required herein commences, and thereafter, there will be an operator(s) as defined herein on the premises at all times during which the business is open;
- (8) The proposed premises will be located at least the minimum distances set forth in this article from any residential use, church, school, public park or children's daycare facility or establishment licensed to sell alcoholic beverages or malt beverages and wine for consumption on the premises, or another adult entertainment establishment; and
- (9) The grant of such license will not cause a violation of and will not be in conflict with this article or any other law, ordinance or regulation, of the City, Fulton County, the State of Georgia, or the United States.

The city manager of the shall deny the application for an adult entertainment establishment license if the application fails to meet any requirement contained in the city's ordinance regulating adult entertainment establishments.

Section 9. Conduct or activities prohibited

(a) *Advertising without license.* No person, partnership, corporation or other entity shall advertise or cause to be advertised an adult entertainment establishment without a valid adult entertainment establishment license issued pursuant to this article.

(b) *Employment of minors or unpermitted persons.* No adult entertainment establishment licensee shall employ or contract with a person under the age of 18 years or an adult entertainer who has not obtained a permit pursuant to this article.

(c) *Contact between patrons, employees.* No dancing or other performance by an adult entertainer at an adult entertainment establishment shall occur closer than four feet to any patron. No patron, customer or guest shall be permitted to touch, caress or fondle any "specified anatomical area" of or any part of the body or clothing of any adult entertainer. No patron shall directly pay or give any gratuity to any adult entertainer. No adult entertainer shall solicit any pay or gratuity from any patron.

(d) *Engaging in specified sexual activities prohibited.* No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall be allowed to engage in any "specified sexual activity" as defined herein on the premises of any adult entertainment establishment.

(e) *Public indecency prohibited.* No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in O.C.G.A. § 16-6-8.

Section 10. Penalty for violation

Any person violating any of the provisions of Section 9 of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment for a period not to exceed 60 days, or both. Each day of operation in violation of this article shall be deemed a separate offense.

Section 11. Unlawful operation declared nuisance

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It may take such other steps and shall apply to such court or courts as may have jurisdiction to grant

such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, engaging in, conducting or carrying on an adult entertainment establishment contrary to the provisions of this article.

Section 12. Conditions of adult entertainment establishment

(a) *Cleaning of licensed premises.* All adult entertainment establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the city, the county, and the state.

(b) *Inspection of licensed premises.* The city fire marshal shall have the authority to regularly inspect adult entertainment establishments, to determine compliance with and enforce all applicable fire, health and other codes of the county.

(c) *Inspection for unsanitary or unsafe conditions.* The city police department shall have the authority to periodically inspect adult entertainment establishments to determine compliance with and enforce all provisions of this article and other applicable ordinances, regulations and laws.

Section 13. Denial, suspension or revocation of license; hearing

(a) *Grounds.*

(1) A license may be denied to persons or entities that have submitted an incomplete application or that have failed to satisfy any of the requirements of the city's ordinance regulating adult entertainment establishments found at Sections 1 through 21 of this Code.

(2) Any of the following shall be grounds for suspension or revocation of a license:

- a. The making of any statement on an application for a license issued hereunder which is material and is later found to be false;
- b. Violation of any of the regulations or prohibitions of this article;
- c. With respect to the applicant, operator(s) and owner(s), conviction of or a plea of guilty or *nolo contendere* to any of the crimes which would make such person or adult entertainment establishment ineligible to hold a license under Section 8(d) above.

(b) *Denial; procedure.* Within 30 days of actual receipt of an application for an adult entertainment establishment license, the city manager shall either approve or deny the application. In no event shall the city manager's decision whether to approve or deny the adult entertainment establishment license application be withheld for more than 30 days after actual receipt of the completed application. In the event that such an application is held without decision for a period of more than 30 days, however, the license application shall be deemed approved, and expressive conduct may begin immediately notwithstanding the fact that no license has been issued. The director of the city's finance department shall issue an adult entertainment establishment license to an applicant who

informs the director of finance of the fact that an application has been submitted, but no decision has been made thereon for a period of more than 30 days following actual receipt of the application. Notwithstanding the fact that the license provided by this sentence shall not be a prerequisite to the commencement of business operations contemplated by the application, the director of city's finance department shall issue an adult entertainment establishment license under such circumstances within three business days of actual receipt of written notice by the applicant of such circumstances. In the event that the city manager denies an application for an adult entertainment establishment license, notice of such denial shall be delivered to the applicant in person or forwarded by certified mail to the address set forth in the application within five business days of such denial. Any person aggrieved by any decision of the city, its officials, employees or agents pursuant to this article, may seek review of such decision by filing an appropriate pleading in the superior court of the county or any other court of competent jurisdiction including, but not limited to, a mandamus petition pursuant to O.C.G.A. §§ 9-6-20--9-6-28.

(c) *Suspension or revocation; procedure.* Whenever the licensing and revenue board of appeals finds reasonable grounds exist to suspend or revoke a license issued hereunder, the board shall schedule a hearing to consider such suspension or revocation and shall, at least 20 days prior to the hearing, notify the licensee of the time and date of the hearing and the proposed action and the grounds therefor. The licensee shall be entitled to present evidence and cross-examine any witnesses at the hearing, with or without legal counsel. The licensing and revenue board of appeals shall make its decision within ten days of the hearing and shall notify the licensee in writing within five business days of the decision.

Section 14. Renewal; Change of Ownership of Establishment

After being granted an original license, a license may be renewed on or about January 1 of each year. A change of ownership shall require a new license. Any person, firm, corporation, or partnership which owns or operates an adult entertainment establishment prior to December 1, 2005, shall have thirty (30) days from the date of enactment of this ordinance to apply for license in the City of Sandy Springs.

Section 15. Fee

The fee for the adult entertainment license shall be established by the City Council.

Section 16. Compliance with Applicable Laws by Licensee

Any person, firm, partnership, or corporation who holds an adult entertainment license must also display the occupation tax certificate issued hereunder in a conspicuous location. Failure to display the occupation tax certificate in a conspicuous location may result in a fine of \$50.00.

Section 17. Alcoholic Beverages – prohibition; exceptions

(a) No person, association, partnership or corporation licensed under this Article following the date of the ordinance codified in this section shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, beer or wine or controlled substance upon the premises of any licensee. Any licensee who had a license granted by Fulton County shall not be subject to this Section 17 until January 1, 2006, at which time all licensees within the City shall be subject to this provision, including those licensees licensed before the effective date hereof.

(b) This section shall not apply to nor prohibit the live performance of legitimate plays, operas, ballets at mainstream theaters, concert halls, museums or educational institutions holding a license, which derive less than 20 percent of its gross receipts from the sale of alcoholic beverages.

(c) The word "premises" is hereby defined as the building for which or upon which a license is issued hereunder and "premise" and "building" are further defined as a structure or edifice enclosing a space within its exterior walls, and covered with a roof or outside top covering of a building or connected or attached or joined with or by a wall, roof, walkway or breezeway. Any structure or structures of any nature that share a wall, roof, walkway or breezeway shall be considered a single premises and building for the purposes of this Code. No building may be subdivided for the purpose of creating more than one premises for the purposes of this Code. In addition, the word "premises" shall include the land and real estate as well as its appurtenances, including the entire parcel together with the boundaries thereof, upon which the licensed premises sits as well as the area of land surrounding said premises.

Section 18. Penalties

Any person, firm, partnership, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 per violation or by imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment. In addition to such fine or imprisonment, violation of this chapter shall also be grounds for immediate suspension or revocation of the occupation tax certificate issued hereunder.

Section 19. Repealer

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 20. Severability

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 21. Codification

It is the intention of the Mayor and the Council of the City of Sandy Springs, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Sandy Springs, Georgia. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 22. Effective Date

This ordinance shall take effect on the 27st day of December, 2005.