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5
6 **AN ORDINANCE TO AMEND APPENDIX H TO SOUTH FULTON’S TRAFFIC
7 CALMING POLICY, ENHANCING RESIDENTIAL SAFETY AND FOR OTHER
8 LAWFUL PUERPOSES**

9
10 **(Sponsored by Mayor khalid)**

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12 *Plain Text Explanation: Lowers the number of signatures required and increases the
13 variety of streets on which citizens can apply for traffic-calming devices; reduces the
14 number of reasons requests for these traffic calming devices can be denied.*

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16
17 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
18 organized and existing under the laws of the State of Georgia;

19
20 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
21 Council thereof ("City Council");

22
23 **WHEREAS**, the rapid rate of growth of the Atlanta MSA has resulted in a significant
24 increase in the volume of traffic within the City;

25
26 **WHEREAS**, motorists living in and passing through the City have sought
27 alternative routes through residential areas to avoid traffic congestion and delay;

28
29 **WHEREAS**, when cutting through residential neighborhoods, motorists tend to
30 travel at speeds that exceed the posted speed limit, resulting in a proliferation of traffic-
31 related problems in City neighborhoods;

32
33 **WHEREAS**, the City desires through this Ordinance to help manages and control
34 problems associated with traffic flow, excessive speeding, cut through traffic, pedestrian
35 safety, damage to property and quality of life;

36
37 **WHEREAS**, the City seeks to appropriate taxpayer dollars to the issues of greatest
38 concern to citizens as demonstrated through their Petitions to the city; and

39
40 **WHEREAS**, this Resolution is in the best interests of the health, safety and general
41 welfare of the City, its residents and the general public.

42
43 **THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY
44 RESOLVES** as follows:
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46 **Section 1.** Appendix H to the City Code of Ordinances, Enhancing Residential
47 Safety and for Other Lawful Purposes shall be amended as follows:

48
49 **Sec. 1 – Definitions shall be amended to include:**

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51 **Arterials** means freeways, multilane highways, and other important roadways that
52 supplement the Interstate System. They connect, as directly as practicable, the Nation’s
53 principal urbanized areas, cities, and industrial centers. Land access is limited. Posted
54 speed limits on arterials usually range between 50 and 70 mi/h.

55
56 **Collectors** means major and minor roads that connect local roads and streets with
57 arterials. Collectors provide less mobility than arterials at lower speeds and for shorter
58 distances. They balance mobility with land access. The posted speed limit on collectors
59 is usually between 35 and 55 mi/h.

60
61 **Local Roads** means provide limited mobility and are the primary access to residential
62 areas, businesses, farms, and other local areas. Local roads, with posted speed limits
63 usually between 20 and 45 mi/h, are the majority of roads in the U.S.

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65
66 **Sec. 2 – Procedure for requesting Traffic Calming.**

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68 A. There shall no longer be separate Initial Interest and Traffic Calming Petitions. All
69 petitions which meet the criteria outlined in Section 7 (Affected Area) shall be
70 given some form of traffic calming, provided it does not violate National Highway
71 Transportation Safety Agency (NHSTA) standards and General Fund monies are
72 available (as determined by the City Manager) than the City shall make an effort
73 provide, at minimum, the least expensive traffic calming solution available. The
74 City shall require the filing of a Traffic Calming Petition form, which shall be made
75 available by the Public Works Director electronically or in person at the
76 Department of Public Works within three (3) business days of said request. To
77 encourage a more accurate collection of data, the City shall ensure an electronic
78 version of a petition is made available online with a corresponding hardcopy
79 signature sheet to verify that information was voluntarily given by persons whose
80 information appears on electronic petitions. Citizens shall be encouraged, but not
81 required to use electronic forms whenever possible to ensure accurate
82 transcription of their contact information.

83
84 B. Any person(s) interested in pursuing the installation of traffic-calming measures
85 on a residential street, upon request to the department, will begin the Traffic
86 Calming Petition process for the Department to perform a traffic study. The
87 Traffic Calming Petition shall be completed no later than one hundred eighty
88 (180) days after the Department issues the Traffic Calming Petition. The Traffic
89 Calming Petition will allow for persons (Real Property Owners or Renters) to sign
90 in favor of requesting a traffic study/traffic calming installation or to register their
91 opposition to the conduct of a traffic study/traffic calming installation.

92
93 C. Unamended, except for unification of petition names to Traffic Calming Petition.

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95 D. Unamended, except for unification of petition names to Traffic Calming Petition.

96
97 **Sec.3 – Traffic Calming Petition.**

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99 A. The Department shall consider every Traffic Calming Petition in which fifty (50)
100 percent of the real property owners or rental occupants on the residential street
101 in favor of the traffic study.

102
103 B. The Traffic Calming Petition shall all include the following:

104 1. The full name, signature, home address; and daytime telephone number
105 and/or email of each person that signed the Traffic Calming Petition.

106 2. Unamended

107 3. Unamended

108 4. The full name, signature, home address; and daytime telephone number
109 and/or email of an Initiator and up to four (4) Co-Initiators. These shall be
110 the first five (five) names on the cover page of the petition.

111 5. The Cover Page of the Petition shall explain: *“While any citizen may
112 contact the Department of Public Works to inquire on the status of the
113 petition, the Department of Public Works is only required initiate contact
114 with the Initiator, Co-Initiator, City Manager, Mayor and Councilmember(s)
115 whom represents the district(s) in which the petition area is situated that
116 the petition has failed to meet the criteria for a traffic study or that the
117 Initiator is no longer the point of contact. Should the Initiator, for whatever
118 reason, cease to be the point of contact, every Co-Initiator shall be
119 contacted and offered the opportunity to become the Initiator. The Initiator
120 and Co-Initiators should work to make sure they are in contact with one
121 another and keep informed all signatories to the petition on the progress of
122 the petition The City may use the information gathered for communication
123 on other City issues, but shall never sell this information to any other
124 party.”*

125
126 C. Unamended, except for unification of petition names to Traffic Calming Petition

127
128 **D. Collection of signatures** may be done by any human being, including church,
129 nonprofit or civic organizations or community groups, city staff or paid interns,
130 any human being living in the State of Georgia, regardless of their citizenship
131 status.

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133 **Sec. 4. – Evaluating the Traffic Calming Petition and informing the initiator.**

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135 A. Upon completion of the Traffic Calming Petition, the Department will make a
136 determination as to whether it meets the criteria outlined in Section 3.

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- 138 B. Unamended, except for unification of petition names to Traffic Calming Petition.
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140 C. Within thirty (30) business days, all signatories to the petition shall be notified via
141 electronic communication outlined in Section 8 (Notification to Petitioners) as to
142 whether the Traffic Calming Petition meets the criteria for a traffic study and that
143 a traffic study will begin within one hundred eighty (180) days of the notification.
144
145 D. In the event the Initiator moves away or is otherwise no longer a point of contact
146 for the Department, the Department shall make multiple attempts to contact
147 every Co-Initiator and offer them the opportunity to become the Initiator. If after
148 thirty (30) days, a new Initiator has not been provided to the Department, the
149 Department shall consider the Traffic Calming Petition abandoned. However, if
150 the criteria for the traffic study and/or traffic calming installation have been met,
151 the work to complete the traffic study and/or traffic calming installation shall be
152 completed.

153
154 **Sec. 5. – Traffic study to comply with national standards.**
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- 156 A. Unamended, except for unification of petition names to Traffic Calming Petition.
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158 **Sec. 6. – Priority for the conduct of traffic studies.**
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- 160 A. Unamended, except for unification of petition names to Traffic Calming Petition.
161
162 B. The Department reserves the right to change the order in which a traffic study is
163 conducted where the Department determines that there is a Traffic Calming
164 Petition further down the waiting list for an area in which there has been a higher
165 number of documented traffic accidents or fatalities.
166

167 **Sec. 7. – The affected area and the traffic-calming plan.**
168

- 169 A. Where the criteria for a traffic study have been met is a traffic study shall be
170 conducted within one hundred eighty (180) days within the notification outlined in
171 Section 4(C).
172
173 B. Upon completion of a traffic study, the Department shall make a determination as
174 to whether the results demonstrate at least one of the following criteria:
175 1. **Speed standard:** 20th percentile speed is 11 miles per our greater than
176 the posted speed limit; or
177 2. **Through Volume Accident Standard:** The total number of incidents
178 involving a fatality or cumulative property damage for the affected area of
179 more than \$25,000 is greater than one (1) per year over a twenty-four (24)
180 month period
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182 C. The City may install traffic-calming devices on any non-State Route or non-
183 Arterial street, including but not limited to connector and local roads.

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Sec. 8. – Notification to Petitioners regarding traffic calming measures.

Following the completion of the study, whether the Department determines that traffic calming measures are or are not warranted, then the Department shall notify, via robocall and/or electronic communication (e.g. text message or email), every signatory to the petition that has provided an email or cell phone number. This shall serve as the minimum notification standard for all subsequent notifications regarding any given traffic calming petition.

Sec. 9. – Notification to initiator of commencement of traffic-calming conceptual design.

- A. Unamended, except for unification of petition names to Traffic Calming Petition.
- B. The traffic-calming conceptual plan must identify the affected area and include a recommendation for a specific traffic-calming measure or combination of such measures that the Department has determined to provide the most effective solution to the problems identified in Section 7 (Affected Area), having written explanations with regards to the pavement width, grades, physical features of the proposed location(s) for the installation measures and any structures that facilitate drainage. The plan must also include all other traffic calming measures known to be available that could provide some relief, up to and including a Public Information Campaign.
- C. Unamended, except for unification of petition names to Traffic Calming Petition.
- D. A public comment period, not to exceed six (6) months, shall commence on the date that the Notification described in Section 8 (Notification to Petitioners) is sent. During that public comment period, Department designees assigned to work on the traffic calming plan, in collaboration with the Communications Department, shall convene in-person and/or virtual meetings to share all traffic calming measures known to be available, their costs, and the recommendations of the Public Works Department.

Sec. 10. – City Council Traffic Calming Hearing.

- A. Within sixty (60) days of the conclusion of the public comment period, with at least ten (10) business days' notice by communication as described in Section 8 (Notification to Petitioners), the City Council shall hold a hearing at its 2nd Monthly Meeting to hear a Department a presentation on the history of the Traffic Calming Study and the response to the Department's Traffic Calming Recommendation. The Petition's Initiator and/or Co-Initiators may present a rebuttal. At the conclusion of the Hearing, City Council shall motion and vote to select an available traffic calming solution — or no change at all.

230 Previous B-G and I-J (second required Petition) Deleted.

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232 B. All installation and maintenance costs shall be funded through the City's General
233 Fund, as funds become available. However, Homeowners Associations or
234 individual neighbors may take up collections to contract with City-approved
235 contractors to install City Council Approved Traffic Calming improvements

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237 C. The City shall offer advice and assistance with the implementation process as
238 appropriate. City personnel will inspect and approve the construction of all
239 devices to ensure they meet the design criteria, ensure a fair price is charged,
240 and prepare a maintenance schedule and budget for inclusion in the General
241 Fund Budget.

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244 **Sec. 11. – Removal of Traffic-Calming Petition.**

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246 Unamended.

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252 **Section 2.** It is hereby declared to be the intention of the City Council that: (a) All
253 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
254 upon their enactment, believed by the City Council to be fully valid, enforceable and
255 constitutional.

256 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
257 clause or phrase of this Resolution is severable from every other section, paragraph,
258 sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause
259 or phrase of this Resolution is mutually dependent upon any other section, paragraph,
260 sentence, clause or phrase of this Resolution.

261 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
262 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
263 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
264 the express intent of the City Council that such invalidity, unconstitutionality or
265 unenforceability shall, to the greatest extent allowed by law, not render invalid,
266 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
267 sentences, paragraphs or sections of the Resolution.

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269 **Section 3.** All Resolution and parts of Resolution in conflict herewith are hereby
270 expressly repealed.

271
272 **Section 4.** The City Attorney and City Clerk are authorized to make non-substantive
273 editing and renumbering revisions to this Resolution for proofing, codification, and
274 supplementation purposes. The final version of all resolutions shall be filed with the City
275 Clerk.

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Section 5. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]