

**AN ORDINANCE TO AMEND CHAPTER XXVI (STREETS, SIDEWALKS AND OTHER PUBLIC PLACES) OF THE CITY OF DUNWOODY CODE OF ORDINANCES; TO AMEND LANGUAGE FOR OBSTRUCTION IN THE RIGHT-OF-WAY;**

**WHEREAS**, obstructions in the Right-of-Way can create conditions dangerous to pedestrians, bikers, and motorists; and

**WHEREAS**, the City maintains ownership over its roads and other improvements in the right-of-way, and therefore reserves the right to exclude uses that conflict with the intended purpose of the infrastructure; and

**WHEREAS**, the City wishes to add language outlawing obstruction in the Right-of-Way; and

**WHEREAS**, the amendment is necessary to properly ensure the health, safety, and welfare of Dunwoody residents.

**NOW, THEREFORE**, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter XXVI is amended as follows:

**Section I:**

[Add new Code Section 26-8]

Sec. 26-8. – Obstruction of the right-of-way.

- (a) No person shall place or cause to place in any street and/or sidewalk debris, rubbish, irrigation water, boxes, displays, signs, poles, goods, merchandise, plant materials, or any other object so as to impede and/or endanger traffic on streets and/or sidewalks.
- (b) No person or company shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles, or stone in such a manner that vehicles cause loose stones, pebbles or gravel to be thrown on to the adjacent street and/or sidewalk.

Secs. 26-~~98~~—26-32. - Reserved.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2021.

Approved:

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2021-XX-XX**

\_\_\_\_\_  
Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

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Sharon Lowery, City Clerk (Seal)

\_\_\_\_\_  
City Attorney

## ARTICLE I. - IN GENERAL

## Sec. 26-1. - Procedure for changing street names.

- (a) An application requesting a street name change shall be submitted to the department of community development and contain the following:
  - (1) A written petition bearing signatures of a minimum of 51 percent of the property owners fronting the street. The property owners signing shall also constitute a minimum of 51 percent of the linear street frontage. Linear street frontage shall include frontage of properties that abut both sides of the street right-of-way.
  - (2) Existing and proposed street names.
  - (3) Reason for requesting change.
  - (4) Map showing street or portion of street affected by change.
  - (5) A filing fee in the amount established by action of the city council, a copy of which is on file in the office of the city clerk.
- (b) The application shall be processed and scheduled for public hearing as follows:
  - (1) The proposed name shall be checked by the city to ensure nonduplication.
  - (2) Public hearings before the planning commission and the city council may coincide with the schedule for rezoning cases.
  - (3) The city shall notify, by regular mail, all owners of record who have property fronting on the affected street, according to tax records available to the department, of the time and place of the public hearings. The postmaster shall also be notified of the hearings by regular mail.
  - (4) Legal notice of the application and the date, time and place of the public hearings shall be published in the official legal organ of the city at least ten days prior to the first public hearing.
  - (5) The application shall be forwarded with the community development department's recommendation to the planning commission for consideration at the scheduled public hearing and then forwarded to the city council with the recommendations of the department of community development and the planning commission.
  - (6) The final decision on the proposed change shall be made by the city council after having held the scheduled public hearing.
  - (7) Petitioners shall bear all costs necessary for street marker changes as determined by the city.
- (c) Applications affecting the same street or portion thereof shall not be submitted more than once every 24 months.
- (d) Requests initiated by any department or agency of the city shall be submitted to the department of community development. Review and processing procedures shall be the same as that of a property owner's application, except that the fee and a property owner's petition shall not be required in requests of this nature.

(Comp. Ords. 2008, ch. 23, art. I, § 1)

## Sec. 26-2. - Construction work on major streets, intersections; time restrictions.

No construction work or maintenance work shall be done within the traffic lanes of major through streets or intersections thereof from the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday. All underground construction work shall be paved or covered with steel plates during such rush hours or at other times when construction is not being accomplished. A list of the streets is on file with the department of public works. This section does not apply to emergency repairs.

(Comp. Ords. 2008, ch. 23, art. I, § 2)

Sec. 26-3. - Street lighting standards—Adoption.

- (a) To ensure adequate illumination of the public rights-of-way for the promotion of safety and security for the users of these rights-of-way and adjacent properties, the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, 1981 edition, as approved by the American National Standards Institute, is adopted as the standard (except as noted in subsection (b) of this section) for the installation and operation of public rights-of-way lighting in the city. Permanent copies of the standard are on file with the public works department.
- (b) Lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification shall be as follows:

Roadway Classification	Commercial Area	Intermediate Area	Residential Area
Major	2.0	1.4	1.0
Collector	1.2	0.9	0.6
Local or Residential	0.9	0.6	0.4

The uniformity of illumination shall be such that the point of lowest illumination shall have at least one-third of the average horizontal footcandle required illumination level, except that on local or residential streets it may be not less than one-sixth of the average.

(Comp. Ords. 2008, ch. 23, art. I, § 3)

Sec. 26-4. - Same—Compliance.

- (a) Any party requesting permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the public works department for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without this approval. Should the department disapprove the request to install or operate lighting fixtures within any right-of-way, the same shall be communicated in writing to the party requesting approval. The written communication shall include the specific reasons for disapproval. Any disapproval of a light or lighting system by the department may be appealed to the city council. If any party desires to appeal an adverse decision by the department, a notice of appeal shall be filed with the department within 30 days from the date following the written notice of disapproval, and it shall be the responsibility of the department to transmit forthwith to the city council all papers and allied documents constituting the record upon which the action appealed from was taken and to ensure that the appeal is promptly placed upon the agenda of the council for its determination. The city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.
- (b) Roadway or street lighting luminaires or fixtures installed within the public rights-of-way as security lights, or for the purpose of lighting areas other than the public streets, shall be mounted on the side

of the pole opposite from the street and shall be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street and that the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the city shall be obtained before installation of these lights.

- (c) Other lighting fixtures to be installed within or outside of public rights-of-way for whatever purpose shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way.

(Comp. Ords. 2008, ch. 23, art. I, § 4)

Sec. 26-5. - Public transportation carrier transit bus stop shelters.

Bus stop shelters may be erected on private property, public streets, public property, or public rights-of-way by a public transportation carrier or as authorized by a public transportation carrier, subject to the following conditions:

- (1) Plans and specifications for the proposed installations shall be submitted and approved by the city in accordance with city requirements.
- (2) Bus stop shelters may be erected at any bus stop utilized by a public transportation carrier.
- (3) The owner or constructor of the bus stop shelter shall be responsible for the maintenance of the structure.
- (4) A bus stop shelter may be erected only at bus stops identified by a public transportation carrier providing service to that location. The public transportation carrier may contract with appropriate subcontractors to provide and maintain bus stop shelters at various locations.
- (5) Bus stop shelters may carry advertising placed upon them, subject to the following rules or regulations:
  - a. Such advertising matter must be attached to the shelter and not extend out beyond the parameters of the shelter;
  - b. Bus stop shelters carrying advertising matter must be constructed so as not to obstruct vision triangles at intersecting driveways and rights-of-way;
  - c. Advertising shall not violate ordinances or state law obscenity provisions;
  - d. Advertising shall not contain flashing lights or lights that would interfere with motorists on the roadway; and
  - e. Advertising shall comply with all applicable local, state and federal regulations.
- (6) A bus stop shelter must conform to the reasonable rules and regulations established under this section, including the following:
  - a. Bus stop shelters should be at least 48 inches from the curb; where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway.
  - b. Bus stop shelters shall permit a clearance of at least 48 inches on pedestrian paths, driveways, sidewalks, drainage structures, etc.
  - c. Sides and/or internal dividers in shelters shall be constructed to provide visibility of waiting passengers to the oncoming traffic flow on the road, highway or street on which the shelter is located; provided, however, one double-faced panel containing advertising may be attached to the end of the shelter farthest from the traffic flow on the side of the street on which the shelter is located.
  - d. Each bus stop shelter shall be properly lighted to ensure public safety and provide complete visibility of the shelter from the abutting roadway.

- e. Bus stop shelters shall comply with all local, state and federal regulations.
- (7) On application by a public transportation carrier or a contractor authorized by a public transportation carrier to provide bus stop shelters to a public transportation carrier, a permit shall be issued to build a shelter and allow advertising thereon unless there is adequate reason for denying the permit.
- (8) Any public transportation carrier which provides more than one bus stop shelter shall make application for a permit to cover each of its various locations.
- (9) An application for a building permit for construction of a bus shelter shall be submitted and accompanied by the following:
  - a. Authorization and approval of the public transportation carrier and the state department of transportation;
  - b. Plans and specifications for the proposed installation;
  - c. If a bus shelter is to be erected or maintained on property other than the right-of-way of a public road or street, an authorization of the owner of the property.
- (10) The public transportation carrier shall remove the shelter upon the request of the city upon the city showing that such shelter poses a traffic hazard or an impediment to pedestrian traffic, or other reasonable cause.
- (11) Notwithstanding any other ordinance or part of ordinance prohibiting the construction of bus stop shelters or commercial advertising on public rights-of-way, a bus stop shelter complying with the provisions of this section may be constructed on public rights-of-way and have commercial advertising placed thereon, and the provisions of this section shall control such construction and advertisement.

(Comp. Ords. 2008, ch. 23, art. I, § 5)

Sec. 26-6. - Permit, franchise fee required prior to installation of poles, pipes, etc., on public roads or alleys.

- (a) No person shall install, construct, maintain or cause to be installed, constructed or maintained any pipe, main, conduit, cable, wire, pole, tower, traffic or other signal and other equipment, facilities, appliances, receptacles or signs, in, on, along, over or under the public roads or alleys of the city which are a part of the city street or county road system without first obtaining a permit therefor and paying franchise fees hereafter provided; provided, however, that such franchise fees shall not be in excess of those paid by such persons as may be authorized by any federal regulatory agency where applicable.
- (b) There is assessed a fee in the amount established by action of the city council, a copy of which is on file in the office of the city clerk, for the use of pipes, mains, conduits, cables, wires, poles, towers and public rights-of-way.
- (c) For each sign and each receptacle on the public right-of-way, excepting those used in connection with the collection and delivery of the United States mail, there is assessed a fee in the amount established by action of the city council, a copy of which is on file in the office of the city clerk.

(Comp. Ords. 2008, ch. 23, art. I, § 6)

Sec. 26-7. - Defacing streets, sidewalks or curbs.

It shall be unlawful for any person to mark or otherwise deface any public sidewalk, street, or curb in the city by painting any numbers, symbols, or advertising thereon, regardless of the purpose. This section

does not apply to public utilities and their agents, Metropolitan Atlanta Rapid Transit Authority, and other governmental agencies.

(Comp. Ords. 2008, ch. 23, art. I, § 7)

Sec. 26-8. – Obstruction of the right-of-way.

(a) No person shall place or cause to place in any street and/or sidewalk debris, rubbish, irrigation water, boxes, displays, signs, poles, goods, merchandise, plant materials, or any other object so as to impede and/or endanger traffic on streets and/or sidewalks.

(b) No person or company shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles, or stone in such a manner that vehicles cause loose stones, pebbles or gravel to be thrown on to the adjacent street and/or sidewalk.

Any personal property placed on the right-of-way following an eviction is removed within 24 hours of physical eviction unless an extension of time is requested on behalf of the evicted tenant. For purposes of this chapter, such property is deemed abandoned property 24 hours following eviction unless the landlord by contract specifies a shorter time. If the property is not removed within 24 hours, the city may commence removal and cite the property owner.

Secs. 26-~~98~~—26-32. - Reserved.