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Chapter 1

CURFEW FOR MINORS**Sec. 3-1-1. Hours of curfew; exceptions.**

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place in Augusta-Richmond County, unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any weekday and 5:00 a.m. on the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 5:00 a.m. on the following day; and provided further that the provisions of this section shall not apply in the following instances:

- (a) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;
- (b) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;
- (c) When the minor is returning directly home from lawful employment that makes it necessary to be in the above referenced places during the proscribed period of time;
- (d) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
- (e) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through Augusta-Richmond County being excepted in all cases from the curfew.

Sec. 3-1-2. Parent, guardian or other person having custody or control of child to permit violation prohibited.

It shall be unlawful for the parent, guardian, or other person having custody or control of any child under the age of eighteen (18) years to permit, or by insufficient control, to allow, such child to be in or upon the public streets or other places listed in section 3-1-1 above within Augusta-Richmond County between the hours of 11:00 p.m. on any weekday and 5:00 a.m. the following day, or on Fridays and Saturdays, between the hours of 12:00 midnight and 5:00 a.m. the following day except in circumstances set out in subsections (a) through (e) of said section 3-1-1.

Sec. 3-1-3. Violation and penalty.

Any person found guilty of a violation of this chapter shall be charged with such violation and upon trial as a misdemeanor and conviction shall be subject to the penalties provided in section 1-6-1; provided, however, that any such person under the age of seventeen (17) years who is charged with a violation of this article shall be referred to juvenile court for disposition pursuant to O.C.G.A. § 15-11-36.

Chapter 2

**FIREARMS
RESERVED**

Chapter 3

FIRE PROTECTION**ARTICLE 1 GENERAL PROVISIONS****Sec. 3-3-1. Authority to assess and levy fire tax.**

The Augusta-Richmond County Commission shall be responsible for providing fire protection within Augusta-Richmond County and shall assess and levy a fire tax within Augusta-Richmond County for each year on all property, real and personal, with the exception of automobiles, subject to ad valorem taxation under the constitution and laws of the state, to finance and pay for said fire protection.

Sec. 3-3-2. Reporting of fires required.

All fires shall be reported to the fire department immediately upon their discovery. This requirement applies to any and all interior or exterior fires, regardless of how small, and regardless of the nature of the fire. All fires in places of public assembly and other public buildings shall be reported immediately, and the fire department shall investigate all such fires. If any fire is not reported immediately to the fire department, the owner, agent or person in charge of the location shall be held personally responsible for all damages to building and life.

Sec. 3-3-3. Interference with firefighters, etc. At fire.

It shall be unlawful for any person at the scene of a fire to interfere with the firefighters or other fire department personnel, their trucks, engines, equipment, apparatus or appliances. Every person guilty of a violation of this section shall be punished as provided in section 1-6-1.

Sec. 3-3-4. Penalties for article violations.

Any person who shall violate any provisions of this Chapter or the codes hereby adopted (including without limitation the Fire Prevention Code), or fail to comply therewith, or who shall violate or fail to comply with any order thereunder, or who

shall build in violation of any of the detailed statements, specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Commission or by a court of competent jurisdiction, shall be charged with each and every such violation and noncompliance respectively, and, upon trial as a misdemeanor and conviction shall be subject to the penalties provided in section 1-6-1. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 3-3-5. Authority of enforcement officers generally.

The chief of the fire department, fire marshal, assistant fire marshals, officers, inspectors, and investigators assigned to the fire prevention bureau are hereby vested with the power to enforce the fire prevention code and to cite all violators of same. Members of the fire prevention bureau are hereby vested with the power to issue citations on behalf of Augusta-Richmond County to those persons illegally parked in areas which are properly marked and designated fire lanes, including persons illegally parked in properly marked and designated fire lanes on private property, where such fire lanes on private property are required to be marked and designated as such by the Fire Prevention Code.

Sec. 3-3-6. Outdoor open burning in residential areas.

(a) *Prohibited.* Outdoor open burning is prohibited in Augusta-Richmond County within one hundred (100) feet of a residential dwelling or structure. The only outdoor open burning that shall be allowed beyond one hundred (100) feet of residential structures or dwellings shall be the burning of leaves by the residents of property on

which the leaves fall, or such other burning for which the Georgia Forestry Commission may issue permits in accordance with the Environmental Protection Division Regulations for Air Quality Control.

(b) *Definitions.*

- (1) *Outdoor open burning.* Any outdoor fire from which the product of combustion is admitted directly into the open air without passing through a stack, chimney or duct.
- (2) *Residential dwellings.* Those structures as defined by Section 105, subparagraphs 18, 19, 20, and 21 of the Augusta-Richmond County Planning Commission's Subdivision Regulations.
- (3) *Structures.* Those buildings used as garages, storage buildings, sheds, barns, work shops, stables, or by any other name with a total square footage in excess of forty (40) square feet.

(c) Nothing herein shall prohibit the use of cooking appliances or devices for the purpose of cooking food for immediate human consumption.

(d) Violation; penalty. Any person violating this section shall be tried as a misdemeanor and upon conviction be subject to the penalties provided in section 1-6-1.

Sec. 3-3-7. Adoption of uniform act for the application of building and fire related codes to existing buildings

(a) There is hereby adopted the "uniform act for the application of building and fire related codes to existing buildings" (Ga. L. 1984, § 1, pp. 1160-176) as codified in O.C.G.A. § 8-2-200, et seq., the terms of which are incorporated herein by reference.

(b) The chief of the Augusta-Richmond County fire department shall have the authority to approve the utilization of compliance alternatives and is hereby designated by Augusta-Richmond County as the "enforcement authority" for the purposes of said Act.

ARTICLE 2 BUREAU OF FIRE PREVENTION

Sec. 3-3-8. Established; composition; appointment of members; chief inspector, etc.

(a) A bureau of fire prevention and any subdivisions thereof in the Augusta-Richmond County fire department is hereby established which shall be operated under the supervision of the chief of the fire department.

(b) The bureau of fire prevention shall be composed of a chief inspector and such number of officers, inspectors, investigators and other employees as shall be authorized from time to time, four of which shall be regular fire inspectors.

(c) The members of the bureau of fire prevention, including the chief inspector of the bureau of fire prevention, shall be appointed by the chief of the fire department, and shall be subject to the rules and regulations of the Augusta-Richmond County Personnel Policies and Procedures Manual, and such additional rules and regulations as may be established by the fire department.

(d) The chief inspector of the bureau of fire prevention shall have direct supervision of the bureau of fire prevention and shall be responsible to the chief of the fire department for its proper operation.

(e) The chief of the fire department may detail such other members of the fire department as inspectors as he shall from time to time deem necessary.

Sec. 3-3-9. Duties of officers—Generally.

(a) It shall be the duty of the officers of the bureau of fire prevention to enforce all laws, provisions of this Code and other ordinances of Augusta-Richmond County covering the following and to perform the duties associated therewith, including but not limited to, the following:

- (1) Fire Safety Inspections of existing buildings and structures, and the prevention of fires;
- (2) Review of plans and specifications for proposed buildings and structures, issu-

- ance of appropriate permits when plans are approved, and conducting fire safety inspections of such buildings and structures;
- (3) Arson Investigation, including cause, origin, and circumstances of fires, or conditions which create fire hazards;
 - (4) Public Fire Safety Education, including the preparation of fire prevention programs, acquainting various institutional personnel, students and the general public with the importance of fire safety and fire prevention;
 - (5) The storage and use of explosives and flammables;
 - (6) The installation and maintenance of fire protection systems and appliances, including but not limited to, automatic extinguishing systems, portable fire extinguishing equipment, fire alarm systems, and fire hydrants;
 - a. Fire Hydrant Location: The location and number of hydrants shall be designated by the fire official, but in no case shall distance between installed fire hydrants exceed one thousand (1,000) feet in less concentrated areas, and 500 feet in more concentrated areas. Maximum distance from the nearest installed hydrant to the most remote exterior point of any building shall be 500 feet. The distance shall be measured on a roadway surface meeting the fire department access requirements.
 - (7) The maintenance and regulation of fire escapes;
 - (8) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
 - b. (1) All private fire hydrants must be tested once a year in agreement with the NFPA Code Section 25 requirements, and a copy of the privately owned hydrant inspection and testing results shall be on file with the Fire Department Fire Prevention Division.
- (2) Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed and tested annually according to the current adopted Georgia Fire Code. The Augusta Utilities Department shall be notified of all inadequate fire flow testing according to applicable standards, and modifications necessary to meet these standards shall be met at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of, or adjacent to fire hydrants, shall be implemented at the expense of the owner of the property. There shall be no trees, plants, or shrubbery planted near hydrants that will interfere with the hydrant's operation. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.
 - (3) Existing hydrants which do not conform to City specifications, or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City's requirements by the property

owner, and at the property owner's expense, within 30 days of service of notice of the required changes upon the property owner or its resident agent.

(Ord. No. 6777, § 1, 3-15-05)

Sec. 3-3-10. Inspections-authority to enter buildings or premises.

The chief of the fire department, the chief of the fire prevention bureau or any inspector may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter, he may deem necessary to be made.

Sec. 3-3-11. Inspection—Special hazards and appliances.

The chief of the fire department, the chief of the bureau of fire prevention or an inspector specially designated thereto shall inspect, as often as may be necessary, all specially hazardous manufacturing processes, storage or installation of gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems and such other hazards or appliances as the chief of the fire department shall designate, and shall make such orders as may be necessary for the enforcement of the provisions of this Code and other laws and ordinances governing the same and for safeguarding of life and property from fire.

Sec. 3-3-12. Inspection—Places of assembly.

It shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the bureau of fire prevention or by fire department officers or members, each place of assembly and at such times of occupancy or use as to insure compliance with all provisions of this Code and other laws, regulations and orders dealing with overcrowding, use of decorations, maintenance of exit ways, collapse of revolving doors and maintenance of fire appliances in such places of assembly. Where conditions are found to be unsatisfactory, written orders for immediate correction shall be given.

Sec. 3-3-13. Inspection—Periodic inspections; correction of improper conditions.

It shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the bureau of fire prevention, or by fire department officers and members, as often as may be necessary, all buildings and premises, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected and conditions liable to cause fire, or any violations of the provisions or intent of this chapter, or of the Augusta-Richmond County code, or any other ordinance of Augusta-Richmond County affecting the fire hazard. Whenever any inspector shall find in any building or upon any premises combustible or explosive matter, or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials, which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order the same to be removed or remedied.

Sec. 3-3-14. Inspections—Upon complaint; remedy or removal of dangerous conditions.

The chief of the fire department, the chief of the bureau of fire prevention or an inspector, upon the complaint of any person, or whenever he shall deem necessary, shall inspect all buildings and premises within his jurisdiction. Whenever any of such officers shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he shall order such dangerous conditions or materials to be removed or remedied.

Sec. 3-3-15. Service of orders; compliance; appeal.

(a) The service of any such order, as mentioned in the preceding four sections, may be made upon the occupant of the premises to whom it is directed either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with such person a copy of such order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post-office address.

(b) Any such order shall forthwith be complied with by the owner or occupant of such premises or building.

(c) If such order is made by the chief of the bureau of fire prevention or one of his inspectors, such owner or occupant may within twenty-four (24) hours appeal to the chief of the fire department, who shall, within five (5) days, review such order and file his decision thereon and unless by his authority the order is revoked or modified it shall remain in full force and be complied with within the time fixed in such order or decision of the chief of the fire department.

Sec. 3-3-16. Duty of Augusta-Richmond County attorney to assist in investigation of fires, etc.

The Augusta-Richmond County attorney or anyone acting in his stead, upon request of the chief of the fire department or the chief of the bureau of fire prevention, shall assist them or their designated officer or inspector in the prosecution of violations of this chapter or any part thereof, or shall assist them or their designated officer or inspector in the investigation of any fire which, in their opinion, is of suspicious origin.

Sec. 3-3-17. School fire drills required; exits, etc., Of schools to be unlocked, unobstructed, etc.

It shall be the duty of the chief of the fire department to require teachers of public, private

and parochial schools and educational institutions to have one fire drill each month during the school term and to keep all doors and exits unlocked during school hours. All doors, windows, exits, passageways, hallways and means of ingress and egress shall be in such repair, free of obstruction and in such condition as to permit and guarantee free, easy and unimpeded movement into or out of the building.

Sec. 3-3-18. Record of fires.

The chief of the fire department shall keep within the administrative office(s), as he may designate, a record of all fires and of the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance. Such records shall be open to the public, as required by O.C.G.A. § 50-18-1, et seq., Open Records Act.

Sec. 3-3-18.1. Fee schedule.

The fee schedule for the Fire Inspection Bureau is as follows:

Certificate of Occupancy (CO)	\$150.00
Construction Permit:	
Under 10,000 sq. ft.	\$150.00
Over 10,000 sq. ft.	\$150.00 + .040 per sq. ft.
Annual Inspection and First Re-Inspection	-0
Second Re-Inspection	\$100.00
Third Re-Inspection and each Follow-Up Day Care Provider Class	\$150.00
Five hour class	\$30.00
One-and-a-half hour class	\$15.00
(Ord. No. 6222, § 1, 12-7-99)	

Sec. 3-3-19. Annual report; recommending amendments.

The annual report of the bureau of fire prevention shall be made on or before March 1 of each year and transmitted to the chief of the fire department. It shall contain all such reports and

statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the provisions of this chapter or other fire prevention ordinances which, in his judgment, shall be desirable.

ARTICLE 3 FIRE PREVENTION CODES

Sec. 3-3-20. Adoption by reference; where filed.

The National Fire Protection Association's Life Safety Code, 1991 edition, the Georgia State Minimum Standard Fire Prevention Code, 1994 edition, as published by the Southern Building Code Congress International, and as may be amended by the State of Georgia and/or Augusta-Richmond County, and the standards, recommended practices, guides and methods as published in the 1992 National Fire Codes, as may from time to time be modified or amended, are hereby adopted and shall be controlling within Augusta-Richmond County for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, copies of said codes and all amendments thereto being on file in the office of the Clerk of the Commission, and available to the public any time during regular office hours of the Clerk.

Sec. 3-3-21. Amendments.

(a) The Standard Fire Prevention Code is amended by incorporating appendix A into chapter I of said code, with the exceptions of articles A-101.4.1 and A-101.4.5 of appendix A, which shall hereby be repealed and not incorporated into the code.

(b) The modifications, deletions, meanings, definitions and new sections and all subsequent revisions thereof to any adopted code herein, as specified in the Rules and Regulations of the Georgia Safety Fire Commissioner, chapter 120-3-3, as amended, and referred to as the 1949 Georgia Safety Fire Act as amended, shall hereby be incorporated and made a part of the adopted codes in this chapter except where amended or modified within this chapter.

Sec. 3-3-22. Definitions.

(a) Where the words local jurisdiction, local fire department or authority having jurisdiction appear in the Rules and Regulations of the Georgia Safety Fire Commissioner or any other adopted codes or standards herein, they shall be held to mean the Augusta-Richmond County Bureau of Fire Prevention.

(b) Where the words fire official appear in the Standard Fire Prevention Code, they shall be held to mean the chief of the Augusta-Richmond County Fire Department, his duly authorized representative, or the chief of the bureau of fire prevention.

(c) Where the words fire prevention bureau appear in any adopted codes herein, they shall be held to mean the bureau of fire prevention established by Article 2 herein.

(d) Where the words applicable governing body appear in any adopted codes or regulations, they shall be held to mean the Augusta-Richmond County Commission.

(e) Where the words fire marshal appear they shall be held to mean the chief of the fire department or his duly authorized representative.

Sec. 3-3-23. Clarification of limits referred to in fire prevention code.

(a) The limits referred to in section 902.1 of the Fire Prevention Code, in which storage of flammable liquids in outside, above ground tanks is prohibited are those not receiving the approval of the Augusta-Richmond County Planning and Zoning Commission and the Augusta-Richmond County fire department.

(b) The limits referred to in section 906 of the Fire Prevention Code, in which new bulk plans for flammable liquids are prohibited, are those not receiving approval by the Augusta-Richmond County Planning and Zoning Commission and the Augusta-Richmond County Fire Department.

(c) The limits referred to in section 1701.4 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as being those not receiving the ap-

proval of the Augusta-Richmond County Planning and Zoning Commission and the Augusta-Richmond County fire department.

Sec. 3-3-24. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in section 1901.4.2 of the Standard Fire Prevention Code adopted by this article, in which storage of explosives and blasting agents is prohibited, shall constitute the entire area within the urban services district and those not receiving the approval of the Augusta-Richmond County Planning & Zoning Commission and the Augusta-Richmond County Fire Department.

Sec. 3-3-24.1. Establishment of first fire district.

Pursuant to the provisions of Section 505 of the 1994 Standard Building Code, and Appendix F thereof, the First Fire District of Augusta-Richmond County is established as follows:

Beginning at a point of the south right-of-way line of the Savannah River levy at the intersection of the west line of Gordon Highway; thence, in a southerly direction along the west line of Gordon Highway extending to the intersection of Greene Street; thence in a westerly direction along the centerline of Greene Street to the intersection of 5th Street; thence in a southerly direction along the centerline of 5th Street to the intersection of Walton Way; thence in a westerly direction along the centerline of Walton Way to the intersection of 15th Street; thence in a northerly direction along the centerline of 15th Street to the south right-of-way line at the Savannah River levy and along this line to the beginning; and

Both sides of Walton Way between 13th (McKinne) and Russell Streets.

The provisions of Appendix F of the Standard Building Code 1994 are specifically incorporated herein and shall be applicable to the First Fire District.
(Ord. No. 5959, 9-16-97)

Sec. 3-3-25. Special hazard buildings and structures.

(a) Certain buildings and structures may, because of construction or use, constitute a special hazard to property or to life and safety of persons on account of fire or panic caused by a fear of fire. Buildings constructed or used in the following manner present such a fire hazard:

- (1) Buildings or structures three (3) stories or more in height; however, nothing herein shall apply to any individually owned residential unit within any such building;
- (2) Any building three (3) or more stories in height and used as a residence by three (3) or more families, with individual cooking and bathroom facilities; provided, however, nothing herein shall apply to any individually owned residential unit within such building;
- (3) Any building in which there is more than fifteen (15) sleeping accommodations for hire, with or without meals but without individual cooking facilities, whether designated as a hotel, motel, inn, club, dormitory, rooming or boardinghouse, or by any other name;
- (4) Any building or group of buildings which contains schools and academies for any combination of grades 1 through 12 having more than fifteen (15) children or students in attendance at any given time and all state-funded kindergarten programs;
- (5) Hospitals, health care centers, mental health institutions, orphanages, nursing homes, convalescent homes, old-age homes, jails, prisons, and reformatories, and all administrative, public assembly, and academic buildings of colleges, universities, and vocational-technical schools. As used in this paragraph, nursing homes, convalescent homes and old-age homes shall mean any building used for the lodging, personal care, or nursing care on a twenty-four hour basis of four (4) or more invalids, convalescents or elderly persons who are not members of the same family;

- (6) Racetracks, stadiums and grandstands;
- (7) Theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls, recreation halls, and other places of assembly having an occupant load of three hundred (300) or more persons, except that the occupant load shall be 100 or more persons in those buildings where alcoholic beverages are served;
- (8) Churches having an occupant load of 500 or more persons in a common area or having an occupant load greater than 1,000 persons based on total occupant load of the building or structure;
- (9) Department stores and retail mercantile establishments having a gross floor area of fifteen thousand (15,000) square feet on any one (1) floor or having three (3) or more floors that are open to the public. For purposes of this paragraph, shopping centers and malls shall be assessed upon the basis of the entire area covered by the same roof or sharing common walls; provided, however, that nothing contained herein shall apply to single-story malls or shopping centers subdivided into areas of less than fifteen thousand (15,000) square feet by a wall or walls with a two-hour fire resistance rating and where there are unobstructed exit doors in the front and rear of every such individual occupancy which open directly to the outside;
- (10) Group day-care homes and group day-care centers required to be licensed or commissioned as such by the Georgia Department of Human Resources and in which at least seven (7) children receive care. As used in this subparagraph a group day care home means a day-care facility subject to licensure by the Georgia Department of Human Resources where at least seven (7) but not more than twelve (12) children receive care, and a group day care center means a day-care facility subject to licensure or issuance of a commission by the Georgia Department of Human Resources where more than twelve (12) children receive care. Fire safety standards adopted by rules of the Georgia Fire Safety Commissioner pursuant to O.C.G.A. § 25-2-4 which are applicable to group day-care homes and day-care centers shall not require staff-to-child ratios;
- (11) Personal care homes required to be licensed as such by the Georgia Department of Human Resources and having at least seven (7) beds for nonfamily adults. The Georgia Fire Safety Commissioner shall, pursuant to O.C.G.A. § 25-2-4, by rule adopt state minimum fire safety standards for those homes, and any structure constructed as or converted to a personal care home on or after April 15, 1986, shall be deemed to be a proposed building pursuant to O.C.G.A. § 25-2-14(d) and that structure may be required to be furnished with a sprinkler system meeting the standards established by the Georgia Fire Safety Commissioner if the chief of the fire department, or his duly authorized representative, deems this necessary for proper fire safety.
- (b) Any building or structure which is used exclusively for agricultural purposes, or which has been designated historic property or which is located within a designated historic district pursuant to the Georgia Historic Preservation Act approved April 8, 1980 (Ga. Laws 1980, p. 1723), as now or hereafter amended, shall be exempt from the above classification.
- (c) Landmark museum buildings, whose designations are recognized by ordinances of Augusta-Richmond County, shall be governed by the provisions of O.C.G.A. § 25-2-13(b)(3) and the provisions of subparagraphs (B) and (C) of O.C.G.A. § 25-2-13(b)(3) are by reference incorporated herein as fully as if set forth verbatim herein.
- (d) Capacity as used in this section shall mean the maximum number of persons who may be reasonably expected to be present in any building or on any floor thereof at a given time according to the use which is made of such building. The bureau of fire prevention shall determine and by rule declare the formula for determining capacity for each of the uses herein.

(e) Plans and specifications for all proposed buildings which come under classification in section 3-3-25 shall be submitted to and receive approval by the bureau of fire prevention before any state or Augusta-Richmond County building permit may be issued or construction started. All such plans and specifications submitted for review as required herein shall be accompanied by a one hundred dollar (\$100.00) fee for buildings or structures less than or equal to ten thousand (10,000) square feet gross area and a fee of one and one-half cents (\$0.015) per square foot for buildings or structures more than ten thousand (10,000) square feet gross area, and shall bear the seal and Georgia registration number of the drafting architect or engineer or otherwise have the approval of the bureau of fire prevention. A complete set of approval plans and specifications shall be maintained on the construction-site, and construction shall proceed in compliance with the minimum fire safety standards under which such plans and specifications were approved. The owner of any such building or structure, of his authorized representative, shall notify the bureau of fire prevention upon completion of approximately eighty (80) percent of the construction thereof and shall apply for a certificate of occupancy when construction of such building or structure is complete.

(f) Every building or structure which comes under classification in section 3-3-25 shall have a certificate of occupancy issued by the bureau of fire prevention before such building or structure may be occupied. Such certificate of occupancy shall be issued for each class of occupancy within the building, shall carry a flat rate of one hundred dollars (\$100.00), shall state the occupant load, shall be kept on file within each business establishment where issued or on file with the building owner, shall be posted in a prominent location within such business establishment building, and shall run for the life of the building except as provided in subsection (1) herein.

- (1) Every certificate of occupancy required in subsection (e) shall run for the life of the building; provided the internal or external features of the building are not materially altered, the type of occupancy re-

mains unchanged or there has been no fire or serious consequences, or other hazard discovered and not transferrable.

- (2) For purpose of this section, any existing building or structure listed in subsection (a) of this section shall be deemed to be a proposed building in the event such building or structure is subject to substantial renovation, a fire or other hazard of serious consequence, or a change in the classification of occupancy. For purpose of this section, substantial renovation shall mean any construction project involving exits or internal features of such building or structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation.
- (3) In existing buildings set up under section 3-3-25 when substandard conditions are found, a temporary occupancy permit may be issued, such permit carrying a time adjusted to meet the amount of time deemed necessary to make the proper corrections in order to bring the building up to standard. A fee of fifty dollars (\$50.00) shall be required for each temporary certificate of occupancy.
- (4) All federal, state, or local publicly-owned buildings covered by this section are exempt from any fee or license which may be herein specified. Such fees or licenses may be waived where chargeable to churches and charitable organizations.

Sec. 3-3-26. Specification of materials, processes or occupancies requiring permits not enumerated in codes adopted.

The executive director of the Augusta-Richmond County Planning Commission, the chief of the fire department and the chief inspector or other duly authorized representative of the fire prevention bureau shall act as a committee to determine and specify, after giving the affected person an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumer-

ated in the codes. The chief inspector of the fire prevention bureau shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Sec. 3-3-27. Power of chief inspector to modify codes.

The chief inspector of the fire prevention bureau shall have the power to modify any of the provisions of said codes upon application in writing by the owner or lessee, or duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes; provided that the spirit of the codes shall be observed, public safety secured and substantial justice done. The particulars of such modification granted or allowed in the decision of the chief inspector shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

Sec. 3-3-28. Conflicts with building code.

Wherever any provision of the Life Safety Code adopted by this article shall be in conflict with any provision of the Standard Building Code as the same has been adopted by the Commission, and as the same shall hereafter be amended from time to time, the more restrictive provisions of the respective codes shall take precedence over the less restrictive provisions and shall be controlling.

Sec. 3-3-29. Partial invalidity.

The invalidity of any section of the Life Safety Code adopted by this article shall not invalidate the other sections or provisions thereof.

Sec. 3-3-30. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code adopted by this article do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicants may appeal from the decision of the chief of the fire department to the Commission within thirty (30) days from the date of the decision appealed.

Sec. 3-3-31. Injunction, abatement, etc.

The erection, construction, alteration, addition, conversion, moving or maintenance of any building or structure, and the use of any land or building which is continued, operated or maintained, contrary to any provision of the fire prevention codes and this chapter is hereby declared to be a violation of the fire prevention codes, and this chapter, and unlawful. The Augusta-Richmond County attorney shall, immediately upon such violation having been called to his attention by the chief inspector of the fire prevention bureau, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The remedy provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

ARTICLE 4 ORGANIZATION OF THE FIRE DEPARTMENT

Sec. 3-3-32. Generally.

(a) The fire department shall be composed of a chief and as many officers and members as shall be provided for by the Augusta-Richmond County Commission.

(b) The fire department shall operate under the three-platoon system.

(c) The members of the fire department who are assigned to regular fire companies shall be divided into three (3) shifts as designated by the chief of the fire department. Each shift shall begin work at 8:00 a.m. and shall end work at 8:00 a.m. the following day (24-hour shifts).

(d) The hours of employment of all other members of the fire department shall be by the direction of the chief of the fire department in accordance with personnel rules and regulations of Augusta-Richmond County.

ARTICLE 5 FIRE DEPARTMENT RULES AND REGULATIONS

Sec. 3-3-33. Rules and regulations governing fire department.

The rules and regulations for the Augusta-Richmond County fire department are contained

in the Standard Operating Procedures promulgated by the chief of the fire department, and in the Personnel Policies and Procedures of Augusta-Richmond County.

Chapter 4

MASS GATHERINGS**Sec. 3-4-1. Definitions.**

Unless a different meaning is required by the context, the following terms as used in this chapter shall have meanings hereinafter ascribed to them:

- (a) *Commission.* The Augusta-Richmond County Commission.
- (b) *Mass gathering.* Any event likely to attract one thousand (1,000) or more persons and to continue for three (3) or more consecutive hours.
- (c) *Permit.* Written authorization to a person by the Commission to operate a mass gathering.
- (d) *Person.* Augusta-Richmond County or any agency or department thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.
- (e) *Protest / Demonstration.* Any expression of support for, or protest of, any person, issue, political or other cause or action which is manifested by the physical presence of persons, or the display of signs, posters, banners and the like.

Sec. 3-4-2. Limited applicability.

This chapter shall not apply to any mass gathering which is to be held in any regularly established, permanent place of worship, athletic field, auditorium, coliseum, or other similar permanently established building within the maximum seating capacity. The provisions of this chapter shall not apply to fairs, industrial-agricultural exhibitions, or club-sponsored events which have been in existence for at least five (5) consecutive years prior to January 1, 1996.

Sec. 3-4-3. Permit required.

No person shall hold or promote, by advertising or otherwise, a mass gathering, unless a permit has been issued for the gathering. Such permits shall be issued by the Commission through the office of the Administrator, and shall be in writing and shall specify the conditions under which issued, and shall remain in effect until suspended, revoked, or until the mass gathering is terminated. The permit shall not be transferable or assignable and a separate permit shall be required for each mass gathering.

Sec. 3-4-4. Application for permit—Filing.

Application for a permit to promote or hold a mass gathering shall be made to the Augusta-Richmond County administrator, on a form and in a manner prescribed by the Commission, by the person who will promote or hold the mass gathering. Application for the permit to promote or hold a mass gathering shall be made at least twenty-one (21) days before the first day of advertising and at least forty-two (42) days before the first day of the mass gathering.

Sec. 3-4-5. Same—Information to be provided.

(a) *Operational plans.* The application shall be accompanied by such plans, reports, specifications, or other information as the Commission shall deem necessary. The plan, reports, specifications, and information shall provide for adequate and satisfactory water supply and sewage facilities, adequate toilet and lavatory facilities, adequate refuse storage and disposal facilities, adequate sleeping areas and facilities, wholesome food and sanitary food service, adequate emergency medical facilities, insect control, adequate fire protection, and such other matters as may be appropriate for security of life or health. Prior to the issuance of a permit, the applicant must:

- (1) Provide a plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping nonticket holders out of the area;
- (2) Provide a statement verifying that all construction and installation of facilities,

including water supply, sewage disposal, insect control, food-service equipment and garbage-handling facilities will be completed at least forty-eight (48) hours prior to commencement of the event;

- (3) Provide a detailed plan for food service, including a description of food sources, menu, mandatory use of single-service dishes and utensils, refrigeration, food handling and dispensing;
- (4) Provide a detailed plan for use of signs to locate all facilities and roadways;
- (5) Provide a statement from the Augusta-Richmond County fire department and the Sheriff's Department acknowledging that they can supply adequate security, traffic control, and law enforcement has been arranged for the proposed mass gathering;
- (6) Provide a detailed plan for emergency situations, including:
 - a. Food supplies,
 - b. Medical facilities, supplies, and personnel,
 - c. An evacuation plan, and
 - d. Emergency access roads.
- (7) Provide a statement from the civil-defense director indicating that he has been advised of the event and has approved the plan from a civil-defense standpoint; and
- (8) Provide a command post to be used by public safety personnel consisting of a minimum of one (1) building or trailer equipped with an adequate communication system.

(b) *Financial backing.* The application shall disclose the names and addresses of all of the persons, firms, or corporations providing financial backing to the mass gathering, and the amounts of such backing.

Sec. 3-4-6. Same—Review procedures.

Upon receipt of an application to hold a mass gathering, the Augusta-Richmond County administrator, after reviewing the application for ade-

quacy and completeness, shall notify the Sheriff who shall investigate the character and reputation of the applicant, owners, partners, officers of the corporation, and others associated with the application, and the suitability of the location for such mass gathering. The county administrator, upon receipt of a report from the Sheriff's Department, shall notify the Commission, who, allowing at least ten (10) days to insure adequate notice, may schedule a public hearing on the application by the Commission. Said hearing may be held in conjunction with a regular or called meeting of the Commission.

Sec. 3-4-7. Notice of denial, suspension or revocation of permit.

If it appears necessary and proper that such application for a permit be denied or that a permit previously granted be suspended or revoked, the applicant or holder of the permit shall be notified thereof in writing.

Sec. 3-4-8. Bond requirement.

The person holding or promoting a mass gathering shall provide a bond of two hundred fifty thousand dollars (\$250,000.00) issued by a surety company authorized to transact business in the State of Georgia. The bond shall guarantee full compliance with this chapter. The bond shall also cover cleanup of the site. This bond shall be in favor of Augusta-Richmond County, for the benefit of any person who is damaged as a result of the mass gathering. Any person claiming against the bond may maintain an action at law against the person holding or promoting the mass gathering and the surety. In lieu of furnishing the bond, the person holding or promoting a mass gathering may deposit with the Commission a cash deposit in like amount.

Sec. 3-4-9. Time limit for completion of water and sewage facilities.

Water and sewage facilities shall be constructed and operational not later than forty-eight (48) hours before the first day of the mass gathering.

Sec. 3-4-10. Emergency powers of sheriff's department where facilities inadequate.

In the event the Richmond County Sheriff's Department determines that the various facilities appropriate for security of life or health are inadequate due to the size of the mass gatherings, failure of persons responsible for providing facilities, services and other requirements of this chapter, violation of other federal, state or local laws, or for any other reason, he may take whatever action he deems best to protect the health, safety, and general welfare of the public, including, but not limited to, requiring additional security or canceling the event or limiting attendance to a specific number of attendees.

Sec. 3-4-11. Events consisting of more than five persons on public property.

There shall be no public demonstration or protest, (herein after referred to collectively as "event") consisting of five (5) or more persons on any sidewalk, street, public right-of-way or other public property within Augusta unless a permit for same has been issued for such event by the Sheriff of Richmond County.

(a) *Application Process.* Application for said permit shall be made to the Sheriff of Richmond County and shall contain the following information for review by said Sheriff:

- (1) The name and address of the applicant. If the applicant is an entity such as a corporation or partnership, the application shall contain the name of the person making the application on behalf of said entity, a description of the entity, the person's relationship to said entity, and the address of such representative.
- (2) The application shall include a plan for review by the Sheriff, which plan will include the number of persons anticipated to participate in said event, the date or dates of said event, the hours anticipated that said event will encompass, the exact location of said event and the proposed meth-

ods to be utilized in said event including the use of amplifiers, bullhorns, megaphones or other types of amplification equipment. The plan shall also include provisions that will insure the safety of the applicant and others participating in said event, as well as the public at the location where the event shall take place.

- (3) In addition to said plan, the applicant shall provide an indemnification and hold harmless agreement in favor of Augusta, Georgia and its elected officials, the Augusta-Richmond County Commission, the Sheriff of Richmond County, and their officers, agents and employees in a form satisfactory to the attorney for Augusta, Georgia.
 - (4) The full and complete application including all requirements enumerated herein shall be submitted to the Sheriff of Richmond County at least twenty (20) days prior to the first day of the proposed event.
 - (5) Nothing herein shall be construed as precluding the filing of an application in less than twenty (20) days in the case of exigent or unanticipated circumstances; provided, however, if the event the permit is denied, the time limits hereinafter set forth in subparagraph (b) and (c) shall apply.
- (b) *Review of Application.*
- (1) In reviewing said application and the plan for said event submitted by the applicant, the Sheriff may consider the methods to be utilized in the proposed event, the plan for the safety of the applicant and others participating in the event as well as the public, the location where the event is being proposed, the hours of the proposed event, the expected or anticipated traffic or traffic congestion (motor vehicle or pedestrian) at the proposed location, prior requests by the applicant as well as prior

experience of events by said applicant, and such other matters as may be important to assure the safety of the applicant and others participating in the event and the safety of the public at the time and place where the event is proposed to take place.

- (2) The Sheriff shall have seven (7) calendar days to act on said application following receipt of the completed application for permit. The Sheriff may grant said application as submitted, grant said application provisionally, conditioned on certain revisions to the plan submitted by the applicant, or deny said application. If the Sheriff does not grant the permit as applied for, the Sheriff shall provide the reasons for such denial or provisional approval in writing to the applicant. The decision of the Sheriff must be communicated to the applicant by first class mail. Should the Sheriff fail to render a decision within seven (7) calendar days of receipt of the application, any required approvals are waived.
- (3) The Sheriff may deny the application in whole or in part for any reason if the Sheriff determines that the plan submitted by the applicant will raise public safety concerns to those participating in the event or to the public and/or for the following reasons:
 - a. the application for permit (including any required attachments and submissions) is not fully completed and properly executed;
 - b. the application for permit contains material falsehoods or misrepresentations;
 - c. the applicant is legally incompetent to contract or to sue and be sued;
 - d. the applicant or the person on whose behalf the application for

permit was made has on prior occasions damaged public property and has not paid in full for such damages or has other outstanding unpaid debts to Augusta or Richmond County or any outstanding fines assessed by any Richmond County court;

- e. the proposed plan submitted by the applicant would present an unreasonable danger to the health or safety of the applicant, others participating in the event or other members of the public at large;
 - f. the plan submitted by the applicant would unduly restrict and/or congest traffic (motor vehicle or pedestrian) on any of the public roads, right of ways or sidewalks in the immediate vicinity of such event within Augusta;
 - g. the proposed plan would lead to an unreasonable disturbance of the peace in the area at the time of the proposed event;
 - h. the plan submitted by the applicant includes activities which are prohibited by laws of the State of Georgia, the United States, or any ordinances of Augusta, Georgia; and/or
 - i. the applicant or the person on whose behalf the application for permit has in the past violated this ordinance or any predecessor ordinances governing permits for similar events.
- (c) *Appeal and Judicial Review.* Upon receipt of any decision by the Sheriff either denying an application in whole or in part, the applicant may within five (5) calendar days file an appeal of said denial with the Sheriff which appeal shall be in writing and be sent to the Sheriff by certified mail or hand delivery. Upon the receipt of any such appeal the Sheriff shall notify the

attorney for Augusta who shall promptly (no later than seven (7) calendar days after receipt of the appeal) seek judicial review of the proposed denial of the application in a Court of competent jurisdiction. Augusta shall have the burden of demonstrating the validity of the denial of the permit as applied for by the applicant. If no appeal is filed by the applicant, Augusta shall have no duty to seek judicial review of the Sheriff's decision. The applicant may seek judicial review of a denial in whole or in part of a permit in a court of competent jurisdiction at any time after notification of the Sheriff's decision on the application.

- (d) *Intent.* It is the specific intent of the Commission in passing this ordinance to regulate only the time, place and manner of such events and not to regulate the specific content or message of any speech by any applicant hereunder. Only public safety and other concerns as stated herein shall be considered by the Sheriff in the decision to issue or deny a permit hereunder.
- (e) *Revocation of Permit.* Notwithstanding the grant of any permit as provided herein, the Sheriff of Richmond County and/or his duly authorized deputies shall have the right to terminate the event at any time, either before or during the event, should traffic, weather, or other conditions develop which present an imminent and undue danger to the applicant, the applicant's representatives, those participating in the event pursuant to said permit, or to the public at large, should any other consideration enumerated herein arise or if those participating in the event violate the terms of the permit or the plan submitted by the applicant as approved by the Sheriff.
- (f) *Private Property.* No such events regulated herein shall be held on any private property within Augusta, Georgia without the express consent of the owner or his authorized agent.

(Ord. No. 6591, § 1, 2-18-03)

Sec. 3-4-12. Protests/demonstrations prohibited at Riverwalk.

Protests and/or demonstrations are prohibited at Riverwalk.

Sec. 3-4-13. Chapter violations; penalties.

Any person who violates any provision of this chapter or who fails, neglects, refuses to comply with any order of the Sheriff's Department acting under the authority of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with section 1-6-1 of this Code. Each day of violation shall be considered a separate offense.

Chapter 5

MOTOR VEHICLES AND TRAFFIC**ARTICLE 1 IN GENERAL****Sec. 3-5-1. Definitions of words and phrases.**

(a) The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section, except when the context otherwise requires.

(b) Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

- (1) *Alley*. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.
- (2) *Arterial street*. Any U.S. or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.
- (3) *Authorized emergency vehicle*. Such fire department vehicles, Sheriff's Department vehicles, ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated or authorized by the Sheriff's Department.
- (4) *Bicycle*. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than fourteen (14) inches in diameter.
- (5) *Bus*. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (6) *Business district*. The territory contiguous to and including a highway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the roadway, provided that such business district is designated and marked as such by the traffic engineer.
- (7) *Crosswalk*.
 - a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or in the absence of curbs, from the edges of the transversable roadway;
 - b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (8) *Department*. The Sheriff's Department of Richmond County acting directly or through its duly authorized officers or agents.
- (9) *Driver*. Every person who drives or is in actual physical control of a vehicle.
- (10) *Driver's license*. Any license to operate a motor vehicle issued under the laws of this state.
- (11) *Gross weight*. The weight of a vehicle without load plus the weight of any load thereon.
- (12) *Highway*. The entire width between the boundary lines of every way publicly main-

tained when any part thereof is open to the use of the public for purposes of vehicular traffic.

(13) *House trailer.*

- a. A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets or highways; or
- b. A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(14) *Intersection.*

- a. The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- b. Where a highway includes two (2) roadways thirty (30) feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

c. The junction of an alley with a street or highway shall not constitute an intersection.

- (15) *Laned roadway.* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.
- (16) *Limited-access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.
- (17) *Loading zone.* A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.
- (18) *Motor vehicle.* Every vehicle which is self-propelled, either by internal-combustion engine or by electric power.
- (19) *Motorcycle.* Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.
- (20) *Officer.* Every officer of the Richmond County Sheriff's Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (21) *Official time standard.* Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in Augusta-Richmond County.
- (22) *Official traffic-control devices.* All signs, signals, markings and devices not inconsistent with this chapter and the laws of this state placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- (23) *Park or parking.* The standing of a vehicle, whether occupied or not, otherwise

- than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (24) *Passenger curb loading zone.* A place reserved for the exclusive use of vehicles while receiving or discharging passengers.
- (25) *Pedestrian.* Any person afoot.
- (26) *Person.* Every natural person, firm, copartnership, association or corporation.
- (27) *Private road or driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (28) *Railroad.* A carrier of persons or property upon cars operated from stationary rails.
- (29) *Railroad sign or signal.* Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (30) *Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.
- (31) *Residence district.* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is predominantly residential in nature.
- (32) *Right-of-way.* The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (33) *Road or roadway.* That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- (34) *Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (35) *Sheriff.* The Sheriff of Richmond County, Georgia.
- (36) *Sidewalk.* That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.
- (37) *Stand or standing.* 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.
- (38) *Stop.* When required, means complete cessation from movement.
- (39) *Stop or stopping.* 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.
- (40) *Street.* The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (41) *Through street or road.* Every street or road or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersection streets or roads is required by law to yield the right-of-way to vehicles on such through street or road in obedience to a stop sign, yield sign, or other traffic-control device, when such signs or devices are erected as provided in this chapter and the laws of this state.

(42) *Tractor.*

- a. *Truck tractor.* Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- b. *Farm tractor.* Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
- c. *Road tractor.* Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(43) *Traffic.* Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(44) *Traffic-control signal.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop and permitted to proceed.

(45) *Traffic division.* The traffic division of the Richmond County Sheriff's Department, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the Sheriff's Department.

(46) *Truck.* Every motor vehicle designed, used or maintained primarily for the transportation of property.

(47) *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3-5-2. Parking on property of others.

(a) *Consent, compliance with signs or markings required.* It shall be unlawful for any person to park any motor vehicle, including any truck,

passenger automobile, motorbike, motorscooter or any other vehicle upon any private owned property, parking lot or driveway, without the consent of the owner, lessee, tenant or other person entitled to possession and use of such premises; and as to any property on which the public is invited, implicitly or otherwise, to park such vehicles, whether the same be owned privately or by a governmental agency, the owner, lessee, tenant or other person entitled to possession and use of such premises may designate by signs or appropriate markings on the parking area the places where such vehicles may be parked, and it shall be unlawful for any person to park any such vehicle contrary to such signs or markings.

(b) *Removal; impoundment.* It shall be the duty of the Richmond County Sheriff's Department, upon a complaint being made by the owner, lessee, tenant or other person having the right to use such premises, to impound any such vehicle parked in violation of this section and store such vehicle as other vehicles impounded upon the streets of the county are stored.

(c) *Violations; penalties.* Any person who shall violate this section shall be charged with each and every violation and, upon being found guilty, shall be punished by a fine in an amount not to exceed five hundred dollars (\$500.00) and/or imprisonment in the county jail for a period not in excess of thirty (30) days.

Sec. 3-5-3. Trespass by motor vehicle.

(a) A person commits the offense of trespass by motor vehicle when the person, after having been requested not to do so by a law enforcement officer or by the owner or an authorized agent of the owner, parks or stands an occupied or unoccupied motor vehicle in, or repeatedly drives a motor vehicle through or within, a parking area which is located on privately owned property and is provided by a merchant, a group of merchants, or a shopping center or other similar facility for customers if:

- (1) The parking area is identified by at least one (1) sign as specified in this paragraph, and if the parking area contains more than one hundred fifty (150) parking spaces then by at least one (1) sign for every one

hundred fifty (150) parking spaces, each such sign containing the following information in easy-to-read printing:

- a. Notice of the elements of the Augusta-Richmond County ordinance of trespass by motor vehicle;
- b. Identification of the property which is reserved for customers' use only;
- c. Identification of the merchant, group of merchants, or shopping center or other similar facility providing the parking area; and
- d. Warning that violators will be prosecuted; and

(2) The motor vehicle is parked, is standing, or is being operated other than for the purpose of:

- a. Transporting some person to or from the interior of the place of business of a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facility so identified;
- b. Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;
- c. Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or
- d. Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) Any person violating the provisions of this section shall be subject to a monetary fine:

- (1) Not to exceed fifty dollars (\$50.00) for the first such violation;
- (2) Not to exceed one hundred dollars (\$100.00) for the second such violation; and

- (3) Not to exceed one hundred fifty dollars (\$150.00) for the third or subsequent such violation.

Sec. 3-5-4. Licenses for motor vehicles; drivers.

(a) It shall be unlawful for any person, firm or corporation to own or operate any motor vehicle required to be registered under the provisions of O.C.G.A. § 4-2-201, as amended, without complying with said section.

(b) It shall be unlawful to operate a motor vehicle in Augusta-Richmond County in violation of O.C.G.A. §§ 40-5-120 -40-5-124.

Sec. 3-5-5. Insurance.

An owner or any other person within Augusta-Richmond County who knowingly operates, or knowingly authorizes another to operate, a motor vehicle without effective insurance thereon or without an approved plan of self-insurance as required by Georgia Code Section 33-34-1 et seq., the Georgia Motor Vehicle Accident Reparation's Act, shall be guilty of a violation of this Code.

ARTICLE 2 TRAFFIC-CONTROL DEVICES

Sec. 3-5-6. Authority to install traffic-control devices.

The Augusta-Richmond County traffic engineer shall place and maintain official traffic control devices when and as required under this chapter or the traffic ordinances of Augusta-Richmond County to make effective the provisions of such ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn or guide traffic under this chapter or the traffic ordinances of Augusta-Richmond County or the state motor vehicle code.

Sec. 3-5-7. Regulations and specifications for traffic-control devices.

All traffic-control signs, signals and devices shall conform to the regulations and specifications approved by the department of transportation. All signs and signals required hereunder for

a particular purpose shall so far as practicable be uniform as to type and location throughout Augusta-Richmond County. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

Sec. 3-5-8. Obedience to official traffic-control devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a deputy sheriff, subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 3-5-9. When official traffic-control devices required for enforcement.

No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

Sec. 3-5-10. Official traffic-control device; presumption of legality.

(a) Whenever official traffic-control devices are placed in a position approximately conforming to the requirements of this chapter, such device shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(b) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

Sec. 3-5-11. Augusta-Richmond County traffic engineer to designate crosswalks and establish safety zones.

The Augusta-Richmond County traffic engineer is hereby authorized:

- (a) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;
- (b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

Sec. 3-5-12. Traffic lanes.

The Augusta-Richmond County traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where alignment of traffic is necessary.

Sec. 3-5-13. Stop signs and yield signs; failure to stop for stop sign; ran stop sign; failure to slow down or stop for yield sign.

(a) Except when directed to proceed by a deputy sheriff, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection of junction of roadways.

(b) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or, if there is no stop line,

before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. If such a driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima-facie evidence of his failure to yield the right-of-way.

Sec. 3-5-14. Avoiding a traffic sign, signal or light.

Except when directed to proceed by a deputy sheriff, no driver of a vehicle shall purposely leave the road or highway to avoid having to stop, slow or yield for a traffic sign, signal or light.

Sec. 3-5-15. Reserved.

ARTICLE 3 SPEED REGULATIONS

Sec. 3-5-16. State speed laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within Augusta-Richmond County except as this article, as authorized by state law, hereby declares and determines upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or roads or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this article where signs are in place giving notice thereof.

Sec. 3-5-17. Specific streets. (Reserved.)

Note—Ord. No. 6566, adopted Nov. 6, 2002, amended § 3-15-17 in its entirety. A copy of this Ordinance is available in the offices of the City and is anticipated to be printed in Supplement No. 1, 2007.

Sec. 3-5-18. Authority of Augusta-Richmond County traffic engineer.

(a) Upon the basis of an engineering and traffic investigation, the Augusta-Richmond County traffic engineer shall make recommendations to the Augusta-Richmond County Commission for maximum and/or minimum speed limits and for speed zones in Augusta-Richmond County.

(b) The Augusta-Richmond County traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Sec. 3-5-19. When limits applicable.

Speed limits established pursuant to this article shall be applicable at all or such times as shall be indicated by official traffic control devices.

Sec. 3-5-20. Too fast for conditions.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. Under this section a person could be speeding even though he is traveling the posted speed limit or less, if the conditions are such that a lower speed would be reasonable.

Sec. 3-5-21. Impeding the free flow of traffic.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation.

Sec. 3-5-22. Driving in a race or participating in a race.

No person shall drive any vehicle on a highway, street, or road, or any portion thereof, in Augusta-Richmond County in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed

record; and no person shall in any manner participate in any such race, competition of speed, contest of speed, or test or exhibition of speed.

Sec. 3-5-23. Laying drags.

No driver of any motor vehicle shall operate the vehicle upon the public streets, highways, public or private driveways, airport runways, or parking lots in such manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course, or to gyrate or spin around, except to avoid a collision or injury or damage, causing tires to spin and/or squeal. This section shall not apply to drivers operating vehicles in or on any raceway, drag strip, or similar place customarily and lawfully used for such purposes.

Sec. 3-5-24. School speed limit signs.

The traffic engineering department of Augusta-Richmond County is hereby authorized, for the purpose of regulating, warning or guiding traffic in school zones of Augusta-Richmond County, to erect school speed limit signs designating a school zone, the speed limit, and when the speed limit in the school zone will be enforceable. All signs shall be erected in compliance with all state and federal regulations.

ARTICLE 4 TURNING MOVEMENTS

Sec. 3-5-25. Authority to place devices altering normal course for turns.

The Augusta-Richmond County traffic engineer is authorized to place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as indicated may conform to or be other than as prescribed by law.

Sec. 3-5-26. Authority to place restricted turn signs.

The Augusta-Richmond County traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn, or U-turn, and shall

place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

Sec. 3-5-27. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 3-5-28. Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction:

- (a) Upon any curve (improper U-turn on curve);
- (b) Upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of another vehicle approaching from either direction (improper U-turn on grade);
- (c) Where such turn cannot be made in safety and without interfering with other traffic (improper U-turn not made in safety).

Sec. 3-5-29. Failure to yield right-of-way while turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Sec. 3-5-30. Improper right turn.

The driver of a vehicle intending to turn at an intersection shall approach and turn as close as practicable to the right-hand curb or edge of the roadway.

Sec. 3-5-31. Improper left turn.

The driver of a vehicle intending to turn left at an intersection shall approach the turn in the extreme left-hand lane lawfully available to traf-

fic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

Sec. 3-5-32. Improper starting of parked vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Sec. 3-5-33. Improper turning by not being in proper position and/or using signals.

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in sections 3-5-29 and 3-5-30 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or change lanes or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate and timely signal in the manner provided in this article.

Sec. 3-5-34. Improper use of signal lights while turning.

A signal of intention to turn right or left or change lanes when required shall be given continuously for a time sufficient to alert the driver of a vehicle proceeding from the rear in the same direction or a driver of a vehicle approaching from the opposite direction.

Sec. 3-5-35. Improper use of signal lights while stopping or stopped.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is an opportunity to give such a signal.

Sec. 3-5-36. Improper use of signal lights if flashed on one side only of parked vehicle or used as do pass signal.

The signals provided for in subsection (b) of this section shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one (1) side only on a parked or disabled vehicle, or flashed as a courtesy or do pass signal to operators of other vehicles approaching from the rear.

- (a) Any stop or turn signal when required in this article shall be given either by means of the hand and arm or by signal lamps.
- (b) Any motor vehicle in use on a highway, street or road shall be equipped with, and a required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limits of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, and also to any combination of vehicles.
- (c) This section requires a signal, when required to be given, to be given by operation of a signal lamp on certain sized vehicles. This section is intended to cover those vehicles where a hand-and-arm signal would not be seen by a following vehicle.

Sec. 3-5-37. Improper use of hand signals.

All signals required by this article when given hand and arm shall be given from the left side of the vehicle in the following manner and shall indicate as follows:

- (a) Left turn, hand and arm extended horizontally;
- (b) Right turn, hand and arm extended upward;

- (c) Stop or decrease speed, hand and arm extended downward.

Sec. 3-5-38. Reserved.

ARTICLE 5 ONE-WAY STREETS AND ALLEYS

Sec. 3-5-39. Authority to sign one-way streets and alleys.

Whenever any ordinance of Augusta-Richmond County designates any one way street or alley, the Augusta-Richmond County traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Sec. 3-5-40. Driving wrong way on one-way street or alley.

Upon a roadway to designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

Sec. 3-5-41. Authority to restrict direction of movement on streets during certain periods.

The Augusta-Richmond County traffic engineer is hereby authorized to determine and designate streets or roads, parts of streets or roads, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Augusta-Richmond County traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

Sec. 3-5-42. Reserved.

ARTICLE 6 RIGHT-OF-WAY AT STOP AND YIELD INTERSECTIONS

Sec. 3-5-43. Signs required at through streets or roads.

Whenever any ordinance of Augusta-Richmond County designates and describes a through street or road, it shall be the duty of the Augusta-Richmond County traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street or road intersecting such through street or road unless traffic at such intersection is controlled at all times by traffic-control signals; however, at the intersection of two (2) such through streets or roads or at the intersection of a through street or road and a heavy traffic street or road not so designated, stop signs shall be erected at the approaches of either of such streets or roads as may be determined by the Augusta-Richmond County traffic engineer upon the basis of an engineering and traffic study.

Sec. 3-5-44. Other intersections where stop or yield required.

The Augusta-Richmond County traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets or roads and to determine:

- (a) Whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or
- (b) Whether vehicles shall yield the right-of-way to vehicles on a different street or road at such intersection, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

Sec. 3-5-45. Failure to yield right-of-way at intersection.

When two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on

the left shall yield the right-of-way to the vehicle on the right, provided that when a vehicle approaches or enters an intersection with no stop signs or other traffic-control devices from a highway that terminates at the intersection, the driver of that vehicle shall yield: the right-of-way to the other vehicle, whether the latter vehicle be on his right or left.

Sec. 3-5-46. Failure to yield right-of-way from driveway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

Sec. 3-5-47. Failure to stop while emerging from alley or driveway onto residential or business street.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residential district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

Sec. 3-5-48. Failure to yield right-of-way to emergency vehicle.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of state law, or of a vehicle belonging to a federal, state or local law enforcement agency properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a deputy sheriff.

(b) This section shall not operate to relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 3-5-49. Failure to yield for highway construction vehicle or person.

The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway, street or road, within any highway construction or maintenance area indicated by official traffic-control devices.

Sec. 3-5-50. Failure to yield for highway construction displaying amber lights.

The driver of a vehicle shall yield the right-of-way to an authorized vehicle actually engaged in work upon a highway whenever such vehicle displays flashing or revolving amber lights and has a permit to use such amber lights.

ARTICLE 7 PEDESTRIANS' RIGHTS AND DUTIES

Sec. 3-5-51. Crossing at right angles.

Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite side.

Sec. 3-5-52. Failure to stop by pedestrian for railroad crossing barrier.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Sec. 3-5-53. Drivers must use due care with children and drunks.

Notwithstanding other provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding his horn when necessary, and shall exercise proper

precautions upon observing any child or any obviously confused, incapacitated or intoxicated person.

Sec. 3-5-54. Pedestrian under the influence.

A person who is under the influence of intoxicating liquor or any drug to a degree which renders him a hazard shall not walk or be upon any roadway.

Sec. 3-5-55. No person to stand in road to solicit rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) Except as herein provided, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle. Notwithstanding the above, a permit for solicitation on the right-of-way may be obtained from the Sheriff of Richmond County provided the applicant meets the following criteria, to-wit:

- (1) The applicant shall be a charitable organization, and the solicitation shall only be for contributions for a charitable purpose and shall not be for the purpose of selling goods or materials of any kind;
- (2) The applicant shall provide a plan for review and comment by the Sheriff's Department, which plan will assure the safety of the applicant's representatives, as well as the motoring public, at the locations where the solicitation will take place;
- (3) The applicant shall indicate in specific detail the location of such solicitation, together with the hours thereof;
- (4) The applicant shall not have previously solicited contributions on the right-of-way in Augusta-Richmond County within the preceding twelve (12) months;
- (5) The applicant shall provide an indemnification and hold harmless agreement in favor of the Augusta-Richmond County Commission, its elected officials and offic-

ers, servants, and employees, in a form satisfactory to the Augusta-Richmond County attorney;

- (6) The Sheriff's Department may consider the nature of the solicitation request, the plan for safety of the applicant's representatives, as well as the motoring public, the location where solicitation is being proposed, the hours of proposed solicitation, expected or anticipated traffic or traffic congestion at the proposed locations, prior requests by the applicant as well as prior experience with solicitations by said applicant, and such other matters as may be important to assure the safety of the applicant's representatives as well as the motoring public at the time and place where the solicitation is proposed to take place;
- (7) The Sheriff's Department shall have the right to terminate the solicitation at any time, either before or during the solicitation event, should traffic, weather, or other conditions develop, which in the sole discretion of the Sheriff's Department, present a danger to the applicant's representatives or the motoring public.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Sec. 3-5-56. Driver must yield to pedestrian on sidewalk.

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. It shall make no difference whether a vehicle is coming out of a private driveway, alley, building or other location, or whether it is entering from the street or highway.

Sec. 3-5-57. Reserved.

ARTICLE 8 REGULATIONS FOR BICYCLES

Sec. 3-5-58. Effect of regulations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside within Augusta-Richmond County for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 3-5-59. Traffic ordinances apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their very nature can have no application.

Sec. 3-5-60. Obedience to traffic-control devices.

Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a deputy sheriff.

Sec. 3-5-61. Reserved.

ARTICLE 9 OBEDIENCE TO RAILROAD CROSSING SIGNALS

Sec. 3-5-62. Failure to stop for railroad crossing.

Whenever any person driving a vehicle approaches a railroad grade crossing, such driver shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he can do so safely, when:

- (a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
- (b) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach of the passage of a train; or
- (c) An approaching train is plainly visible and is in hazardous proximity to such crossing.

Sec. 3-5-63. Disregarding railroad crossing barrier.

No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 3-5-64. Failure to stop for stop sign at railroad crossing.

Wherever particularly dangerous highway grade crossings may exist, stop signs may be erected thereat, requiring all vehicles to stop. Whenever such stop signs are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 3-5-65. Taxis, school buses and gas trucks to stop at railroad crossings and not change gears while driving across railroad tracks.

(a) Except as provided in subsection (b) of this section, the driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any schoolchild, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade, track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing; and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a deputy sheriff or a traffic-control signal directs traffic to proceed.

Sec. 3-5-66. Reserved.

ARTICLE 10 FUNERAL PROCESSIONS

Sec. 3-5-67. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or law enforcement officers.

Sec. 3-5-68. Drivers in a procession.

Each driver in funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

Sec. 3-5-69. Funeral processions to be identified (Reserved).

Sec. 3-5-70. Reserved.

**ARTICLE 11 MOTORCYCLES,
MOTORIZED CARTS, MOPEDS,
OFF-ROAD VEHICLES, MINIBIKES**

Sec. 3-5-71. Traffic laws applicable to persons operating motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article and except to those provisions of this chapter, which by their very nature can have no application.

Sec. 3-5-72. Person riding motorcycle must face forward with one leg on either side of motorcycle.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto; and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent

and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on either side of the motorcycle.

Sec. 3-5-73. Person cannot carry article which prevents him from keeping both hands on handlebars.

No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

Sec. 3-5-74. Passenger must not interfere with control or view of operator.

No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Sec. 3-5-75. Operator and passenger must wear shoes on motorcycle.

No person shall operate or ride upon a motorcycle unless he shall wear some type of footwear in addition to or other than socks.

Sec. 3-5-76. Other vehicles must give motorcycle full lane.

All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two (2) abreast in a single lane.

Sec. 3-5-77. Motorcycles cannot pass in same lane as another vehicle.

The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

Sec. 3-5-78. Motorcycles cannot operate between lanes of traffic.

No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

Sec. 3-5-79. More than two motorcycles abreast in traffic lane.

Motorcycles shall not be operated more than two (2) abreast in a single lane.

Sec. 3-5-80. Motorcycle light and taillight on.

A person operating a motorcycle shall at all times keep his headlamps and taillights illuminated.

Sec. 3-5-81. Motorcycle clinging to other vehicle.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

Sec. 3-5-82. Passengers must have footrests.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

Sec. 3-5-83. Handlebars more than fifteen inches above seat, back rest with sharp point at tip.

No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator or with a backrest more commonly known as a sissy bar that is designed in such a way as to create a sharp point at its apex.

Sec. 3-5-84. Helmet required.

No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the state board of public safety.

State law reference—See O.C.G.A. § 40-6-331.

Sec. 3-5-85. Windshield or visor required.

No person shall operate or ride upon a motorcycle if the motorcycle is not equipped with a windshield unless he is wearing an eye-protective device of a type approved by the board of public safety. This section shall not apply to persons riding within an enclosed cab or motorized cart.

Sec. 3-5-86. Operating a motorized cart on a public street, road or highway.

(a) No person shall operate any motorized cart upon a street, road, or public highway in Augusta-Richmond County, except as specifically provided herein. Further, no person shall operate any motorized cart on private property without the permission of the owner of such private property.

(b) Pursuant to O.C.G.A. § 4-6-331, the following public streets and portions thereof are hereby designated for the combined use of motorized carts and regular vehicular traffic, upon the conditions hereinafter set forth:

- (1) J. Dewey Gray Circle, Wainbrook, Devore Place, and that section of Interstate Parkway lying between the intersection of Wainbrook and Devore Place, are hereby designated for the combined use of motorized carts and regular vehicular traffic as provided herein; and,
- (2) All that portion of Tenth Street located between Broad Street and the Savannah River, provided that such use may occur only on the "First Friday" of each month, between the hours of 5:00pm and 8:00pm, or at such other time(s) authorized by the Mayor of Augusta.

(c) Appropriate signs giving notice of the combined use of motorized carts and regular vehicular traffic shall be posted on said roads as directed by the Traffic Engineer.

(d) No motorized carts shall operate on said streets except between the hours of 30 minutes following sunrise and 30 minutes prior to sunset, except as otherwise provided herein.

(e) All motorized carts shall be equipped with headlights, brake lights, a yellow caution light mounted on top of such motorized cart, and a caution sign.

(f) All such motorized carts shall be registered with the Richmond County Sheriff's Office for a fee of Fifteen Dollars (\$15.00), with the license for same to remain permanently with such cart unless such cart is sold, at which time the license shall be destroyed.

(g) All motorized carts shall obey all rules of the road governing vehicular traffic on said public roads.
(Ord. No. 6436, § 1, 11-20-01; Ord. No. 6572, § 1, 11-19-02)

Sec. 3-5-87. Traffic laws applicable to persons operating mopeds.

Every person operating a moped shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their very nature can have no application. However, the operator of a moped shall not be required to comply with section relating to headlamps and taillamps, or section relating to windshields and eye-protective devices.

Sec. 3-5-88. Driver's license or permit required for certain operators.

No person under fifteen (15) years of age shall operate a moped upon the public roads and highways of Augusta-Richmond County. No person shall operate a moped upon the public roads and highways of Augusta-Richmond County unless he shall have in his possession a valid drivers license, instructional permit, or limited permit issued pursuant to the Official Code of Georgia chapter 5, title 40, state motor vehicles and traffic laws, relating to drivers license; however, all classes of licenses, instructional permits or limited permits issued pursuant to the Official Code of Georgia chapter 5, title 40, shall be valid for the purposes of operating mopeds upon the public roads and highways of this state.

Sec. 3-5-89. Protective gear required.

No person shall operate or ride as a passenger upon a moped unless he is wearing protective headgear which complies with standards established by the state commissioner of public safety. Such standards need not necessarily be the same as for motorcyclists; however, any moped operator wearing an approved motorcycle helmet shall be deemed in compliance with this subsection.

Sec. 3-5-90. Operation over certain roads, highways prohibited (Reserved).

Sec. 3-5-91. Operation of off-road vehicle on public street, road or highway.

(a) No person shall operate any off-road vehicle on any public street, road or highway in Augusta-Richmond County unless such vehicle is being used exclusively for its designed purposes; however, such operation shall meet all other requirements as required by state law regulating the use, operation or movement of such vehicle.

(b) Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this article:

- (1) Without operative brakes, or without mufflers or other silencing equipment;
- (2) On any private property without the express written permission of the owner of the property or his agent.

ARTICLE 12 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Sec. 3-5-92. Parking not to obstruct traffic.

No person shall park any vehicle upon a street or road other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

Sec. 3-5-93. Improper parking.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a law enforcement officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
 - (1) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street;
 - (2) On a sidewalk;
 - (3) Within an intersection;
 - (4) On a crosswalk;
 - (5) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (8) On any railroad tracks;
 - (9) On any controlled-access highway;
 - (10) In the area between roadways of a divided highway, including cross-overs; or
 - (11) At any place where official signs prohibit stopping;
- (b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (1) In front of a public or private driveway;
 - (2) Within fifteen (15) feet of a fire hydrant;
 - (3) Within twenty (20) feet of a crosswalk at an intersection;
 - (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
- (5) Within twenty (20) feet of the driveway entrance to any fire station, or on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly signposted); or
- (6) At any place where official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (1) Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - (2) At any place where official signs prohibit parking.
- (d) No parking areas.
 - (1) No vehicle shall park in any area that has been designated or approved as a no-parking area by the Sheriff's Department, the traffic engineer, or the fire department.
 - (2) The prohibited no-parking areas shall include but not be limited to the following: Parking in fire lane; improper parking, parking where signs prohibit; yellow curb; loading zone; handicapped zone (O.C.G.A. § 40-6-225); parking on sidewalk; and parking at fire plug.
 - (3) It shall be unlawful and in violation of this subsection to park any vehicle within the area so designated as a no-parking area.
 - (4) It shall be the duty of the Sheriff's Department to enforce the provisions of this subsection (d); and each deputy sheriff finding a vehicle which is in violation of the terms of this subsection (d) shall attach to such vehicle a summons to the owner, or

operator thereof, that such vehicle has been parked in violation of this subsection (d).

The citation shall designate the state license number of such vehicle and the county; the time during which such vehicle is parked in violation of this subsection (d); and any other facts, the knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

- (e) Any person violating the provisions of this section shall be subject to a monetary fine as follows:

Improper parking:	\$20.00
Handicap zone (O.C.G.A. Section 40-6-225 and 226):	
Not less than \$100.00 and not more than \$500.00	

- (f) The vehicle of any person which accumulates parking violations in excess of the sum of forty-five dollars (\$45.00) shall be impounded by the Sheriff's Department by an Augusta-Richmond County list wrecker in the event the vehicle can be located and seized within Augusta-Richmond County. The vehicle shall be held until accumulated fines and wrecker fees have been paid in full.

Sec. 3-5-94. Improper parking by not parking within one foot of curb.

Every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

Sec. 3-5-95. Obstructing an intersection.

No driver shall enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Sec. 3-5-95.1. Restrictions on parking adjacent to the United States Courthouse.

- (a) It shall be unlawful for the owner, driver, or operator of any vehicle to park or to permit such vehicle to be parked or to stand unattended at any time, except by permit, adjacent to any portion of the United States District Courthouse, Southern District of Georgia, located at 500 East Ford Street, Augusta, Georgia, as marked by the Sheriff of Richmond County including specifically those streets or portions thereof, as follows:

The West Side of Eighth Street between Telfair Street and Walker Street;

Walker Street between Ninth Street and Eighth Street;

West Ford Street;

East Ford Street, and

The South Side of Telfair Street from Eighth Street to Ninth Street.

- (b) The United States District Court, Southern District of Georgia, is authorized to issue permits to park in spaces as allowed in this Section.

- (c) The Richmond County Sheriff's Office shall cause to be posted a public notice of parking restrictions imposed by this Section.

- (d) This Section shall not apply to fire department vehicles, police vehicles, emergency or rescue vehicles or other vehicles performing a public emergency function.

- (e) Any vehicle, not displaying the proper permit, which is parked within the restricted area, shall be towed, at the owner's expense. (Ord. No. 6430, § 1, 11-7-01)

ARTICLE 13 MISCELLANEOUS DRIVING RULES

Sec. 3-5-96. Driving on sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized driveway.

Sec. 3-5-97. More than three persons in front seat.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Sec. 3-5-98. Opening vehicle doors and interfering with traffic.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 3-5-99. Following or parking within five hundred feet of fire truck or other emergency vehicle.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm or any other emergency vehicle closer than five hundred (500) feet and shall not drive or park such vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

Sec. 3-5-100. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire without consent of the fire department official in command.

Sec. 3-5-101. Operating unauthorized vehicle with blue lights.

It shall be unlawful for any person, firm or corporation to operate any motor vehicle with

flashing or revolving blue lights except motor vehicles owned or leased by any federal, state or local law enforcement agency.

Sec. 3-5-102. Without or expired emergency light permit.

All emergency vehicles shall be designated as such by the state board of public safety. The board shall so designate each vehicle a permit to operate flashing or revolving emergency lights of the appropriate color. Such permit shall be valid for one year from the date of issuance.

Sec. 3-5-103. Unauthorized vehicle with red/amber lights.

It shall be unlawful for any person, firm or corporation to operate any motor vehicle with flashing or revolving red or amber lights except motor vehicles owned or leased by any federal, state or public safety or emergency agency or other entity authorized to use same.

Sec. 3-5-104. Illegal use of siren, whistle or bell.

No vehicle, except an authorized emergency vehicle, shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell. No vehicle shall be equipped with a theft alarm signal device which is so arranged that it can be used by the driver as an ordinary warning signal.

Sec. 3-5-105. Wearing device which impairs hearing or vision.

No person shall operate a motor vehicle while wearing a headset or headphone which would impair such person's ability to hear, nor shall any person while operating a motor vehicle wear any device which impairs such person's vision. This section shall not apply to hearing aids or instruments for the improvement of defective human hearing, eyeglasses, or sunglasses; nor shall it apply to authorized fire or law enforcement personnel.

Sec. 3-5-106. Use of lights required at specific times.

Every vehicle upon a highway, street or road within Augusta-Richmond County shall display lights, including headlights at any time from one-half hour after sunset to one-half hour before sunrise and at any time when it is raining in the driving zone and at any other time when there is not sufficient visibility to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead.

Sec. 3-5-107. Failure to dim lights.

(a) Whenever a driver of a vehicle approaches an upcoming vehicle within five hundred (500) feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred (200) feet to the rear, except when engaged in the act of overtaking and passing, such driver shall dim his headlights.

Sec. 3-5-108. No brakes.

Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway, street or road, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle. Every motorcycle and motor-driven cycle manufactured after January 1, 1974, when operated upon a highway, shall be equipped with at least two (2) brakes which may be operated by hand or foot.

Sec. 3-5-109. Excessive noise and/or excessive smoke.

Every motor vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation so as to prevent the escape of excessive fumes or smoke. It shall be unlawful for any person to operate any vehicle with any muffler system which causes excessive or unusual noise or annoying smoke.

Sec. 3-5-110. Operating a vehicle with altered suspension system.

(a) It shall be unlawful to alter the suspension system of any private passenger motor vehicle which may be operated on any public street or highway more than two (2) inches above or below the factory recommendation for any such vehicle.

(b) It shall be unlawful to operate any private passenger motor vehicle upon any highway, roadway or street if the suspension system of such vehicle has been altered more than two (2) inches above or below the factory recommendation for such vehicle.

(c) It shall be unlawful to operate any motor vehicle upon any highway, roadway or street if the springs relative to the suspension system are broken.

Sec. 3-5-111. Driving unsafe or improperly equipped vehicle.

No person shall drive or move on any highway, street or road any motor vehicle, trailer, semi-trailer or pole trailer, or any combination thereof, unless the equipment upon any and every such vehicle is in good working order and adjustment, and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Sec. 3-5-112. Driving on wrong side of road.

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (b) When an obstruction exists making it necessary to drive to the left of the center of the highway, provided that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such a distance as to constitute an immediate hazard;

- (c) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or
- (d) Upon a roadway restricted to two-way traffic.

Sec. 3-5-113. Slower drivers must stay in right lane.

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Sec. 3-5-114. Impeding normal flow of traffic by driving side-by-side.

No two (2) vehicles shall impede the normal flow of traffic by traveling side-by-side at the same time while in adjacent lanes, provided that this section shall not be construed to prevent vehicles traveling side-by-side in adjacent lanes because of congested traffic conditions.

Sec. 3-5-115. No passing on shoulder of road.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn; or
- (2) Upon a street or highway with unobstructed pavement of sufficient width for two (2) or more lines of moving vehicles in the direction being traveled by the overtaking vehicle.

(b) If otherwise authorized, the driver of a vehicle may overtake and pass another vehicle upon the right only under such conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

Sec. 3-5-116. Passing on hill or curve.

No vehicle shall be driven on the left side of a roadway designed and authorized for traffic traveling in opposite directions, when approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

Sec. 3-5-117. Passing within one hundred (100) feet of intersection or railroad crossing.

No vehicle shall be driven on the left side of a roadway designed and authorized for traffic traveling in opposite directions when approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

Sec. 3-5-118. Passing on solid yellow line.

No vehicle shall be driven to the left side of the roadway when such portion of the roadway is clearly defined as a no-passing zone by means of a solid barrier yellow line placed on the right-hand element of a combination stripe along the center or lane line.

Sec. 3-5-119. Improper lane change.

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this chapter, shall apply:

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three (3) lanes, and provides for two-way movement of traffic, with two (2) lanes in one (1) direction, a vehicle being driven in a continuous or center lane shall have the right of way when overtaking and passing another vehicle traveling in the same direction.
- (c) Upon a roadway which is divided into three (3) lanes and provides for two-way

movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices or road striping.

Sec. 3-5-120. Improper backing.

(a) A driver shall not back a vehicle unless such movement can be made with safety and without interfering with other traffic.

(b) A driver of a vehicle shall not back a vehicle upon any shoulder or roadway of any controlled-access highway.

Sec. 3-5-121. Improper passing.

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Sec. 3-5-122. Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

Sec. 3-5-123. Crossing median in divided highways.

Every vehicle driven on a divided highway shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or law enforcement officers. No vehicle shall be driven over, across or within any dividing space, barrier or section separating the roadways of a divided highway; except that a vehicle may be driven through an operating in such physical barrier or

dividing space or at an established crossover or intersection unless specifically prohibited by an official sign, signal or traffic-control device.

Sec. 3-5-124. Driving on highway closed to public.

No person shall, without lawful authority, drive around or through or ignore any official traffic-control device so as to go onto an officially closed highway or road or onto a section of highway or road before it has been officially opened to the public. This section shall not apply to law enforcement officers in the performance of their duties, to individuals domiciled or making their livelihood within the affected area, or to any person authorized to be in the affected area by the appropriate law enforcement officer.

Sec. 3-5-125. Refusal to comply with deputy directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any deputy sheriff or fireman invested by law with authority to direct, control or regulate traffic.

Sec. 3-5-126. Reserved.

ARTICLE 14 REGULATING THE KINDS AND CLASSES OF TRAFFIC ON CERTAIN HIGHWAYS

Sec. 3-5-127. Commercial vehicles prohibited from using certain streets or highways.

When signs are erected giving notice thereof, no person shall operate any commercial vehicle at any time upon any of the streets or highways or parts thereof except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street or highway at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

Sec. 3-5-128. Excluding specific traffic.

The Augusta-Richmond County traffic engineer is hereby authorized upon the basis of an engineering and traffic investigation to determine and designate those heavily traveled streets or roads upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and shall erect appropriate official traffic-control devices giving notice thereof.

Sec. 3-5-129. Through trucks prohibited from using certain streets or roads.

When signs are erected giving notice thereof, no person shall operate any through truck or tractor, as defined in this chapter, at any time upon any of the streets or roads or parts thereof.

Sec. 3-5-130. Reserved.**ARTICLE 15 PARKING RESTRICTIONS FOR TRUCKS AND BUSES****Sec. 3-5-131. Time limit for trucks.**

No person shall park or stand any truck or other freight-carrying vehicles, including any truck tractor, in excess of one-ton capacity, of three (3) or more axles upon any public street or highway or upon any property zoned residential for longer than one (1) hour at any time during the day or night except as provided in section 3-5-127.

Sec. 3-5-132. Attendant required for certain trucks, buses.

No person shall stop or stand any truck or bus with a body more than eight (8) feet wide or ten (10) feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

Sec. 3-5-133. Reserved.**ARTICLE 16 ABANDONED VEHICLES****Sec. 3-5-134. Parking vehicles with invalid license plates.**

Any automobile, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any residentially zoned property or other zoned property unless it shall be in a completely enclosed building or on property properly zoned according to the county comprehensive zoning ordinance.

Sec. 3-5-135. Inoperative or junk vehicle—Parking prohibition; exceptions.

No automobile, vehicle or trailer of any kind or type, which shall be inoperative or in a junk condition, shall be parked or stand on any residentially zoned property or other zoned property unless:

- (a) It shall be in an enclosed building;
- (b) It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or,
- (c) It shall be on property occupied and used for repair, reconditioned or remodeling of vehicles in conformance with zoning ordinances of Augusta-Richmond County.

Sec. 3-5-136. Same—Defined.

An inoperative or junk condition shall include, but shall not be limited to, any automobile, vehicle, trailer of any kind or type, or contrivance, or a part thereof, the condition of which is one or more of the following:

- (a) Wrecked;
- (b) Dismantled;
- (c) Partially dismantled;
- (d) Inoperative;
- (e) Abandoned;
- (f) Discarded;
- (g) Scrapped;

- (h) Does not have a valid license plate attached thereto.

Sec. 3-5-137. Nuisances not authorized.

Nothing in this article shall authorize the maintenance of a public or private nuisance as defined under other provisions of law.

Sec. 3-5-138. Supplemental nature of article.

This article shall not be the exclusive regulation of discarded, dismantled, wrecked, scrapped, ruined or junk motor vehicles, or contrivances, within Augusta-Richmond County, but shall be supplemental in addition to other regulations and ordinances of Augusta-Richmond County and statutes or provisions of law heretofore and hereinafter enacted by the state or other legal entity or agency having jurisdiction.

Sec. 3-5-139. Removal.

In all instances where the owner of any abandoned or junk motor vehicle and/or trailer as defined herein cannot be determined or the owner of any junk or abandoned motor vehicle and/or trailer refuses to give consent for the county to remove any junk or abandoned motor vehicle and/or trailer which has been determined to constitute a health hazard or unsightly nuisance, following notice as hereinafter provided, such junk or abandoned motor vehicle and/or trailer shall be removed and disposed of under the provisions of O.C.G.A. chapter 40-11, or other applicable law.

Notice of the determination that any such junk or abandoned vehicle, which is on private property, is to be removed shall be given at least three (3) days prior to removal, by the posting of notice on the door of any house or dwelling located on the same property as the junk or abandoned vehicle, or if there is no house or dwelling on such property, following notice posted on the vehicle. Nothing herein shall be construed as requiring notice for the removal of junk or abandoned vehicles on public properties, other than as may be provided by state law.
(Ord. No. 6236, § 2, 12-21-99)

Sec. 3-5-140. Reserved.

ARTICLE 17 PENALTIES

Sec. 3-5-141. Fine; imprisonment.

Any person violating any provision of this chapter of the Augusta-Richmond County Code shall be tried as a misdemeanor. Upon Conviction, a violation of a provision of this chapter, unless otherwise provided, shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a period not in excess of sixty (60) days.

ARTICLE 18 SAFETY REVIEW COMMITTEE

Sec. 3-5-142. Created.

There is hereby created a body known as Safety Review Committee, hereafter referred to as Committee.

Sec. 3-5-143. Membership.

The membership of the committee shall consist of eight (8) voting members, as follows:

- (a) One (1) member of the Sheriff's Department holding the rank of major or below;
- (b) One (1) member of the Augusta-Richmond County fire department holding the rank of captain or below;
- (c) One (1) member of the correctional institution holding the rank of major or below;
- (d) One (1) member of the recreation department serving as a first line supervisor or at an administrative management level;
- (e) The Assistant Director, Risk Management shall serve as the Chairperson and shall vote only in the event of a tie vote;
- (f) One (1) member of the public works department between the rank of Superintendent and Foreman;

- (g) One (1) member of the utilities department serving as a first line supervisor or at an administrative level (office manager);
- (h) One (1) member of the Marshall's department holding the rank of captain or below; and
- (i) One (1) member of the Transit department serving as a first line supervisor or at an administrative level.

Sec. 3-5-144. Terms of members.

The sheriff shall select the member from the sheriff's department, and the warden of the correctional institution and the director of the other named departments shall each select a member from his respective department. Department heads and elected officials of members listed above shall appoint an alternate member to serve in the absence of the primary member. Each member shall serve for a term of two (2) years, unless rescinded by the appointing authority, to be appointed as provided in the Safety-Risk Management Manual. Department heads and elected officials may not be nominated for membership on the board. No member of the board shall be permitted to participate in the evaluation and disposition of a motor vehicle accident involving a member of the department from which the board member comes. At no time may a member designate a delegate to act on his behalf. A quorum of the committee will consist of five (5) voting members and the chairman.

Sec. 3-5-145. Duties.

The Safety Review Committee shall have the authority perform the duties, impose penalties, and follow the procedures, including appeals, as set forth in the Safety-Risk Management Manual adopted by Augusta-Richmond County, incorporated herein by reference, and attached as an Appendix to this Code.

Secs. 3-5-146—3-5-160. Reserved.

Chapter 6

NOISE

Sec. 3-6-1. Regulated.

It shall be unlawful for any person to make, continue or cause to be made or continued or permit to be made, continued or caused any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in Augusta-Richmond County.

Sec. 3-6-2. Prohibited noises enumerated.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- (a) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in Augusta-Richmond County except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any device for any unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- (b) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the comfort, health, peace or safety of reasonable neighboring inhabitants of ordinary sensibilities. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be a prima facie evidence of a violation of this section. (**Ref.:** *Richmond County, Georgia vs. Cecil Herbert Barnes.*)
- (c) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (d) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (e) *Animals, birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- (f) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper county authorities.
- (g) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (h) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of

repair, so loaded or in a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

- (i) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (j) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; however, the inspections and permits department shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period not to exceed ten (10) days within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (k) *Schools, courts, places of worship, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, place of worship or court while in use, or adjacent to any hospital which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (l) *Hawkers, peddlers, vendors.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (m) *Noise to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (n) *Transportation of metal rails or similar materials.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places so as to cause loud noises or as to disturb the peace and quiet of those streets or other public places.
- (o) *Blowers.* The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden the noise.
- (p) *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes. The use of sound trucks for noncommercial purposes during hours and in places and with volume as would constitute this use as a public nuisance; provided, that the provisions of this section shall not apply to or be enforced against:
 - (1) Any vehicle of Augusta-Richmond County while engaged in necessary public business;
 - (2) Excavations or repairs of streets by or on behalf of Augusta-Richmond County or the state at night when the public welfare and convenience renders it impossible to perform such work during the day; or
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(Ord. No. 6625, § 1, 7-15-03)

Sec. 3-6-3. Hospital zones.

There shall be within Augusta-Richmond County what shall be known as hospital zones around such hospitals or sanitoriums as may be in exist-

ence or that may be established. Within these zones, no unnecessary noises of any kind shall be allowed. These zones shall extend two hundred fifty (250) yards in every direction from any such hospital or sanitorium. The approaches to said zones shall have necessary signs in such localities as to enable everyone to see them. Persons violating this section shall be punished as provided in section 1-6-1 of this Code.

Sec. 3-6-4. Penalty for violation of chapter.

Any person or persons failing to comply with the lawful provisions of this chapter or any act prohibited by this chapter or failing to do any act mandated by this chapter shall be guilty of an offense, and upon trial as a misdemeanor and conviction, shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a period not to exceed sixty (60) days.

Chapter 7

OFFENSES**Sec. 3-7-1. Disorderly conduct—Defined.**

Any person who shall do or engage in any of the following in Augusta-Richmond County shall be guilty of disorderly conduct:

- (a) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety of his life, limb or health.
- (b) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of another person is placed in danger of being destroyed or damaged.
- (c) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.
- (d) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
- (e) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
- (f) Any persons who shall collect in bodies or in crowds and engage in unlawful activities.
- (g) Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.
- (h) Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device, or attempt to do so.
- (i) Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.
- (j) Any person who utters, in a public place or any place open to the public, any obscene words or epithets.
- (k) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
- (l) Any person who shall use fighting words directed towards any person who becomes outraged and thus creates turmoil.
- (m) Any person who shall assemble or congregate with another or others and do bodily harm to another.
- (n) Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
- (o) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.
- (p) Any person who damages, defouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- (q) Any person, not a student or officer or employee of any public school within Augusta-Richmond County and not required by his employment to be on the campus of any such school, who enters any such campus when it reasonably appears to the security officer of such school that such person is committing any act likely to interfere with the peaceful conduct of the activities of the campus, or has entered the campus for the purpose of committing such act and fails or refuses to leave such campus when directed to do so by said security officer.
- (r) Any person loitering or prowling within Augusta-Richmond County generally. For purposes of this subsection, loitering or prowling means being in a place at a time or in a manner not usual for law-abiding

individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or manifestly conceals himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Code subsection, afford the person the opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

- (s) Any person loitering within Augusta-Richmond County for certain purposes, including for the purpose of begging, unlawful gambling with cards, dice or other gambling paraphernalia, engaging or soliciting another person to engage in prostitution, with the intent to interfere with or disrupt a school program or with intent to interfere with or endanger schoolchildren, in a school building or on school grounds or within two hundred (200) feet of schoolgrounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody or responsibility for a pupil or other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a law enforcement officer. The term loiter as used herein shall mean to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place within Augusta-

Richmond County. It shall be an affirmative defense to a violation of this section that the defendant's acts were lawful and he was exercising his rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

- (t) Any person loitering within Augusta-Richmond County in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of Chapter 13 of Title 16 of the Official Code of Georgia Annotated. Among the circumstances which may be considered in determining whether such purpose is manifested are:
- (1) such person is a known unlawful drug user, possessor or seller. For purposes of this section, a known unlawful drug user, possessor or seller is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances defined as controlled substances or dangerous drugs in Chapter 13 of the Official Code of Georgia Annotated or such person has been convicted of any violation of any of the provisions of said chapters of the Official Code of Georgia Annotated or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as needle tracks; or a person who possesses drug-related objects as defined in § 16-13-32 of the Official Code of Georgia Annotated.
 - (2) such person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area.
 - (3) such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage

- in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a lookout.
- (4) such person is physically identified by the officer as a member of a gang, or association which has as its purpose illegal drug activity.
 - (5) such person transfers small objects or packages for currency in a furtive fashion.
 - (6) such person takes flight upon the appearance of a law enforcement officer.
 - (7) such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity.
 - (8) the area involved is by public repute known to be an area of unlawful drug use and trafficking.
 - (9) the premises involved are known to have been reported to law enforcement as a place suspected of drug activity.
- (u) Any person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which intoxicated condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language.
 - (v) Reserved.
 - (w) Reserved.
 - (x) (1) "Aggressive Panhandling" as hereinafter defined is prohibited in the following defined districts:
 - a. Broad Street/Augusta Common District. On Broad Street and the sidewalks appurtenant thereto on the northern and southern boundaries of the right-of-way of said thoroughfare beginning at the intersection of Broad Street and Fifth Street and continuing on Broad Street to its intersection with Fifteenth Street and on the Augusta Common from its southern most boundary on the northern right-of-way line of Broad Street to the northern most boundary of the Augusta Common abutting the southern most right-of-way line of Reynolds Street and on the sidewalk on Reynolds Street abutting the northern boundary of the Augusta Common.
 - b. Armstrong Galleria District. Within the area containing the location of the Armstrong Galleria Shopping Center which is bounded on the north by the northern right-of-way line of Hopkins Street, on the east by the eastern right-of-way line of Eighth Street; south by the southern right-of-way line of Laney Walker Blvd. and west by the western right-of-way line of James Brown Blvd. (Ninth Street).
 - (2) The purpose of this subsection is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well being of pedestrians and to otherwise foster a safe and harassment-free climate in the public places defined in section (1).
 - (3) As used in this subsection, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - a. "*Public place*" or "*place open to the public*" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public or entrances in buildings or dwellings and the grounds enclosing them;
 - b. "*Known panhandler*" means a person who within one year previous to the date of arrest for violation of this

section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

- c. A conversation or gesture or both shall be construed as "*threatening*" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.
 - d. Behavior shall be deemed as "*aggressive*" or "*intimidating*" if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension caused by such behavior.
 - e. "*Panhandling*" shall mean begging.
- (4) a. In the districts defined in section (1) of this subsection, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose of behavior is manifested are the following: that such person is a known panhandler; that such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop one or more passers-by; that such person engages one or more passers-by in threatening conversation; or that such person utilizes threatening bodily gestures. To constitute a violation of this subsection, the violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure

from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

- b. Reserved.
- c. It shall be unlawful for any person, after having been warned that such activity is prohibited, to procure or attempt to procure a handout in the area defined in section (1) of this subsection.
- d. It shall be unlawful for any person to sit or recline on a public sidewalk with an intent to procure a handout.
- e. Any person, firm or corporation violation any provision of this ordinance shall be subject to the jurisdiction of the Civil and Magistrate Court of Richmond County and be subject to a fine and or a term of incarceration upon conviction of the offense of "*aggressive panhandling*" as is provided up to the maximum punishment allowed under Augusta Code Section 3-7-3.

(Ord. No. 6864, § 1, 3-21-06)

Sec. 3-7-2. Same—Severability.

If any provision of this chapter, or the application of any provision of this chapter to any person, is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Sec. 3-7-3. Same—Penalties.

Any person or persons failing to comply with the mandatory provisions of section 3-7-1 or doing any act prohibited by section 3-7-1 shall be guilty of an offense and upon trial as a misdemeanor and conviction in the shall be punished by a fine

in an amount not to exceed one thousand dollars (\$1000.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of sixty (60) days.

Sec. 3-7-4. Minors prohibited from smoking in retail establishments.

(a) Definitions. The following words and phrases shall have the meaning respectively ascribed to them by this subsection:

- (1) *Minor*. Any individual who is under the age of eighteen (18) years.
- (2) *Person*. Any person, firm, partnership, association, corporation, company or organization of any kind, but shall not include a minor.
- (3) *Retail establishment*. Any commercial establishment whose primary purpose is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, food for consumption, articles or other things, recreational activities, and all activities, operations and services connected therewith or incident thereto. It shall also mean all the enclosed area of any shopping mall.
- (4) *Smoking or to smoke*. The act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind.

(b) Smoking prohibited. It shall be unlawful for a minor to smoke in a retail establishment located in Augusta-Richmond County.

(c) Allowing minor to smoke prohibited. It shall be unlawful for any person knowingly to advise, counsel, compel or allow any minor to smoke in a retail establishment in Augusta-Richmond County.

(d) Penalty for violation of section—Generally. Any person failing to comply with the mandatory provisions of this section or doing any act prohibited by this section shall be guilty of an offense and, upon trial as a misdemeanor and conviction shall be punished by a fine in an amount not to exceed five hundred dollars (\$500.00) and/or imprisonment in the Augusta-Richmond County jail for a period not in excess of thirty (30) days.

(e) Penalty for minors. In addition to any other penalty that may be imposed by the court, any minor who commits an offense under this section shall be punished as follows:

- (1) By requiring the performance of community service not exceeding twenty (20) hours;
- (2) By requiring attendance at a publicly or privately sponsored lecture or discussion on the health hazards of smoking or tobacco use, provided such lecture or discussion is offered without charge to the minor; or
- (3) By a combination of the punishments described in paragraphs (1) and (2) of this subsection.

Sec. 3-7-5. Prostitution; transporting for purpose of prostitution or sodomy prohibited.

(a) It shall be unlawful for any person within Augusta-Richmond County to commit or offer or agree to commit an act of prostitution or to knowingly aid, abet or participate in an act of prostitution.

(b) It shall be unlawful for any person within Augusta-Richmond County to offer, procure, offer to procure, arrange or agree to arrange a meeting of two or more persons for the purpose of engaging in prostitution, to aid, abet, entice or coerce another person into committing an act of prostitution, to solicit a person to engage in any act of prostitution, or to receive anything of value from a person engaged in prostitution in return for any act defined as unlawful under this section.

(c) It shall be unlawful for anyone to knowingly transport a person into or within Augusta-Richmond County for the purpose of promoting that person's engaging in prostitution, sodomy for hire, masturbation for hire, or pandering.

(d) It shall be unlawful for anyone to knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, sodomy for hire, masturbation for hire, or pandering, or knowingly to permit others to remain there for either such purpose.

(e) Any person who, while a pedestrian or in a motor vehicle, in or near any thoroughfare or place open to the public, attempts to induce, entice, solicit or procure another to commit an act of prostitution, sodomy for hire, masturbation for hire, or pandering shall be guilty of idling and loitering for the purpose of committing an illicit sexual act.

(f) For the purpose of section (e), any person shall also include panders or solicitors of sexual acts, commonly referred to as johns or tricks, who loiter in a manner and under circumstances manifesting the purpose of participating in, procuring, purchasing or soliciting any sexual acts for hire made illegal by state law. Among the circumstances which may be considered in determining whether this purpose is manifested are that such person, while a pedestrian or in a motor vehicle, repeatedly beckons to, attempts to stop, engages or attempts to stop, engages or attempts to engage in conversation with any person by hailing, waiving of arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution, sodomy for hire, masturbation for hire, or pandering.

Sec. 3-7-6. Abusive or insulting language.

No person shall use to another, or of him in his presence so as to be heard by him, any abusive, offensive or insulting language in the endeavor to, or that is calculated to, annoy, insult, harass, or in a disorderly manner interfere with him while peacefully engaged in pursuit of his vocation or pleasure.

Sec. 3-7-7. Advertising matter—Indecent posters, handbills, etc.

No person shall post or otherwise exhibit to the public gaze any theatrical, circus, medical or other poster, picture or other design of an indecent, licentious or demoralizing character, or shall distribute handbills of such character.

Sec. 3-7-8. Advertising matter—Posting without consent.

No person shall post any bill or poster of any kind on any building, wall, fence, tree, billboard or other property, without the consent of the owner thereof.

Sec. 3-7-9. Advertising matter—Indiscriminate distribution.

It shall be unlawful for any person to throw over into yards, or upon the lawns, or entrance ways bounding upon the streets in Augusta-Richmond County any dodgers, circulars or other advertising matter. All such advertising matter, if desired to be distributed within the yards and entrances of private persons, shall be delivered to the occupant, or someone representing him, in person, or so placed within the enclosure as not to blow or scatter around or come back upon the sidewalks or streets of Augusta-Richmond County, the special object being to prevent the indiscriminate throwing of papers and advertising matter into the yards of citizens, thereby littering the same, and making it probable, in connection therewith, that the sidewalks and streets in front may also be littered and disfigured. The person sending out such dodgers and advertising matter, and directing the same to be distributed contrary to the provisions of this section, as well as the person actually making the distribution, shall be in violation of this section.

Sec. 3-7-10. Advertising matter—To be removed within five days after date of event advertised.

It shall be unlawful for any owner of property, or the agent of such owner, or the person permitting posted bills or advertisements of any circus, show or other entertainment to which the public is invited to permit or allow the notices so advertising said entertainment, to remain posted or exposed to public view longer than five (5) days after such entertainment has been had, Sundays excepted. Whenever the person so posting such advertising shall be a nonresident of Augusta-Richmond County, he shall deposit with the License & Inspection Department the sum of five hundred dollars (\$500.00), or shall give bond, in the sum of five hundred dollars (\$500.00), to insure the removal of such advertising matter within five (5) days after the date of the event so advertised.

Sec. 3-7-11. Advertising matter—Prohibited on windshield or body of vehicles.

It shall be unlawful for any person to paste or put any form of advertising upon the windshield or body of any automobile or on or in any vehicle.

Sec. 3-7-12. Advertising matter—Removal of posters from billboards without permission.

The tearing off of posters from the billboards of Augusta-Richmond County, except by a person authorized to do so by the owners of such billboards, is hereby prohibited. Any person violating this section shall be punished as provided in section 1-6-1 of this Code.

Sec. 3-7-13. Ammunition—Sale, etc. to minors.

It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen (17) years of age and under with any other kind of ammunition, including rifle and shotgun ammunition.

Sec. 3-7-14. Gun sales.

(a) *Compliance with section.* It shall be unlawful for any person, partnership, association or corporation to sell to any purchaser any pistol, revolver or handgun without complying with the provisions of this section.

(b) *Report required.* The merchant or dealer from whom a prospective buyer seeks to purchase any weapon, shall, before making a sale to such buyer, complete a gun sale report on a form furnished by the Richmond County Sheriff's Department.

(c) *Contents of report.* The gun sale report shall contain the following information:

- (1) Make of weapon, caliber, model, serial number, color, length of barrel, and whether said weapon is new or used.
- (2) Dealer's name and address.
- (3) The signature of sales person.
- (4) Buyer's name, address, age, sex, race, height, weight, complexion, and signature.
- (5) Buyer's identification information: valid driver's license, birth certificate, United States Military Identification Card, or em-

ployment identification card, provided said employment identification card shows age and address.

(d) *Return of report to Sheriff's Department.* The completed gun sale report shall be returned to the detective division of the Sheriff's Department in conformity with this section.

(e) *Sales to certain persons prohibited.* No merchant or dealer within Augusta-Richmond County shall sell or otherwise dispose of a pistol, revolver, or other type handgun to anyone whom the merchant or dealer has reasonable cause to believe is not of sound mind, is less than twenty-one (21) years of age, is a drug addict, is convicted of a felony, or is otherwise not a proper person to possess a handgun.

Sec. 3-7-14.5. Carrying or possessing dangerous or deadly weapons.

It shall be unlawful for any person within Augusta-Richmond County to carry into or possess any bludgeon, metal knuckles, firearms, box cutters, knife designed for the purpose of offense or defense, or any other dangerous or deadly weapon or instrument of like character in a terminal building of an airport facility under the jurisdiction of the city, except when such unloaded firearms/ weapons or instruments are packaged for shipment and checked as baggage. The licensing of any weapon described above shall not constitute a defense to this offense, except that certified law enforcement officers, judges, magistrates, solicitors and district attorneys may carry pistols in municipal airports, pursuant to O.C.G.A. 16-11-127.

(Ord. No. 6664, § 1, 12-16-03)

Sec. 3-7-15. Breaking glass in doors or windows.

It shall be unlawful for any person, carelessly, negligently or through lack of due care and circumspection, to break any glass door or window in any shop, store or other building in Augusta-Richmond County; provided, that it shall be a defense for any person charged with a violation of this section to show by competent evidence that he has paid, or in good faith offered to pay, to the owner of such building or to the occupant thereof,

the fair value of such glass broken, together with the cost of replacing such glass in such door or window.

Sec. 3-7-16. Children—Duty of sheriff's department to report truants.

Every child of school age found upon the streets of Augusta-Richmond County during regular school hours, holidays excepted, by any officer of the Sheriff's Department, shall be stopped and examined by such officer as to the reason for being out of school and upon the streets, and such officer shall make a written report upon a form to be provided by the board of education of the county, which form shall contain a space for the child's name, age, the names of his parents or guardian, his address, together with the child's reasons for being out of school at the time. Such report shall be turned in by such officer to his superior officers at the Sheriff's Department in the same manner as other reports are handled. It shall be the duty of the Sheriff to immediately turn such reports over to the superintendent of schools of the county, daily. The authority of the Sheriff's Department shall not extend further than to make such report as required above. No arrests shall be made for failure by such child to explain why he was out of school during school hours.

Sec. 3-7-17. Officers of sheriffs' department—Assaulting, interfering with, etc. Prohibited.

It shall be unlawful for any person to assault, strike or in any way oppose, molest, interfere with, interrupt or abuse, by word or act, any officer of the Sheriff's Department in the execution of his duty.

Sec. 3-7-18. Credit, etc.—Use of another's name.

It shall be unlawful for any person in Augusta-Richmond County to buy goods or obtain the extension of credit in any other name than his own, or that of a business for which he has obtained a business tax certificate.

Sec. 3-7-19. Defacing or injuring public or private property—Generally.

It shall be unlawful for any person to write, paint, draw, cut or carve any letter, word or device on, or to otherwise mutilate, deface or injure any public or private property within Augusta-Richmond County.

Sec. 3-7-20. Discarded personal property—Definitions.

For the purposes of sections 3-7-25 to 3-7-29, the following words and phrases shall have the meanings below:

- (a) *Appliance.* A washing machine, dryer, stove, refrigerator, dishwasher, disposal unit or any other such machine used for aid of household duties.
- (b) *Automobile wrecking company.* Any person, firm or corporation which is called upon by the Sheriff's Department to pick up, tow away, and store abandoned or wrecked vehicles, discarded appliances, household furnishings and other personal property.
- (c) *Household furnishings.* Furniture, furnishings, and fixtures used in a household.
- (d) *Motor vehicle.* Any automobile, truck or foreign vehicle which does not exceed three hundred dollars in retail value according to the current red book or blue book published or other publication then accepted and used by automobile dealers in establishing the value of automobiles, or by securing three bids.
- (e) *Property.* Any real property within Augusta-Richmond County which is not a street or highway.
- (f) *Street, highway or alleyway.* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 3-7-21. Abandonment of property—Prohibited—Generally.

No person shall abandon any motor vehicle, discharged appliances, household furnishings and

other personal property within Augusta-Richmond County and no person shall leave any vehicle, discarded appliances, household furnishings and other property at any place within Augusta-Richmond County for such time and under such circumstances as to cause such vehicle, discarded appliances, household furnishings and other personal property reasonably to appear to have been discarded or abandoned.

Sec. 3-7-22. Abandoned property—Prohibited on streets.

No person shall leave any partially dismantled, wrecked, scrapped, ruined or junked motor vehicle, discarded appliances, household furnishings and other personal property on any streets, highway or alleyway within Augusta-Richmond County.

Sec. 3-7-23. Abandoned property—Disposition within twenty-four hours.

No person in charge or control of any property within Augusta-Richmond County, whether as owner, tenant, occupant, lessee or otherwise, shall allow any discarded, dismantled, wrecked, scrapped, ruined or junked vehicles, discarded appliances, household furnishings and other personal property to remain on such property longer than twenty-four hours; and no person shall leave any such vehicle, discarded appliances, household furnishings and other personal property within Augusta-Richmond County for a longer time than twenty-four hours; except, that the section shall not apply with regard to a motor vehicle or part thereof, appliances, household furnishings and other personal property which is completely enclosed within a building where it is not visible from the street or other public or private property, or to an such motor vehicle which shall be located within the premises of any junkyard complying with the laws of this state relating to the licensing and regulating of motor vehicle junkyards.

Sec. 3-7-24. Abandoned property—Authority for impoundment and disposal.

The sanitary inspector is hereby authorized to contract with private automobile wrecking firms for the removal and impounding of discarded,

dismantled, wrecked, scrapped, ruined or junked vehicles, discarded appliances, household furnishings and other personal property. Such vehicles or parts thereof, discarded appliances, household furnishings and other personal property shall be disposed of in accordance with terms and procedures set out in the Official Code of Georgia.

Sec. 3-7-25. Same—Skating on streets prohibited.

It shall be unlawful for any person to participate in any form of skating or roller skates or scooters in or upon the streets of Augusta-Richmond County.

Sec. 3-7-26. Hotels, inns, boardinghouses, etc.—Registration of guests, inspections, etc.

Every person operating a hotel, inn or boardinghouse within Augusta-Richmond County shall provide a book and pen and ink for all persons stopping at such hotel or inn or boardinghouse to register in such book upon entering such hotel, inn or boardinghouse, giving their names and addresses.

Every person operating hotels, inns, boardinghouses and lodging houses within Augusta-Richmond County who takes transient boarders or lodgers by the day or by the week to board or lodge shall require every person obtaining lodging or board at such place to write in the registration book required by the preceding paragraph his name in ink, his place of residence and time of registering.

All such boardinghouses taking transient boarders or lodgers as defined in the preceding paragraph shall at all times be subject to inspection by the Sheriff's Department, and it is hereby declared to be the duty of the Sheriff's Department to keep general supervision of and from time to time to inspect all places in Augusta-Richmond County where transient boarders or lodgers are entertained.

Sec. 3-7-27. Same—Registration of bellboys, porters, etc.

The owner, manager or person in charge of any hotel, motel, inn or lodging house employing bell-

boys, porters, elevator operators or house detectives, shall maintain a register or list of such employees, which register shall show the correct name of each such employee, his nickname, his address, the date when such employee first became an employee, the date his employment was terminated, and such other information as the Sheriff's Department shall require.

Such register shall be available at all times for inspection by the Sheriff's Department.

Sec. 3-7-28. Iceboxes, refrigerators, etc.—Leaving abandoned, unattended, etc.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of such icebox, refrigerator or container. It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap-lock or other device thereon without first removing such snap-lock or doors from such icebox, refrigerator or container. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 3-7-29. Lewdness, indecent exposure, obscene language, etc.

It shall be unlawful for any person within Augusta-Richmond County, on any street or public place, including hotels, apartment houses and boardinghouses, to engage in any indecent, lewd or immoral act or behavior, or make any indecent exposure of his person, or who shall use obscene, vulgar or profane language.

Sec. 3-7-30. Failure to obey an officer.

Any person found idling, loitering or loafing upon the streets or in any public place of Augusta-Richmond County who refuses, upon demand, to furnish to an officer of the Sheriff's Department

some object of identification such as driver's license, social security card, charge card or something similar thereto, or who refuses to give his name and address and to explain why he is present, shall be punished as provided herein.

Sec. 3-7-31. Loitering or loafing—Obstructing streets or sidewalks.

Any person who shall loiter on any street, sidewalk or crossing in such a manner as to be an obstruction to free passage thereon, and who shall fail to promptly move on when notified to do so by any officer of the Sheriff's Department, or by any citizen in front of, or near, whose residence of place of business such loitering is carried on, shall be punished as provided herein.

Sec. 3-7-32. Prohibition—Ticket brokers—Masters Golf Tournament.

Editor's note—State Laws has pre-empted Augusta's Ordinance No. 6467, § 1, adopted April 2, 2002, on Master Sales Tickets, Public Events.

Sec. 3-7-33. Marijuana.

(a) It shall be unlawful for any person to manufacture, compound, mix, cultivate, grow or otherwise prepare or produce, sell, barter, smoke, exchange, give away, dispense, distribute, leave with, dispose of, deliver, administer, prescribe or offer to do any of them, possess or have under his control any marijuana, except for bona fide medical or scientific purposes, or for the bona fide purpose of applying marijuana for such medical or scientific purposes.

(b) It shall be unlawful for any person to manufacture, compound, smoke, mix, cultivate, grow or otherwise prepare or produce, or possess or have under his control any marijuana on or near the grounds of any school, college or other educational institution, or any prison, jail, reformatory or other penal or corrective institution, or to sell, barter, exchange, give away, dispense, distribute, leave with, dispose of, deliver, administer, prescribe or offer to do any of them, any marijuana to any person attending any school, college or other educational institution, or to any inmate of any prison, jail, reformatory or other penal or corrective institution.

(c) The provisions of this section shall not apply to common carriers or to warehousemen, while engaged in lawfully transacting their businesses as such, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of marijuana; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

(d) The following words and phrases, as used in this section, shall have the following meanings, unless the context otherwise requires:

- (1) *Marijuana* includes the following substances, by whatever names they may be designated:
 - a. the dried, flowering or fruiting tops of the pistillate plant *Cannabis Sativa* L., from which the resin has not been extracted.
 - b. the resin extracted from such tops, and
 - c. every compound, manufacture, salt derivate, mixture or preparation of such resin, or such tops from which the resin has not been extracted.
- (2) *Medical purposes* include only such uses as may be prescribed or authorized in the course of his professional practice by a person authorized by law to practice medicine, dentistry or veterinary medicine, or by any other person authorized by law to treat sick or injured human beings or animals.
- (3) *Person* includes any corporation, association, copartnership or one or more individuals.
- (4) *Scientific purposes* include any use for research, instruction or analysis.

Sec. 3-7-34. Parades—Commercially sponsored parades prohibited on Saturday; exception.

It shall be unlawful for any person to promote, stage or participate in any commercially spon-

sored parade on the streets of Augusta-Richmond County on Saturday, except with the prior approval of the Commission.

Sec. 3-7-35. Impersonation of law enforcement officer.

It shall be unlawful for any person to impersonate or attempt to impersonate or otherwise pass himself off as a law enforcement officer or other person invested by the Commission with the authority of a law enforcement officer.

Sec. 3-7-36. Public monuments—Injuring, defacing, etc.

Any person who shall deface, injure or commit any trespass upon the Confederate Monument on Broad Street between McIntosh and Jackson Streets, or the monument to the signers of the Declaration of Independence on Greene Street in front of the Municipal Building, or the Confederate Cenotaph on Greene Street, between Elbert and Center Streets, or the Powder Works Chimney on the canal, or any other public monument, cenotaph or memorial structure now or hereafter erected in Augusta-Richmond County or who shall deface, injure, or commit any trespass upon the enclosure thereof, or shall enter within such enclosure, without permission shall be punished as provided herein.

Sec. 3-7-37. Trespassing prohibited.

It shall be unlawful for any person to:

- (a) Enter or remain upon land or premises of another in defiance of a legal request or order by the owner or some other authorized person;
- (b) Enter into or upon land or a building that is posted, locked, or otherwise fenced or enclosed in such a manner that a reasonably prudent person would understand that the owner does not want any such person on the land or in the building;
- (c) Climb on any building or other structure belonging to Augusta-Richmond County or under the possession and control of Augusta-Richmond County without hav-

ing first obtained authorization from the Administrator or the Sheriff's Department;

- (d) Enter any property belonging to Augusta-Richmond County or under the possession and control of Augusta-Richmond County that is fenced or otherwise designed to exclude intruders or is posted with signs that forbid entry without having first obtained authorization from the Administrator or the Sheriff's Department; or
- (e) Enter any motor vehicle of another without permission of the owner; provided, however, that it is a specific defense to a charge under this subsection (3) that the entry was for a brief period of time to secure the vehicle from harm, or was directed or authorized by a public official.

Sec. 3-7-38. Smoking in theaters.

The smoking of cigarettes, cigars, pipes or tobacco in any manner inside indoor motion picture theaters within Augusta-Richmond County, exclusive of the lobbies, approaches or corridors thereto, is prohibited.

Sec. 3-7-39. Smoking and eating on buses operated by transit department.

It shall be unlawful to smoke or eat on the buses operated by the Augusta-Richmond County transit department. Such buses shall be posted with a sign giving notice of the existence of this section.

Sec. 3-7-40. Street signs—Injury or interference with.

The wilful and malicious interference with, injury to or destruction of any street signs within Augusta-Richmond County shall be punished as provided herein.

Sec. 3-7-41. Vagrants, etc.—Generally.

Any able-bodied person who has no visible means of supporting himself and is not engaged in the pursuit of some business or occupation calculated to maintain and support himself, and who shall remain within Augusta-Richmond

County after being warned to depart therefrom by the Mayor or Sheriff's Department, shall be punished as provided herein.

Sec. 3-7-42. Vagrants—Bringing into city.

Any person who shall knowingly and willingly bring or introduce, or cause to be brought or introduced, into Augusta-Richmond County any pauper, vagrant or any person not having property to support him, and who is unable or unwilling to work or otherwise support himself, with intent to make such pauper or vagrant or person chargeable upon the charity of Augusta-Richmond County, or the citizens thereof, shall be punished as provided herein.

Sec. 3-7-43. Wells-digging, etc. prohibited; exception.

From and after the passage of the ordinance from which this section derived [April 5, 1982], it shall be unlawful to dig, operate or maintain any well which is not in operation before the adoption of this section within the Urban Services District for the purposes of producing water, except those wells which are recommended to be permitted by the commissioner of public works and approved for drilling or operation by the Commission for the exclusive use of providing water for medical or municipal purposes and subject to approval of the Richmond County Health Department.

Sec. 3-7-44. Penalty.

Any person or persons failing to comply with the lawful provisions hereof or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of an offense, and upon trial as a misdemeanor and conviction shall be punished by a fine in an amount not to exceed one thousand dollars (\$1000.00) and/or imprisonment in Augusta-Richmond County jail for a period of not to exceed sixty (60) days.

Sec. 3-7-45. Dangerous or deadly weapons prohibited in airport facility.

It shall be unlawful for any person within Augusta-Richmond County to carry into or possess any bludgeon, metal knuckles, firearms, box cutters, knife designed for the purpose of offense

or defense, or any other dangerous or deadly weapon or instrument of like character in a terminal building of an airport facility under the jurisdiction of the city, except when such unloaded firearms/weapons or instruments are packaged for shipment and checked as baggage. The licensing of any weapon described above shall not constitute a defense to this offense, except that certified law enforcement officers, judges, magistrates, solicitors and district attorneys may carry pistols in municipal airports, pursuant to O.C.G.A. 16-11-127.

(Ord. No. 6664(2), § 1, 12-16-03)

Chapter 8

STREETS AND SIDEWALKS**ARTICLE 1 IN GENERAL****Sec. 3-8-1. Trespassing upon railroads.**

(a) It shall be unlawful for any person to enter upon the tracks, rights-of-way, yards, piggyback facilities, agencies, buildings or other properties of any railroad company operating in Augusta-Richmond County.

(b) It shall be unlawful for any person to tamper with any railroad switch, wire line or signal or to place any object on the track that would otherwise obstruct the movement or operation of a train.

(c) It shall be unlawful for any person to get on or off any locomotive engine, railroad car, trailer or container; provided that this section shall not apply to on-duty officers, agents or employees of any railroad company operating in the county or those persons conducting bona fide business with the railroad company.

Sec. 3-8-2. Soliciting employment of business prohibited.

No person shall stand on or in proximity to a street or highway in Augusta-Richmond County for the purpose of soliciting employment of business from the owner or operator of any vehicle, except as provided in section 3-5-55.

**Sec. 3-8-3. Building material on streets, etc.—
Permit required; to be lighted at night.**

Any person who shall deposit building materials or appliances in or upon any street or alley without a permit from the public works director, or otherwise than as allowed by such permit, or who shall fail to keep a lamp burning so as to show the situation of such material or appliances from dark to daylight, shall be punished as provided in section 1-6-1.

Sec. 3-8-4. Same—Maximum area which may be occupied, etc.

No permit shall be given under the provisions of the preceding section, nor shall any such permit be valid, to occupy more than one-third of any sidewalk, nor more than five feet of any street outside the curb line. No office or other temporary building shall be permitted in any street.

Sec. 3-8-5. Same—Allowing to remain.

Any person who shall deposit in any street or public alley any shavings, brickbats or other refuse of building materials, and permit them to remain for a longer period than twelve hours, or any owner or contractor who shall fail to remove building material at his own expense, shall be punished as provided in section 1-6-1.

Sec. 3-8-6. Vehicles spilling, etc., Loads.

It shall be unlawful for any person to load, transport or carry anything on any vehicle of any sort used in hauling so as to cause building materials or excavated material from building lots, or any other materials or things hauled by him, to be spilled or thrown upon the streets of Augusta-Richmond County. Should any person driving any vehicle loaded with building materials, excavations from building lots or any other materials or things so haul or move the same as to cause such materials or things to be wasted, spilled or thrown upon the streets of Augusta-Richmond County, such person shall immediately stop the vehicle hauling such materials and shall pick up from the streets any such materials or matter spilled or wasted thereon, so that the street where such matter is spilled or wasted shall be left in as clean condition as the same was before such material or debris was wasted or spilled thereon. Any person violating any of the provisions of this section shall be punished as provided in section 1-6-1.

Sec. 3-8-7. Vehicles and implements injuring streets.

(a) It shall be unlawful for any person to operate or transfer from one place to another any tractor, road machine, steam shovel, concrete mixer, truck or automobile with defective tires,

truck or automobile running on a rim without a tire, or any other machinery or vehicle containing lugs, cleats, chains or any other things coming in contact with the pavement that will injure or have a tendency to injure or make any impression in the pavement on the streets of Augusta-Richmond County. It shall be the duty of the Sheriff's Department to immediately arrest any person operating or transferring a vehicle, road machine, steam shovel, tractor, concrete mixer, truck or automobile violating the provisions hereof, upon discovery of such violation, and to remove such machines from the streets of Augusta-Richmond County.

(b) Any person who shall drag or run any disk, wheel, harrow or other vehicle, implement, tool or machine, liable to cut or in any way injure the surface of any asphalt pavement or macadamized or otherwise improved street upon such pavement or street whereby the same may be injured shall be punished as provided in section 1-6-1.

(c) No tractor or any other motor vehicle of any description equipped with lugs shall be operated, driven, towed or in any manner propelled on any paved street within Augusta-Richmond County, and any person operating or responsible for the operation of such vehicle in violation of this provision shall be punished as provided in section 1-6-1.

Sec. 3-8-8. Discharge of stormwater upon sidewalks.

The stormwater from the roofs of buildings, etc., shall be conducted through the gutter or sewer under the sidewalk, and not be allowed to be discharged upon the sidewalk.

Sec. 3-8-9. Obstructing drains with stones, dirt, etc.

Any person who shall throw or place in the drain along the face of any curbing of any street or gutter any bricks, stones, dirt, wood or anything whatsoever that will or may obstruct the free flow of water therein shall be punished as provided by section 1-6-1; provided, however, that property owners or tenants shall have forty-eight hours

after notice in which to repair any defect in a bridge from street to curbing, and to remove any obstruction therefrom.

Sec. 3-8-10. Swinging gates.

It shall be unlawful to hang a gate facing on any street or public alley otherwise than so as to open inside the lot, or to allow any gate opening out on a street or public alley to remain open longer than necessary for ingress and egress to and from the lot.

Sec. 3-8-11. Sidewalk encroachments.

(a) There shall be no physical encroachments or conduct of business on public sidewalks in Augusta-Richmond County, except where buildings on lots which adjoin such public sidewalks are set back ten (10) feet or less from the right-of-way line upon which such sidewalks are located. On the sidewalks in front of such lots there is hereby designated a sidewalk encroachment zone defined as follows:

No more than five (5) feet, or 1/3 of the distance from the front property line provided, however, a minimum of five (5) feet shall be provided at all times for continuous, unobstructed pedestrian traffic on the sidewalk between the sidewalk encroachments and the curb or nearest obstacle.

The following items may be placed within the sidewalk encroachment zone directly in front of such lots, subject to the other provisions of this section: sandwich board type signs (not to exceed twelve (12) square feet in area nor five (5) feet in height, nor be less than three (3) feet in height); tables and chairs; planters; benches; trash receptacles; and merchandise which, by local community standards, is not deemed to be objectionable, vulgar, distasteful, obscene or offensive.

(b) All items placed on public sidewalks except large planters and trash receptacles shall be removed daily from the sidewalk after normal business hours. No items may be placed on public sidewalks that have not been approved by the Augusta-Richmond County Planning Commis-

sion. Such approval shall be in the form of an annual permit obtained from the Planning Commission.

(Ord. No. 6319, § 1, 10-17-00)

Sec. 3-8-12. Obstructing streets, etc., With temporary or permanent structures.

It shall be unlawful for any person to place any obstruction whatsoever upon any streets, parkways or greens, boulevards or highways of the city as a temporary or permanent structure, for any purpose whatsoever, without a permit to do so. Every person guilty of a violation of this section shall be punished as provided in section 1-6-1.

Sec. 3-8-13. Moving buildings through streets.

No person shall move any building through the streets of the city without first obtaining the approval of the building inspector and the Sheriff's Department and paying a fee of fifty dollars (\$50.00) to the building inspector; provided, that the building inspector and the Sheriff's Department shall not be authorized to grant permission to move any building over twenty-five feet wide or over fifty feet long or over fifteen feet high from the ground unless in their opinion the route to be traveled can be used without seriously hampering the movement of traffic and without injuring public or private property.

Sec. 3-8-14. Trees, etc., Obstructing view of street intersections and fire hydrants; duty of sheriff's department to make study.

Traffic Engineering shall make a study of intersections of the various streets of Augusta-Richmond County and determine the intersections that trees, shrubbery and hedging protrude over on the sidewalks of the city and thereby obstruct the view of traffic and pedestrians using the streets and sidewalks, thereby making such intersections a nuisance and a hazard to life and property. Traffic Engineering shall also make investigation and determine all trees, shrubbery,

hedging, etc., that may interfere with the proper operation of fire hydrants in Augusta-Richmond County.

Sec. 3-8-15. Same—Determining intersections, etc., To be hazardous; notice to owner to remove trees, etc.

Upon Traffic Engineering having determined any intersection to be hazardous to life and property, under the provisions of the preceding section, in the use of streets and sidewalks by the public, or that trees, hedging, shrubbery, etc., may interfere with the operation of fire hydrants by the fire department of Augusta-Richmond County, he shall notify the owner of the property having trees, shrubbery, hedging, etc., at such intersection or having trees, hedging, shrubbery, etc., that may interfere with the operation of such fire hydrants, to remove such trees, shrubbery, hedging, etc., which notice shall provide that such removal shall be accomplished within ten days from the date of such notice.

Sec. 3-8-16. Same—Failure of owner to comply with notice; penalty; form of judgment.

It shall be unlawful for any person to refuse to comply with any notice of Traffic Engineering, under the provisions of the preceding section, and should any person fail to comply with same within the ten days as provided in such notice by Traffic Engineering, then the case shall be made against such person.

Sec. 3-8-17. Skateboards, skates, and in-line skates regulated; prohibited on certain streets.

(a) The use of skateboards and skates is prohibited on any street, alley, sidewalk, park, median or parking area within the area between the Levee and Walton Way lying between 15th Street and 4th Street, except that nothing herein contained shall be construed to prohibit the use of in-line skates as a method and means of transportation, but such in-line skaters must at all times exercise care so as not to endanger the lives, safety or property of pedestrians, store keepers,

vehicular traffic and/or other citizens of Augusta-Richmond County, and must obey all rules applicable to pedestrians, and all sections of this Ordinance.

(b) Each in-line skater is solely responsible for knowing the range of his own ability to negotiate any street, alley, sidewalk, park, median or parking area and to skate within the limits of such ability. Each in-line skater has the duty to maintain control of his speed and course at all times when skating, and to maintain a proper lookout so as to be able to avoid pedestrians, vehicles, objects and/or other skaters or travelers. Each in-line skater has the duty to heed all posted information, rules and/or signals and to refrain from acting in a manner which may cause or contribute to injury of pedestrians, vehicles, objects and/or other skaters or travelers. No in-line skater shall travel on any street, alley, sidewalk, park, median, parking area or other public thoroughfare while under the influence of alcohol and/or any drug and/or controlled substance as defined in O.C.G.A. § 16-13-21, to the extent that it is less safe for the person to operate, steer, manipulate or otherwise be in actual physical control of said in-line skates.

(c) The use of skateboards and skates, including in-line skates, is prohibited on private property in Richmond County without the permission of the owner or tenant in lawful possession of said private property.

(d) Any person found in violation of any provision of this Ordinance shall be punished as a misdemeanor.

(e) This Section shall become effective on April 9, 1997.

(f) Any person violating this section shall be punished as provided in section 1-6-1 of this Code.

Secs. 3-8-18—3-8-25. Reserved.