

Thomasville Municipal Code  
(last amendment 08/12/2019)

Chapter 19

TRAFFIC

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**\*Cross references** – Offenses, Ch. 11; streets and sidewalks, Ch. 16; vehicles for hire, Ch. 21.

**State law references** – Authority to provide devices to control the flow of traffic, Ga. Const. art. 9, sec. 2, par. 3(a)(4); Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; power of local authorities generally, O.C.G.A. § 40-6-371; adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372; prosecution of traffic offenses, O.C.G.A. § 40-13-1 et seq.

Section 19-0A ARTICLE I. IN GENERAL

Section 19-1 State uniform rules of the road adopted.

(a) *Adoption by reference.* Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, code sections 40-6-2 to 40-6-395 of that chapter known as the Uniform Rules of the Road and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this city with like effect as if recited herein.

(b) *Penalties.* Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished in accordance with the provisions of section 1- 6.

(Code 1958, § 22-1)

**State law references**--Prosecution under state law or local ordinance; double jeopardy, O.C.G.A. § 40-6-376.

Section 19-2 City manager's authority to regulate.

The city manager is hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make temporary regulations which are not inconsistent with the provisions of this chapter.

(Code 1958, § 22-2)

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Section 19-3 Enforcement of chapter provisions; authority to direct traffic.

It shall be the duty of the police department of this city to enforce the provisions of this chapter. Officers of the police department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter, provided that in the event of fire or other emergency, or to expedite traffic or safe-guard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

(Code 1958, § 22-3)

**State law reference**--Local authorities may regulate traffic by means of police officers or official traffic control devices, O.C.G.A. § 40-6-371.

Section 19-4 City manager's authority to designate crosswalks, traffic lanes and intersections with turning restrictions.

(a) The city manager is hereby authorized to establish and to designate, and shall thereafter maintain, by appropriate devices, marks or lines upon the surface of the street, crosswalks approximately equal in width to the adjacent sidewalk at all intersections where in his opinion there is particular danger to pedestrians.

(b) The city manager is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this chapter.

(c) The city manager is hereby empowered to determine those intersections at which operators of vehicles shall not make a left turn, a right turn, or a U-turn and shall place proper signs at such intersections.

(Code 1958, § 22-4)

Section 19-5 City manager's authority to close streets.

(a) The city manager is hereby empowered to close any street or part thereof from traffic by vehicles or pedestrians, either one (1) or both, when in the opinion of the city manager it is deemed necessary or advisable:

- (1) While street construction, improvements or repairs are being made;
- (2) When traffic thereon would subject persons or property to extra hazard or danger from any cause;
- (3) To affect quarantine regulations; or
- (4) To prevent noises in case of sickness.

(b) Such closed streets or portions of streets shall be designated by suitable signs or barriers to show that they are closed. It shall be unlawful for any person to enter upon any street or portion of street so closed.

(Code 1958, § 22-5)

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Section 19-6 Marking of official vehicles.

Any motor vehicle which is used on official business by any person authorized to make arrests for traffic violations in this city shall be distinctly marked in accordance with the provisions of O.C.G.A. § 40-8-91.

(Code 1958, § 22-8)

**State law reference**--Marking and equipment of law enforcement vehicles, O.C.G.A. § 40-8-91.

Section 19-7 Boarding or alighting from moving vehicle.

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Code 1958, § 22-10)

Section 19-8 Riding on portions of vehicles not designed for passenger use prohibited; exceptions.

It shall be unlawful for any person to ride on any vehicle upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or within truck bodies in the space intended for merchandise.

(Code 1958, § 22-11)

Section 19-9 Use of bicycles, scooters, skateboards, roller blades, all terrain vehicles, mini-motorcycles, and other similar devices restricted.

(a) Where prohibited. The use of bicycles, scooters, skateboards, rollerblades and similar devices shall be prohibited on any roadway or sidewalk within the corporate limits of the City of Thomasville:

(1) Where the volume or speed of the vehicular traffic or the width of the roadway or sidewalk renders the roadway or sidewalk unsafe or unsuitable for the use of bicycles, scooters, skateboards, rollerblades and similar devices. Unless otherwise prohibited, an individual may ride a bicycle on any roadway which is generally used by motor vehicle traffic

(2) In any portion of the city zoned as a commercial district (C-1, C-1A, and C-2), unless the owner of property in that zone authorizes the use of scooters, skateboards, rollerblades and similar devices, and

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has posted a sign thereon indicating the authorization. Bicycles may be used on such property so long as the use of the bicycle is for transportation purposes only. Otherwise, the use of bicycles for “ramp jumping” and similar activities unrelated to transportation is prohibited on such property.

(3) In any city park, city owned property or other public area which has not specifically been designated and posted as an area where the use of scooters, skateboards, rollerblades and similar devices, as specified, is allowed. Bicycles may be used on such property as long as the use of the bicycle is for transportation purposes only. Otherwise, the use of bicycles for “ramp jumping,” racing and similar activities unrelated to transportation is prohibited.

(b) Yield right-of-way. Notwithstanding their status as pedestrians, users of bicycles, scooters, skateboards, rollerblades and similar devices on roadways or sidewalks shall yield the right-of-way to all vehicular traffic and to all other pedestrian traffic upon the roadway or street and shall otherwise obey all applicable traffic laws, rules and regulations.

(c) Rights and duties. Users of bicycles, scooters, skateboards, rollerblades and similar devices in authorized areas shall be granted all of the rights and shall be subject to all the duties applicable to other pedestrians.

(d) Limitation on operation. No more than one person shall operate or ride on a bicycle, scooter or similar device at one time, with the exception of bicycles specifically designed for two riders and adult bicyclists riding with children in attached seats designed for children.

(e) Prohibited Activities. The use of bicycles, scooters, skateboards, roller blades and similar devices in a reckless, disruptive, or unsafe manner is prohibited. A reckless, disruptive or unsafe manner is defined as riding at excessive speed; performing or practicing stunts; causing noise which disrupts people; riding with undue regard for the safety of others; or riding in a manner that causes damage to public property or private property.

(f) Other vehicles prohibited. The operation of all terrain vehicles (“ATV”) and mini-motorcycles, also known as “pocket rockets” or “pocket bikes,” may not take place in the city or any street, roadway, public property or private property open to the public, including, but not limited to, parking lots and similar locations where members of the public may be expected to be present.

(g) Vehicles used by the physically impaired. The provisions of this section shall not apply to the use of motorized devices used by the physically impaired for transportation purposes.

(h) Authority to establish written regulations. The Chief of Police or his designee is authorized to establish all written regulations necessary to implement the provisions of this section.

(Code 1958, § 22-12) (19-9, Amended, 02/09/2006)

Section 19-10 Bicycles striking person prohibited; presumption of fault in accident occurring on sidewalk.

It shall be unlawful for any person to run a bicycle against another. In case any person shall be struck by any bicycle ridden by another on any of the sidewalks of the city, the rider shall be presumed to be at fault and the burden of proof shall be upon such person to show that the fault was not his. Incapacity to manage the vehicle shall be no excuse or justification for the accident.

(Code 1958, § 22-14)

Section 19-11 Lighted headlights and other lights required.

Every vehicle upon a street within this city at any time from a half hour after sunset to a 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 shall

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display lights, including headlights, and illuminating devices as required in this chapter for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated in O.C.G.A. §40-8-28.

(Code 1958, § 22-16)

**State law reference**--When lighted headlights and other lights required, O.C.G.A. §40-8-20.

Section 19-12 Placing glass on street prohibited; removal required after wreck.

(a) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans, rubbish, garbage, trash or other dangerous or unsightly material which is likely to injure any person, animal, or vehicle upon such street.

(b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove such material or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

(Code 1958, § 22-17)

**State law references**--Litter Control Law, O.C.G.A. § 16-7-40 et seq.; littering highway, O.C.G.A. § 40-6-249; wrecker driver required to remove glass and parts of vehicle being towed, O.C.G.A. § 40-6-277.

Section 19-13 Blocking of streets and intersections by trains unlawful.

It shall be unlawful for the directing officer or the operator of any railway train, locomotive, car or any other railway vehicle to direct the operation of or to operate such train in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in continuing motion. It shall be unlawful for any train or car to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers or freight.

(Code 1958 § 22-18)

**State law reference**--Legal responsibility of train crew member for blocking street pursuant to instruction of supervisory officials, O.C.G.A. § 46-8-197.

Section 19-14 Train speed restricted.

All railroad trains operating within the city shall be required to be operated at speeds not in excess of thirty-five (35) miles per hour when crossing South Broad Street, South Dawson Street, South Madison Street, and West Jackson Street. This speed limit shall apply to any portion of a railroad train that might be crossing such streets, irrespective of the position or location of the engines. Engineers, conductors or others in control of any train violating this section shall, upon conviction in municipal court, be punished as provided in section 1-6.

(Code 1958, § 22-19)

**State law reference**--Duty of railroad companies and engineers to observe speed limit ordinances, O.C.G.A. § 46-8-191.

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Section 19-15 Railroads required to provide mechanical warning devices at certain crossings.

Every person operating a railroad through the city shall be required to provide mechanical warning systems at the following crossings:

- (1) South Broad Street.
- (2) Campbell Street.
- (3) South Dawson Street.
- (4) Fletcher Street.
- (5) South Hansell Street.
- (6) West Jackson Street at Lee Street.
- (7) South Madison Street.
- (8) Pinetree Boulevard East at Metcalf Ave.
- (9) Pinetree Boulevard East south of Pennington Ave.
- (10) West Jackson Street at Parnell Street.
- (11) Market Street.
- (12) Susie Way Street at Metcalf Ave.
- (13) North Broad Street at Luten Lane.

(Code 1958, § 22-20)

**State law reference**--Authorization to designate particularly dangerous highway grade crossings of railroads, O.C.G.A. § 40-6-141.

Section 19-16 Penalty.

For the violation of this chapter the person violating such provisions, or in a case of a corporation, its agents or employees, upon conviction therefor in the municipal court, shall be punished as provided in section 1-6.

(Code 1958, § 22-22)

Section 19-17--19-35. Reserved.

Section 19-35A ARTICLE II. OPERATION OF VEHICLES

Section 19-36 Speed restrictions.

(a) No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing. Speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

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(b) The speed limit in any business or residential district within the incorporate limits of the city shall be thirty (30) miles per hour except as otherwise provided in this article.

(c) Whenever the city manager shall determine upon the basis of an engineering and a traffic investigation that the lawful speed limits permitted under this section upon any street or highway, or upon any part thereof, is greater or less than is reasonable or safe under the conditions found to exist upon such street or highway, the city manager may determine and declare a reasonable and safe lawful speed limit thereon which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected. The city manager shall not have the authority to alter the basic rules set forth in subsection (a) or to establish a speed limit greater than fifty-five (55) miles per hour.

(Code 1958, § 22-29)

**State law reference--**Authorization to alter or establish speed limits, O.C.G.A. § 40-6-371(a)(10).

Section 19-37 Table of maximum speed limits.

(a) The following maximum speed limits are hereby established at the following designated state route locations, except as otherwise provided:

- (1) 319 Truck Route from West Thomasville Bypass to West Pinetree Boulevard, a distance of 3.53 miles to be zoned 55 mph;
- (2) Old Albany Road (S.R. 38 Business, US 84 Business) from a point 52 feet east of North Pinetree Boulevard to point 528 feet west of Bermuda Street, a distance of 0.90 mile to be zoned 45 mph;
- (3) Smith Avenue (S.R. 38 Business, US 84 Business) from a point 1,003 feet east of Susie Way to a point 52 feet west of 0.69 mile to be zoned 45 mph;
- (4) West Jackson Street (S.R. 35 or US 319) from 52 feet north of West Pinetree Boulevard to Railroad Avenue, a distance of 0.95 mile to be zoned 45 mph;
- (5) State Route 3 (US 19 or GA 300) from 52 feet north of State Route 122 to 52 feet south of State Route 35 (US 319) a distance of 0.45 mile to be zoned 45 mph;
- (6) East Jackson Street (S.R. 35 or US 319) from a point 525 feet north of Myrtle Drive to a point 52 feet south of East Pinetree Boulevard, a distance of 1.07 miles to be zoned 40 mph;
- (7) East Jackson Street (S.R. 35 or US 319) from Crawford Street to a point 525 feet north of Myrtle Drive, a distance of 0.84 mile to be zoned 35 mph;
- (8) East Jackson Street (S.R. 35 or US 319) from Railroad Avenue to Remington Avenue, a distance of .65 mile to be zoned 35 mph;
- (9) Old Albany Road--North Boulevard--Madison Street--Smith Avenue (S.R. 38 Business, SR 94 Business) from a point 528 feet west of Bermuda Street to a point 1,003 feet east of Susie Way a distance of 2.81 miles to be zoned 35 mph;
- (10) Jackson Street (S.R. 35 or US 319) from Remington Avenue to Crawford Street, a distance of 0.35 mile to be zoned 25 mph.

(b) Greater than 30 mph (other than state route locations):

- (1) Cairo Road from West Pinetree Boulevard east a distance of 0.45 mile, to be zoned 45 mph;
- (2) Cassidy Road from North Pinetree Boulevard to the Steam Mill Branch, a distance of 0.86 mile to be zoned 45 mph;
- (3) Old Monticello Road from East Pinetree Boulevard to a point 1,161 feet north of Georgia 300 (US 19), a distance of 0.41 mile to be zoned 45 mph;
- (4) Glenwood Drive from Chatham Drive to North Pinetree Boulevard, to be zoned 45 mph;
- (5) Cairo Road from a point 0.45 mile east of West Pinetree Boulevard to a point 369 feet west of North Martin Luther King, Jr. Drive, a distance of 0.35 mile, to be zoned 40 mph;
- (6) Campbell Street from West Pinetree Boulevard to North Martin Luther King, Jr. Drive, to be zoned 40 mph;
- (7) Davenport Drive from Campbell Street to Industrial Boulevard, to be zoned 40 mph;
- (8) Industrial Boulevard from West Jackson Street (US 319 Business and S.R. 35 Business) to Campbell Street, to be zoned 40 mph;



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- (9) Plantation Oak Drive From US 319 Truck Route to the Old Albany Road (US 94 Business and S.R. 3/S.R. 38 Business), to be zoned 40 mph;
  - (10) Remington Avenue from East Pinetree Boulevard to 52 feet west of Georgia Hwy 300, a distance of 0.25 miles, to be zoned 40 mph;
  - (11) Sunset Drive from Industrial Boulevard to US 319 Truck Route, to be zoned 40 mph;
  - (12) Bartow Street from West Jackson Street (US 319 Business and S.R. 38 Business) to South Street, to be zoned 35 mph;
  - (13) Cairo Road/North Boulevard from a point 369 feet west of North Martin Luther King, Jr. Drive to the Old Albany Road (US 84 Business and S.R. 3/S.R. 38 Business), to be zoned 35 mph;
  - (14) Campbell Street from North Martin Luther King, Jr. Drive to West Jackson Street (US 319 Business and S.R. 35 Business), to be zoned 35 mph;
  - (15) Cassidy Road from North Boulevard to the Steam Mill Branch, a distance of 0.60 mile, to be zoned 35 mph;
  - (16) Clanton Street from East Jackson Street (US 319 Business and S.R. 35 Business) to Remington Avenue, to be zoned 35 mph;
  - (17) Clay Street from North Pinetree Boulevard to Oak Street, to be zoned 35 mph;
  - (18) Covington Avenue from Smith Avenue (US 84 Business and S.R. 38 Business) to Remington Avenue, to be zoned 35 mph;
  - (19) East Pinetree Boulevard from Remington Avenue to East Jackson Street, to be zoned 35 mph;
  - (20) East Pinetree Boulevard from Remington Avenue to CSX railroad crossing, a distance of .020 miles, to be zoned 35 mph;
  - (21) Genesis Parkway in the Plantation Oak Industrial Park, to be zoned 35 mph;
  - (22) Glenwood Drive from East Jackson Street (US 319 Business and S.R. 35 Business) to Chatham Drive, to be zoned 35 mph;
  - (23) Hansell Street from South Street to Smith Average (US 84 Business and S.R. 38 Business), to be zoned 35 mph;
  - (24) Kern Street from Smith Avenue (US 84 Business and S.R. 38 Business) to Reid Street, to be zoned 35 mph;
  - (25) Magnolia Street from South Pinetree Boulevard to Bartow Street, to be zoned 35 mph;
  - (26) Market Street from Smith Avenue (US 84 Business and S.R. 38 Business) to Metcalf Avenue, to be zoned 35 mph;
  - (27) Martin Luther King, Jr. Drive from North Boulevard to South Pinetree Boulevard, to be zoned 35 mph;
  - (28) Metcalf Avenue from East Pinetree Boulevard to Susie Way Street, to be zoned 35 mph;
  - (29) North Broad Street from North Boulevard to East Clay Street, to be zoned 35 mph;
  - (30) Patterson Street from North Pinetree Boulevard to East Clay Street, to be zoned 35 mph;
  - (31) Remington Avenue from Reid Street to East Pinetree Boulevard, to be zoned 35 mph;
  - (32) South Broad Street/Old Monticello Road from East Pinetree Boulevard to Dawson Street, to be zoned 35 mph;
  - (33) South Pinetree Boulevard from CSX railroad crossing to Magnolia Street, a distance of 0.36 mph, to be zoned 35 mph.
  - (34) Susie Way Street from Smith Avenue (US 84 Business and S.R. 38 Business) to Metcalf Avenue, to be zoned 35 mph.
- (c) Less than 30 mph (other than state route locations)
- (1) Blackshear Street from Mill Pond Road to Junius Street, to be zoned 25 mph.
  - (2) Broad Street from East Washington Street to Remington Avenue, to be zoned 25 mph;
  - (3) East Jefferson Street from North Madison Street (US 84 Business and S.R. 38 Business) to North Broad Street, to be zoned 25 mph;
  - (4) Mimosa Drive from South Broad Street/Old Monticello Road to Gordon Avenue, to be zoned 25 mph.

(Ord. of 10-26-98, § I; Ord. of 3-10-03) (2003 (19-37), Amended, 03/10/2003)

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Section 19-38 School zones on state highways; speed limits.

The following locations on state highways shall be designated as school zones and the maximum speed limit shall be twenty-five (25) miles per hour between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m.:

- (1) West Jackson Street (U.S. 319 Business and S.R. 35 Business) from a point 22.5 feet south of College Street to a point 215 feet north of Barrow Street, a distance of 0.19 mile.
- (2) East Jackson Street (U.S. 319 Business and S.R. 35 Business) from a point 240 feet south of Hansell Street to a point 525 feet north of Myrtle Drive, a distance of 0.52 mile.

(Code 1958, § 22-29; Ord. of 9-26-94, § II)

Section 19-39 School zones other than state highways; speed limits.

The following locations shall be designated school zones and the maximum speed limit shall be twenty-five (25) miles per hour between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m.:

- (1) Chatham Drive from Dawson Street to a point 300 feet east of Woodland Drive.
- (2) Young Street from Rouse Street to Chatham Drive.
- (3) North Martin Luther King, Jr. Drive from Wolfe Street to Felix Street.
- (4) Forrest Street from North Martin Luther King, Jr. Drive to Cobb Street.
- (5) Cobb Street from Forrest Street to Alexander Street.
- (6) Alexander Street from Cobb Street to North Martin Luther King, Jr. Drive.
- (7) Campbell Street from Fleming Street to West Jackson Street.
- (8) Bartow Street from West Jackson Street to Lester Street.
- (9) South College Street from West Jackson Street to Lester Street.
- (10) Fletcher Street from a point 300 feet north of Bartow Street to a point 300 feet south of College Street.
- (11) Lester Street from Lowery Avenue to Elizabeth Street.
- (12) South Broad Street from Grant Street to Tuxedo Drive.
- (13) Blackshear Street from South Broad Street to Junius Street.
- (14) Kern Street from Clark Street to Reid Street.
- (15) Remington Avenue from South Love Street to Stewart Street.
- (16) Hansell Street from East Clay Street to a point 300 feet from Smith Avenue.
- (17) East Washington Street from Hardaway Street to Myrtle Drive.
- (18) Glenwood Drive from a point 300 feet north of East Washington Street to East Jackson Street.
- (19) East Clay Street from Hardaway Street to Spair Street.
- (20) Magnolia Street from Azalea Street to Pear Street.

(Code 1958, § 22-29; Ord. of 9-26-94, § III; Ord. of 10-25-99) (1999 (19-39), Amended, 10/25/1999)

Section 19-40 School crossings lighted with flashing lights; speed limits.

The following locations shall be designated as school crossings and shall be lighted with flashing wig-wag lights which specify that the maximum speed limit shall be twenty-five (25) miles per hour when flashing; the lights shall operate between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m.:

- (a) *ON-SYSTEM (Department of Transportation Routes):*
  - (1) West Jackson Street (U.S. 319 Business and S.R. 35 Business) at a point 225 feet south of College Street and 215 feet north of Bartow Street.
  - (2) East Jackson Street (U.S. 319 Business and S.R. 35 Business) at a point 240 feet south of Hansell Street and 525 feet north of Myrtle Drive.

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(b) *OFF-SYSTEM (city routes)*:

- (1) North Martin Luther King, Jr. Drive at Wolfe Street and Felix Street.
- (2) Lester Street at Lowery Avenue and Elizabeth Street.
- (3) South Broad Street at Grant Street and Tuxedo Drive.
- (4) Kern Street between Wise Street and Clark Street.
- (5) Remington Avenue at Stewart Street.
- (6) Hansell Street at a point 300 feet from Smith Avenue.
- (7) East Clay Street at Hardaway Street and Spair Street.
- (8) Glenwood Drive at a point 300 feet north of East Washington Street.

(Code 1958, § 22-29; Ord. of 9-26-94, § IV)

Section 19-41 Reserved.

**Editor's note**--Section V of an ordinance adopted Sept. 26, 1994, repealed former § 19-41, relative to speed limits for school crossings lighted with flashing lights, which derived from Code 1958, § 22-29. See current § 19-40 for similar subject matter.

Section 19-42 Reserved.

**Editor's note**--Section VI of an ordinance adopted Sept. 26, 1994, repealed former § 19-42, relative to speed limits on curves, which derived from Code 1958, § 22-29.

Section 19-43 Turning around except at intersections prohibited.

The operator of a vehicle shall not, within a business district nor upon any through street in a residence district, turn such vehicle so as to park on the opposite side of that street or to proceed in the opposite direction except at an intersection.

(Code 1958, § 22-43)

Section 19-44 Backing around corners or into intersection prohibited.

It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection, or into an intersection of public streets.

(Code 1958, § 22-55)

**State law reference**--Backing, O.C.G.A. § 40-6-240.

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Section 19-45 Through streets specified; stop before entering.

(a) The following streets and parts of streets are hereby declared to constitute through streets for the purpose of this section: Broad Street, city limit on north to city limit on south; Jackson Street, city limit on east to city limit on west; Smith Avenue, from South Broad Street to city limits; Gordon Avenue; Remington Avenue; Dawson Street from Jackson Street to Vine Street; Clay Street; and West Monroe Street from Madison to Pine.

(b) Every operator of a vehicle traversing any street intersecting any through street above designated shall bring such vehicle or conveyance to a full stop at the place where such street meets the prolongation of the nearest property line of such through street; subject, however, to the direction of any traffic-control sign or signal or any police officer at such intersection.

(c) The operator of any vehicle who has come to a full stop as required above upon entering the through street, as well as operators of vehicles on such through streets, shall be subject to the usual right-of-way rule prescribed by law and applicable to vehicles at intersections.

(d) The city manager is hereby authorized to place and maintain, or cause to be placed and maintained, on each and every street intersection at through streets designated above, and at all other intersections as may be required from a traffic study, and at or near the property line of the through street, appropriate signs upon the streets. In addition thereto, he may place and maintain any appropriate devices or marks in the roadway. Such signs, devices or marks shall bear the word "Stop," and be located in such a position and be provided with letters of such size as to be clearly legible from a distance of at least one hundred (100) feet along the street intersecting the through street. All such signs shall be illuminated at night or so placed as to be illuminated by street lights or by the headlights of approaching motor vehicles.

(Code 1958, § 22-57)

**State law reference**--Authority to designate through highways or designate stop or yield intersection, O.C.G.A. § 40-6-37 1(a)(6).

Section 19-46 Driving through processions prohibited; exceptions.

It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession in motion, provided such vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1958, § 22-58)

**State law reference**--Authority to regulate processions or assemblages on highways, O.C.G.A. § 40-6-371(a)(3).

Section 19-47 Establishment and demarcation of truck routes.

(a) It shall be unlawful for any vehicle whose body weight and load weight exceeds five (5) tons to travel over or upon any street or way of the city except those designated by the Council of the City of Thomasville as a committed route for such vehicles. Those streets designated as permitted routes for such vehicles are as follows:

- (1) Cassidy road from North Boulevard to North Pine Tree Boulevard.
- (2) Campbell Street from U.S. 319 Truck Route to North Martin Luther King, Jr. Drive.
- (3) North Martin Luther King, Jr. Drive from Campbell Street to West Clay Street.
- (4) Industrial Boulevard from U.S. 319 Business to Campbell Street.
- (5) Plantation Oak Drive from Old Albany Road to U.S. 319 Truck Route.

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(6) Cairo Road from U.S. 319 Truck Route to Old Albany Road.

(b) Any vehicle may be operated over a prohibited street of the city when necessary to reach a destination point within the city for the conduct of business, provided such vehicle uses a street upon which vehicular travel is permitted to the intersection nearest such destination.

(c) Vehicles may be operated over a prohibited street of the city when necessary to leave a point of origin for the conduct of business, provided it leaves such prohibited street at the nearest intersection of a truck route to such point of origin.

(d) Any vehicle may be operated over a prohibited street if owned or operated by the city, a public utility or any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the city.

(e) Any person violating this section shall be punished as provided for according to section 1-6.

(Code 1958, § 22-60; Ord of 4-14-86(1), § I; Ord of 7-11-94, § I)

Section 19-48 19-48--19-65. Reserved.

Section 19-65A ARTICLE III. STOPPING, STANDING AND PARKING\*

**\*State law reference--**Authority to regulate stopping, standing or parking, O.C.G.A. § 40-6-371.

Section 19-66 Manner of parking.

(a) Except when necessary in obedience to traffic regulations or traffic signs or signals the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the street, headed in the direction of traffic, and with the curb-side wheels of the vehicle within one (1) foot of the edge of the street, within the business district as defined in this Code except as provided in the following subsections:

(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(2) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicles holds a permit granting him such special privilege. Such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

(3) On a street where there is a perceptible grade, a vehicle when stopped or left unattended shall have a front wheel or a rear wheel turned at an angle against the curb.

(b) The city manager shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

(c) The city manager is hereby authorized to issue to any owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading while the vehicle is backed against the curb, if in the opinion of the city manager, such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

(Code 1958, § 22-61)

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**State law reference--**How vehicles to be parked, O.C.G.A. § 40-6-200.

Section 19-67 Limited time parking zones established and regulated.

(a) The city manager is hereby authorized and empowered to create and establish limited parking zones on the streets of the city within the area between Dawson Street, Clay Street and the Valdosta and Albany branch lines of the A.C.L. Railroad. Such zones shall be plainly marked and shall limit the parking therein to not more than two (2) hours. It shall be unlawful for any vehicle to park for a continuous period of time longer than the time specified for such space or zone and it shall be unlawful to fail to move such vehicle after it is in violation, so that each period of time that such vehicle is overparked in such parking space shall be a separate and distinct violation, punishable as provided in subsection (b)

(b) Violations of this section shall be punishable by a fine of not less than one dollar (\$1.00) for each violation if paid before the court day at which notice of such violation is returnable, and thereafter as provided for other traffic violations within the city.

(Code 1958, § 22-65)

Section 19-68 Parking prohibited during certain hours in designated places.

(a) The operator of a vehicle shall not leave such vehicle parked continuously between the hours of 1:00 a.m. and 6:00 a.m. upon any of the paved streets of the city, nor parked continuously in the same place on any city street for longer than forty-eight (48) hours.

(b) No vehicles shall be parked on the Broad Street paving between Calhoun Street and the city limits on the north, nor on either side of Smith Avenue between Broad Street and Market Street during any hour of the day, nor on Madison Street between Washington Street and North Boulevard during any hour of the day.

(c) The city manager is authorized to prohibit parking on any portion of any street when it is deemed necessary or advisable and shall designate such prohibited parking by painting the curb yellow or by appropriate signs. In the case of desired establishment of no-parking zones on state highways, the city council may pass an ordinance to establish such no-parking zones upon approval of the department of transportation, but such ordinance shall not be amendatory of the city Code and shall be treated as any other special ordinance, not general law. An executed copy of such ordinance shall be typed into the current city ordinance book on permanent file, and a certified copy of such ordinance furnished the state department of transportation.

(d) It shall be unlawful for any person to park and leave standing any motor vehicle for any time longer than shall be necessary to load or unload the contents thereof upon any space within the city known, designated or used as an alley. The word "alley" shall include any passageway within the city not a public street, whether the title to such passageway is in the city or in an individual, provided such passageway is used as a means of ingress or egress by any person other than the person on whose property such passageway is located, and shall include also that part of the street opposite the alley which forms the opening or entrance thereto.

(Code 1958, § 22-66)

Section 19-69 Parking in passenger zone restricted.

(a) It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers in any place marked as a passenger zone.

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(b) The city manager shall have the authority to determine the location of passenger zones and loading zones as described in this chapter and shall erect and maintain appropriate signs indicating such zones.

(Code 1958, § 22-68)

Section 19-70 19-70 -- 19-74 Reserved

Section 19-75A ARTICLE IV. AUTOMATED TRAFFIC ENFORCEMENT

(2006 [19-75A], Added, 02/13/2006)

Section 19-76 Title.

For convenience in reference, this article shall be entitled "The Automated Traffic Enforcement Ordinance."

(2006 (19-76), Added, 02/13/2006)

Section 19-77 Purpose.

The purpose of this article is to enhance public safety through the use of technologies which reduce the violation of red traffic signals.

(2006 (19-77), added, 02/13/2006)

Section 19-78 Definitions.

As used in this article, the following definitions shall apply:

*Certified Law Enforcement Officer* means an employee of the City of Thomasville in its police department who is a certified peace officer in good standing with the Georgia Peace Officers Standards and Training Council (P.O.S.T.).

*In operation* means operating in good working condition.

*Owner* means the registered owner of a motor vehicle, except that such term shall not include a motor vehicle leasing company or similar entity which owns a motor vehicle operated by another person under a rental or lease agreement with such company.

*Operator* shall mean any individual driving or in possession of a motor vehicle.

*Recorded images* means images recorded by a traffic-control signal monitoring device:

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1. with
  - a. Not less than two photographs; or
  - b. Not less than two microphotographs; or
  - c. Not less than two electronic images; or
  - d. Videotape.
2. Showing a traffic-control signal displaying a circular red or red arrow signal along with the rear of a motor vehicle apparently operated in disregard or disobedience of such signal and, on at least one image or portion of tape, clearly depicting the number or other identifying designation of the license plate displayed on the motor vehicle.

*Signature* means any original or facsimile of a person's signature.

*System location* is the approach to an intersection toward which a photographic, video digital or electronic camera is directed and is in operation.

*Traffic-Control Signal Monitoring Device* means a device with one or more motor vehicle sensors working in conjunction with a traffic-control signal to produce recorded images of motor vehicles being operated in disregard or disobedience of a circular red or red arrow signal.

(2006 (19-78), added, 02/13/2006)

Section 19-79 Compliance with traffic control signals; monetary penalty.

(a) An operator of a motor vehicle who faces a steady circular red traffic signal (commonly referred to as a "red light") shall stop at a clearly marked stop line; or, if there is no stop line, before entering the crosswalk on the nearside of the intersection; or, if there is no crosswalk, before entering the intersection; and shall remain stopped until an indication to proceed is shown by a steady circular green signal (commonly referred to as a "green light").

(b) An operator of a motor vehicle who faces a steady red arrow traffic signal indication shall stop at a clearly marked stop line; or, if there is no stop line, before entering the crosswalk of the nearside of the intersection; or if there is no crosswalk, before entering the intersection; and shall remain stopped until an indication to proceed is shown by a steady green arrow traffic signal indication.

(c) The operator of a motor vehicle shall be liable for a civil monetary penalty imposed pursuant to this article if such operator is found, as evidenced by information obtained from a Traffic-Control Signal Monitoring Device, to have failed to comply with a traffic control signal, as designated in Sections 19- 79(a) and (b) of this article, within the corporate limits of the City of Thomasville and such disregard or disobedience was not otherwise authorized by law.

(2006 (19-79), added, 02/13/2006)

Section 19-80 Proof; certificate.

(a) Proof that a motor vehicle entered an intersection in violation of Section 19-79(a) or (b), above, as detected by a Traffic-Control Signal Monitoring Device, together with proof that the motor vehicle is registered with the Georgia Department of Public Safety (or any other state or local vehicle registration office) in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation of that section that the charged person was the person driving the motor vehicle depicted in the recorded image.

(b) A certificate, sworn to or affirmed by a Certified Law Enforcement Officer, which states that, based upon inspection of recorded images, the owner's motor vehicle was operated in disregard or disobedience of a circular red or red arrow signal in violation of Section 19-79(a) or (b), above, and that such disregard or disobedience was not otherwise authorized by law, shall be considered prima facie evidence of the facts contained therein.

(c) Such prima facie evidence shall be rebutted if the owner, lessee or renter of the motor vehicle files a sworn, notarized statement with the Clerk of the Municipal Court of the City of Thomasville, prior to the return date established on the citation, identifying the name and address of the operator of the vehicle at the time of the alleged



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violation. Upon review of the notarized statement by the Clerk of the Municipal Court of the City of Thomasville, the statement may be accepted by the Clerk of the Municipal Court or a hearing may be set for prosecution of the alleged violation.

(d) Such prima facie evidence shall be rebutted if the owner, lessee or renter of the motor vehicle proves, through photographic evidence produced and maintained by the City of Thomasville, that he or she was not the driver of the motor vehicle depicted therein.

(e) Such prima facie evidence shall be rebutted if the owner, lessee or renter of the motor vehicle testifies under oath in open court that he or she was not the operator of the motor vehicle at the time of alleged violation.

(f) Such prima facie evidence shall be rebutted if, prior to the return date established on the citation issued pursuant to this section, a certified copy of a report of a law enforcement agency, showing that the motor vehicle had been reported to the law enforcement agency as stolen prior to the time of the alleged violation, is presented to the Clerk of the Municipal Court of the City of Thomasville. Upon review of the certified copy of the report, by a Certified Law Enforcement Officer, the certified copy of the report may be accepted or a hearing may be set for prosecution of the alleged violation.

(g) Such prima facie evidence shall be rebutted if the recorded image depicts the motor vehicle passed through the intersection in violation of Section 19-80(a) or (b), above, as part of a funeral procession.

(h) Such prima facie evidence shall be rebutted if the recorded image depicts the motor vehicle passed through the intersection in violation of Section 19-80(a) or (b), above, in order to avoid impeding the efforts of an emergency vehicle to pass through the intersection.

(i) Notwithstanding anything to the contrary contained here, the prosecution and imposition of a civil penalty for a violation of this article shall not require a photograph of the operator described in Section 19-78(e) above.

(j) Recorded images made for the purpose of this subsection shall not be a public record.

(k) The provisions of this article shall not limit the City of Thomasville Police Department to the use of Traffic-Control Signal Monitoring Devices in enforcing O.C.G.A. § 40-6-20(a); and, when there is evidence obtained from another source (or sources) which constitutes a prima facie case of a violation of O.C.G.A. § 40-6-20(a), such violation may be prosecuted as otherwise provide by law in lieu of, but not in addition to, enforcement under this article.

(2006 (19-80), added, 02/13/2006)

Section 19-81 Penalty; effect of a conviction.

(a) Imposition of a civil monetary penalty pursuant to this article shall not be deemed a criminal conviction of an operator and shall not be made a part of the operating record of the person against whom such penalty is imposed, nor shall it be used for information purposes in the provision of motor vehicle insurance coverage. The civil monetary penalty imposed by this article for each violation shall not exceed \$70.00.

(b) Upon a failure to respond to any notice of violation by the prescribed date, the notice shall be considered a judgment and shall carry interest at the legal rate.

(2006 (19-81), added, 02/13/2006)

Section 19-82 Summons.

(a) A summons for a violation of this article may be executed by the Clerk of the Municipal Court of the City of Thomasville by sending the summons by first class mail to the owner, renter or lessee of the motor vehicle shown, at the address designated in the records of the Georgia Department of Public Safety (or any other state vehicle

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registration office) or, in the case of vehicle lessees or renters, in the records of the leasing or renting company. The summons shall be postmarked not later than ten days after the date of the alleged violation.

(b) No proceedings for contempt or arrest shall be instituted for failure to appear on the return date of the summons.

(2006 (19-82), added, 02/13/2006)

Section 19-83 Private entities.

(a) A private entity may enter into an agreement with the City of Thomasville to be compensated for providing the traffic light signal violation monitoring system or equipment and all related support services, to include consulting, operations and administration. However, only a Certified Law Enforcement Officer may swear to or affirm the certificate required by Section 19-80(b) of this article.

(b) No portion of any fine collected through the use of a traffic-control signal monitoring devices may be paid to the manufacturer or vendor. Compensation to the manufacturer or vendor shall be based on contractual arrangements and shall not be based on the number of traffic citations issued or the revenue generated by traffic-control signal monitoring devices.

(2006 (19-83), added, 02/13/2006)

Section 19-84 Signage.

(a) In order to warn motorists that Traffic Control Signal Monitoring Devices are being employed by the City of Thomasville, the City shall erect signs to that effect on every highway which forms a part of the state highway system at that point on the state highway which intersects the jurisdictional limits to the City. A sign also shall be erected by the City of Thomasville on every public road on the approach to the next traffic-control signal which is monitored by a Traffic- Signal Control Monitoring Device.

(b) Such signs shall be at least 30 inches by 30 inches in size.

(2006 (19-84), Added, 02/13/2006)

Section 19-85 Warning period.

Only warning notices shall be sent during the 30-day period commencing with the installation of each Traffic-Control Signal Monitoring Device.

(2006 (19-85), Added, 02/13/2006)

Section 19-86A ARTICLE V. SCHOOL ZONE AUTOMATED TRAFFICE ENFORCEMENT

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(ORD-08122019, § II: Added Art. V.)

**State law references:** Pursuant to O.C.G.A. § 40-14-18, the City is authorized to establish and enact an automated traffic enforcement safety device program in School Zones, as defined in O.C.G.A. § 40-14-1.1(5) to mean the area within 1,000 feet of the boundary of any public or private elementary or secondary school; and O.C.G.A. § 40-14-8(b) relating to when case may be made and civil penalty assessed if the violation occurs in properly marked School Zones one hour before, during, and one hour after the normal hours of school operation or programs for care and supervision of students before school, after school or during vacation periods as provided for by O.C.G.A. § 20-2-65, in properly marked School Zones and when such violations are in excess of ten miles per hour over the speed limit; and this ordinance does not conflict with the Georgia Uniform Rules of the Road regarding the operation of a motor vehicle in excess of the posted limit within a designated School Zone.

Section 19-86 Title.

For convenience of reference, this article shall be entitled "School Zone Automated Traffic Enforcement".

(ORD-08122019, § II: Added Art. V, §19-86)

Section 19-87 Purpose.

The purpose of this article is to enhance public safety in School Zones through automated technology that reduces the incidence of driving in excess of the posted speed limit within School Zones.

(ORD-08122019, § II: Added Art. V, §19-87)

Section 19-88 Definitions.

For the purpose of this article, the following terms, phrases and their derivatives shall have the meanings given herein:

- (a) "Agent" means a person or entity who is authorized by a law enforcement agency or governing body to administer the procedures contained herein and (i) provide services to such law enforcement agency or governing body; (ii) operates, maintains, leases, or licenses a video recording device; or (iii) is authorized by such law enforcement agency or governing body to review and assemble the recorded images captured by the automated traffic enforcement safety device for review by a peace officer.
- (b) "Automated Traffic Enforcement Safety Device" means a speed detection that: (A) Is capable of producing photographically recorded still or video images, or both, of the rear of a motor vehicle or the rear of a motor vehicle being towed by another vehicle, including an image of such vehicle's rear license plate; (B) Is capable of monitoring the speed of a vehicle as photographically recorded pursuant to subparagraph (A) of this paragraph; and (C) Indicates on each photographically recorded still or video image produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked School Zone.
- (c) "Owner" means the registrant of a motor vehicle, except that such term shall not include a motor vehicle rental company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company;
- (d) "School zone" means the area within 1,000 feet of the boundary of any public or private elementary or secondary school.

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- (e) "Recorded Images" means still or video images recorded by an automated traffic enforcement safety device.

(ORD-08122019, § II: Added Art. V, §19-88)

Section 19-89 Authorization.

Speed camera enforcement, using Automated Traffic Enforcement Safety Devices, is hereby authorized within School Zones during such hours and in accordance with Georgia law and specifically O.C.G.A. § 40-14-8.

(ORD-08122019, § II: Added Art. V, §19-89)

Section 19-90 Administration.

- (a) The law enforcement agency, or Agent on behalf of the law enforcement agency, in connection with operating an Automated Traffic Enforcement Safety Device provided for by O.C.G.A. § 40-14-18 shall maintain a log for the automated traffic enforcement safety device attesting to the performance of such device's self-test at least once every 30 days and the results of such self-test pertaining to the accuracy of the Automated Traffic Enforcement Safety Device. Such log shall be admissible in any civil enforcement proceeding for a violation issued pursuant to O.C.G.A. § 40-14-18. The law enforcement agency, or Agent on behalf of the law enforcement agency, operating an Automated Traffic Enforcement Safety Device shall perform an independent calibration test on the automated traffic enforcement safety device at least once every 12 months. The results of such calibration test shall be admissible in any court proceeding for a violation issued pursuant to O.C.G.A. § 40-14-18.
- (b) Prior to the placement of a device within a School Zone, each school within whose School Zone such Automated Traffic Enforcement Safety Device is to be placed shall first apply for and secure a permit from the Department of Transportation for the use of such Automated Traffic Enforcement Safety Device. Such permit shall be awarded based upon need. The Department of Transportation shall promulgate rules and regulations for the implementation of this paragraph.
- (c) If an Automated Traffic Enforcement Safety Device is moved to or placed in a location where an Automated Traffic Enforcement Safety Device had not previously been moved to or placed in, no citation shall be issued for a violation recorded by that Automated Traffic Enforcement Safety Device until:
- (1) The City shall erect signs warning of the use of a stationary speed detection device within the approaching School Zone. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed in such a manner that the view of such sign is subject to being obstructed by any other vehicle on such highway. Such signs shall be placed within 500 feet prior to the warning sign announcing the reduction of the speed limit for the school speed zone. There shall be a rebuttable presumption that such signs are properly installed pursuant to this subsection at the time of any alleged violation under this article; and
  - (2) That no citation shall be issued for the first 30 days after the first Automated Traffic Enforcement Safety Device is introduced by a law enforcement agency within a School Zone, but rather, a civil warning shall be issued for disregard or disobedience of the speed limit within the School Zone.
- (d) A law enforcement agency authorized to enforce the speed limit of a School Zone, or an agent working on behalf of a law enforcement agency or governing body, shall send by first class mail addressed to the owner of the motor vehicle within thirty (30) days after obtaining the name and address of the owner of the motor vehicle but no later than sixty (60) days after the date of the alleged violation:

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- (1) A citation for the alleged violation, which shall include the date and time of the violation, the location of the infraction, the maximum speed at which such motor vehicle was traveling in photographically recorded images, the maximum speed applicable within such School Zone, the civil warning or the amount of the civil monetary penalty imposed, and the date by which a civil monetary penalty shall be paid;
  - (2) An image taken from the photographically recorded images showing the vehicle involved in the infraction;
  - (3) A website address where photographically recorded images showing the vehicle involved in the infraction and a duplicate of the information provided for in this paragraph may be viewed;
  - (4) A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency authorized to enforce the speed limit of the School Zone and stating that, based upon inspection of photographically recorded images, the owner's motor vehicle was operated in disregard or disobedience of the speed limit in the marked School Zone and that such disregard or disobedience was not otherwise authorized by law;
  - (5) A statement of the inference provided by Georgia law and of the means specified therein by which such inference may be rebutted for such violations;
  - (6) Information advising the owner of the motor vehicle of the manner in which liability as alleged in the citation may be contested through an administrative hearing; and
  - (7) A warning that the failure to pay the civil monetary penalty or to contest liability in a timely manner as provided for in this Article and as required by O.C.G.A. § 40-14-18(d) shall waive any right to contest liability.
- (e) Proof that a motor vehicle was operated in disregard or disobedience of the speed limit of the marked School Zone shall be evidenced by photographically recorded images. A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency and stating that, based upon inspection of photographically recorded images, a motor vehicle was operated in disregard or disobedience of the speed limit in the marked School Zone and that such disregard or disobedience was not otherwise authorized by law shall be prima-facie evidence of the facts contained therein.
- (f) Liability shall be determined based upon a preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this Article was operated in violation of the speed limit of the School Zone, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:
- (1) Testifies under oath in open court or submits to the court a sworn notarized statement that he or she was not the operator of the vehicle at the time of the alleged violation; or
  - (2) Presents to the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.
- (g) A violation for which a civil warning or a civil monetary penalty is imposed pursuant to this Article shall not be considered a moving traffic violation for the purpose of points assessment pursuant to O.C.G.A. § 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this Article shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.
- (h) If a person issued and mailed a citation pursuant to Section 19-90(d)(1) of this Article fails to pay the civil monetary penalty for the violation or has not filed a police report or notarized statement pursuant to Section 19-90(f) of this Article in no less than 30 nor more than 60 days after such mailing as determined and noticed by the law enforcement agency, the agent or the law enforcement agency shall send to such person by first class mail a second notice of any unpaid civil monetary penalty, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. The second notice shall include all information in Section 19-90(d) of this Article and shall include a new date of return which shall be no less than 30 days after such mailing as determined and noticed by the law enforcement agency. If such person notified by second notice again fails to pay the civil monetary penalty or file a police report or notarized statement pursuant to Section 19-90(f) of this Article by the new date of return, such person shall have waived the right to contest the violation and shall be liable for the civil monetary penalty provided for under Section 19-95 of this Article, except in cases where there is an adjudication that no

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violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. Notices mailed by first class mail pursuant to this Article shall be adequate notification of the fees and penalties imposed by this Section 19-95. No other notice shall be required for the purposes of this Article.

- (i) Any court having jurisdiction over violations of O.C.G.A. § 40-14-18(a), which shall include the Municipal Court of the City of Thomasville, shall have jurisdiction over cases arising under this Article and shall be authorized to impose the civil monetary penalty provided for by this Article. Except as otherwise provided pursuant to Georgia Law, the provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations under this Article shall apply to enforcement under this Article; provided however, that any appeal from superior or State court shall be by application in the same manner as that provided by O.C.G.A. § 5-6-35.

(ORD-08122019, § II: Added Art. V, §19-90)

Section 19-91 Designation of Administrative Hearing Office.

In accordance with the provisions of O.C.G.A. § 40-14-18, and as of the effective date of this ordinance, the City hereby designates the Judge of the Municipal Court of the City of Thomasville as the administrative hearing officer who shall be authorized to conduct an administrative hearing when timely requested by recipients of notice of violations pursuant to this Article and to impose the civil monetary penalty imposed provided for by this Article.

(ORD-08122019, § II: Added Art. V, §19-91)

Section 19-92 Final Notification of Monetary Penalty.

If a violation has not been contested and the assessed penalty has not been paid, the Agent or City shall send to the person who is the registered owner of the motor vehicle a final notice of any unpaid civil monetary penalty authorized by this Article, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. The notice shall inform the registered owner that the Agent or governing body shall send a referral to the Department of Revenue if the assessed penalty is not paid within 30 days after the final notice was mailed and such referral shall result in the nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer of such motor vehicle within this state.

(ORD-08122019, § II: Added Art. V, §19-92)

Section 19-93 Referral to Department of Revenue.

The Agent or City shall send a referral to the Department of Revenue not sooner than 30 days after the final notice required under Section 19-90(h) was mailed if a violation under this Article has not been contested and the assessed penalty has not been paid. The referral to the Department of Revenue shall include the following:

- (a) Any information known or available to the Agent or City concerning the license plate number, year or registration, and the name of the owner of the motor vehicle;

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- (b) The date on which the violation occurred;
- (c) The date when the notice required under this Article was mailed; and
- (d) The seal, logo, emblem, or electronic seal of the City.

(ORD-08122019, § II: Added Art. V, §19-93)

Section 19-94 Arrest or Citation for Same Violation.

A civil warning or civil monetary penalty under this Article on the owner of a motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued a citation and notice to appear by a certified peace officer for the same violation.

(ORD-08122019, § II: Added Art. V, §19-94)

Section 19-95 Violations and penalties.

Any person who shall violate any provision of this article shall be subject to the civil penalties set forth O.C.G.A. § 40-14-18(b)(1), as amended, including a fine in the amount of \$75 for a first violation and \$125.00 for a second or any subsequent violation, in addition to fees associated with the electronic processing of such civil monetary penalty which shall not exceed \$25.00."

(ORD-08122019, § II: Added Art. V, §19-95)