

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2019-O-004

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 4 SUBSECTION (b) OF CHAPTER 58 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO UPDATE THE LIST OF ROADS, BRIDGES, AND CULVERTS IN CHEROKEE COUNTY WHERE LARGE TRUCK TRAVEL IS PROHIBITED; TO UPDATE THE INCORPORATED EXHIBIT A REFERENCED IN SAID ORDINANCE TO REFLECT ADDITIONAL PROHIBITED TRAVEL ROUTES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the Board of Commissioners, in conjunction with County staff, have identified additional roads, bridges, and culverts in Cherokee County where the travel of large trucks can be hazardous and/or unsafe; and

WHEREAS, this Ordinance amendment shall update the incorporated Exhibit A referenced in said Ordinance in order to specifically identify such additional routes where large truck travel shall be prohibited; and

WHEREAS, the additional routes to be added to Exhibit A where large truck travel shall be prohibited are:

- | | |
|------------------------|--------------------------|
| - Hightower Trail | - Franklin Goldmine Road |
| - Ragsdale Road | - Drew Road |
| - Mountain Road | - Midway Road |
| - Water Tank Road | - Bates Drive |
| - Jesse McCollum Drive | |

WHEREAS, this Ordinance change will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1

Section 4 of Chapter 58 of the Code of Ordinances of Cherokee County, Georgia shall be amended to update the incorporated Exhibit A referenced in said Ordinance in order to specifically identify additional routes where large truck travel shall be prohibited. Said Ordinance shall read as follows:

CHAPTER 58 – TRAFFIC AND VEHICLES

SECTION 58-4. – TRUCK ROUTES

58-4. (b) Prohibition on through trucks.

- (1) It shall be unlawful for any large truck to travel those certain county roads set forth on Exhibit "A" attached to the ordinance from which this section derives, as now or hereafter amended, unless the large truck's trip originates or ends on such road or is made for the purpose of making a delivery to a site on such road. All such roads on which large trucks are prohibited as set forth above shall be posted with "No Thru Trucks" signs at each end of such roads, and, at the board of commissioners' discretion, such "No Thru Trucks" signs may also be posted at the intersection of any such road with other roads.
- (2) This section shall apply to roads specifically authorized herein by the board of commissioners and as set forth on the attached Exhibit "A" as now or hereafter amended by Resolution of the board. Upon adoption, this section shall apply immediately to those county roads listed on Exhibit "A" attached to the ordinance from which this section derives and incorporated herein by reference.

EXHIBIT A / LIST OF ROADS, BRIDGES, AND/OR CULVERTS

Roads:

Butterworth Road
Scott Road

Bart Manous Road
Reavis Mountain Road
Marvin Land Road
Lower Creighton Road
Haley Farms Road
Old Federal Road
East Cherokee Drive (Holly Springs Parkway/Old Hwy 5 to SR 20/Cumming Highway)
East Cherokee Drive (SR 20/Cumming Highway to Creekside Way)
Arthur Drive
Little Road
Beavers Road
Old Orange Mill Road
Cotton Road
S. Cherokee Lane
County Line Road
Shiloh Church Road
Wrights Mill Road
Hightower Trail
Ragsdale Road
Mountain Road
Water Tank Road
Franklin Goldmine Road
Drew Road
Midway Road
Bates Drive
Jesse McCollum Drive

Bridges and/or Culverts:

Bells Ferry Road crossing Little River
Epperson Road crossing Canton Creek
George Gray Road crossing Shoal Creek
Kemp Drive crossing Kellogg Creek
Leo Taylor Road crossing Sharp Mountain Creek tributary
Lyon Dairy Road crossing Sharp Mountain Creek
Transart Parkway crossing Toonigh Creek
Upper Dowdy Mill Road crossing Sharp Mountain Creek
Union Hill Road crossing Mill Creek
Union Hill Road crossing Canton Creek
Vaughn Road crossing Mill Creek
Waters Road crossing Mill Creek

Revised: February 5, 2019

Section 2

It is hereby ordained that the provisions of this Ordinance shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered to

accomplish such intention.

Section 3

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this 5th day of February, 2019.

By: 
HARRY B. JOHNSTON, Chairman

Attest: 
CHRISTY BLACK, County Clerk

(SEAL)



EXHIBIT A

Section 4 of Chapter 58 of the Code of Ordinances of Cherokee County, Georgia shall be amended to update the incorporated Exhibit A referenced in said Ordinance in order to specifically identify additional routes where large truck travel shall be prohibited. The proposed changes have been underlined and prefaced in bold to identify such amendments, and deletions have been struck through to identify such removal from the Section. This Exhibit is included for information purposes only to identify the changes that have occurred in the ordinance from the previous version.

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