

**CITY OF EUHARLEE BRIDGE SAFETY ORDINANCE
2006**

AN ORDINANCE OF THE CITY OF EUHARLEE, GEORGIA FOR THE PURPOSE OF **PREVENTING PEDESTRIAN USE OF CERTAIN MOTOR VEHICLE BRIDGES; PROVIDING FOR PENALTIES FOR VIOLATION OF SAME; PROVIDING FOR PARENTAL RESPONSIBILITY AND PENALTIES FOR VIOLATIONS BY MINORS; PROVIDING FOR POSTING OF NOTICE;** AND FOR OTHER PURPOSES AT A REGULAR MEETING OF THE EUHARLEE CITY COUNCIL HELD ON THE 21ST DAY OF November, 2006.

WHEREAS, the City of Euharlee contains two bridges, specifically the bridge on Euharlee Road crossing the Etowah River and the bridge on Covered Bridge Road crossing Euharlee Creek, that are for motor vehicle access only and do not have any safe place for pedestrian traffic to cross; and

WHEREAS, the City Council of Euharlee has received numerous complaints and reports of unsafe situations created when pedestrians walk across the above-named bridges, especially when such pedestrians are children, such reports being received from the City's police department and citizens of the City; and

WHEREAS, since minor children are the legal responsibilities of their parents, it is appropriate to make such parents responsible for the safety of the children and to impose penalties for violation of this ordinance on the parents; and

WHEREAS, the City Council of Euharlee finds it to be in the best interests of public health and safety to adopt this Bridge Safety Ordinance to prevent accidents, injury and loss of life;

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED by the City Council of the City of Euharlee that pursuant to the authority vested in the City Council by law the following Euharlee Bridge Safety Ordinance be adopted as follows:

Section 1. Purpose

The purpose of this ordinance is to preserve the public safety and welfare. The City of Euharlee finds that there is a grave risk to pedestrians and especially children when they use the Specified Bridges (as defined in the ordinance below). Those Bridges lack any safe lane of travel for pedestrians, and are narrow and dangerous for use by pedestrians. Therefore, the City enacts this ordinance to prevent pedestrian traffic from using or crossing such Bridges, including in the definition of pedestrian persons using skates, skateboards, bikes, scooters and the like, those being typical transportation devices of minor children. Since parents are legally responsible for children's safety, they shall be made responsible for their children's compliance with this ordinance by being made subject to citation for their children's violation of this ordinance. The city sees this as the best method to insure that minors do not violate this ordinance, and imposes

such parental liability only in the interests of public safety, of the motoring public and the children themselves.

Section 2. Unlawful to Cross Specified Bridges as Pedestrian

It shall be unlawful for any pedestrian to enter upon to, travel onto or travel across either of the Specified Bridges in the City of Euharlee. Violators of this ordinance shall be subject to the penalties specified in Section 5.

Section 3. Parental Liability for Minors Crossing Specified Bridges

The parents of any minor who enters upon to, travels onto or travels across either of the Specified Bridges in the City of Euharlee shall be liable for that action, and shall be subject to the penalties specified in Section 5. In such cases the minor may also be charged, in accordance with appropriate law, but it is not necessary that the minor be charged or adjudicated guilty for the parent to be charged and adjudicated guilty.

Section 4. Definitions

As used in this ordinance, the following words have the following meanings. Other undefined words shall have their common significance. The word “shall” is mandatory and not directory.

“Minor” means any unemancipated person under the age of 18. For the purpose of this ordinance, age shall be determined as of the date of the violation.

“Parent” means the natural parent(s), adoptive parent(s), or legal guardian(s), who are responsible for the care and custody of the minor.

“Pedestrian” means a person traveling on foot, and also any person traveling on devices such as roller-skates, skateboards, scooters, golf carts, or other powered or un-powered vehicles or devices that are not licensed and permitted for use on the roads of this state. For purposes of this ordinance, the definition of pedestrian shall not include persons over the age of 18 riding on bicycles, but shall include persons under the age of 18 riding on bicycles.

“Specified Bridges” or “Bridges” as referred to herein means the following bridges:

1. The bridge on Euharlee Road crossing the Etowah River.
2. The bridge on Covered Bridge Road crossing Euharlee Creek.

A “bridge” as defined herein shall include all bridge structure from the point the asphalt surface of the road is no longer supported by the ground but is rather supported by the bridge structure. It shall include all parts of the bridge, whether on the roadway, the shoulder, or any other part of the bridge structure.

Section 5. Citation and Penalties

Violations of this ordinance shall be by citation, accusation, or summons served personally on the violator, and shall be heard in the Municipal Court of Euharlee. In the event the charge is against a parent for the actions of their minor child, the parent shall be served personally. In the event a minor is charged, such charges shall be heard in Bartow County Juvenile Court if the minor falls into that court’s jurisdiction. The municipal or juvenile court is authorized to levy a fine of up to \$500 and to impose other criminal penalties in accordance with the court’s

authority, up to and including jail time of 60 days or less, for violations of this ordinance. Other remedies, penalties and enforcement mechanisms as allowed under general law for a municipal ordinance, including civil actions brought by the City for injunctive and other relief, shall be authorized as enforcement of this ordinance.

Section 6. Notice

There shall be posted at either end of all Specified Bridges the following notice: “NO PEDESTRIAN ACCESS. No pedestrian access is allowed on this bridge for safety reasons under Euharlee City Ordinance.”

Section 7. Conflicts & Severability

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. It is intended the provisions of these regulations be severable and should any portions be held invalid, such invalidity shall not affect any other portions of these regulations.

Section 8. Effective Date

This ordinance shall be effective on the date of adoption of this ordinance by the City Council.

SO ADOPTED this 21st day of November, 2006.

ATTEST:

CITY OF EUHARLEE, GEORGIA

Liz H. Dempsey, City Clerk

Kathy S. Foulk, Mayor