

- **DIVISION 3. - TRAFFIC-CALMING MEASURES**

- **Sec. 17-116. - Definitions.**

For purposes of this article, certain terms and words are defined. Where words have not been defined, but are defined in a subsequent sub-section of this article, those words shall have the meaning as defined therein. The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AASHTO means the American Association of State Highway and Transportation Officials.

Affected area means a geographic portion of a neighborhood consisting of all property owners whose quality of life as a resident in the neighborhood, and not necessarily as a traveler through the neighborhood, is being directly impacted by the cut-through or speeding traffic problem being addressed. The affected area will include all lots from which residents must traverse the traffic calming measure. The affected area will also include all lots from which residents may have an alternate route without traffic calming measures but whose lots have driveways that access the residential street for which traffic calming measures are sought.

Department means the public works department.

Eligible petitioner means the person whose name is recorded as a property owner in the tax records maintained by the county's tax commissioner and board of tax assessors for the address listed on the petition that falls within the affected area.

Initiator is a real property owner who has requested an initial interest petition form and/or has assumed a primary role in circulating the initial interest petition and the subsequent traffic-calming petition and undertakes to serve as the county's sole contact with respect to the progress of the initial interest petition and any subsequent traffic study and traffic-calming petition.

I. T. E. means the Institute of Transportation Engineers.

MUTCD means the Manual on Uniform Traffic Control Devices.

Real property owners means homeowners or other real property owners as indicated in the tax records maintained by the county's tax commissioner and board of tax assessors.

Reference number means the number assigned to a completed initial interest petition which meets the county's criteria for a study that will be used to determine the order in which traffic studies will be conducted.

Residential street means a street classified and defined as "residential" in the records of the DeKalb County Planning Department.

Traffic-calming measures means those methods and processes, prescribed by "AASHTO" or other nationally recognized organizations, that the county may use to reduce aggressive driving behavior that impairs the quality of life of its citizens in any neighborhood in which the posted speed limit is no greater than thirty (30) miles per hour. Such measures include, but are not limited to, speed humps, bicycle lanes, center traffic islands, splitter islands, and striping and turn restriction lanes.

Traffic-calming program guidelines means the guidelines for the design and application of speed humps and alternative traffic-calming measures adopted by the county with the traffic-calming program in May 1995 and revised thereafter in March 2001.

Traffic study means the process by which data pertinent to the flow, rate of speed and density of traffic, collected over a defined period of time, is measured and analyzed to determine its impact on the safety of citizens within a neighborhood or affected area.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-117. - Application.**

The provisions of this division shall govern in the event that there is any conflict between the provisions of this division and the provisions in the Speed Humps and Alternative Traffic-Calming Measures Program adopted by the county in 1995 and amended thereafter, as well as the Guidelines for the Design and Application of Speed Humps and Alternative Traffic-Calming Measures Manual adopted by the county in 1995 and amended thereafter, collectively referred to herein as the traffic-calming program. All initial interest petitions and traffic studies pending as of the effective date of the ordinance adopting this division shall be required to comply with and shall be subject to the provisions of this division.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-118. - Reserved.**

- **Sec. 17-119. - Procedure for requesting a traffic study.**

(a)

The county shall require the filing of the initial interest petition on a form promulgated by the department director or designee.

(b)

Any person(s) interested in pursuing the installation of traffic-calming measures on a residential street, upon request to the department, will be provided with an initial interest petition for the department to perform a traffic study. The initial interest petition must be marked with the date on which it is required to be returned to the department, hereinafter referred to as the return date. Such return date shall be forty-five (45) days after the date the department issues the initial interest petition. The initial interest petition will allow for persons to sign in favor of requesting a traffic study or to register their opposition to the conduct of a traffic study.

(c)

All persons signing an initial interest petition to request that the department carry out a traffic study shall hereinafter be referred to as applicants. All persons opposed shall hereinafter be referred to as opponents.

(d)

All applicants and opponents must be either real property owners or rental occupants.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-120. - Initial interest petition.**

(a)

The department will not consider an initial interest petition unless it is complete, as that term is defined herein, and unless at least twenty (20) percent of the real property owners or rental occupants on the residential street are in favor of the traffic study.

(b)

The completed initial interest petition shall be filed with the department by the return date as provided for in [section 17-119](#)(b) or it shall be deemed abandoned and any further action by the county will require a new initial interest petition.

(c)

In order to be considered complete, the initial interest petition shall include all of the following:

(1)

The full name, signature, home address, and daytime telephone number of each person that signed the initial interest petition.

(2)

The date upon which each person signed the initial interest petition.

(3)

A description of the precise area for which the traffic study is requested by reference to the name of the subdivision or popular name of the neighborhood, or the bridges, streets, roads and where appropriate with house numbers that identify the area where a perceived speeding or cut-through problem exists.

(4)

The name, address and telephone number of an initiator.

(d)

Only one (1) real property owner or renter for each street address may sign the initial interest petition.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-121. - Evaluating the initial interest petition and informing the initiator.**

(a)

Upon receipt of a completed initial interest petition, the department will make a determination as to whether at least twenty (20) percent of the real property owners or rental occupants on the residential street are in favor of the traffic study.

(b)

After the department has received the complete initial interest petition, no signature will be withdrawn from an initial interest petition unless the department is notified in writing within thirty (30) days, that there is reasonable proof that fraud or other impropriety occurred regarding the obtaining of the petitioner's signature.

(c)

Within sixty (60) days, the initiator of the initial interest petition will be notified in writing by the department as to whether the initial interest petition meets the criteria for a traffic study. In the event that the department decides to conduct a traffic study, the written notification to the initiator will include a reference number assigned to the initial interest petition for the conduct of the study.

(d)

In the event that the initiator moves away or is otherwise no longer a point of contact for the department and a new initiator's name or address has not been provided to the department, the department shall consider the initial interest petition abandoned and shall cease all work on processing of the initial interest petition and any subsequent traffic study.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-122. - Traffic study to comply with national standards.**

National standards promulgated by the American Association of State Highway and Transportation Officials, the Institute of Transportation and other national standards shall govern the execution of traffic studies and the design and installation of traffic-calming measures.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-123. - Priority for the conduct of traffic studies.**

(a)

The department will conduct traffic studies based on the reference number assigned to the completed initial interest petition.

(b)

The department reserves the right to change the order in which a traffic study is conducted where the department determines that there is an initial interest petition further down the waiting list for an area that may relate to, or be affected by, another traffic study to be conducted on a neighboring street or in a neighboring area.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-124. - The affected area and the traffic-calming plan.**

(a)

Where a traffic study is warranted it will be conducted at a time to be determined by, and within the sole discretion of, the department.

(b)

Upon completion of a traffic study, the department shall make a determination as to whether the results clearly demonstrate that the installation of traffic-calming measures are warranted based upon the criteria established in the traffic-calming program guidelines.

(c)

When considering traffic-calming program guidelines relating to speeding, the determination regarding whether the established criteria for traffic-calming measures have been met will be based on a comparison of actual study speeds obtained to the posted speed limit. When considering the criteria in traffic-calming program guidelines that relate to cut-through, the determination will include a comparison of cut-through traffic volumes obtained in a study to allowable volumes of cut-through traffic established in those guidelines.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-125. - Notification that traffic-calming measures are not warranted.**

Following the completion of the study, if the department director or designee determines that no traffic-calming measures are warranted, then the department director or designee shall notify the initiator of that conclusion in writing.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-126. - Notification to initiator for commencement of traffic-calming conceptual design and presentation of the traffic-calming plan for public hearing.**

- (a) Where traffic-calming measures are warranted the department shall, within a reasonable time following the completion of the traffic study, not to exceed twelve (12) months, prepare a traffic-calming conceptual plan and notify the initiator in writing about the traffic-calming conceptual plan.
- (b) The traffic-calming conceptual plan must identify the affected area and include a recommendation for a specific traffic-calming measure or a combination of such measures that the department has determined to provide the most effective solution to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage. The plan may also include alternative measures that could be installed to provide some relief to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage.
- (c) A public comment period, not to exceed twelve (12) months, shall commence on the date that the letter of notification is sent to the initiator pursuant to subsection (a). During that public comment period, department staff assigned to work on the traffic-calming conceptual plan shall meet with the initiator(s) and other interested persons for neighborhood input and public comment on the traffic-calming conceptual plan.
- (d) The department shall, within 60 days of the completion of the public comment period present the traffic-calming conceptual plan to the board of commissioners for a public hearing at a regularly scheduled meeting, of the board of commissioners.
- (e) The date, time, place and purpose of the public hearing must be advertised in the county's legal organ at least once within three (3) weeks prior to the hearing. The department shall also post signs within the affected area informing residents of the date, time and place of the public hearing and its purpose.
- (f) The board of commissioners may vote to accept or reject the department's recommendation for installation of the most effective traffic-calming measures, or to accept any alternative measures provided by the department. Additionally, the board of commissioners may vote to defer the item for up to sixty (60) days for additional review by staff with respect to the traffic-calming measures recommended and the affected area to which the proposed measures would apply.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-127. - Traffic-calming petition; choice of measures.**

- (a) Following the public hearing at which the board of commissioners accepts the recommended or alternative measures, the department director or designee shall provide the initiator with a traffic-calming petition form to be used for recording all of the signatures. The petition must set forth the traffic-calming measures approved by the board of the commissioner that shall be the subject of the vote and the eligible petitioners will thereby have the opportunity to vote in favor or in opposition to the approved measures. No other measure may be included on the petition.
- (b) The initiator is responsible for circulating the traffic-calming petition to all eligible petitioners in the affected area.
- (c)

A traffic-calming petition must be returned to the department within ninety (90) days of the board of commissioners' decision allowing the installation of traffic-calming measures or it will be deemed abandoned and no further action shall be taken on the traffic calming petition or the initial interest petition from which it arose.

(d)

The traffic-calming petition shall indicate the full name, signature, home address date, and daytime telephone number for each person signing the selection petition.

(e)

The tax records maintained by the county's tax commissioner and board of tax assessors shall control in determining whether a signatory to the petition is a real property owner and thus an eligible petitioner.

(f)

In the event that the board of commissioners votes to reject the department's recommendation no further action shall be taken with respect to traffic calming measures for at least twelve (12) months.

(Ord. No. 05-06, Pt. 1, 4-26-05)

- **Sec. 17-128. - Creation of a special tax district and assessment of costs associated with the maintenance of the traffic-calming measure.**

(a)

In order to be eligible for the creation of special tax district the petition must secure signatures in favor of the installation of traffic-calming measures from eligible petitioners representing sixty-five (65) percent of properties in the affected area.

(b)

In the event that the petition secures the requisite percentage of signatures in favor of the approved traffic-calming measure or combination of traffic calming measures, the director of the department shall present a resolution to the board of commissioners at a regularly scheduled meeting and the board of commissioners shall thereafter by said resolution approve the creation of a special tax district. Advertising for said meeting must comply with [section 17-126\(e\)](#).

(c)

The special tax district shall be created to include all of real property in the affected area for which the traffic-calming measure was approved. An annual maintenance charge in an amount to be determined by the board of commissioners shall be assessed to and collected from property owners within the affected area as part of their annual property tax assessment for the maintenance of the traffic-calming measures installed pursuant to the creation of the special tax district.

(Ord. No. 05-06, Pt. 1, 4-26-05)

- **Sec. 17-129. - Removal of traffic-calming measures.**

(a)

Upon presentation of a petition from eligible petitioners representing sixty-five (65) percent of the properties in the affected area, traffic-calming measures previously installed may be removed. No such petition shall be presented earlier than twelve (12) months after initial installation of the traffic-calming measure(s).

(b)

A removal petition may be obtained from the department director or the director's designee.

(c)

The removal petition shall be returned and filed with the department within ninety (90) days of the date on which it was provided pursuant to a request or it shall be deemed abandoned and any further action by the county shall require a new removal petition.

(d)

The removal petition shall be presented to the board of commissioners at a public hearing within sixty (60) days of the receipt of the petition. The date, time, place and purpose of the public hearing must be advertised in the county's legal organ at least once within three (3) weeks of the hearing. The department shall also post signs within the affected area informing residents of the date, time and place of the public hearing and its purpose.

(Ord. No. 05-06, Pt. I, 4-26-05)

- **Sec. 17-130. - Reserved.**