

(Do Not Write Above This Line)

10-8-1178

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

AN ORDINANCE TO AMEND CHAPTER 150 (TRAFFIC AND VEHICLES), ARTICLE IV (STOPPING, STANDING AND PARKING), DIVISION 3 (PARKING METERS), SECTIONS 150-131, 150-132 AND 150-133 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE PURPOSE OF CLARIFYING THAT THE PENALTY IMPOSED BY THE MUNICIPAL COURT FOR VIOLATIONS OF CITY OF ATLANTA CODE SECTION 150-132, WHICH PROVIDES FOR PARKING TIME LIMITS AT METERED PARKING SPACES, AND CITY OF ATLANTA CODE SECTION 150-133, WHICH PROHIBITS OVERTIME PARKING AT METERED PARKING SPACES, IS A NON-CRIMINAL CIVIL MONETARY PENALTY; AND FOR OTHER PURPOSES.

APPROVED BY:

SUBSTITUTE

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADOPTED BY

JUN 21 2010

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

COUNCIL

Date Referred

6/7/10

Referred To:

Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

6/15/10

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED

JUN 21 2010

MTA CITY COUNCIL PRESIDENT

JUN 21 2010

CERTIFIED

Paul Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 30 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW



AN ORDINANCE

BY COUNCILMEMBERS KEISHA LANCE BOTTOMS, C. T. MARTIN, AARON WATSON, MICHAEL J. BOND, JOYCE M. SHEPERD, H. LAMAR WILLIS, FELICIA A. MOORE, KWANZA HALL, IVORY L. YOUNG, JR., ALEX WAN, YOLANDA ADREAN AND CARLA SMITH

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 150 (TRAFFIC AND VEHICLES), ARTICLE IV (STOPPING, STANDING AND PARKING), DIVISION 3 (PARKING METERS), SECTIONS 150-131, 150-132 AND 150-133 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE PURPOSE OF CLARIFYING THAT THE PENALTY IMPOSED BY THE MUNICIPAL COURT FOR VIOLATIONS OF CITY OF ATLANTA CODE SECTION 150-132, WHICH PROVIDES FOR PARKING TIME LIMITS AT METERED PARKING SPACES, AND CITY OF ATLANTA CODE SECTION 150-133, WHICH PROHIBITS OVERTIME PARKING AT METERED PARKING SPACES, IS A NON-CRIMINAL CIVIL MONETARY PENALTY; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Code of Ordinances Chapter 150, Article IV, Division 3, concerns enforcement of parking meters generally; and

WHEREAS, Atlanta City Code Section 150-131 provides for the issuance of citations for violations of Atlanta City Code Section 150-132, which provides for parking time limits at metered parking spaces, and for the issuance of citations for violations of Atlanta City Code Section 150-133, which prohibits overtime parking at metered parking spaces; and

WHEREAS, any citations issued in accordance with Sections 150-132 and 150-133 are non-criminal, and any penalty imposed in accordance therewith is a civil monetary penalty; and

WHEREAS, that such citations are non-criminal, and that the penalties imposed in accordance therewith are civil monetary penalties, is not clearly shown by the language of Chapter 150, Article IV, Division 3 of the Atlanta City Code; and

WHEREAS, a revision of Chapter 150, Article IV, Division 3 of the Atlanta City Code is required to clarify that such citations are non-criminal, and that the penalties imposed in accordance therewith are civil monetary penalties.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:



Section 1: That Chapter 150, Article IV, Division 3, Section 150-131 be deleted in its entirety and replaced as follows:

Sec. 150-131. - Enforcement; civil penalty.

Enforcement of this division, including issuance of citations for vehicles parked in restricted areas, shall be the responsibility of parking enforcement officers, the parking management service, and/or the police chief or his designee.

- (a) Parking enforcement officer means non-sworn personnel designated by the commissioner of public works, and appointed by the police chief or his designee as code enforcement agents pursuant to section 98-1 of the Code of Ordinances, for the purpose of enforcing parking regulations including issuance of citations, towing of vehicles, and/or immobilization of vehicles parked in restricted areas. In order to enforce these code provisions, these employees must apply for and receive the status of code enforcement agent.
- (b) Parking management service is the private vendor retained by the City of Atlanta that employs off duty or retired police officers to perform services described in subsection (c) below, and in addition, that employs non-sworn personnel (parking management agents) that are authorized to issue parking citations for vehicles that are illegally parked only in the following three instances:
 - (1) The issuance of citations for vehicles that violate the provisions of Atlanta City Code Section 150-132 which provides for parking time limits at metered parking spaces.
 - (2) The issuance of citations for vehicles that violate the provisions of Atlanta City Code Section 150-133 which prohibits overtime parking at metered parking spaces.
 - (3) The issuance of citations for vehicles that are illegally parked on streets that are included in residential permit service for the purpose of enforcing City of Atlanta parking regulations, including the issuance of citations for vehicles that are illegally parked, and the immobilization and impoundment of vehicles that are illegally parked; or
 - (4) Any retired police officer presently employed by the parking management service for the purpose of enforcing City of Atlanta parking regulations, including the issuance of citations for vehicles that are illegally parked, and the immobilization and impoundment of vehicles that are illegally parked.



(c)

Violations of the provisions of Atlanta Code of Ordinances Sections 150-132, which provides for parking time limits at metered parking spaces, and 150-133, which prohibits overtime parking at metered parking spaces, shall be deemed non-criminal. The imposition of a civil penalty pursuant to Sections 150-132 and 150-133 shall not be deemed a conviction and shall not be made a part of the criminal record of the person upon which such a penalty is imposed.

Section 2: That Chapter 150, Article IV, Division 3, Section 150-132 be deleted in its entirety and replaced as follows:

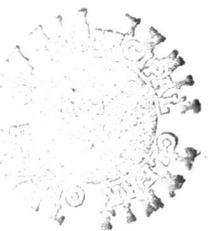
Sec. 150-132. - Parking time limits; fees.

- (a) The period of time of parking in areas designated as parking meter zones shall be registered by mechanical parking meters, and the charges which are reasonably necessary to defray the expenses incident thereto for this parking shall be as set out in subsection (b) of this section.
- (b) Such meters shall provide for maximum time limits as indicated on each meter, of either 12 minutes, 30 minutes, one hour or two hours. The fee in each instance shall be at the rate of \$1.00 per half an hour of time allowed.
- (c) Vehicles which have purchased a currently valid truck loading zone/parking meter pass pursuant to Atlanta City code section 150-111 (c) shall be permitted to park at all parking meter spaces in the city of Atlanta without charge for a period not to exceed the maximum time limit indicated on each meter or 30 minutes, whichever is more.
- (d) **The Municipal Court is authorized to impose a civil monetary penalty against persons who violate this section in an amount not to exceed \$1,000.00 for each such violation.**

Section 3: That Chapter 150, Article IV, Division 3, Section 150-133 be deleted in its entirety and replaced as follows:

Sec. 150-133. - Overtime parking.

- (a) No person shall park any motor vehicle in any area where a parking meter is installed for a longer period of time than the maximum time indicated for the area by an appropriate sign.

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- (b) **The Municipal Court is authorized to impose a civil monetary penalty against persons who violate this section in an amount not to exceed \$1,000.00 for each such violation.**

Section 4: That a new Section 150-133.1 is hereby created which shall provide as follows:

Section 150-133.1-Appeals

The appeal of parking citations shall be filed in the City of Atlanta Municipal Court within fourteen (14) days of the issuance of the citation.

Section 5: This ordinance shall be and become effective immediately upon and after its passage and publication as required by governing law.

Section 6: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

A true copy,

Thonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUN 21, 2010

JUN 30, 2010

RCS# 320
6/21/10
3:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1166,10-O-0875

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	NV Bottoms	NV Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT I

		06-21-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1178	43. 10-R-1179	77. 10-R-1103
2. 10-O-1165	44. 10-R-1072	78. 10-R-1104
3. 10-O-0876	45. 10-R-1073	79. 10-R-1105
4. 10-O-0945	46. 10-R-1074	80. 10-R-1106
5. 10-O-0946	47. 10-R-1075	81. 10-R-1107
6. 10-O-0947	48. 10-R-1076	82. 10-R-1108
7. 10-O-0948	49. 10-R-1077	83. 10-R-1109
8. 10-O-0949	50. 10-R-1078	84. 10-R-1110
9. 10-O-0950	51. 10-R-1079	85. 10-R-1111
10. 10-O-1041	52. 10-R-1080	86. 10-R-1112
11. 10-O-1176	53. 10-R-1081	87. 10-R-1113
12. 10-O-0897	54. 10-R-1082	88. 10-R-1114
13. 10-O-0924	55. 10-R-1083	89. 10-R-1115
14. 10-O-0932	56. 10-R-1084	90. 10-R-1116
15. 10-O-0933	57. 10-R-1085	91. 10-R-1117
16. 10-O-1057	58. 10-R-1086	92. 10-R-1118
17. 10-R-1139	59. 10-R-1087	93. 10-R-1119
18. 10-R-1140	60. 10-R-1088	94. 10-R-1120
19. 10-R-1141	61. 10-R-1089	95. 10-R-1121
20. 10-R-1154	62. 10-R-1182	96. 10-R-1122
21. 10-R-1180	ITEMS ADVERSED	97. 10-R-1123
22. 10-R-1181	ON CONSENT	98. 10-R-1124
23. 10-R-1143	63. 10-R-0839	99. 10-R-1125
24. 10-R-1144	64. 10-R-1090	100. 10-R-1126
25. 10-R-1146	65. 10-R-1091	101. 10-R-1127
26. 10-R-1060	66. 10-R-1092	102. 10-R-1128
27. 10-R-1061	67. 10-R-1093	103. 10-R-1129
28. 10-R-1062	68. 10-R-1094	104. 10-R-1130
29. 10-R-1155	69. 10-R-1095	105. 10-R-1131
30. 10-R-1156	70. 10-R-1096	106. 10-R-1132
31. 10-R-1157	71. 10-R-1097	107. 10-R-1133
32. 10-R-1158	72. 10-R-1098	108. 10-R-1134
33. 10-R-1159	73. 10-R-1099	109. 10-R-1135
34. 10-R-1160	74. 10-R-1100	110. 10-R-1136
35. 10-R-1164	75. 10-R-1101	111. 10-R-1137
36. 10-R-1172	76. 10-R-1102	112. 10-R-1138
37. 10-R-1177		
38. 10-R-1183		
39. 10-R-0931		
40. 10-R-1070		
41. 10-R-1071		
42. 10-R-1175		