STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, TO AMEND CHAPTER 58 (TRAFFIC AND VEHICLES) OF THE CODE OF THE CITY OF SANDY SPRINGS, GEORGIA; TO RESERVE SECTIONS OF ARTICLE IV; TO ADD PROVISIONS PERTAINING TO THE REGULATION OF PARKING AT CITY SPRINGS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs ("City Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Sandy Springs; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Sandy Springs ("Code") to further protect the public health, safety, and welfare of the citizens of Sandy Springs; and

WHEREAS, the City Council recently adopted an ordinance to establish certain parking infractions at City Springs; and

WHEREAS, in its implementation, City staff discovered potential areas for improvement of the ordinance to better utilize City resources and streamline the process for transmitting citations through the City's municipal court system; and

WHEREAS, this amendment is designed to facilitate an efficient process of enforcement of City Springs parking violations between the Sandy Springs Police Department, municipal court staff, and parking management.

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia, that the City's Code of Ordinances is amended as follows:

SECTION I: Chapter 58 relating to Traffic and Vehicles is hereby amended by removing certain provisions related to handicap parking, and for other purposes, to read as follows:

Article V. Parking at City Springs

Sec. 58-120. – City Springs defined.

City Springs as used in this Article shall be defined by the same boundaries as Section 6-175 of the Sandy Springs Code of Ordinances and shall include without limitation all surface and subsurface areas used for the parking of any vehicle. City Springs is an area where parking is occupied by patrons of businesses, government offices and public spaces with high need for turnover parking.

Sec. 58-121. Illegal Parking at City Springs.

a. The following activities related to parking shall not be permitted at City Springs:

1. No person shall stop, leave standing or park any passenger vehicle, automobile, light truck, sport utility vehicle, or motorcycle, whether attended or unattended, in any area where a parking ticket is issued or a parking meter is installed for a longer period of time than has been paid for or the maximum time indicated for the area by an appropriate sign or other appropriate notice, as applicable;
2. No person shall leave standing or park any passenger vehicle, automobile, light truck, sport utility vehicle, or motorcycle, whether attended or unattended, on the roadway side of a vehicle already stopped, standing or parked at the curb;
3. No person shall stop, leave standing or park any passenger vehicle, automobile, light truck, sport utility vehicle, or motorcycle, whether attended or unattended, in any area in City Springs designated as a no parking area by appropriate signage or other appropriate notice;
4. No unauthorized person shall stop, leave standing or park any passenger vehicle, automobile, light truck, sport utility vehicle, or motorcycle, whether attended or unattended, in any area in City Springs designated as a reserved parking area by appropriate signage or other appropriate notice.

b. This section shall not apply to the parking of an authorized emergency vehicle on official business.

c. Whenever any parking time limit is imposed or parking is prohibited in designated areas in City Springs, appropriate signs shall be erected giving notice thereof. If there is a conflict between official on-street parking signage and associated parking meters with respect to days, hours of enforcement, and/or maximum parking times, the information contained in the parking signage shall apply. Whenever a particular section does not state that official parking control signs are required, the section shall be effective even though no signs are erected or in place. The presence of signs shall not be required to enforce parking prohibitions of general application as provided for in this chapter or state law.

d. Within areas expressly designated by the City, food trucks permitted in accordance with Chapter 26, Article IX of the Sandy Springs Code of Ordinances shall only be subject to the provisions of subsection (a) not otherwise in conflict with its City issued permit, and thereinafter must comply with all further applicable provisions herein.

Sec. 58-122. - Enforcement.

a. Enforcement of this article, including issuance of citations for vehicles parked in restricted areas, shall be the responsibility of the parking management service, code enforcement officials of the city operating under the community development department and/or the police chief or his designee. *Parking management service* means the private vendor retained by the City of Sandy Springs that employs personnel (parking management agents) sworn by the City and authorized to issue parking citations for illegally parked vehicles that violate the provisions of Sandy Springs City Code Section 58-121.

b. A citation issued under this Article shall be either left with the vehicle or delivered to the person in possession thereof. For purposes of enforcement, it shall be presumed that the registered owner of said vehicle is in control or possession thereof.

1. The first three occurrences of any infraction listed in Sec. 58-121 or combination thereof shall be punishable by a $25.00 civil fine for each infraction. Any fine issued under this subsection not paid within thirty (30) days of issuance shall incur an additional late charge of $25.00.

2. The fourth and every subsequent occurrence of any infraction listed in Sec. 58-121 or combination thereof shall be punishable by the impounding of the vehicle and having same removed from public property at City Springs at the expense of the owner, and charging the owner(s) storage.

c. In addition to any fine imposed pursuant to subsection (b) of this section, should any sworn police officer find any motor vehicle in violation of any infraction listed in Sec. 58-121 that creates an operational or public safety hazard, he or she shall have the right to impound the vehicle and to have same removed from public property at City Springs at the expense of the owner, and charge the owner(s) storage.

d. Violation of the provisions of Sandy Springs Code of Ordinances Section 58-121 shall be non-criminal. The imposition of a civil penalty pursuant to Section 58-121 shall not be a conviction and shall not be a part of the criminal record of the person upon which such a penalty is imposed.

Sec. 58-123. Payment and Appeal.

a. The person receiving a citation for violation of this section may pay the civil fine by return mail to the municipal court of the city or its designated receiver within twenty-one (21) days of the issuance of the citation or may request a hearing within twenty-one (21) days to appeal the issuance of the citation. The burden of proof shall be on the city. The standard of proof shall be by a preponderance of the evidence; provided, however, the aforementioned presumption in subsection 58-122(b) of this article shall apply. Upon denial of the appeal thereof, the municipal court may impose a fine as provided by law.

b. Should the violator elect to appeal the issuance of the citation described herein to the municipal court, the municipal court, pursuant to the provisions of section 1-10 of the Code of Ordinances, 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. Upon the proper filing of an appeal within 21 days of the issuance of the citation, the late fees described in Section 58-122(b) of this Division will be suspended.

c. Any citation that remains unpaid after sixty (60) days of issuance shall be turned over to the City of Sandy Springs or Sandy Springs Police Department to be adjudicated.

Sec. 58-124. Free Public Parking.

Free parking shall be available to the general public at all designated parking spaces within the defined City Springs area for up to two (2) hours maximum on a first come first serve basis. This section shall not apply to valet parking and associated spaces. Parking shall only be allowed in excess of two hours in designated subsurface parking spaces within the defined City Springs area, subject to posted rates and other applicable restrictions. Notwithstanding the foregoing, during events at City Springs the City reserves the right to charge event rates for any designated parking areas within the defined City Springs area.

Secs. 58-125 – 58-140. Reserved.

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon its adoption.

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

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)