

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 2, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Amendment of Vehicle Immobilization (Booting) Ordinance

MEETING DATE: For Submission onto the May 7, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: John APPROVED

PLACED ON AGENDA FOR: 5/7/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: [Signature]

REMARKS:



MEMORANDUM

To: John McDonough, City Manager
From: Terry Sult, Director of Public Safety
Date: To be placed on May 7, 2013 City Council Meeting Agenda
Subject: Amendment of Vehicle Immobilization (Booting) Ordinance

Background and Discussion:

The current Vehicle Immobilization Ordinance, Article IV of Chapter 58 of the City Code, "Traffic and Vehicles" ("Ordinance"), was approved on November 6, 2012. Since its implementation, two provisions of the Ordinance have come to the attention of the Sandy Springs Police Department as requiring clarification and standardization.

First, the current background check requirement for all permit applications does not provide flexibility to the police department. The attached suggested amendment simplifies the language of paragraph C of Section 58-89 of the Ordinance and will allow the SSPD greater flexibility to administer appropriate background investigations for applicants.

Second, the current size and language requirements for signs can result in oversized signs. Standardizing the size of the signs, along with normalizing the typeface/font layout, as provided in the attached suggested amendment at paragraphs B, D, and E of Section 58-96, will foster better aesthetics and provide a better delivery system of more useful information to citizens and those parking in the area.

Recommendation:

I recommend amending the current language of the Ordinance, specifically paragraph C of Section 58-89 and paragraphs B, D, and E of Section 58-96, to allow for more appropriate background checks for permit applicants and to provide normal-sized signs that better display important information to the public.

Attachments:

Attached hereto is a copy of a proposed Ordinance Amending Chapter 58 of the City of Sandy Springs Code of Ordinances by Regulating Vehicle Immobilization Services and Operators consistent with the discussion above.

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE AMENDING CHAPTER 58 OF THE CITY OF SANDY SPRINGS
CODE OF ORDINANCES BY REGULATING VEHICLE IMMOBILIZATION SERVICES
AND OPERATORS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Sandy Springs (“City”) has heretofore adopted an ordinance for Traffic and Vehicles, codified as Chapter 58 of the City of Sandy Springs Code of Ordinances (the “Code”); and

WHEREAS, the City has heretofore adopted an amendment adding Article IV, Vehicle Immobilization Service, to Chapter 58 of the Code; and

WHEREAS, the Mayor and City Council desire to clarify and amend certain portions of Article IV of Chapter 58 of the Code to alleviate confusion and bring further standardization to the Code;

THEREFORE, the Mayor and City Council of the City of Sandy Springs hereby ordain as follows:

1.

Paragraph C of Section 58-89 of Chapter 58 (Traffic and Vehicles) of the Sandy Springs Code of Ordinances, entitled *Permit to Operate as an Operator of a Vehicle Immobilization Service*, is hereby deleted in its entirety and a new paragraph C is inserted in lieu thereof, which shall read as follows:

“C. A permit will be valid for a period of one (1) year and shall be renewed on or before its expiration. Persons applying for the permit or renewal shall make themselves available for photographing, fingerprinting, and such other investigation as may be required by the police department. The fee for a permit shall be set by resolution of the city council and shall remain in effect until modified or amended by subsequent resolution adopted by the city council. It shall be unlawful for any person to be an operator without first having been fingerprinted by the Sandy Springs police department and having been issued a permit by the city’s policy department indicating that such person is eligible to be an operator of a vehicle immobilization service or device. Any person denied a license under this section shall have the right of appeal to the mayor and city council.”

All remaining provisions of Section 58-89 shall remain unchanged and in full force and effect.

2.

Section 58-96 of Chapter 58 (Traffic and Vehicles) of the Sandy Springs Code of Ordinances, entitled *Signs*, shall be amended as follows:

(a) Paragraph B of Section 58-96 is hereby deleted in its entirety and a new paragraph B is inserted in lieu thereof, which shall read as follows:

“B. Such signs shall be a minimum of eighteen (18) inches high by twelve (12) inches wide.”

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(b) Paragraph D of Section 58-96 is hereby deleted in its entirety and a new paragraph D is inserted in lieu thereof, which shall read as follows:

“D. Such signs shall include the following language:

- 1. WARNING
- 2. Unauthorized vehicles may be impounded (booted) at owner’s risk and expense
- 3. Cost of Impound: \$75-\$450
- 4. Boot Removal: Tel: [insert company’s correct telephone number]
- 5. Complaints may be made to the Sandy Springs Police Department:
Tel: 770-551-6900
- 6. This lot is owned or operated by [insert company name and telephone number]”

(c) Paragraph E of Section 58-96 is hereby deleted in its entirety and a new paragraph E is inserted in lieu thereof, which shall read as follows:

“E. Such signs shall use the typeface/font: Impact. Layout design, including point size for type, shall be substantially identical to example signs which are on file with the City Clerk or Public Works Director. Sizing specifications are also included for signage measuring eighteen (18) inches high by twenty four (24) inches wide should a larger sign be desired.”

All remaining provisions of Section 58-96 shall remain unchanged and in full force and effect.

3.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

4.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be amended to accomplish such intention.

APPROVED AND ADOPTED this the _____ day of _____, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)

Approved as to Form:

Wendell K. Willard, City Attorney