

**CITY COUNCIL
ATLANTA, GEORGIA**

24-O-1445

******AN ORDINANCE BY COUNCILMEMBERS AMIR FAROKHI, BYRON D. AMOS, AND ANTONIO LEWIS AS AMENDED (2) BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 98 (LAW ENFORCEMENT), ARTICLE I (IN GENERAL), SECTION 98-1 (CODE ENFORCEMENT AGENTS), OF THE CITY OF ATLANTA CODE OF ORDINANCES (CITY CODE), TO AUTHORIZE THE POLICE CHIEF TO APPOINT EMPLOYEES OR AGENTS OF PERSONS OR ENTITIES, WITH WHOM THE CITY OF ATLANTA CONTRACTS WHOSE FUNCTIONS REQUIRE ENFORCEMENT OF THE CITY CODE, INCLUDING THOSE DESIGNATED BY THE CITY OF ATLANTA'S ON-STREET PARKING MANAGEMENT SERVICES CONTRACTOR, AS CODE ENFORCEMENT AGENTS, WHO SHALL HAVE THE POWER TO SERVE CITATIONS FOR THE VIOLATION OF ANY ORDINANCE OF THE CITY; AND FOR OTHER PURPOSES.(FAVORABLE AS AMENDED (2) BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 9/9/24)**

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to Section 98-1 of the City of Atlanta Code of Ordinances, (City Code), the police chief or his or her designee shall have the authority to appoint code enforcement agents who shall not be regular police officers in the department of police but who shall have the power to serve subpoenas, citations and summonses for the violation of, or failure to comply with, any section of the City Code or ordinance of the city, the requirements thereof or of any order or direction made pursuant to the provisions contained in any section of the City Code or ordinance of the city which shall not have been complied with; and

WHEREAS, all persons appointed or who shall desire appointment as code enforcement agents to operate within the City shall apply to the police chief or his or her designee for a permit, and the police chief or designee may set an expiration date for the permit; and

WHEREAS, the city solicitor must train applicants in enforcement procedures prior to their being sworn in, and on satisfactory completion of the enforcement training, the police chief or designee will issue badges and identification cards to the code enforcement agents and swear them in; and

WHEREAS, a code enforcement agent does not have the power of physical arrest, the chief of police or designee will investigate allegations of abuse of authority by a code enforcement agent, and may suspend or cancel a person's status as code enforcement agent if he or she fails to meet the requirements or abuses the authority; and

WHEREAS, pursuant to 98-1(d), only city employees in job classifications that require enforcement of the City Code are eligible to become code enforcement agents; and



WHEREAS, in 2004, the Atlanta City Council adopted Ordinance 04-O-1623 which specified that parking enforcement officers then employed by the City of Atlanta Department of Public Works could be designated as code enforcement agents (then referred to as special police officers); and

WHEREAS, thereafter, in 2009, the City of Atlanta entered into a parking management services agreement which authorized a private contractor to provide the City with parking management services, including parking meter enforcement including the issuance of parking meter citations, thereby largely outsourcing the work of parking enforcement offices employed by the City; and

WHEREAS, despite the decision by the City of Atlanta to largely outsource parking enforcement functions to a parking management contractor, the employees or other designees of the contractor have not been eligible to be sworn by the police chief as code enforcement agents authorized to issue citations for violations of the City Code; and

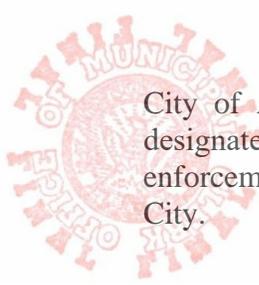
WHEREAS, because parking meter citations are civil in nature, there is no requirement that the employees or designees of the parking management contractor be sworn by the chief of police as code enforcement agents for them to be able to issue parking meter citations; and

WHEREAS, however, because they are not authorized to issue citations for non-civil violations on the City Code, employees or designees of the parking management contractor are not authorized to issue citations for non-civil parking violations of the City Code such as:

- parking during specified hours (City Code 150-89),
- parking on narrow streets (City Code 150-92),
- parking to display a vehicle for sale, washing, greasing or repairing a vehicle, or displaying advertising (City Code 150-93),
- trucks or other freight vehicles parking or standing for one or more hour during day or at all during set hours (City Code 150-97),
 - parking in passenger curb loading zones (City Code 150-113),
 - parking in freight curb loading zones (City Code 150-114),
- illegally parking on residential parking permit streets (City Code Chapter 150, Article IV), and
- parking without a permit during permitted festivals (150-159); and

WHEREAS, it is the desire of the Atlanta City Council to allow employees and agents of the City's parking management contractor to be able to conduct all of the parking enforcement actions, including the issuance of citations for parking meter and other parking violations of the City Code, that parking enforcement officers employed by the City could conduct prior to the City's outsourcing of a large amount of its parking enforcement functions; and

WHEREAS, accordingly, it is the desire of the Atlanta City Council to amend Section 98-1 of the City Code to authorize the police chief to appoint employees or agents of persons or entities with whom the



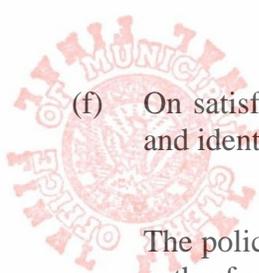
City of Atlanta contracts, whose functions require enforcement of the City Code, including those designated by the City of Atlanta's On-Street Parking Management Services contractor, as code enforcement agents who shall have the power to serve citations for the violation of any ordinance of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 98 (Law Enforcement), Article I (In General), Section 98-1 (Code enforcement agents) of the City of Atlanta Code of Ordinances be amended so that it shall read as follows, (with permanent deletions in strikethrough font and permanent additions in underlined font):

Sec. 98-1. Code enforcement agents.

- (a) The police chief or his or her designee shall have the authority to appoint code enforcement agents who shall not be regular police officers in the department of police but who shall have the power to serve subpoenas, citations and summonses for the violation of, or failure to comply with, any section of this Code or ordinance of the city, the requirements thereof or of any order or direction made pursuant to the provisions contained in any section of this Code or ordinance of the city which shall not have been complied with.
- (b) All persons appointed or who shall desire appointment as code enforcement agents to operate within the city shall apply to the police chief or his or her designee for a permit. The police chief or designee may set an expiration date for the permit.
- (c) The application for the permit required by subsection (b) shall show the name and address of the applicant, the applicant's job title, place of employment, and department head and shall have attached thereto a photograph of the applicant, together with sufficient fingerprints to definitely identify the applicant. The applicant and his or her department head must sign the application. The department head must attest to the applicant's training for the job and the physical and mental qualifications to be a code enforcement agent. The police chief or his or her designee is specifically authorized to require additional information from the applicant or department head. Upon receipt of the application, the police chief or designee shall cause a criminal history check to be made of the applicant and shall thereafter grant or deny the permit.
- (d) Only city employees in job classifications that require enforcement of the City Code, or employees or agents of persons or entities with whom the City of Atlanta contracts, whose functions require enforcement of the City Code, are eligible to become code enforcement agents. The chief of police and the commissioner of human resources or their designees will create and maintain a list of such job classifications.
- (e) The city solicitor will train applicants in enforcement procedures prior to their being sworn in.

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- (f) On satisfactory completion of the enforcement training, the police chief or designee will issue badges and identification cards to the code enforcement agents and swear them in.

The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all code enforcement agents employed by the City of Atlanta. When taken, the agent shall sign the official oath and copies thereof shall be filed with the Fulton county Probate court and in the personnel records of the agent so sworn. That oath shall take the following form:

I, _____, do solemnly swear (or affirm) that I am duly qualified, according to the City Code of Ordinances and the policies of my department of employment, to perform the duties imposed upon me as a Code Enforcement Agent of the City of Atlanta, Georgia, and that I will, to the best of my ability, discharge the duties thereof.

I further swear that I will enforce the ordinances of the City of Atlanta that are particular to my job assignment, abide by the direction given me by the Office of the City Solicitor and the Atlanta Police Department, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, affection, or reward.

- (g) Status as a code enforcement agent does not confer any additional benefits or authority other than specified in this section. A code enforcement agent does not have the power of physical arrest.
- (h) The chief of police or designee will investigate allegations of abuse of authority by a code enforcement agent; the ~~employing~~ department head will cooperate with the investigation. The chief of police or designee may suspend or cancel a person's status as code enforcement agent if he or she fails to meet the requirements or abuses the authority.
- (i) The department head of a code enforcement agent must return the badge and identification card to the police department if that agent's status is canceled under subsection (h) or if the individual is no longer employed or assigned ~~by that department~~ in a qualifying classification.
- (j) It shall be unlawful for any person, not authorized as a code enforcement agent, to act as a code enforcement agent or to represent such person as a code enforcement agent or to wear the badge of a code enforcement agent.
- (k) As applied to an employee or agent of a person or entity with whom the City of Atlanta contracts, the department of employment referenced in this section shall be the head of the using agency as defined in section 2-1102 of this code, the department head referenced in this section shall be the head thereof, and the job assignment referenced in this section shall be the functions assigned to the employee or agent by the person or entity with whom the City of Atlanta contracts.



SECTION 2: That the amendments reflected in this Ordinance shall become effective immediately upon approval.

SECTION 3: All ordinances or parts thereof in conflict with this ordinance are hereby waived only to the extent of the conflict.

SECTION 4: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 98, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,

Corrine A. Lindo

Municipal Clerk

ADOPTED as amended by the Atlanta City Council

SEP 16, 2024

APPROVED per City Charter Section 2-403

SEP 25, 2024