

AN ORDINANCE

AMENDING, Sections 9-12-010, 9-12-020, 9-12-025 and 9-12-060 of Chapter 9-12, Removal and Storage of Vehicles, of the Marietta City Code.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Section 9-12-010 Definitions, is hereby amended so as to read as follows:

9-12-010 Definitions.

As used in this chapter, the following words shall have the indicated meanings:

- A. "Dismantled vehicle" is any vehicle from which factory installed parts have been removed and not replaced with substitute or similar parts and the vehicle is nonoperable, or does not meet the minimum motor vehicle equipment required by OCGA § 40-8, its successors or amendment.
- B. "Dismantled vehicle parts" are parts from a vehicle which have been removed and have not been reinstalled on a vehicle.
- C. "Enforcement agent" shall mean the chief of police or planning and zoning director, or their designees.
- D. "Junked vehicle" shall mean any wrecked or nonoperable automobile, truck or other vehicle or trailer of any kind or type.
- E. "Nonoperable" shall be a condition in which the vehicle is unable to move under its own power, has one or more flat tires, or does not meet the minimum motor vehicle equipment required by O.C.G.A. § 40-8, its successors or amendment.
- F. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Private property" shall mean any real property within the city which is privately owned and which is not public property as defined in this section.
- H. "Public property" shall mean any street, right of way or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility including property owned or managed by the Marietta Housing Authority.

Section 2: Section 9-12-020, Removal of wrecked or illegally parked vehicles from public streets and highways, is hereby amended so as to read as follows:

9-12-020 - Removal of wrecked or illegally parked vehicles from public streets, right of way highways, and public property.

A vehicle which has been wrecked or illegally parked may be removed by a law enforcement officer from public streets, right of way, highways, and public property under any one of the following conditions:

- A. The vehicle is obstructing traffic;
- B. The vehicle is blocking a private entrance;
- C. The vehicle is blocking a fire hydrant;
- D. The vehicle has been reported stolen or taken without the consent of the owner;
- E. The vehicle has no registration plate;
- F. The vehicle has been left on the public highway for a period of time in excess of 72 consecutive hours;
- G. The driver of the vehicle is incapacitated by injury or illness;
- H. The driver fails to produce proof of minimum insurance and the officer confirms that the vehicle is uninsured;
- I. The driver is arrested for driving under the influence of alcohol and no other person is available and/or capable of driving the vehicle;
- J. The driver has accumulated five or more parking citations which have not been paid;
- K. Any condition which, in the judgment of the investigating officer; presents a traffic hazard or a threat to the public safety;
- L. Any condition otherwise authorized by state law or set forth in other sections of the Marietta City Code; and
- M. The vehicle has been left or abandoned on public property or left or abandoned overnight in a city park when the city park is closed.

Under the above conditions, the chief of police or any law enforcement officer of the city shall have the authority to take possession of motor vehicles or parts of motor vehicles located on the public streets, right of way, highways, and public property. The owner and/or driver of the vehicle may request his/her own towing service or the investigating officer may request that the towing service currently under contract with the city impound the vehicle. If the vehicle is unattended, the vehicle will be towed by the towing service currently under contract with the city.

Section 3: Section 9-12-025, Removal of wrecked or illegally parked vehicles from private property, is hereby stricken in its entirety.

Section 4: Section 9-12-060, Notice to owner regarding removal of dismantled or junked vehicles from private property, is hereby amended so as to read as follows:

9-12-060 Notice to owner regarding removal of dismantled or junked vehicles from private property.

- A. No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle or parts of any motor vehicle of any kind which is in a dismantled, junked or nonoperable condition, whether attended or not, upon any public or private property within the city for a period of time in excess of 72 consecutive hours in accordance with Section 7-

7-8-2-14-190 of the Code relating to traffic and parking standards. This shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and operated in the appropriate business zone, pursuant to the zoning laws of the city or to any motor vehicle in an operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes and bearing a valid Georgia antique license tag.

- B. If the Director of Development Services or the Chief of Police determines that any vehicle is in violation of this Code section, a notice in writing will be sent by registered mail to the occupant and/or property owner where such vehicle is located notifying them of the violation and requesting the vehicle's removal within five calendar days of the receipt of the notice.
- C. The notice shall contain the request for removal within the time specified, and shall advise that upon failure to comply with the notice to remove, an enforcement agency will serve the occupant or property owner with an ordinance code violation citation.
- D. If there is no occupant on the property, the notice will be sent to the owner of the property or agent thereof.
- E. If the owner or responsible agent cannot be located or identified, the vehicle in violation of this section shall be tagged by an enforcement officer of the city with the information outlined above.

Section 5: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: April 14, 2021

Approved: R. Steve Tumlin, Mayor
R. Steve Tumlin, Mayor

ATTEST: Stephanie Guy, City Clerk
Stephanie Guy, City Clerk

Approved as to Form: Doug Haynie, City Attorney
Doug Haynie, City Attorney