

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 desires to regulate certain parking activity at that certain municipal development known as "City Springs".

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: Article IV of Chapter 58 relating to Traffic and Vehicles is hereby amended by reserving Sections 58-102 through 58-119, to read as follows:

Secs. 58-102 – 58.119 Reserved.

SECTION II: Chapter 58 relating to Traffic and Vehicles is hereby amended by adding Article V to provide for regulations for parking at City Springs, by adding enforcement provisions, 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, 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;
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; and
5. 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 handicap parking space without a current permit.

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.

Sec. 58-122. - Enforcement.

a. Enforcement of this article, including issuance of citations for vehicles parked in restricted areas, shall be the responsibility of code enforcement officials of the city operating under the community development department and/or the police chief or his designee.

b. Enforcement of this article shall be through a civil action in municipal court by the issuance of a citation which shall be either left with the vehicle or delivered to the person in possession thereof. For purposes of such civil action, it shall be presumed that the registered owner of said vehicle is in control or possession thereof.

1. The first occurrence of any infraction listed in Sec. 58-121 shall receive a written warning.

2. The second and third occurrence of any infraction listed in Sec. 58-121 or combination thereof shall be punishable by a \$20.00 civil fine, except that violation of 58-121(a)(5) shall be punishable by a \$250.00 civil fine. Any \$20.00 fine under this subsection not paid within twenty-one (21) days of issuance shall incur an additional late charge of \$20.00. Any \$250.00 fine under this subsection not paid within twenty-one (21) days of issuance shall incur an additional late charge of \$25.00.

3. The fourth and every subsequent occurrence of any infraction listed in Sec. 58-121 or combination thereof shall be punishable by a \$50.00 civil fine. Any fine issued under this

subsection not paid within twenty-one (21) days of issuance shall incur an additional late charge of \$25.00.

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, 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. 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 subsection (b) above will be suspended.

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 contest the issuance of the citation. In the event the civil fine is not paid within twenty-one (21) days, the municipal court may issue a citation for contempt requiring the offender to show cause why he or she failed to pay the fine within the time frame allowed by this section. Upon conviction thereof, the municipal court may impose a fine as provided by law.

b. A citation may be issued under this section, with a hearing date thereon, from the city's designee whereupon it shall be returnable to the municipal court. Violation of this section shall be enforced through a civil action. 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.

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.

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 15th day of May, 2018.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

