

SPONSOR: ROBERT A.B. REICHERT

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 16, BY ADDING SEC. 16-34, PHOTO-MONITORING SYSTEMS TO ENFORCE PASSING STOPPED SCHOOL BUSES OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, by virtue of Article IX, Section III, Paragraph II of the Constitution of Georgia, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942, and by virtue of the will of the people in a referendum held on July 31, 2012 there is to be a consolidated local government known as "Macon-Bibb County"; and

**WHEREAS**, the Bibb County School District wishes to establish a school bus safety camera enforcement system, consisting of cameras capturing both still and video images of vehicles illegally overtaking and passing a stopped school bus displaying the deployed stop arm and alternating flashing red lights, pursuant to O.C.G.A. § 40-6-163; and

**WHEREAS**, in order to do so, the Bibb County School District needs Macon-Bibb County to adopt an ordinance authorizing the system pursuant to O.C.G.A. § 40-6-163; and

**WHEREAS**, the ordinance contained herein would benefit and promote the health, safety, morals and welfare of the citizens of Macon-Bibb County.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

**Section 1.**

Chapter 16, Article 1, Sec. 16-34 – Photo-Monitoring Systems to Enforce Passing Stopped School Buses; of the Inaugural Code of Ordinances for Macon-Bibb County is hereby amended to read as follows:

**Chapter 16 - OFFENSES**

**Sec. 16-1. - Disorderly conduct.**

**Sec. 16-2. - Flying kites prohibited in certain areas.**

**Sec. 16-3. - Tampering with stakes of Macon-Bibb County Engineer.**

**Sec. 16-4. - Parking regulated around boat ramps, landings and dock areas.**

**Sec. 16-5. - Placing property on premises of another.**

**Sec. 16-6. - Sleeping on private premises.**

**Secs. 16-7—16-9. - Reserved.**

**Sec. 16-10. - Illegal drugs; unlawful to be present where used or kept.**

**Sec. 16-11. - Posting signs on bridges or poles without consent.**

Sec. 16-12. - Placarding automobiles without consent.  
Sec. 16-13. - Reserved.  
Sec. 16-14. - Curfew after 12:00 midnight for persons at the age of 16 years or younger.  
Sec. 16-15. - Dive defined; prohibited; frequenting.  
Sec. 16-16. - Violating posted rule of conduct unlawful.  
Sec. 16-17. - Disfiguring public property.  
Sec. 16-18. - Defacing sidewalks.  
Sec. 16-19. - Objects in streets, alleys, sidewalks.  
Sec. 16-20. - Destroying street signs.  
Sec. 16-21. - Burning grass, leaves and the like.  
Sec. 16-22. - Resisting or interfering with an officer.  
Sec. 16-23. - Loitering or prowling.  
Sec. 16-24. - Acts prohibited on board of public education and orphanage property.  
Sec. 16-25. - Discharging firearms.  
Sec. 16-26. - Possession of certain weapons unlawful; exceptions.  
Sec. 16-27. - Protection of embankments.  
Sec. 16-28. - Injuring railroad property.  
Sec. 16-29. - Boarding cars in motion.  
Sec. 16-30. - Trespassers.  
Sec. 16-31. - Reserved.  
Sec. 16-32. - Kicking cars.  
Sec. 16-33. - Blocking crossings.  
Sec. 16-34. - Reserved.  
Sec. 16-35. - Unlawful use of services; injury to and interference with property of utilities.  
Sec. 16-36. - Acts involving government directed search and rescue efforts; prohibited.  
Sec. 16-37. - False E-911 calls; punishment.  
Sec. 16-38. - Commercial solicitation.  
Sec. 16-39. - Restriction on outdoor watering of landscape.  
Sec. 16-40. - Failure to record foreclosure deeds.  
Sec. 16-41. - Driving, parking of motor vehicles in public parks.  
Sec. 16-42. - Reserved.  
Sec. 16-43. - Pedestrian, wheelchair, and powered mobility device violations of traffic rules and regulations.

***Sec. 16-34 Photo-Monitoring Systems to Enforce Passing Stopped School Buses.***

- A. *Bibb County School District is hereby authorized to install and operate a video-monitoring system in or on the school buses operated by the school system or may contract with a private vendor to do so on behalf of the school system for the purpose of recording violations of Title 40, Chapter 6, Article 8 of the Georgia Code.*

- B. *"Video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live (analog or digital) and recorded video of motor vehicles being operated in violation of O.C.G.A. § 40-6-163. All such video-monitoring systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as required by O.C.G.A. § 40-8-111 and § 40-8-115, and the time, date, and location of the vehicle when the image is recorded.*
- C. *The Owner (for purposes of this ordinance, the Owner shall be the registered owner of the vehicle according to the motor vehicles department of the state in which the car is registered and may include an individual or a company) of a vehicle shall be liable for a civil penalty of \$300 for the first offense, \$750 for the second and \$1,000 for the third and later offenses imposed in accordance with this ordinance, if such owner is found, as evidenced by information obtained from a video monitoring system, to have failed to comply with O.C.G.A. § 40-6-163.*
- D. *Any person who receives a summons or notice of violation from a law enforcement officer pursuant to this ordinance may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person pays \$300 to the Bibb County Treasurer's office within 15 business days after receipt of the summons or notice of the violation.*
- E. *Notwithstanding the exception in O.C.G.A. § 40-6-163, all fines imposed for violation of this ordinance, shall be paid into the county treasury. The county treasurer shall remit to the school division all fine amounts received in respect to the violations of this section after crediting the county's general fund with amount equal to the costs incurred by the police department in reviewing violations under this ordinance.*

## **Section 2.**

It is the intention of the Macon-Bibb County Commission that nothing herein shall be interpreted as amending, altering, abolishing, discharging, or in any manner affecting any advisory committees, fines, fees, charges, assessments, and/or hearing procedures previously established or adopted by Bibb County or the City of Macon regarding offenses in Bibb County, the City of Macon, and/or Macon-Bibb County, and that any such advisory committees, fees, charges, assessments and/or procedures shall continue in full force and effect in Macon-Bibb County consistent with the provisions of the Macon-Bibb County Charter, Ga. Law 2012, page 5595 and Ga. Laws 2013, pages 3501, 3942.

## **Section 3.**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

#### **Section 4.**

This Ordinance, to the extent necessary, shall be codified in a manner consistent with the laws of the State of Georgia and Macon-Bibb County.

#### **Section 5.**

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

#### **Section 6.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

**Section 7.**

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

SO ORDERED AND ORDAINED this 21 day of March, 2017.

*Robert A.B. Reichert*

ROBERT A.B. REICHERT, MAYOR



ATTEST:

*Janice S. Ross*

JANICE S. ROSS, CLERK OF COMMISSION

**Routing/File Form**

Document Type: ☐ Contract ☐ Deed ☒ Ordinance ☐ Resolution ☐ Grant ☐ Other  
 (Check one of the above document types)

**Purpose:** AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 16, BY ADDING SEC. 16-34, PROHIBITED HOURS OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Annual Cost: \_\_\_\_\_

Total Contract Amount: \_\_\_\_\_

Administering Department or Officer: \_\_\_\_\_

Contractor(s): \_\_\_\_\_

Contract Start Date: \_\_\_\_\_ Contract End Date: \_\_\_\_\_

Funding Source(s): \_\_\_\_\_

Automatic Renewals: \_\_\_\_\_ yes \_\_\_\_\_ no

Number of Renewals: \_\_\_\_\_ Final Expiration Date: \_\_\_\_\_

	<u>Ordinance/Resolution</u>		<u>Contracts/Other</u>	
<u>Reviewed By:</u>	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Assistant County Attorney	<u>CJ</u>	<u>3/2/17</u>		
County Attorney				
Department Head				
Finance Director				
County Manager	<u>[Signature]</u>	<u>3/6/17</u>		
Mayor	<u>RAV/R</u>	<u>3/6/2017</u>		
Clerk of Commission				
Grants Director				

Commission Approval (if applicable) \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Additional comments, instructions, etc.: \_\_\_\_\_

**ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.**

SPONSORED BY

*Robert A. B. Reichert*  
Mayor Robert A.B. Reichert



COMMITTEE REPORT

	Yes	No
<i>W. F. B. Shepherd</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Joe Allen</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Crystal Jones</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Robert Reichert</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ACTION TAKEN AND DATE:

RECOMMEND *approved*

(Approved/Disapproved/Approved as Amended)

*March 14, 2017*  
Date

APPROVED AS TO FORM FOR COUNTY ATTORNEY BY

*Crystal Jones*

Crystal Jones  
Assistant County Attorney

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION, TO REVISE CHAPTER 16, BY ADDING SEC. 16-34, PHOTO-MONITORING SYSTEMS TO ENFORCE PASSING STOPPED SCHOOL BUSES OF THE INAUGURAL CODE OF ORDINANCES FOR MACON-BIBB COUNTY; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Referred to the Committee on \_\_\_\_\_

Date: \_\_\_\_\_

REPORT

Rendered *March 21, 2017*  
and *approved*

VOTE

Yes No Abstain Absent

Bechtel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schlesinger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bivins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepherd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tillman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Reichert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total:</b>				