

SPONSORS: MAYOR ROBERT A.B. REICHERT
COMMISSIONER GARY BECHTEL
COMMISSIONER LARRY SCHLESINGER

COMMITTEE OF THE WHOLE AMENDMENT

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE, ASSIGN, CONTRACT WITH, AND DESIGNATE THE MACON-BIBB COUNTY URBAN DEVELOPMENT AUTHORITY WITH THE RESPONSIBILITY FOR DEVELOPING, IMPLEMENTING, AND MANAGING A DOWNTOWN PARKING ACCESSIBILITY PLAN DESIGNED TO AID, ASSIST, AND IMPROVE RETAIL AND COMMERCIAL OPPORTUNITIES AND DEVELOPMENT IN THE DOWNTOWN AREA; TO ENSURE PUBLIC SUPPORT OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY PROVIDING OPPORTUNITIES FOR PUBLIC INPUT AND APPROVAL; TO PROVIDE FOR THE ADOPTION OF THE LEGAL REGULATIONS NECESSARY FOR IMPLEMENTATION OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY AMENDING ARTICLE III OF CHAPTER 28 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES BY ADDING A NEW "DIVISION 5" RELATING TO "DOWNTOWN PARKING ACCESSIBILITY"; AND FOR OTHER PURPOSES.

WHEREAS, Georgia Laws 2012, p. 5595, as amended by Georgia Laws 2013, p. 3501 (together, the "**Consolidation Act**"), restructured the governmental and corporate powers, duties and functions vested in the City of Macon and Bibb County under a new charter, which became effective on January 1, 2014; the Consolidation Act established a single county-wide government with powers and jurisdiction throughout the territorial limits of Bibb County, superseding and replacing the governments of the City of Macon and the Bibb County under the name Macon-Bibb County (the "**County**"), the governing body for which is the Macon-Bibb County Commission (the "**Commission**"); and

WHEREAS, the Macon-Bibb County Urban Development Authority (the "**Authority**") was created by an act of the General Assembly of the State of Georgia (the "**State**"), which was memorialized at 1974 Ga. Laws 3093 (Act No. 1130) (the "**UDA Act**").

WHEREAS, pursuant to the UDA Act, as amended, the Authority is authorized to undertake any "project," which means any undertaking of the Authority in connection with the redevelopment or revitalization of urban, central city, or downtown areas within the hereinafter defined County'; and

WHEREAS, in addition, the UDA Act, as amended, authorizes the Authority to implement any general plan of development in the urban, central, or downtown areas which have been approved by the County and to construct, acquire, repair, and operate any project covered by the plan and to coordinate any of the foregoing among other governmental agencies; and

WHEREAS, the resurgence of downtown Macon has resulted in numerous unique restaurants, businesses, and retail options which have provided for a renewed urban culture; and

WHEREAS, as downtown evolves, so too must the infrastructure which supports its; and

WHEREAS, people looking for parking in downtown Macon currently have two choices: search for free on-street space in hopes of finding one close to their destination, or a pay a fee to park in a parking lot or garage and walk a few blocks to their destination; and

WHEREAS, because on-street parking has the allure of being both free and potentially closer to their destination most, most people try to park in these spaces; and

WHEREAS, the demand for these spaces often far exceeds the actual supply, and this competition leads to people repeatedly circling around the block looking for a space or getting frustrated and choosing to go somewhere else; and

WHEREAS, parking in Downtown Macon has been studied a number of times in the last twenty years, however, certain of issues persist and have become more severe with growth in residents and businesses in Downtown; and

WHEREAS, as part of the 2015 Macon Downtown Action Plan, an implementation plan for metered parking in the downtown area was completed that included specific recommendations on where to install parking meters, pricing of the meters, and hours of operation; and

WHEREAS, to ensure the continued development of downtown, the Commission desires to authorize, assign, and designate the Authority with the responsibility for developing, implementing, and managing a downtown parking accessibility plan designed to aid, assist, and improve retail and commercial opportunities and development in the downtown, central business district area to include, but not be limited to, implementation of a comprehensive metered parking management and enforcement services plan for on-street, off-street, and residential parking; and

WHEREAS, to ensure public support of the downtown parking accessibility plan, the authority shall provide opportunities for public input into the development of the plan and shall seek to secure the approval and support of a majority of the downtown business/property owners prior to implementation of the Plan; and

WHEREAS, to provide for the adoption of the legal regulations necessary for implementation of the Downtown Parking Accessibility Plan, the Commission desires to amend Article III of Chapter 28 of the Macon-Bibb County Code of Ordinances by adding a new "Division 5" relating to "Downtown Parking Accessibility"; and

WHEREAS, the Commission believes that the adoption of this Ordinance is in the best interest 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.

Article III of chapter 28 of the Macon-Bibb County Code of Ordinances is hereby amended by adding a new "Division 5" relating to "Downtown Parking Accessibility" so the new division shall read as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 2.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and

clauses shall not be affected thereby.

Section 3.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

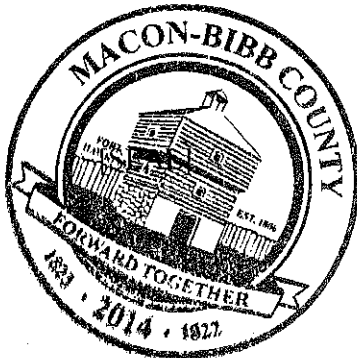
Section 4.

In accordance with Sec. 1-4(c) of the Code of Ordinances of Macon-Bibb County, Georgia, it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 5.

This Ordinance shall become effective immediately upon its approval by the mayor or upon its adoption into law without such approval, provided, however, that the Sheriff shall continue to provide unmetered time controlled parking enforcement services in accordance with Division 2 of Article III of Chapter 28 until such time as metered parking is implemented as authorized by this Ordinance. The Sheriff of Macon-Bibb County shall work with the Urban Development Authority to jointly approve the Downtown Parking Accessibility Plan.

SO ORDAINED this 15 day of November, 2016.



ATTEST:

Robert A.B. Reichert
ROBERT A.B. REICHERT, MAYOR

Janice Ross
JANICE ROSS, CLERK OF COMMISSION

EXHIBIT "A"

Chapter 28

TRAFFIC AND PARKING

Article III. Parking

"Division 5. Downtown Parking Accessibility

Sec. 28-140. Definitions

The following words and terms are defined for the purpose of this division only:

Downtown Area, for the purposes of this division, is defined as being all that area along and inclusive of the following boundaries: From the intersection of Spring Street and Riverside Drive, running along Riverside Drive to Martin Luther King, Jr. Blvd., along Martin Luther King, Jr. Blvd. to Fifth Street, branching along Fifth Street to Oak Street, running along Oak Street as it becomes Hemlock Street to the intersection of Spring Street and along Spring Street back to Riverside Drive.

Parking Enforcement Officer as employed in its singular or plural form in this division shall refer to any person(s) as designated individually or by job description classification by the Macon-Bibb Count Commission, employees of the Bibb County Sheriff's department, or employees employed by an agency which has a contract with the Macon-Bibb County Urban Development Authority for parking enforcement purposes, as having authority to enforce sections of this division pertaining to regulations and enforcement of provisions pertaining to the parking of vehicles in the downtown area and residential parking areas adjacent to the downtown area as designated from time to time by resolution of the Macon-Bibb County Urban Development Authority, provided such person has satisfied the standards of the parking management company as to training in the enforcement duties permitted to be undertaken by that person relating to this section. Any such contract with a company hired by Macon-Bibb County Urban Development Authority to enforce the provisions of this division shall require such owner to be responsible for the duties and supervision of any such Parking Enforcement Officer, shall indemnify and hold harmless both Macon-Bibb County and the Macon-Bibb County Urban Development Authority from any acts of any such person, and shall require that the owner maintain contractual obligation liability insurance for its undertakings pursuant to that contract. The Mayor shall be authorized to terminate the authority of any person designated as a Parking

Enforcement Officer by the company pursuant to this division immediately and without any right to any hearing or other appeal at any time upon written notice delivered to such company.

Metered Parking, for the purposes of this division, is defined as a parking zone designated by the Macon-Bibb County Urban Development Authority in which a vehicle may be properly parked, which shall be indicated by clearly painted lines or otherwise, and which is regulated by parking time limits designed to improve downtown parking accessibility.

Metered Parking Device, for the purposes of this division, is defined as any technology device used for the regulation of parking by authority of this division and shall include, but not be limited to, single space meters, pay stations, pay and display, and pay by plate.

Operator, for purposes of this division, is defined as every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner.

Vehicle, for purposes of this division, is defined as any device upon by which any person or property is or may be transported upon a highway, road, or street, except a device which is operated upon rails or tracks.

Zones, for purposes of this division, shall include those parking spaces on streets and in parking lots designated for Metered Parking by the Macon-Bibb County Urban Development Authority.

Sec. 21-141. Purpose; Downtown Parking Accessibility Plan.

- (a) The purpose of this division is to improve parking accessibility so as to aid, assist, and improve retail and commercial opportunities in the Downtown Area; to reduce hazardous traffic conditions resulting from the use of streets within the Downtown Area; to protect such areas from polluted air, excessive noise, litter and refuse caused by the circulation of such vehicles; to protect the customers, employees, and residents of such areas from unreasonable burdens in gaining access to businesses and their residences; to preserve the character of the downtown and residential areas; to promote efficiency in the maintenance of streets in such Downtown Area in a clean and safe condition; to preserve the value of the property in such areas; and to preserve the safety of children, other pedestrians and traffic, as well as the peace, good order, comfort, convenience and welfare of the inhabitants of Macon-Bibb County.

- (b) The Commission does hereby authorize, assign, and designate the Macon-Bibb County Urban Development Authority with the responsibility for developing, implementing, and managing a Downtown Parking Accessibility Plan designed to aid, assist, and improve retail and commercial opportunities and development in the Downtown Area to include, but not be limited to, implementation of a comprehensive Metered Parking management and enforcement services accessibility program for on-street, off-street, and residential parking in designated Zones.
- (c) The Commission does hereby authorize the Authority to put out an RFP and select a vendor to provide the services required for implementation of said Plan and to manage and maintain any equipment, meters, signage, devices, computer programs, apps, or other devices required for implementation of the Downtown Parking Accessibility Plan.

Sec. 21-142. Metered Parking Zones.

- (a) The Macon-Bibb County Urban Development Authority shall develop and implement regulations necessary to establish and implement the Downtown Parking Accessibility Plan within the Downtown Area, which regulations must conform to the provisions of this division.
- (b) Whenever by this division or any other ordinance of Macon-Bibb County any parking time limit is imposed in designated Zones, it shall be the duty of the Macon-Bibb County Urban Development Authority and/or the parking management firm selected by said Authority to erect appropriate signs giving notice thereof, and such regulations shall not be effective unless such signs are erected and in place at the time of any alleged offense.
- (c) The Macon-Bibb County Urban Development Authority shall designate which Zones in the Downtown Area shall be designated for use of Metered Parking and shall be responsible for installing or providing the necessary Metered Parking Devices.

Sec. 21-143. Deposit of charges.

When any vehicle is located in a Metered Parking Zone, the operator of the vehicle shall, upon entering the parking space, immediately deposit or cause to be deposited into a Metered Parking Device the charges, as provided by this division, in legal United States funds and other

acceptable forms of payment as provided for said parking space. Upon the deposit of the charges in the Metered Parking Device, the parking space for which the charges were remitted may be lawfully occupied by the vehicle during the period of parking time which has been prescribed.

Sec. 21-144. Use of parking meter revenue.

Metered Parking fees are hereby levied and assessed to provide for the proper regulation and control of traffic and the parking of vehicles upon the public streets and to defray the costs of the total on-street and off-street parking management program, including the cost of acquiring, installing, operating, maintaining, supervising, regulating, and controlling Metered Parking devices. Any revenue derived from fees, fines, parking rentals, or other accessibility plan components shall be used by the Macon-Bibb County Development Authority to pay for the cost of implementation of the plan as described above and to provide streetscape improvements designed to improve parking accessibility.

Sec. 21-145. Defacing, tampering with, etc.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any Metered Parking Device installed under the provisions of this division.

Sec. 21-146. Parking overtime.

- (a) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any Metered Parking Zone as described in this division.
- (b) The exceeding of each segment of time or fraction thereof beyond the initial lawful unit of time shall constitute a separate violation of this division.

Sec. 21-147. Loading zones.

It shall be unlawful for any person to park to park any vehicle in a designated loading zone except for the purpose of loading or unloading such vehicle, which vehicle must be properly identified showing that it is a delivery or pick-up vehicle. A delivery or pick-up vehicle may park in a designated loading zone only during such time as materials are being loaded and/or unloaded from the vehicle, and in no case may such vehicle remain parked in a designated loading zone for longer than 30 minutes, unless a different time is indicated by a sign or permitted under the Downtown Parking Accessibility Plan. A vehicle must be removed from the

loading zone immediately upon completion of loading and/or unloading materials from such vehicle or the expiration of time limit for that loading zone, whichever occurs first.

Sec. 21-148. Parking in no parking zone.

It shall be unlawful for any vehicle, or motorcycle or any other motorized vehicle, to be parked on the sidewalk or other public right-of-way in any space that is not a designated marked parking space nor shall any such vehicle be parked in front of any driveway so as to block access to the public portion thereof or within ten feet of such driveway.

Sec. 21-149. Parking outside the lines of designated parking space.

It shall be unlawful for any vehicle, or motorcycle or any other motorized vehicle, to be parked outside the lines of a designated parking space.

Sec. 21-150. Parking in the wrong direction for a designated parking space.

It shall be unlawful for any vehicle, or motorcycle or any other motorized vehicle, to be parked in the wrong direction for a designated parking space.

Sec. 21-151. Notice to be attached to vehicle.

A Parking Enforcement Officer finding a vehicle parked in violation of this division shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this division and instructing such owner or operator of the manner in which such citation is to be paid or otherwise resolved.

Sec. 21-152. Legal parking violations.

- (a) The owner of a motor vehicle shall be subject to the following civil fines for the violations enumerated herein. Except as otherwise specified, all other violations under this chapter shall be within the limits permitted under section 1-6. Any violations enumerated herein that are not otherwise punishable by section 1-6 shall be deemed non-criminal, shall be determined by a showing of preponderance of the evidence, and shall not be deemed to be a conviction. Such civil violations are inapplicable to a person's motor vehicle driving record for insurance purposes in the provision of motor vehicle insurance coverage.
- (b) The civil fine for the following legal parking zone violations shall be as follows:
 - (1) Parking overtime \$10.00
 - (2) Loading zones \$50.00
 - (3) No parking zone \$50.00

- (4) Parking outside the lines of a designated parking space \$25.00
- (5) Parking in the wrong direction for a designated parking space \$25.00
- (c) Court summons; bond for failure to appear. If the value of accumulated unpaid parking tickets is more than \$50.00, a vehicle owner shall be issued a summons to appear in the municipal court of Macon-Bibb County. If the owner fails to appear at the appointed time and date as specified in the summons, he or she shall be subject to arrest and shall post a \$50.00 bond plus an amount equal to all fines and penalties accrued to date.

Sec. 21-153. Construction permit parking fees in Downtown Area; penalty for violation.

- (a) There shall be a construction permit parking for the use of parking spaces in the Downtown Area by contractors in the performance of their work as follows:
Per parking space, per day \$6.00
- (b) It shall be unlawful for the operator of any motor vehicle to park their motor vehicle in any space which has been designated for construction parking.”

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 AUTHORIZE, ASSIGN, CONTRACT WITH, AND DESIGNATE THE MACON-BIBB COUNTY URBAN DEVELOPMENT AUTHORITY WITH THE RESPONSIBILITY FOR DEVELOPING, IMPLEMENTING, AND MANAGING A DOWNTOWN PARKING ACCESSIBILITY PLAN DESIGNED TO AID, ASSIST, AND IMPROVE RETAIL AND COMMERCIAL OPPORTUNITIES AND DEVELOPMENT IN THE DOWNTOWN AREA; TO ENSURE PUBLIC SUPPORT OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY PROVIDING OPPORTUNITIES FOR PUBLIC INPUT AND APPROVAL; TO PROVIDE FOR THE ADOPTION OF THE LEGAL REGULATIONS NECESSARY FOR IMPLEMENTATION OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY AMENDING ARTICLE III OF CHAPTER 28 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES BY ADDING A NEW "DIVISION 5" RELATING TO "DOWNTOWN PARKING ACCESSIBILITY"; AND FOR OTHER PURPOSES.

Annual Cost:

Total Contract Amount:

Administering Department or Officer:

Contractor(s):

Contract Start Date:

Contract End Date:

Funding Source(s): N/A

Automatic Renewals: YES NO

	<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	_____	___/___/___	_____	___/___/___
County Attorney	_____	___/___/___	JND	10/21/16
Department Head	_____	___/___/___	_____	___/___/___
Finance Director	_____	___/___/___	_____	___/___/___
County Manager	_____	___/___/___	_____	___/___/___
Mayor	_____	___/___/___	_____	___/___/___
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.

SPONSORS: MAYOR ROBERT A.B. REICHERT
COMMISSIONER GARY BECHTEL
COMMISSIONER LARRY SCHLESINGER

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE, ASSIGN, CONTRACT WITH, AND DESIGNATE THE MACON-BIBB COUNTY URBAN DEVELOPMENT AUTHORITY WITH THE RESPONSIBILITY FOR DEVELOPING, IMPLEMENTING, AND MANAGING A DOWNTOWN PARKING ACCESSIBILITY PLAN DESIGNED TO AID, ASSIST, AND IMPROVE RETAIL AND COMMERCIAL OPPORTUNITIES AND DEVELOPMENT IN THE DOWNTOWN AREA; TO ENSURE PUBLIC SUPPORT OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY PROVIDING OPPORTUNITIES FOR PUBLIC INPUT AND APPROVAL; TO PROVIDE FOR THE ADOPTION OF THE LEGAL REGULATIONS NECESSARY FOR IMPLEMENTATION OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY AMENDING ARTICLE III OF CHAPTER 28 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES BY ADDING A NEW "DIVISION 5" RELATING TO "DOWNTOWN PARKING ACCESSIBILITY"; AND FOR OTHER PURPOSES.

WHEREAS, Georgia Laws 2012, p. 5595, as amended by Georgia Laws 2013, p. 3501 (together, the "**Consolidation Act**"), restructured the governmental and corporate powers, duties and functions vested in the City of Macon and Bibb County under a new charter, which became effective on January 1, 2014; the Consolidation Act established a single county-wide government with powers and jurisdiction throughout the territorial limits of Bibb County, superseding and replacing the governments of the City of Macon and the Bibb County under the name Macon-Bibb County (the "**County**"), the governing body for which is the Macon-Bibb County Commission (the "**Commission**"); and

WHEREAS, the Macon-Bibb County Urban Development Authority (the "**Authority**") was created by an act of the General Assembly of the State of Georgia (the "**State**"), which was memorialized at 1974 Ga. Laws 3093 (Act No. 1130) (the "**UDA Act**").

WHEREAS, pursuant to the UDA Act, as amended, the Authority is authorized to undertake any "project," which means any undertaking of the Authority in connection with the redevelopment or revitalization of urban, central city, or downtown areas within the hereinafter defined County'; and

WHEREAS, in addition, the UDA Act, as amended, authorizes the Authority to implement any general plan of development in the urban, central, or downtown areas which have been approved by the County and to construct, acquire, repair, and operate any project covered by the plan and to coordinate any of the foregoing among other governmental agencies; and

WHEREAS, the resurgence of downtown Macon has resulted in numerous unique restaurants, businesses, and retail options which have provided for a renewed urban culture; and

WHEREAS, as downtown evolves, so too must the infrastructure which supports its; and

WHEREAS, people looking for parking in downtown Macon currently have two choices: search for free on-street space in hopes of finding one close to their destination, or a pay a fee to park in a parking lot or garage and walk a few blocks to their destination; and

WHEREAS, because on-street parking has the allure of being both free and potentially closer to their destination most, most people try to park in these spaces; and

WHEREAS, the demand for these spaces often far exceeds the actual supply, and this competition leads to people repeatedly circling around the block looking for a space or getting frustrated and choosing to go somewhere else; and

WHEREAS, parking in Downtown Macon has been studied a number of times in the last twenty years, however, certain of issues persist and have become more severe with growth in residents and businesses in Downtown; and

WHEREAS, as part of the 2015 Macon Downtown Action Plan, an implementation plan for metered parking in the downtown area was completed that included specific recommendations on where to install parking meters, pricing of the meters, and hours of operation; and

WHEREAS, to ensure the continued development of downtown, the Commission desires to authorize, assign, and designate the Authority with the responsibility for developing, implementing, and managing a downtown parking accessibility plan designed to aid, assist, and improve retail and commercial opportunities and development in the downtown, central business district area to include, but not be limited to, implementation of a comprehensive metered parking management and enforcement services plan for on-street, off-street, and residential parking; and

WHEREAS, to ensure public support of the downtown parking accessibility plan, the authority shall provide opportunities for public input into the development of the plan and shall seek to secure the approval and support of a majority of the downtown business/property owners prior to implementation of the Plan; and

WHEREAS, to provide for the adoption of the legal regulations necessary for implementation of the Downtown Parking Accessibility Plan, the Commission desires to amend Article III of Chapter 28 of the Macon-Bibb County Code of Ordinances by adding a new "Division 5" relating to "Downtown Parking Accessibility"; and

WHEREAS, the Commission believes that the adoption of this Ordinance is in the best interest 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.

Article III of chapter 28 of the Macon-Bibb County Code of Ordinances is hereby amended by adding a new "Division 5" relating to "Downtown Parking Accessibility" so the new division shall read as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 2.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 3.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4.

In accordance with Sec. 1-4(c) of the Code of Ordinances of Macon-Bibb County, Georgia, it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 5.

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

SO ORDAINED this ____ day of _____, 2016.

ROBERT A.B. REICHERT, MAYOR

ATTEST:

[SEAL]

JANICE ROSS, CLERK OF COMMISSION

COMMITTEE AMENDMENT

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE, ASSIGN, CONTRACT WITH, AND DESIGNATE THE MACON-BIBB COUNTY URBAN DEVELOPMENT AUTHORITY WITH THE RESPONSIBILITY FOR DEVELOPING, IMPLEMENTING, AND MANAGING A DOWNTOWN PARKING ACCESSIBILITY PLAN DESIGNED TO AID, ASSIST, AND IMPROVE RETAIL AND COMMERCIAL OPPORTUNITIES AND DEVELOPMENT IN THE DOWNTOWN AREA; TO ENSURE PUBLIC SUPPORT OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY PROVIDING OPPORTUNITIES FOR PUBLIC INPUT AND APPROVAL; TO PROVIDE FOR THE ADOPTION OF THE LEGAL REGULATIONS NECESSARY FOR IMPLEMENTATION OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY AMENDING ARTICLE III OF CHAPTER 28 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES BY DELETING "DIVISION 2" IN ITS ENTIRETY AND REPLACING IT WITH A NEW "DIVISION 2" RELATING TO "DOWNTOWN PARKING ACCESSIBILITY"; AND FOR OTHER PURPOSES.

WHEREAS, Georgia Laws 2012, p. 5595, as amended by Georgia Laws 2013, p. 3501 (together, the "**Consolidation Act**"), restructured the governmental and corporate powers, duties and functions vested in the City of Macon and Bibb County under a new charter, which became effective on January 1, 2014; the Consolidation Act established a single county-wide government with powers and jurisdiction throughout the territorial limits of Bibb County, superseding and replacing the governments of the City of Macon and the Bibb County under the name Macon-Bibb County (the "**County**"), the governing body for which is the Macon-Bibb County Commission (the "**Commission**"); and

WHEREAS, the Macon-Bibb County Urban Development Authority (the "**Authority**") was created by an act of the General Assembly of the State of Georgia (the "**State**"), which was memorialized at 1974 Ga. Laws 3093 (Act No. 1130) (the "**UDA Act**").

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WHEREAS, to ensure the continued development of downtown, the Commission desires to authorize, assign, and designate the Authority with the responsibility for developing, implementing, and managing a downtown parking accessibility plan designed to aid, assist, and improve retail and commercial opportunities and development in the downtown, central business district area to include, but not be limited to, implementation of a comprehensive metered parking management and enforcement services plan for on-street, off-street, and residential parking; and

WHEREAS, to ensure public support of the downtown parking accessibility plan, the authority shall provide opportunities for public input into the development of the plan and shall seek to secure the approval and support of a majority of the downtown business/property owners prior to implementation of the Plan; and

WHEREAS, to provide for the adoption of the legal regulations necessary for implementation of the Downtown Parking Accessibility Plan, the Commission desires to amend Article III of Chapter 28 of the Macon-Bibb County Code of Ordinances by deleting "Division

2" in its entirety and replacing it with a new "Division 2" relating to "Downtown Parking Accessibility"; and

WHEREAS, the Commission believes that the adoption of this Ordinance is in the best interest 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.

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If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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Section 5.

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

SO ORDAINED this ____ day of _____, 2016.

ROBERT A.B. REICHERT, MAYOR

ATTEST:

[SEAL]

JANICE ROSS, CLERK OF COMMISSION

EXHIBIT "A"

Chapter 28

TRAFFIC AND PARKING

Article III. Parking

"Division 2. Downtown Parking Accessibility

Sec. 28-140. Definitions

The following words and terms are defined for the purpose of this division only:

Downtown Area, for the purposes of this division, is defined as being all that area along and inclusive of the following boundaries: From the intersection of Spring Street and Riverside Drive, running along Riverside Drive to Martin Luther King, Jr. Blvd., along Martin Luther King, Jr. Blvd. to Fifth Street, branching along Fifth Street to Oak Street, running along Oak Street as it becomes Hemlock Street to the intersection of Spring Street and along Spring Street back to Riverside Drive.

Parking Enforcement Officer as employed in its singular or plural form in this division shall refer to any person(s) as designated individually or by job description classification by the Macon-Bibb Count Commission, employees of the Bibb County Sheriff's department, or employees employed by an agency which has a contract with the Macon-Bibb County Urban Development Authority for parking enforcement purposes, as having authority to enforce sections of this division pertaining to regulations and enforcement of provisions pertaining to the parking of vehicles in the downtown area and residential parking areas adjacent to the downtown area as designated from time to time by resolution of the Macon-Bibb County Urban Development Authority, provided such person has satisfied the standards of the parking management company as to training in the enforcement duties permitted to be undertaken by that person relating to this section. Any such contract with a company hired by Macon-Bibb County Urban Development Authority to enforce the provisions of this division shall require such owner to be responsible for the duties and supervision of any such Parking Enforcement Officer, shall indemnify and hold harmless both Macon-Bibb County and the Macon-Bibb County Urban Development Authority from any acts of any such person, and shall require that the owner maintain contractual obligation liability insurance for its undertakings pursuant to that contract. The Mayor shall be authorized to terminate the authority of any person designated as a Parking

Enforcement Officer by the company pursuant to this division immediately and without any right to any hearing or other appeal at any time upon written notice delivered to such company.

Metered Parking, for the purposes of this division, is defined as a parking zone designated by the Macon-Bibb County Urban Development Authority in which a vehicle may be properly parked, which shall be indicated by clearly painted lines or otherwise, and which is regulated by parking time limits designed to improve downtown parking accessibility.

Metered Parking Device, for the purposes of this division, is defined as any technology device used for the regulation of parking by authority of this division and shall include, but not be limited to, single space meters, pay stations, pay and display, and pay by plate.

Operator, for purposes of this division, is defined as every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner.

Vehicle, for purposes of this division, is defined as any device upon by which any person or property is or may be transported upon a highway, road, or street, except a device which is operated upon rails or tracks.

Zones, for purposes of this division, shall include those parking spaces on streets and in parking lots designated for Metered Parking by the Macon-Bibb County Urban Development Authority.

Sec. 21-141. Purpose; Downtown Parking Accessibility Plan.

- (a) The purpose of this division is to improve parking accessibility so as to aid, assist, and improve retail and commercial opportunities in the Downtown Area; to reduce hazardous traffic conditions resulting from the use of streets within the Downtown Area; to protect such areas from polluted air, excessive noise, litter and refuse caused by the circulation of such vehicles; to protect the customers, employees, and residents of such areas from unreasonable burdens in gaining access to businesses and their residences; to preserve the character of the downtown and residential areas; to promote efficiency in the maintenance of streets in such Downtown Area in a clean and safe condition; to preserve the value of the property in such areas; and to preserve the safety of children, other pedestrians and traffic, as well as the peace, good order, comfort, convenience and welfare of the inhabitants of Macon-Bibb County.

- (b) The Commission does hereby authorize, assign, and designate the Macon-Bibb County Urban Development Authority with the responsibility for developing, implementing, and managing a Downtown Parking Accessibility Plan designed to aid, assist, and improve retail and commercial opportunities and development in the Downtown Area to include, but not be limited to, implementation of a comprehensive Metered Parking management and enforcement services accessibility program for on-street, off-street, and residential parking in designated Zones.
- (c) The Commission does hereby authorize the Authority to put out an RFP and select a vendor to provide the services required for implementation of said Plan and to manage and maintain any equipment, meters, signage, devices, computer programs, apps, or other devices required for implementation of the Downtown Parking Accessibility Plan.

Sec. 21-142. Metered Parking Zones.

- (a) The Macon-Bibb County Urban Development Authority shall develop and implement regulations necessary to establish and implement the Downtown Parking Accessibility Plan within the Downtown Area, which regulations must conform to the provisions of this division.
- (b) Whenever by this division or any other ordinance of Macon-Bibb County any parking time limit is imposed in designated Zones, it shall be the duty of the Macon-Bibb County Urban Development Authority and/or the parking management firm selected by said Authority to erect appropriate signs giving notice thereof, and such regulations shall not be effective unless such signs are erected and in place at the time of any alleged offense.
- (c) The Macon-Bibb County Urban Development Authority shall designate which Zones in the Downtown Area shall be designated for use of Metered Parking and shall be responsible for installing or providing the necessary Metered Parking Devices.

Sec. 21-143. Deposit of charges.

When any vehicle is located in a Metered Parking Zone, the operator of the vehicle shall, upon entering the parking space, immediately deposit or cause to be deposited into a Metered Parking Device the charges, as provided by this division, in legal United States funds and other

acceptable forms of payment as provided for said parking space. Upon the deposit of the charges in the Metered Parking Device, the parking space for which the charges were remitted may be lawfully occupied by the vehicle during the period of parking time which has been prescribed.

Sec. 21-144. Use of parking meter revenue.

Metered Parking fees are hereby levied and assessed to provide for the proper regulation and control of traffic and the parking of vehicles upon the public streets and to defray the costs of the total on-street and off-street parking management program, including the cost of acquiring, installing, operating, maintaining, supervising, regulating, and controlling Metered Parking devices. Any revenue derived from fees, fines, parking rentals, or other accessibility plan components shall be used by the Macon-Bibb County Development Authority to pay for the cost of implementation of the plan as described above and to provide streetscape improvements designed to improve parking accessibility.

Sec. 21-145. Defacing, tampering with, etc.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any Metered Parking Device installed under the provisions of this division.

Sec. 21-146. Parking overtime.

- (a) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any Metered Parking Zone as described in this division.
- (b) The exceeding of each segment of time or fraction thereof beyond the initial lawful unit of time shall constitute a separate violation of this division.

Sec. 21-147. Loading zones.

It shall be unlawful for any person to park to park any vehicle in a designated loading zone except for the purpose of loading or unloading such vehicle, which vehicle must be properly identified showing that it is a delivery or pick-up vehicle. A delivery or pick-up vehicle may park in a designated loading zone only during such time as materials are being loaded and/or unloaded from the vehicle, and in no case may such vehicle remain parked in a designated loading zone for longer than 30 minutes, unless a different time is indicated by a sign or permitted under the Downtown Parking Accessibility Plan. A vehicle must be removed from the

loading zone immediately upon completion of loading and/or unloading materials from such vehicle or the expiration of time limit for that loading zone, whichever occurs first.

Sec. 21-148. Parking in no parking zone.

It shall be unlawful for any vehicle, or motorcycle or any other motorized vehicle, to be parked on the sidewalk or other public right-of-way in any space that is not a designated marked parking space nor shall any such vehicle be parked in front of any driveway so as to block access to the public portion thereof or within ten feet of such driveway.

Sec. 21-149. Parking outside the lines of designated parking space.

It shall be unlawful for any vehicle, or motorcycle or any other motorized vehicle, to be parked outside the lines of a designated parking space.

Sec. 21-150. Parking in the wrong direction for a designated parking space.

It shall be unlawful for any vehicle, or motorcycle or any other motorized vehicle, to be parked in the wrong direction for a designated parking space.

Sec. 21-151. Notice to be attached to vehicle.

A Parking Enforcement Officer finding a vehicle parked in violation of this division shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this division and instructing such owner or operator of the manner in which such citation is to be paid or otherwise resolved.

Sec. 21-152. Legal parking violations.

- (a) The owner of a motor vehicle shall be subject to the following civil fines for the violations enumerated herein. Except as otherwise specified, all other violations under this chapter shall be within the limits permitted undersection 1-6. Any violations enumerated herein that are not otherwise punishable by section 1-6 shall be deemed non-criminal, shall be determined by a showing of preponderance of the evidence, and shall not be deemed to be a conviction. Such civil violations are inapplicable to a person's motor vehicle driving record for insurance purposes in the provision of motor vehicle insurance coverage.
- (b) The civil fine for the following legal parking zone violations shall be as follows:
 - (1) Parking overtime \$10.00
 - (2) Loading zones \$50.00
 - (3) No parking zone \$50.00

- (4) Parking outside the lines of a designated parking space \$25.00
- (5) Parking in the wrong direction for a designated parking space \$25.00
- (c) Court summons; bond for failure to appear. If the value of accumulated unpaid parking tickets is more than \$50.00, a vehicle owner shall be issued a summons to appear in the municipal court of Macon-Bibb County. If the owner fails to appear at the appointed time and date as specified in the summons, he or she shall be subject to arrest and shall post a \$50.00 bond plus an amount equal to all fines and penalties accrued to date.

Sec. 21-153. Construction permit parking fees in Downtown Area; penalty for violation.

- (a) There shall be a construction permit parking for the use of parking spaces in the Downtown Area by contractors in the performance of their work as follows:
Per parking space, per day \$6.00
- (b) It shall be unlawful for the operator of any motor vehicle to park their motor vehicle in any space which has been designated for construction parking.”

SPONSORED BY

Robert A. B. Reichert
Mayor, Robert A.B. Reichert
Bechtel
Commissioner Bechtel
Lane
Commissioner Schlesinger



VOTE

Yes No Abstain Absent

Bechtel	✓			
Schlesinger	✓			
Lucas		✓		
Jones	✓			
Bivins				✓
DeFore	✓			
Shepherd		✓		
Watkins	✓			
Tillman	✓			
Mayor Reichert				
Total:				

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AUTHORIZE, ASSIGN, CONTRACT WITH, AND DESIGNATE THE MACON-BIBB COUNTY URBAN DEVELOPMENT AUTHORITY WITH THE RESPONSIBILITY FOR DEVELOPING, IMPLEMENTING, AND MANAGING A DOWNTOWN PARKING ACCESSIBILITY PLAN DESIGNED TO AID, ASSIST, AND IMPROVE RETAIL AND COMMERCIAL OPPORTUNITIES AND DEVELOPMENT IN THE DOWNTOWN AREA; TO ENSURE PUBLIC SUPPORT OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY PROVIDING OPPORTUNITIES FOR PUBLIC INPUT AND APPROVAL; TO PROVIDE FOR THE ADOPTION OF THE LEGAL REGULATIONS NECESSARY FOR IMPLEMENTATION OF THE DOWNTOWN PARKING ACCESSIBILITY PLAN BY AMENDING ARTICLE III OF CHAPTER 28 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES BY DELETING "DIVISION 2" IN ITS ENTIRETY AND REPLACING IT WITH A NEW "DIVISION 2" RELATING TO "DOWNTOWN PARKING ACCESSIBILITY"; AND FOR OTHER PURPOSES.

Referred to the Committee on _____

Date: _____

REPORT

Rendered *November 15, 2010*
and *approved*

COMMITTEE REPORT

	Yes	No
Robert A. B. Reichert	✓	
<i>Bechtel</i>	✓	
<i>Lane</i>	✓	
<i>Ed DeFore</i>	✓	
<i>Alvin Tillman</i>	✓	

ACTION TAKEN AND DATE:

RECOMMEND: *Approved*

(as amended)
(Approved/Disapproved/Approved as Amended)

November 8, 2010

Date

APPROVED AS TO FORM BY COUNTY ATTORNEY

Judd T. Drake
Judd T. Drake
County Attorney