

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2009 - 99

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 94 "TRAFFIC AND VEHICLES", ARTICLE III "PARKING, STOPPING AND STANDING", BY ADDING FOUR NEW SECTIONS AS FOLLOWS: SECTION 94-61 "PARKING CONTROL SIGNS", SECTION 94-62 "ENFORCEABILITY OF PROPERLY PLACED SIGNS", SECTION 94-63 "ENFORCEMENT BY PARKING CITATION, REBUTTABLE PRESUMPTION, HEARING", AND SECTION 94-64 "AUTHORITY TO IMPOUND VEHICLES PARKING IN VIOLATION OF THIS ARTICLE"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 94 "Traffic and Vehicles", Article III "Parking, Stopping and Standing", by adding a new Section 94-61 "Parking control signs" which shall read as follows:

"Sec. 94-61. Parking control signs.

Where parking, stopping or standing is regulated or prohibited by official signs erected by the Department of Transportation and Development, at least one sign shall be erected in each block on each side of the street where parking is either prohibited or regulated."

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 94 "Traffic and Vehicles", Article III "Parking, Stopping and Standing",

by adding a new Section 94-62 "Enforceability of properly placed signs" which shall read as follows:

"Sec. 94-62. Enforceability of properly placed signs.

The disregard or disobedience of the instruction of any sign placed by the Department of Transportation and Development or the Georgia Department of Transportation by the driver of a vehicle shall be deemed prima facie evidence of a violation of law, without requiring proof by whom and by what authority such sign has been erected."

Section 3. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 94 "Traffic and Vehicles", Article III "Parking, Stopping and Standing", by adding a new Section 94-63 "Enforcement by parking citation, rebuttable presumption, hearing" which shall read as follows:

"Sec. 94-63. Enforcement by parking citation, rebuttable presumption, hearing

(a) The Chief of Police is authorized to develop a parking citation in cooperation with the county's Solicitor General.

(b) The parking citation shall set a fine of \$30.00 for restricted parking violation if the fine is paid within seven (7) days of the date of issuance of the parking citation and \$60.00 if paid after the seventh day. The fine for improperly parking in a handicapped parking space or within a fire lane shall be \$60.00 if paid within seven (7) days of the date of issuance of the parking citation and \$120.00 if paid after the seventh day.

(c) There shall be a rebuttable presumption that the owner of the vehicle is responsible for any parking violation and a parking citation issued to the vehicle by license number or other identifiable number shall be the responsibility of the owner. Provided however, that for leased or rented vehicles, it shall be a rebuttable presumption that the lessee or renter is responsible for any parking violation during the term of the lease or rental agreement.

(d) County police officers, the Sheriff and deputy sheriffs are authorized to issue a parking citation by placing the violator's copy on the vehicle itself in a conspicuous place such as under the windshield wiper when there is probable cause to believe that the vehicle is parked in violation of County ordinance or state law.

(e) The owner of any vehicle who receives a parking citation shall have the right to a hearing before a judicial officer. To obtain the hearing, the owner shall personally appear at the watch office of police headquarters with the parking

citation. The police officer on duty shall take possession of the parking citation and shall issue a Uniform Traffic Citation to the owner for illegal parking setting appearance for the next regularly scheduled traffic court date. In addition to the issuing officer's name, the name of the officer who issued the original parking citation shall be printed in the remarks section of the Uniform Traffic Citation. The parking citation shall be turned in with the court's copy of the Uniform Traffic Citation. The violation will be tried before a judge of the State Court of Clayton County as would any other traffic violation and conviction thereof shall be punished as a misdemeanor.

(f) In lieu of the issuance of a parking citation, the provision of this code prohibiting illegal parking may be enforced by issuing a Uniform Traffic Citation to the vehicle owner or operator."

Section 4. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 94 "Traffic and Vehicles", Article III "Parking, Stopping and Standing", by adding a new Section 94-64 "Authority to impound vehicles parked in violation of this article" which shall read as follows:

"Sec. 94-64. Authority to impound vehicles parked in violation of this article.

(a) County police officers, the Sheriff and deputy sheriffs are authorized to impound any vehicle parked in an "Emergency No Parking" zone and the cost thereof and reasonable storage fees shall be paid by the vehicle's owner or representative.

(b) County police officers, the Sheriff and deputy sheriffs are authorized to impound any vehicle parked in violation of this article when there is probable cause to believe that the vehicle was previously parked in violation of this article and the owner has not paid the violation or been issued a Uniform Traffic Citation within fourteen days (14) of the previous violation. The cost thereof and reasonable storage fees shall be paid by the vehicle's owner or representative. Prior to releasing the vehicle from impound the owner or representative will either pay the outstanding parking fees or if the owner or representative wishes a hearing before a judicial officer, be issued a Uniform Traffic Citation for each violation."

Section 5. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 6 If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such

remainder shall remain in full force and effect.

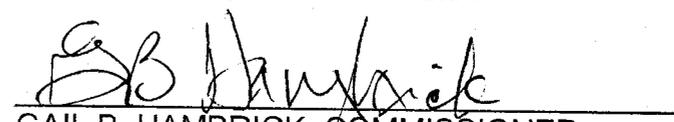
Section 7. This Ordinance shall become effective upon its approval by the Board of Commissioners.

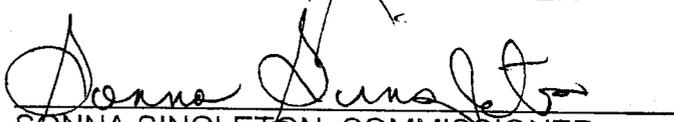
SO ORDAINED, this the 7th day of July, 2009.

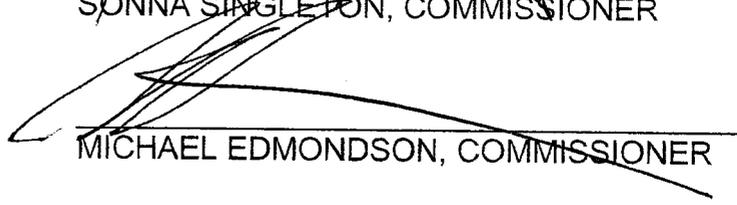
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

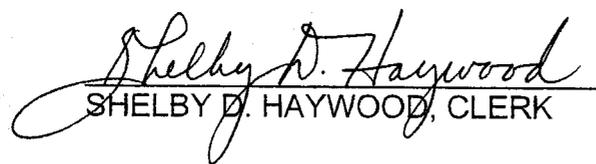
(Absent)
WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK