

15-O-1134

**A SUBSTITUTED (#4) AND AMENDED ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE XVII, SECTIONS 30-1068, 30-1081, 30-1082, 30-1083, 30-1084, 30-1196, AND 30-1201 OF THE CITY OF ATLANTA CODE OF ORDINANCES PERTAINING TO OFF-STREET PUBLIC PARKING FACILITIES, AND APPENDIX B: FEES, FOR THE PURPOSE OF ADJUSTING THE FINE AMOUNT, THE RENEWAL FEE AND PENALTY AMOUNTS AND THE CORRESPONDING AMOUNTS IN APPENDIX B; TO DECLARE THAT THE ENFORCEMENT OF THE OFF-STREET PARKING REGULATIONS SHALL BE THE RESPONSIBILITY OF THE DEPARTMENT OF PUBLIC WORKS AND THAT THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS SHALL ISSUE PERMITS THEREFORE; TO REQUIRE CONFIRMATION OF ZONING COMPLIANCE AS A PART OF THE PERMIT APPLICATION PROCESS; TO CLARIFY THE CITATION PROCEDURE; AND TO REQUIRE THE OPERATOR OF EACH PARK-FOR-HIRE FACILITY TO PROVIDE THE NOTICE SIGN REFERENCED THEREIN; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the “City”) formed the Blue Ribbon Commission on Waste and Efficiency in Government (the “Commission”) in March of 2014 to identify cost-savings strategies in City government; and

WHEREAS, the Commission recommended a comprehensive review of the City’s current fees and fines to assess, adjust, and execute fees and fines that accurately reflect the cost of services; and

WHEREAS, the Department of Finance has determined the necessity of increasing the fine for violations of Section 30-1081 and the penalty for violations of Section 30-1083 of the Code of Ordinances of the City of Atlanta for the purpose of deterring violators; and

WHEREAS, the Department of Finance has determined that the present amounts charged for the renewal fee for the permit required for off-street public parking facilities as set forth in Sections 30-1081 and 30-1083 of the Code of Ordinances of the City of Atlanta do not reflect the actual cost to the Department of Public Works for the enforcement of the permit; and

WHEREAS, the purpose of the fee charged for the renewal of a permit required to operate off-street parking facilities as set forth in Sections 30-1081 and 30-1083 of the Code of Ordinances of the City of Atlanta is not to raise revenue, but to cover the cost of the activity necessary to regulate this activity; Hadley v. City of Atlanta, 232 Ga. App. 871, 874, 502 S.E. 2d 784 (1998); and

WHEREAS, it is the desire of the City of Atlanta to raise the fee charged for the renewal of an off-street parking permit from twenty dollars to a base amount of one-hundred dollars (\$100.00); and

WHEREAS, the Department of Finance has determined that the actual cost to the City of providing off-street parking regulatory and enforcement services exceeds the \$100.00 renewal fee proposed herein. See Cost Recovery form attached hereto as Exhibit A.

WHEREAS, the Department of Finance and the Office of Transportation have determined that the present language in Section 30-1201 of the Code of Ordinances of the City of Atlanta does not reflect the actual practice regarding posting of notice signs, as the Office of Transportation does not provide the notice signs described in said Section, such that the language should be changed to reflect the actual practice.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That Section 30-1068 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows.

Section 30-1068. – Compliance required.

Compliance with this article shall be a precondition to any permit issued by the city for the facilities regulated by this article. The enforcement of this article shall be the responsibility of the Department of Public.

SECTION 2: That Section 30-1081 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows

Section 30-1081. - Violations.

It shall be unlawful for any person to engage in the operation of a park-for-hire facility, without having first complied with this chapter. Violations of this chapter are punishable with a fine of \$1,000.00. Each and every day of a violation of this chapter shall constitute a separate offense and shall be punishable with an additional fine of \$50.00 per day.

SECTION 3: That Section 30-1082 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows.

Section 30-1082. - Required; application.

- (a) From 1993 to present, before any lot or building may be used for new off-street public parking facilities, before any off-street public parking facility may be expanded, or following a change of the ownership thereof, the owner of the lot or building or the operator of the facility must first obtain

from the Commissioner of the Department of Public Works a permit for that use. Notwithstanding the foregoing, the owner of a lot following a change of the ownership thereof may apply for a conditional permit, good for one (1) year, to allow such owner to bring the facility into compliance with the requirements herein.

(b) The application form for the permit shall be filed with traffic and transportation and shall contain the following information:

- (1) The address and location of the lot or building involved;
- (2) The capacity of the proposed facility;
- (3) If the proposed parking facility is to be single- or shared-use park-for hire; and
- (4) If shared-use park-for-hire is desired, the name, square footage, and business hours of the primary establishment(s);
- (5) Certification from the office of buildings that property upon which the proposed park-for-hire facility is to be located is zoned for park-for-hire use, or that it enjoys legal non-conforming status for park-for-hire use.

(c) In addition, two site plans will be attached to the application form filed with traffic and transportation. The site plans will be drawn to an engineer's scale such that the following are easily identified:

- (1) The proposed location of entrances and exits to the facility;
- (2) The widths of access streets;
- (3) The capacity and location of the reservoir space to be used for the receiving and temporary storage of incoming vehicles;
- (4) The internal traffic plan;
- (5) The proposed parking plan showing the size and location of the parking stalls and the aisles to serve them;
- (6) The location, width and general design of ramps or elevators to be used inside of structures;
- (7) If applying for a shared-use park-for-hire permit, the location of the stalls to be used during the primary establishment's business hours; and

- (8) Any other information required to enable the Commissioner of the Department of Public Works to make a fair and complete appraisal of the operation of the proposed parking facility.
- (9) Plans for multi-level facilities must also show:
 - (a) The ramp or elevator design for each level;
 - (b) The internal traffic plan for each level; and
 - (c) The parking stall layout for each level;
 - (d) Copies of either the warranty deed (if the applicant is the title holder) or lease agreement or management contract for the property upon which the proposed park-for-hire facility is to be located, which should contain the current names, addresses and phone numbers of the owner, leaseholder and/or property manager (as appropriate) of said property.

SECTION 4: That Section 30-1083 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows.

Section 30-1083.-Fee; required.

- (a) The applicant for a permit required by this division shall pay to the city an application fee before such application is submitted to the Commissioner of the Department of Public Works. Such application fee shall consist of a fixed charge of \$100.00.
- (b) There shall be no refund of such application fee if the permit application is rejected by the Commissioner of the Department of Public Works or due to circumstances that are not under the control of the city. However, the applicant may resubmit the application within 90 days of rejection by the Commissioner of the Department of Public Works without paying an additional application fee.
- (c) There shall be a base fee of \$100.00 for annual renewal of off-street public parking facility permits on January 1. Applications received after January 1 will be prorated until January 1 of the following calendar year, in addition to:
 - (1) For parking facilities of up to 100 spaces, a fee of \$3.00 per parking spaces or a maximum fee of \$300.00.

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- (2) For parking facilities of between 101 spaces and 200 spaces, a fee of \$300.00 plus a fee of \$1.50 for all parking spaces that exceed 100 parking spaces, or a maximum fee of \$450.00.
- (3) For parking facilities of 201 spaces or more, a fee of \$550.00.
- (d) A park-for-hire permit is valid for one year from the date of issuance. No earlier than 45 days prior to and no later than 30 days past the expiration date, the parking facility operator must contact transportation to request renewal certification of the park-for-hire permit. The office of transportation shall then verify that the operations of the park-for-hire facility have not changed since the issuance of the permit (or since the last renewal). Once this has been determined, the renewal certification is approved.
- (e) Failure to contact the office of transportation within said window as set out in subsection (d) immediately above for renewal certification will result in a penalty of \$50.00 per day which is added to the renewal fee as calculated in accordance with this section. Any park-for-hire permit not renewed for more than three months past the expiration date shall be considered void, requiring that operations at said park-for-hire facility cease. Operations may not begin again until a new application for a park-for-hire permit is submitted to the office of transportation, and approval is received from the Commissioner of Public Works:

SECTION 5: That Section 30-1084 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows:

Section 30-1084. - Reapplication after ceasing operation.

Any park-for-hire facility which ceases operation for more than six months shall not subsequently be operated as a park-for-hire facility, except by making a new application for and receiving from the Commissioner of the Department of Public Works a permit as required by this division.

SECTION 6: That Section 30-1196 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows (with permanent amendments in bold font and permanent deletions in strikeout font):

Section 30-1196. - Violations

Any operator violating this division shall be served with a citation, at such person's principal mailing address, of the violation. The person shall have 10 days from the date of such notice to remedy the violation described. If the violation has not been corrected on or before the 10th day after the date of issuance of the violation notice, the person shall be deemed guilty of an offense. A conviction

thereof shall be punished as provided in section 1-8 of the Code of Ordinances of the City of Atlanta.

SECTION 7: That Section 30-1201 of the Code of Ordinances of the City of Atlanta is hereby amended to read as follows.

Sec. 30-1201. - Park-for-hire notice signs; required.

- (a) Upon the issuance of a park-for-hire permit, the applicant shall be required to post a notice sign at the facility, setting forth the following:
- (1) The telephone number of the principal office of the operator of the facility;
 - (2) The business hours of operation for the facility (i.e., time of opening and closing);
 - (3) Park-for-hire parking lot permit number;
 - (4) Business license number;
 - (5) The name of the operator;
 - (6) The physical street address of the lot; and
 - (7) The number of parking spaces permitted.
- (b) Notice signs for shared-use park-for-hire facilities will display both the number of stalls available both during the primary establishment's business hours and during its off-hours.

The notice sign shall be posted at the main entrance to the lot in such a manner so that it is easily viewable from the driver's seat of an entering vehicle. The cost to produce and post such notice sign shall be borne by the operator of the facility.

- (c) Changes to information contained on the notice sign (e.g. phone number or hours of operation) will necessitate the fabrication of a new notice sign that reflects these changes.

SECTION 8: That Appendix B: Fees shall be revised, as necessary, to reflect the imposition of fees, fines and penalties in accordance with Sections 1, 2 and 3, above.

SECTION 9: Said fees, fines and penalties shall not become effective until September 1, 2015.

SECTION 10: That all existing ordinances or parts of ordinances in conflict with this Ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.

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A true copy,

Phonda Daughlin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

NOV 16, 2015
NOV 25, 2015