

Sponsor: Councilman Embert
First Reading: 03/10/14
Second Reading: waived
Third Reading: 03/17/14
Ord. No.: 002-14

AN ORDNANCE TO AMEND CHAPTER 66 (“TRAFFIC AND VEHICLES”), ARTICLE III (“STOPPING STANDING AND PARKING”), OF THE TOWN CODE BY ADMENDING SECTIONS 66-103 (“PARKING IN FIRE LANES”), 66-104 (“HANDICAPPED PARKING AND SIGNAGE FOR PERSONS WITH DISABILITIES”) AND 66-112 (“PENALTY FOR VIOLATIONS OF ARTICLE”) TO ALLOW FOR THE INCREASE IN FINE AMOUNTS AND REMOVE THE LOWERING OF FINE AMOUNTS UPON PROMPT PAYMENT AT THE POLICE DEPARTMENT.

WHEREAS, Chapter 66 of the Town Code provides for the assessing of a civil fine on the registered owner of a vehicle parked in violation of Article III (“Stopping Standing and Parking”) and that the current fine amounts have not increased in the past ten (10) years.

WHEREAS, it is the opinion of the Town Council of the Town of Smyrna that the fine amounts for Town imposed civil parking violations for Fire Lane and Handicap Parking should be equal to the amount assessed by the State for the same violations.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Section 66-103 (“Parking in Fire Lanes”) by amending the current subsection (a) as shown by strike through and insert a subsection (c) as shown by underlining as follows:

(a) *Prohibited conduct.* No person shall stop, stand or park a vehicle in any place which has been designated and properly identified as a fire lane pursuant to regulations of the state fire marshal, ~~or in an area designated for a fire hydrant or standpipe connection,~~ except in compliance with the directions of a police officer or traffic control device.

(c) *Penalty.* Any person convicted of a violation of subsection (a) of this section shall be guilty of a civil violation and, upon conviction before any court of competent jurisdiction, shall pay a fine of \$50.00 and costs.

Section 2. Amend Subsection (g) of Section 66-104 (“Handicapped Parking and Signage for Persons with Disabilities”) by making insertions as shown by underlining and deletions as shown by strike through as follows:

(g) An individual or artificial entity who violates any provision of this section shall receive a mandatory fine of ~~\$100.00~~ \$25.00 for a first offense, and for a subsequent like offense, a mandatory fine of ~~\$200.00~~ \$100.00 or a term of imprisonment of not

less than ten nor more than 30 days, or both. Any officer authorized to issue a parking summons and citation may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles at the cost of the owner or operator of the vehicle.

Section 3. Amend Section 66-112 (“Penalty for Violations of Article”) subsection (a) by making insertions as shown by underlining and deleting subsection (b) as shown by strike through as follows:

- (a) Except as otherwise provided, any person convicted of a violation of this article shall be guilty of a civil violation and, upon conviction before any court of competent jurisdiction, shall pay a fine of \$15.00 and costs.
- ~~(b) With the consent of a person charged with a violation of this section, the chief of police or his authorized representative is authorized to accept and receive, without a hearing, the sum of ten dollars as a penalty for such violation if paid within five days after the date of the violation, and to accept and receive, without a hearing, the sum of \$15.00 if the penalty is paid after the expiration of five days from the date that the violation occurs. Such payment at the office of the police department shall be considered an admission of the violation charged, a waiver of the right to a hearing and a waiver of all rights of appeal.~~

SYNOPSIS

This ordinance amends Chapter 66 (“TRAFFIC AND VEHICLES”), Article III (“STOPPING, STANDING AND PARKING”) by amending section 66-103 (“Parking in Fire Lanes”) by removing language related to fire hydrants in subsection (a) as it is addressed in Section 66-99 (a) (3) (“Parking within 15 feet of a Fire Hydrant”). Additionally section 66-103 was amended by inserting a subsection (c) to allow for an increase in the fine amount of fire lane violations. The fine amounts for sections 66-103 (“Parking in Fire Lanes”) and 66-104 (“Handicapped Parking and Signage for Persons with Disabilities”) were increased to be equal with the amounts assessed by the State for the same violations. This ordinance also amends Section 66-112 (“Penalty for Violations of Article”) by amending subsection (a) and deleting subsection (b). The wording of “Except as otherwise provided” was added to subsection (a) to allow sections of Article III to set a specific fine amount for a parking violations. Subsection (b) was removed to remain current with the technological advancements in summons issuance. The Smyrna Police Department in the interest of impartiality and efficiency uses the State’s electronic parking ticket system to issue town parking summons. The use of this system makes the lowering of and/or payment of fines at the police station obsolete.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2014.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the “Smyrna/Clayton Sun Times” on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this ordinance was published in the “Smyrna/Clayton Sun Times” on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Manager