

AN ORDINANCE OF THE CITY OF CUMMING, GEORGIA TO REGULATE THE PARKING OF VEHICLES; TO IMPOSE TIME LIMITS ON VEHICLES PARKED ON PUBLIC PROPERTY; TO PROVIDE FOR RESTRICTIONS ON OVERNIGHT PARKING; TO PROVIDE FOR THE REMOVAL OF VEHICLES THAT ARE PARKED BEYOND TIME LIMITS, PARKED OVERNIGHT, OR PARKED FOR AN UNAUTHORIZED PURPOSE; TO PROVIDE FOR REGULATIONS AS TO USE OF PARKING FACILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City and its Authorities own various parking lots, decks, and parking areas for and attendant to its real property and facilities;

WHEREAS, the public has an interest in using the City of Cumming's parking areas to gain access to public property, facilities, and public events;

WHEREAS, the use of parking areas is a matter of public concern;

WHEREAS the City is empowered by § 36 of its Charter to regulate public places and to remove nuisances from the same;

WHEREAS, due to recent growth of the Cumming and Forsyth County, Georgia areas, parking is at a premium in the Downtown area of the City of Cumming, as well as in other areas of the City of Cumming where amenities are available for public use;

WHEREAS, because unrestricted use of parking owned, operated and maintained by the City of Cumming, can make parking not available for City business purposes, for transaction of business at the Forsyth County Courthouse or its Annex (i.e. the Old Courthouse), for visits to the Forsyth County Historical Society, for visits to the Cumming Fairgrounds, for visits to the Cumming City Center, to other City properties and to other local businesses and governmental offices;

WHEREAS, regulation of parking through the imposition of time limitations, restricting overnight parking; and reservation for specific uses, and the prohibition on improper uses will serve to free up more spaces for the aforementioned uses;

WHEREAS, it is the finding of the Mayor and Council that the proper regulation of parking in the City of Cumming can best be accomplished through time limitations, reservation for specific uses, and the prohibition on improper uses as authorized in this chapter; and

WHEREAS, it is within the power and authority of the City of Cumming to enact this ordinance for the regulation of parking pursuant § 36 and § 57, of the Charter of the City of Cumming, Georgia, as well as O.C.G.A. § 36-35-1 et. seq. and O.C.G.A. § 40-6-200, et. seq.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF CUMMING as follows:

SECTION ONE: Parking Restrictions

The text of Section 22-26 is hereby deleted in its entirety, re-titled as "Parking Restrictions," and replaced with the following:

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Code enforcement officer means an employee appointed by the Council of the City of Cumming, who shall have authority to enforce the provisions of this article.

Overnight parking means the parking of a vehicle in one spot continuously for a period exceeding six hours at any time during the hours from ten p.m. of the day designated to eight a.m. of the following day.

Parking Area means an area designated for the parking of vehicles, including parking lots, parking decks, and street parking, on public property. Parking areas include, but are not necessarily limited to:

- 1) The City of Cumming parking deck on Castleberry Road;
- 2) The City of Cumming parking lot at the intersection of Castleberry Road and State Route 20;
- 3) The City of Cumming parking lot at City Hall;
- 4) The City of Cumming parking lot adjacent to the Cumming Playhouse;
- 5) The City of Cumming parking lot at the "Brannon-Heard" house;
- 6) The City of Cumming parking lot at the Aquatic Center on Aquatic Circle;
- 7) The City of Cumming parking lot at the City Parks and Recreation Facilities on Pilgrim Mill road;
- 8) The City of Cumming parking lots and deck at the Cumming City Center located at Georgia Highway 20 and Vision Drive;
- 9) The City of Cumming parking lot at the Dobbs Creek Recreation Facilities

Parking space means a space delineated between two parallel lines, the purpose for which is to indicate where a vehicle can be parked, on public property.

Time limit means a maximum period of time that a vehicle may occupy any one parking space.

Vehicle means any device or structure for transporting persons or things, including but not limited to automobiles, trucks, motorcycles and other motorized forms of transportation.

Nonconsensual towing means the removal of a vehicle from a parking area, parking lot, or parking space without prior permission of the owner of the vehicle.

- (b) *Application.* Parking spaces located on the east side of West Courthouse Square, the parking lot at city hall and designated parking spaces at the Cumming Playhouse shall have a maximum time limit of two hours. The City may utilize nonconsensual towing for any vehicles parked beyond the time limit at the expense of the owner.

Overnight parking in a parking area as defined by this Code is not allowed. Moving a vehicle from one parking space to another in the same parking area or parking lot,

or to another parking area of the City of Cumming, shall be considered the same as leaving the vehicle in the same parking space. The City may utilize nonconsensual towing to remove a vehicle at the owner's expense which vehicle is engaged in overnight parking.

Other parking areas and time limits may be added to this article by resolution of the council.

(c) Signage designating time limits or prohibiting overnight parking in parking areas as defined herein shall be erected by the street department. The absence of a sign in a specific area shall not invalidate any portion of this ordinance.

(d) *Authorized and Unauthorized Purposes.* Parking in City of Cumming parking spaces or areas is permitted for the purpose of attending social events, City of Cumming events, visiting offices and businesses, frequenting City of Cumming facilities, including leased facilities, and for attendance at Court and governmental functions. Use of City of Cumming parking spaces or areas is not permitted for storage of vehicles, nor is it permitted for commercial purposes unless approved, in writing, by the City Administrator or his designee.

(e) *Penalties and enforcement.*

- 1) Citations and Fines – Time: The owner of a vehicle parked in a designated parking space in violation of this ordinance shall receive a citation issued by the code enforcement officer or by any law enforcement officer.
 - a. The fine shall be \$25.00 for each two-hour violation for any parking space with a two-hour time limit.
 - b. For all other parking areas, the fine shall be \$100.00 per day, starting at 8:01 a.m. the day following the date the vehicle was parked until it is removed either by the owner or through nonconsensual towing. The violator may pay the fine at the police department, or may contest the citation at city municipal court.
- 2) Citations and Fines – Unauthorized Purpose: The owner of a vehicle parked in a City of Cumming parking space or area for an unauthorized purpose shall receive a citation issued by the code enforcement officer or by any other law enforcement officer, the fine for which shall be \$100.00 for each day that the violation continues.
- 3) Nonconsensual Towing: pursuant to the towing and removal procedures described herein, vehicles parked in violation of this code may be removed and stored in lieu of or in addition to issuance of a citation and fine.
- 4) Any costs incurred by the City of Cumming in enforcing this article shall be added to the court costs and paid in conjunction with fines assessed.

SECTION TWO: Towing or Removal Procedures

A new Section 22-30 is hereby enacted, to state as follows:

Each and every requested nonconsensual towing movement requires a request on the day the removal takes place from the code enforcement officer or any law enforcement

officer. The request may be by telephone call, facsimile letter, text message, verbal communication, or e-mail message to the wrecker service. The request must specifically identify and request removal of the vehicle or vehicles to be towed or removed. The City Manager or his designee must receive an original written tow authorization or tow bill dated and signed on the date of the tow by the code enforcement officer or law enforcement officer. The tow authorization or tow bill may be transmitted and returned in person at the scene of the tow, or by facsimile or email, on the date of the tow, on forms prescribed by the City of Cumming Police Department. The tow authorization or bill must be signed by the code enforcement officer or law enforcement officer and shall include:

- (a) The address or other location description of the property;
- (b) The name and title of the code enforcement officer or law enforcement officer;
- (c) The name of the party who requested the removal, if different than the code enforcement officer or law enforcement officer;
- (d) Vehicle identifying information: make, model, color, license plate state and number (as available); and

SECTION THREE: Authority of the Chief of Police to Promulgate Temporary Parking Regulations.

A new Section 22-31 is hereby enacted, which shall read as follows:

The chief of police may impose a limited parking time or prohibit parking temporarily on any street, parking area, parking space or portion thereof whenever the traffic conditions or safety warrants such. The City shall designate the parking limitation by placing a sign on the street or portions of streets affected.

SECTION FOUR: Severability.

If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

SECTION SIX: Incorporation and Repealer.


Except as modified herein, the remainder of the ordinance regulating parking is affirmed and incorporated herein. All laws and parts of laws in conflict with this enactment are hereby repealed.

SECTION SEVEN: Effective Date.

This ordinance shall be effective the day following its passage by the Council of the City of Cumming.

SO ADOPTED AND ORDAINED by the City Council of Cumming, Georgia, this 21st day of November, 2023.

MAYOR AND CUMMING CITY COUNCIL



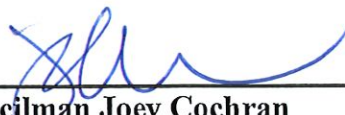
Mayor, Troy Brumbalow



Councilman Chad Crane




Councilman Jason Evans




Councilman Joey Cochran



Councilwoman Linda Ledbetter



Councilman Christopher Light



Attest: Jeff Honea
Clerk of the City of Cumming