

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROME, GEORGIA, AND PARTICULARLY TO AMEND CHAPTER 12, ARTICLE II, DIVISION 4 THEREOF, BY ADOPTING NEW SECTIONS 12-137 AND 12-138, AMENDING SECTIONS 12-129 AND 12-130, AND REPEALING SECTION 12-131; TO CLARIFY AND OTHERWISE AMEND THE PROCEDURE FOR NOTICE, ASSESSMENT, AND TRIAL FOR PARKING VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rome City Commission wishes to clarify and modernize the Code of the City of Rome in regard to parking violations; and

**WHEREAS**, the Rome City Commission finds it in the best interests of the City of Rome, residents to the City of Rome, and visitors to the City of Rome to clarify its parking violations provisions in an effort to gain greater understanding and compliance amongst the public;

**NOW, THEREFORE**, the Rome City Commission hereby adopts this Ordinance as follows:

**SECTION I:**

**BE IT ORDAINED** by the Rome City Commission, and it is ordained by authority of the same, that Section 12-129 of the Code of the City of Rome, Georgia, found within Chapter 12, Article II, Division 4 thereof, is hereby amended to read as follows:

**Sec. 12-129. – Notice on illegally parked vehicle.**

- (a) Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify the violator, and shall conspicuously affix to such vehicle a notice in writing, on a form provided by the secretary, for the alleged violator to answer to the charge against him. The officer shall send one copy of the notice to the traffic violations bureau.
- (b) If an alleged violator wishes to contest the charge, he must file a written appeal within five (5) days of the date of the notice of the violation in one of the manners set forth below.
  - i. If the notice of violation is issued by a designee of the Downtown Development Authority in accordance with section 12-242, then the alleged violator must submit a written appeal to the Downtown Development Authority. If the alleged violator and the Downtown Development Authority are unable to informally resolve the dispute, then the Downtown Development Authority shall timely forward the violation and appeal to the Municipal Court, and the alleged violator may appear before the Municipal Court to formally contest the charge.

- ii. If the notice of violation is issued by a person other than a designee of the Downtown Development Authority, then the alleged violator must submit a written appeal directly to the Municipal Court requesting to appear before the Municipal Court and contest the charge.

The written appeal must contain sufficient information, such as the date of notice, vehicle identification number or license tag number, citation number, and the alleged violation, for the Downtown Development Authority or the Municipal Court to reasonably identify the contested charge. The Downtown Development Authority and the Municipal Court may develop appeal forms for this purpose.

- (c) Failure to contest the charge in the manner and time period set forth herein shall finally and conclusively establish that the alleged violator has committed the violation for which he is charged, and the alleged violator shall be liable for the associated fine. If the alleged violator properly contests the charge as set forth herein, then the matter shall be placed upon the calendar for a regular session or special session of the Municipal Court, within the judge's discretion.
- (d) For the purposes of this code section, if the actual operator of the vehicle is unknown or cannot easily be ascertained by the officer, then there shall be a rebuttable presumption that the registered owner of the motor vehicle as of the date of the notice is the violator.

## **SECTION II:**

**BE IT ORDAINED** by the Rome City Commission, and it is ordained by authority of the same, that Section 12-130 of the Code of the City of Rome, Georgia, found within Chapter 12, Article II, Division 4 thereof, is hereby amended to read as follows:

### **Section 12-130. – Failure to comply with the notice attached to parked vehicle.**

If an alleged violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not contest the alleged violation as set forth in section 12-129 or does not completely pay the fine associated with the alleged violation within five (5) days of the date of the notice thereof, then the fine shall automatically double.

## **SECTION III:**

**BE IT ORDAINED** by the Rome City Commission, and it is ordained by authority of the same, that Section 12-131 of the Code of the City of Rome, Georgia, found in Chapter 12, Article II, Division 4 thereof, is hereby repealed, and in its place shall be the following:

### **Section 12-131–Reserved.**

#### **SECTION IV:**

**BE IT ORDAINED** by the Rome City Commission, and it is ordained by authority of the same, that the Code of the City of Rome, Georgia, Chapter 12, Article II, Division 4 thereof, is hereby amended by adding a section to be numbered 12-137, which section reads as follows:

##### **Section 12-137. – Penalties or fines for parking violations.**

- (a) All penalties or fines for parking violations as described in Article V of this Chapter shall be in the nature of a civil fine, shall be considered a judgment of the Municipal Court, and may be collected in the same manner as a judgment.
- (b) The penalties and fines for parking violations shall be adopted by resolution of the City Commission as described in section 12-244.
- (c) Parking fines shall automatically double as described in section 12-130. If a person properly contests an alleged parking violation as set forth in section 12-129, then the fine shall not automatically double.
- (d) A fine shall automatically double upon the failure of the registered owner of a vehicle or other responsible person, after contesting a parking violation in Municipal Court and being found liable therefor, to completely pay a parking fine found to be due by the Court within five (5) days after final adjudication of such violation, unless otherwise ordered by the Court.

#### **SECTION V:**

**BE IT ORDAINED** by the Rome City Commission, and it is ordained by authority of the same, that the Code of the City of Rome, Georgia, Chapter 12, Article II, Division 4 thereof, is hereby amended by adding a section to be numbered 12-138, which section reads as follows:

##### **Section 12-138. – Contested Parking Violations.**

- (a) A parking violation as described in Article V of this Chapter shall be considered a civil violation, shall be deemed non-criminal, and shall not be considered a conviction.
- (b) Where an alleged violator contests a parking violation, he or she shall be considered the defendant in the trial of the matter. The City of Rome shall bear the burden to prove the violation by a preponderance of the evidence.
- (c) Unless the defendant is someone other than the registered owner, there shall be a rebuttable presumption that the registered owner of the motor vehicle was operating the motor vehicle at the date and time in question. While the City of Rome generally bears the burden to prove the violation, the burden shall shift to the owner to rebut this presumption by a preponderance of the evidence. If the owner of the vehicle successfully rebuts this presumption, the actual operator, if known, may be served with a written notice of violation,

in which case the actual operator shall have five (5) days to respond to the notice as set forth in section 12-129.

**SECTION VI:**

**BE IT FURTHER ORDAINED** that all ordinances, or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

**ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF ROME, GEORGIA

By: \_\_\_\_\_  
Craig McDaniel, Mayor

Attest: \_\_\_\_\_  
Joe Smith, Secretary  
Rome City Commission