

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 12626 ENCAPTIONED, "AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE X, CHAPTER 24, STOPPING, STANDING AND PARKING, SO AS TO CREATE THE CHATTANOOGA PARKING AUTHORITY AND DELEGATE CERTAIN DUTIES TO THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) AND TO MAKE CERTAIN OTHER AMENDMENTS AS SET FORTH HEREIN, AND TO MAKE CERTAIN FURTHER REVISIONS TO ARTICLE XIV, CHAPTER 24, SCHEDULE V, AS SET FORTH HEREIN." SO AS TO DELAY THE OPERATIVE DATE OF DIVISION 4 TO OCTOBER 21, 2012 AND FURTHER AMEND CITY CODE SECTIONS 24-286, 24-302, AND 24-326.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, Ordinance No. 12626, encaptioned as set forth in the caption hereof be amended as provided herein.

SECTION 2. The operative date for Chapter 24, Article X, Division 4 shall be amended to become operative October 21, 2012.

SECTION 3. The Chattanooga City Code, Part II, Chapter 24, Section 24-286, as amended by Ordinance No. 12626, be and is hereby further amended by adding a new subsection (a) (16) and adding a new subsection (g) as follows:

Sec. 24-286. Prohibited in certain specified places.

(a)(16) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is physically handicapped, or parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification issued as set forth in subsection (g).

. . .

(g) Any veteran who has been honorably discharged from any of the armed services of the United States and who has a service-connected disability equivalent to the disabilities as prescribed in § 1 of Public Law 187 of the eighty-second congress, first session, and any physically handicapped person who possesses material incapacity for ambulation, shall be

entitled to receive, and the department of revenue is authorized to issue, under such rules and upon such application as the department shall prescribe, a serially numbered certificate of identification for the personal use of the veteran or physically handicapped person. The veterans or physically handicapped person shall be entitled to courtesy in the parking of such automobile which shall relieve him from liability for any violations with respect to parking, other than in violation of this paragraph (g) or subparagraph (a)(15) of this section. The city may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extending to veterans and physically handicapped persons hereunder shall not apply on streets or highways where and at the times such parking is so prohibited. Any certificate issued as provided herein shall be displayed prominently upon the automobile while being parked by or under the direction of such veteran or physically handicapped person pursuant to this section. Upon conviction of any offense involving a violation of the special privileges hereby conferred upon holders of such special certificates, a magistrate or judge trying such case shall be authorized, as a part of any penalty imposed therein, to confiscate the serially numbered certificate herein provided and to return the same to the secretary of state together with a certified copy of the sentence so imposed. Any person, other than the veteran or physically handicapped person to whom it was issued, who shall use any certificate of identification for the purpose of parking an automobile as permitted by this section shall be guilty of a misdemeanor. As to any application for a certificate hereunder, any official finding or rating as to disability within the requirements of this section by the United States veterans administration shall be sufficient evidence of the qualifications of the applicant.

SECTION 4. The provisions of Ordinance No. 12626 relating to Section 24-302, Enforcement and Civil Penalties, be and is hereby amended by deleting Section 24-302 in its entirety and substituting in lieu thereof the following:

Sec. 24-302. Enforcement and Civil Penalties.

(a) The provisions of this Division 1 may be enforced either by the City of Chattanooga, or by the Parking Authority created under Division 2 of this Article X within those areas of the City where the Parking Authority is granted the right for parking enforcement under Section 24-317.

(b) The penalties for violating this Division 1 shall be as follows:

(1) Any person parking in violation of a no parking sign or in a designated loading zone shall pay a civil penalty of thirty-five dollars (\$35.00).

(2) Any person parking in violation of any of the following shall pay a civil penalty of fifty dollars (\$50.00):

(A) Designated bus zone;

- (B) A designated fire lane;
- (C) Within fifteen (15) feet of a fire hydrant;
- (D) Blocking an alley;
- (E) A no parking zone during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.; and
- (F) In a parking space clearly identified by an official sign as being reserved for the physically handicapped.

(3) Any person who parks in violation of a thirty (30) minute restricted zone between the hours of 2:00 a.m. and 5:00 p.m. shall pay a civil penalty of twenty dollars (\$20.00).

(4) Unless otherwise specified, any person who parks in violation of any other provision of this Division 1 of Article X shall pay a civil penalty of thirty-five dollars (\$35.00). This provision shall not be construed to include Parking Meters, which are governed by Divisions 2, 3, and 4 of Article X.

(c) Any person cited by the City of Chattanooga for a violation as set out in paragraphs (b)(1), (b)(2), or (b)(4) of this section shall pay the specified civil penalty within ten (10) days to the city court clerk's office, either by mail or in person. If such civil penalty is not paid within ten (10) days, a warrant may issue and the violator shall be subject to an additional civil penalty of not less than Thirty-Five Dollars (\$35.00) nor more than Fifty Dollars (\$50.00), plus court costs, which court costs shall not exceed Thirty and 50/100 Dollars (\$30.50) if both are paid before the court date.

(d) Any person cited by the City of Chattanooga for a violation as set out in paragraph (b)(3) of this section shall pay the specified civil penalty within ten (10) days to the city court clerk's office, either by mail or in person. If such civil penalty is not paid within ten (10) days, a warrant may issue and the violator shall be subject to an additional civil penalty of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00), plus court costs, which court costs shall not exceed Thirty and 50/100 Dollars (\$30.50) if both are paid before the court date.

(e) Any person cited by the Parking Authority for a violation as set out in paragraphs (b)(1), (b)(2), or (b)(4) of this section within an area where the Parking Authority is granted parking enforcement authority under this Ordinance shall either pay such civil penalty within ten (10) days to the Parking Authority, either by mail or in person, or may choose to pursue the alternative resolution process established in Division 4 below by requesting a hearing pursuant to the provisions of Section 24-334. If such civil penalty is not paid within ten (10) days and no hearing is requested under Section 24-334, the violator will be subject to an additional civil penalty of not less than Thirty and 50/100 Dollars (\$30.50) nor more than Fifty Dollars (\$50.00), and the Parking Authority may pursue the remedies otherwise established in Divisions 3 and Division 4 below.

(f) Any person cited by the Parking Authority for a violation as set out in paragraph (b)(3) of this section shall pay the specified civil penalty within ten (10) days to the Parking

Authority's office, either by mail or in person, or may choose to pursue the alternative resolution process established in Division 4 below by requesting a hearing pursuant to the provisions of Section 24-334. If such civil penalty is not paid within ten (10) days and no hearing is requested under Section 24-334, the violator will be subject to an additional civil penalty of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00), plus court costs, and the Parking Authority may pursue the remedies otherwise established in Divisions 3 and Division 4 below.

SECTION 5. The provisions of Ordinance No. 12626 relating to Section 24-326, Penalties for Violations, be and is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 24-326. Penalties for violations.

If any vehicle shall remain parked in any designated public parking space beyond the parking time limit set for such parking space, then such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this chapter. Any person violating this section shall pay within ten (10) days a civil penalty of Eleven Dollars (\$11.00) (including the tax required under T.C.A. § 16-18-305(b), which may be remitted to the Parking Authority by mail in an envelope furnished by the Parking Authority and placed on the vehicle, or such civil penalty may be remitted to the Parking Authority at its office or permitted via the Internet. If not paid within ten (10) days, but paid before the expiration of thirty (30) days, the civil penalty shall be an additional Thirty and 50/100 dollars (\$30.50). If not paid within thirty (30) days, the civil penalty shall be a total of Fifty dollars (\$50.00), together with lawful collection costs and applicable taxes and fees. Nothing herein shall preclude citing the violator to City Court or filing a complaint against the violator in any court of appropriate jurisdiction.

SECTION 6. BE IT FURTHER ORDAINED that this Ordinance shall become effective two weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2012.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012

MAM/mms/meb

MAYOR