

AN ORDINANCE 22-109
ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALBANY, GEORGIA, BY INSERTING A NEW SEC. 22-33 ESTABLISHING A POLICY FOR THE CREATION OF A SPEED PHOTO ENFORCEMENT ADMINISTRATIVE HEARING FORUM; SUBORDINATING THIS ORDINANCE TO GEORGIA LAW; PROVIDING FOR SUBORDINATION AND SEVERABILITY; AUTHORIZING THE PROMULGATION OF POLICY AS NECESSARY; PROVIDING AN EFFECTIVE DATE; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS the Mayor and Board of City Commissioners of Albany, Georgia have authorized a Speed Photo Enforcement (“SPE”) program for school zones consistent with O.C.G.A. § 40-14-18; and

WHEREAS the referenced law requires an opportunity for disputes associated with the violations issued under the authorized SPE program to receive a civil hearing through a court of appropriate jurisdiction for traffic offenses; and

WHEREAS, this Ordinance creates the policy for resolving disputes associated with SPE,

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. Section 22-33 of the Code of Ordinances of the City of Albany, Georgia, shall hereafter read as follows:

Sec. 22-33. Speed Photo Enforcement Administrative Hearing. The Municipal Court policy for the management and administration of an Administrative Tribunal for the purposes of providing a forum for addressing violation disputes that may arise through the implementation of the City’s school zones Speed Photo Enforcement program authorized under the authority of OCGA § 40-14-18 shall read as follows:

Policy Statement:

An Administrative Hearing will serve as the process for considering violator liability in disputes associated with the City’s Speed Photo Enforcement Program (SPE). Such hearings will be conducted up to twice a month with the date, time, location, and calendar coordinated with the program’s vendor and the Albany Police Department.

Authority:

- O.C.G.A. § 40-14-6, § 40-14-8 & § 40-14-18 (**Motor Vehicles and Traffic**)
- City of Albany Resolution No. 20-R155.

Applicability of the Policy:

This policy applies to all City employees, vendors and citizens that are associated with the City's SPE program or are subject to a case based on a dispute filed for a violation assessed under the authority of O.C.G.A. § 40-14-18.

Responsible Court Employee:

The Director of Municipal Court Administration

- The Director will coordinate with the SPE vendor, Albany Police Department, and the Hearing Officer to ensure the disputes filed against the owner of a vehicle receiving a speeding violation has an opportunity to be heard in accordance with O.C.G.A. § 40-14-18.

Definitions:

Director of Municipal Court Administration – The Court employee responsible for the implementation and management of this policy. The designated Court officer for the purposes of recording the findings of the Hearing Officer for the disputed cases.

Municipal Court – The City's responsible entity with necessary standing as required by law to establish and coordinate the disputes filed by vehicle owners for speeding violations assessed under the City's SPE program.

SPE Administrative Hearing – A non-criminal tribunal to determine a vehicle owner's liability for paying fines and fees associated with exceeding a legally established and photo enforced school zone speed limit within the City of Albany.

SPE Data System – A proprietary internet computer-based application software system that maintains the digital evidence of speeding violations captured by a camera recording system and is administered by the SPE Vendor and operated by Municipal Court for recording results of disputes and operated by the designated APD Officer to present evidence of the disputed violation to the SPE Hearing Officer.

SPE Hearing Officer - A Hearing Officer is an independent "**Trier of Fact**" hired by the City to review allowable evidence and testimony and render a decision on the vehicle owner's liability for the assessed fines attributed to a speeding violation under the City's SPE program. To be sure, the sitting Municipal Court Judge and Asst. Municipal Court Judge to serve as Hearing Officer.

SPE Officer – The Albany Police Department's certified peace officer assigned by the Chief of Police to manage and coordinate the SPE evidence packets necessary to support the City's issuance

of a violation in a disputed case brought before a Hearing Officer.

Speed Photo Enforcement Program (SPE) – A system that uses photographic means to determine a speed violation has occurred and documents the necessary prima facie evidence to support the issuance of a fine for speeding to the registered owner of the vehicle that was captured by the system.

SPE Vendor – The City’s selected entity that provided, installed, and supports the documentation and management of the required equipment and data systems to support the implementation of the City’s SPE program.

Policy:

1. Purpose

This policy provides direction for the determination of liability for owners of vehicles that were documented through photographic means, consistent with law, of speeding in excess of 10 mph through posted school speed zones.

2. Intent

The SPE Administrative Hearing will serve as the required civil tribunal, administered by the Albany Municipal Court as the Court of appropriate jurisdiction to adjudicate all violation disputes resulting from the City’s SPE program as contemplated in O.C.G.A § 40-14-18.

3. Process

i) The location, schedule, frequency, length of hearing, and SPE Hearing Officer will be coordinated by the Director of Municipal Court.

(1) This information will be shared with the SPE vendor and the Albany Police Department.

(2) When a SPE Hearing is scheduled, the meeting will be publicly posted on the City’s Website.

(3) The Director, or Court administrative staff designee, will perform the following functions for the hearings.

(a) Record the findings of the SPE Hearing Officer in the SPE data system.

ii) The SPE vendor will notify Municipal Court and SPE Officer that disputes have been filed and notices for hearings have been issued for owners of vehicles requesting to exercise their right to an SPE Administrative Hearing.

(1) A minimum of three (3) weeks will be provided for the Notice of Hearing to arrive at the Owner’s address.

(2) Information provided to vehicle owner seeking a hearing will include:

(a) Location of the Hearing

(b) The Date and time of the hearing

(c) The electronic site for review of the evidence package associated with their speeding violation

iii) The SPE Officer will generate the evidence package for the cases assigned to each scheduled hearing.

- (1) The SPE Officer will perform the following functions for the hearing.
 - (a) Call each disputed case included in the SPE Administrative Hearing docket to be heard by the Hearing Officer.
 - (b) Present the evidence package documented and maintained in the SPE Data System for each disputed case scheduled for the hearing.
 - (c) Announce the conclusion of the disputed case docket scheduled for the SPE Administrative Hearing.
- iv) The SPE Hearing Officer will be the independent trier of fact for the disputes associated with the City's SPE program.
 - (1) The SPE Hearing Officer will be responsible for the following.
 - (a) Call the SPE Administrative Hearing to order.
 - (b) Provide the necessary instructions for conduct of the SPE Administrative Hearing.
 - (c) Swear-in those providing testimony or evidence during the SPE Administrative Hearing.
 - (d) Will manage the SPE Administrative Hearing's workflow through the docket.
 - (e) Will weigh the evidence for each disputed case and determine whether liability exists.
 - (f) Adjourn the SPE Administrative Hearing once informed the docket has been completed.
 - v) For guidance, an SPE Administrative Hearing Template and Responsibilities Matrix are provided as attachments to this policy.

SECTION 3. Subordination and Severability. These Ordinance provisions are subordinate to Georgia Law and City Charter when in conflict. If a provision or a portion thereof is determined to be in conflict, the remaining provisions or portions thereof will still be enforced.

SECTION 4. Additional Administrative Policy. The Mayor and Commission may approve administrative policy related to Municipal Court.


SECTION 5. These Ordinance provisions will take effect upon adoption.

SECTION 6. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.



 MAYOR

ATTEST:



 CITY CLERK
 Adopted: *September 27, 2022*

Introduced By: 

