

ORDINANCE NO. 2011 – 002

AN ORDINANCE ESTABLISHING STOPPING, STANDING AND PARKING IN THE TOWN OF VINCENT, ALABAMA AND ESTABLISHING A FINE SCHEDULE FOR VIOLATIONS

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VINCENT, ALABAMA AS FOLLOWS:

The Town Council may from time to time designate particular streets or parts of streets, particular areas, or municipal parks, in which parking is prohibited, or prohibited during certain hours, or limited in time, or otherwise regulated or restricted. Suitable signs or markings shall be erected and maintained, giving notice of such regulations and restrictions, and it shall be unlawful for any person to violate or fail to comply with any such or marking.

Except as may be otherwise provided or required, the Mayor, or his (her) designee is authorized and empowered to post regulations and restrictions for parking on public streets or public parking area in the town.

PARKING OF VEHICLE

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control device, in any of the following places:

1. On a side walk.
2. In front of a private driveway.
3. Within an intersection.
4. Within fifteen (15) feet of a fire hydrant.
5. On a crosswalk.
6. Within twenty (20) feet of a crosswalk or intersection.
7. At any place where official signs prohibit stopping or place a time limit on parking.
8. Where a angled zone is designated, it shall be unlawful for the owner or driver of a vehicle to park the vehicle in the zone within the painted lines on the street, municipal park or other designated parking area.
9. Where a parallel parking zone is designated, it shall be unlawful for the owner or driver of a vehicle to fail to park the vehicle in the zone within the painted lines on the street, municipal park or other designated parking area.

RESTRICTED PARKING SIGNS

- a) The Mayor or his (her) designee is hereby authorized to determine any area in which parking is to be restricted and to indicate the restriction by means of a yellow curb. It shall be unlawful to stand or park a vehicle in any place so marked, unless otherwise designated by official signs or markings, and then in strict accordance therewith.
- b) If parking in such a restricted area is indicated by spaces marked by yellow paint, the time limit for such spaces is hereby established as one hour, unless otherwise designated by an official sign and then in strict accordance therewith. If the space should be in a zone which has a time limit less than one hour, the time limit for the space shall be the same as for the zone, unless otherwise designated by an official sign, and then in strict accordance therewith.

PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street in such manner or under such conditions as to block the free movement of vehicular traffic on any lane of traffic.

TOW-AWAY ZONE

- a) The Mayor or his (her) designee is authorized to erect signs indicating certain parking areas as tow-away zones during any or all times of the day, as designated on the signs. No person shall park a vehicle upon any such street in violation of any such sign.
- b) The Mayor or his (her) designee, those serving under his direction, or the police shall be and are hereby empowered to remove any automobiles or other vehicles which are parked or left in the area prescribed tow-away zones. Such vehicles shall be removed from the premises to a location to be provided for such purpose by the town and there held until the owner of the vehicles shall pay the charges for storage and removal.

PARKING IN ALLEYS

No person shall park any vehicle within any alley in such a manner or under such conditions as to block the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property.

STANDING OR PARKING ON ONE-WAY STREETS

The Mayor or his designee is authorized to erect signs upon the left hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left hand side in violation of any such sign.

PARKING ADJACENT TO SCHOOLS

The Mayor or his (her) designee is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

HANDICAPPED PARKING SPACES

- a) *Designation, signs.* The Mayor or his (her) designee is hereby authorized to designate marked parking spaces for the exclusive parking of motor vehicles operated by handicapped individuals on public property. The parking spaces so designated shall be properly marked along with a posted sign stating it is designated for parking by handicapped individuals.
- b) *Definition of "handicapped individual".* For purposes of this section "handicapped individuals" are defined in Code of Alabama, 1975 Section 32-6-230.
- c) *Parking without a decal, disability license plate or placard.* It shall be unlawful for any person who does not have a distinctive handicapped decal, disability license plate, or placard as provided by state law to park a motor vehicle in a parking space designated for handicapped individuals and, upon conviction, shall be fined one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for the third offense. In addition for the third or any subsequent offense under this section, the person shall be ordered by the court to perform a minimum of forty (40) hours of community service. An operator of a motor vehicle who is not the handicapped person that is the owner of the handicapped decal, disability license plate or placard, shall not park in a handicapped space unless the handicapped person is in the vehicle and the handicapped person exits the vehicle when parked.
- d) *Enforcement.* Any authorized municipal, county or state law enforce officer may issue a citation for the offenses stated herein.

ABANDONING VEHICLES ON PUBLIC STREETS PROHIBITED

It shall be unlawful and an offense against the town, and shall constitute a public nuisance for any person to park or leave standing on any public street, municipal park, public parking lot or sidewalk in the town any motorized vehicle, car, truck, motorcycle, bicycle, cart, wagon or other vehicle of like kind or nature for a period in excess of twenty-four (24) hours and it shall be unlawful and an offense against the town and shall constitute a nuisance for any person to park or leave standing or abandon on any street, sidewalk, municipal park, municipal owned parking lot, alley, or public place in the town, any vehicle that is damaged, wrecked, unlicensed, inoperable, or that is incapable of being used for its intended purpose, for a period in excess of twenty-four (24) hours. Any vehicle which is abandoned by the driver thereof and left standing while being pursued by any municipal or other constituted law enforcement officer shall be deemed abandoned.

IMPOUNDING

When it is made known to the police department that any vehicle has been parked or left standing on the public streets, alleys, sidewalks or other public place or in one of the prohibited areas as defined by law or ordinance, the police department is authorized to immediately remove the vehicle to a storage place and to hold it there until the owner properly establishes his or her ownership and pays the cost of removing the vehicle from the street, alley, sidewalk or other public place and pays the cost of storage and handling. Nothing contained in this section shall be construed as binding the town to hold the vehicle in storage for an indefinite and unreasonable time or to prevent the town from selling the vehicle as provided for by the Code of Alabama.

PRESUMPTION OF VIOLATION BY REGISTERED OWNER OF VEHICLE

The presence of a vehicle parked in violation of any provision of this ordinance shall raise a prima facie presumption that the registered owner of the vehicle committed or authorized the parking violation, and the burden of proof shall be upon the registered owner to show otherwise.

PARKING FINES

a) *Schedule.* A parking fine schedule for the town is established as follows:

Parking in excess of posted time limit	\$ 10.00
Parking in prohibited zone or area	\$ 10.00
Parking on yellow curb	\$ 10.00
Blocking fire hydrant	\$100.00
Parking in reserved handicapped zone – first offense	\$100.00
Parking in reserved handicapped zone – second offense	\$200.00
Parking in reserved handicapped zone – third & subsequent	\$500.00
Parking in fire lane	\$ 25.00
Parking in alley	\$ 10.00
Reserve parking	\$ 10.00
Double parking	\$ 10.00
Blocking driveway	\$ 20.00
Parking on sidewalk	\$ 25.00

b) Payment, adjudication and parking offense disputes. The magistrate is authorized to accept such fines and adjudicate all such offenses in cases where the party receiving the citation desires to pay the fine without a court appearance. Except, any person receiving a second or more violation for improper parking in a handicapped parking space will be required to make a court appearance for adjudication. Otherwise, the municipal judge shall adjudicate all parking offenses. Notwithstanding the schedules in section (a) the municipal judge may impose a fine of ten dollars (\$10.00) to five hundred dollars (\$500.00) for any parking violation.

DEFINITIONS

Driveway means any area which is constructed for the purpose of parking motor vehicles, and which is surfaced with asphalt, gravel, concrete, pavers or stone. For the purposes of this section any driveway must connect to the public street and must include a curb cut where street curbing is present.

Motor vehicle means any motorized or electric vehicle which is required to be registered and licensed by the state in order to be driven on a public street.

Registered owner means the owner of a motor vehicle as shown on the motor vehicle registration records of the state department of revenue or the analogous department or agency of another state or county.

Sidewalk means any area within the public right of way which is surfaced with asphalt, concrete, pavers or stone, and which is set aside and maintained by the town for the purpose of accommodating pedestrian traffic.

IMPOSITION OF PENALTIES FOR VIOLATIONS.

- a) Any person found to have parked in violation of this section shall be subject to a fine as stated herein. Each calendar day in which a violation hereunder continues or reoccurs shall constitute a separate violation.
- b) The Mayor of the town or his designee shall be charged with the enforcement of this section. For each violation, a citation shall be posted on or near the front windshield of the motor vehicle found to be parked in violation of this section. The registered owner of the vehicle shall have 30 calendar days within which to enter a guilty plea and pay the said fine.
 - 1) Failure to pay fine. If the fine is not paid within the prescribed 30 calendar days, a summons shall issue from the municipal court commanding the presence of the registered owner of the offending motor vehicle in municipal court to defend the prosecution of the said violation.
 - 2) Failure to appear. If the registered owner does not appear at time and place prescribed in the summons, and fails to enter a guilty plea and pay the fine before the said prescribed time, the municipal court may issue a warrant for the arrest of the registered owner, who may be fined up to \$500.00 and held for up to five days in the municipal or county jail.
 - 3) Failure to pay court ordered fine and costs. If, after the hearing, the municipal court orders the payment of the fine and/or costs set out herein, and the person so ordered to pay fails to pay the said amounts, the municipal court may enforce the said order in accordance with Rules 26.11 of the Alabama Rules of Criminal Procedure as well as any other law, whether state, federal, or local which may empower the court to enforce said order.


The Mayor or his (her) designee shall have the authority to enter upon private property for the purpose of ticketing an offending vehicle found parked in violation of this section.

REPEAL.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

THIS ORDINANCE is enacted in good faith for the public interest, and shall take effect immediately upon adoption and publication as required by law. If any part, provision or section of this ordinance is declared to be unconstitutional, or invalid by any court of competent jurisdiction, such holdings shall not affect any other part, provision, or section of this ordinance not thereby affected.

APPROVED AND ADOPTED ON THIS 16TH DAY OF AUGUST 2011.



Ray McAllister, Mayor

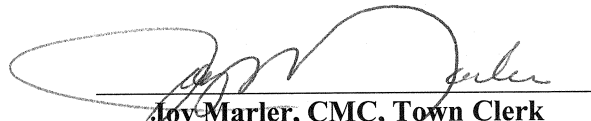
ATTEST: 

Joy Marler, CMC, Town Clerk

CERTIFICATE

I, the undersigned, Clerk of the Town Council of the Town of Vincent, Alabama, do hereby certify the above and forgoing Ordinance was duly adopted by the Town Council of the Town of Vincent at its regular meeting on September 6, 2011.

Witness my hand and seal this 6th day of September 2011.



Joy Marler, CMC, Town Clerk

08/16/2011 - First Reading of Ordinance No. 2011-002
09/06/2011 - Seconded Reading of Ordinance No. 2011-002

Posting Date: September 9, 2011
Copies remained posted for five business days (through September 16, 2011)

Posting Locations:
Vincent Town Hall
Vincent Water Board
Vincent Library
Vincent Frontier Bank