

ORDINANCE NO. 2008-02

AN ORDINANCE PROVIDING REQUIREMENTS FOR OFF-STREET PARKING FOR CERTAIN AREAS, RESIDENTIAL DWELLINGS, SIDEWALKS, AND RIGHTS-OF-WAY

BE IT ORDAINED by the City Council of the City of Gardendale, Alabama, while in a regular session on the 21st day of January, 2008, at 6:00 p.m. as follows:

Definitions. For the purposes of this Ordinance, the following terms shall have the respective meaning ascribed by this section:

- a. **Parking:** Parking is the stopping or standing of a vehicle, whether attended or unattended, otherwise than temporarily for the purpose of and while engaged in loading and unloading in a prescribed zone or in obedience to traffic regulations or traffic signs or signals.
- b. **City:** The City of Gardendale, Alabama
- c. **Person:** Any natural person, firm, partnership, association, corporation, receiver, trust, estate, or other entity, or any other group or combination thereof acting as a unit.
- d. **Motor Vehicle:** Shall mean every vehicle which is self-propelled.
- e. **Bus:** Any vehicle designed to seat more than twelve (12) passengers.
- f. **Tractor-trailer, semi-trailer or part thereof:** A vehicle as defined in the Code of Alabama (1975) Title 32-1-1.1

ARTICLE A: GENERAL PROVISIONS

Section 1. Authority of Director of Public Works to regulate parking.

- a. The city Director of Public Works is hereby authorized, on the basis of an engineering and traffic investigation, to prohibit, regulate, or limit stopping, standing or parking of vehicles at all times or during specified hours.
- b. No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this Ordinance or any other Ordinance of the city shall be effective unless official traffic-control devices are erected and in place at the time of any alleged offense; and it shall be the duty of the city Director of Public Works to erect and maintain such devices.
- c. The city Director of Public Works shall maintain a current copy of schedules designating the following:
 - (1) Parking prohibited at all times on certain streets;
 - (2) Parking prohibited during certain hours on certain streets;
 - (3) Stopping, standing, or parking prohibited during certain hours on certain streets; and
 - (4) Parking time limited on certain streets.Such schedules shall be kept on file in the office of the city clerk and in the office of the city Director of Public Works.

Section 2. Parallel Parking.

- a. Except as otherwise provided in this Ordinance, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped

or parked with the right-hand wheels of the vehicle parallel to and within 12 inches of the right-hand curb; provided, that upon a roadway, other than a through street, in a residence district, parallel parking where permitted may also be accomplished by a vehicle being stopped or parked with the left-hand wheels of the vehicle parallel to and within 12 inches of the left-hand curb.

- b. When parking spaces have been designated by appropriate markings on the pavement, no person shall park a vehicle in any such designated parking space so that any part of the vehicle occupies more than one (1) such space or protrudes beyond the markings designating that space; except, that a vehicle which is of a size too large to be parked within a single designated space shall be permitted to occupy two (2) adjoining parking spaces.)

Section 3. Manner of parking unattended vehicles.

No person having charge or control of a vehicle shall allow that vehicle to stand on any street or alley unattended without first effectively setting their brakes thereon, stopping the motor of the vehicle, locking the ignition, removing the ignition key and taking the key with him; and, when standing upon any grade, without turning the front wheels of the vehicle to the curb side of the street.

Section 4. Angle parking.

- a. The city Director of Public Works shall determine upon what streets angle parking shall be permitted and shall mark or sign those streets, but this angle parking shall not be indicated upon any federal aid or state highway within this city unless the state highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- b. Angle parking shall not be indicated or permitted at any place where if passing traffic would thereby be caused or required to drive upon the left side of the street.
- c. On those streets which have been signed or marked by the city Director of Public Works for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by those signs or markings.

Section 5. Stopping, standing, or parking prohibited in specified places generally.

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

- a. On a sidewalk.
- b. In front of a public or private driveway.
- c. Within an intersection.
- d. Within 15 feet of a fire hydrant.
- e. On a crosswalk.
- f. Within 20 feet of a crosswalk at an intersection.
- g. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
- h. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Director of Public Works indicates a different length by signs or markings.
- i. Within 50 feet of the nearest rail of a railroad crossing.
- j. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of that entrance (when properly signposted).
- k. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.

- l. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.**
- m. Upon any bridge or other elevated structure upon a highway or within a highway underpass.**
- n. In a fire lane.**
- o. On a private parking lot if not within a designated space.**
- p. At any place where official signs prohibit stopping.**
- q. Within a block of fire apparatus that has stopped to answer an emergency call.**
- r. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb that distance as is unlawful.**

Section 6. Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such manner or under those conditions as to leave available less than 12 feet of the width of the roadway for free movement of vehicular traffic.

Section 7. Parking in alleys.

- a. No person shall park a vehicle within an alley in such a manner or under those conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in a position as to block the driveway entrance to any abutting property.**
- b. Subsection (a) of this section to the contrary notwithstanding, it shall be unlawful for any person to park any vehicle in any public alley in a business district; provided that this prohibition shall not apply to trucks and other commercial vehicles while loading and unloading or waiting to be loaded or unloaded, when parked in accordance with subsection (a) of this section.**
- c. Subsections (a) and (b) of this section to the contrary notwithstanding, it shall be unlawful for any person to park any vehicle in any public alley within the central business district; provided that this prohibition shall not apply to trucks and other commercial vehicles while actually engaged in loading and unloading, when parked in accordance with subsection (a) above, nor shall this prohibition apply to trucks and other commercial vehicles parked in accordance with subsection (a) above while waiting to be loaded or unloaded for a period of not more than 30 minutes.**

Section 8. Parking prohibited on narrow streets.

- a. The city Director of Public Works is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 27 feet or upon one (1) side of a street as indicated by those signs when the width of the roadway does not exceed 34 feet.**
- b. When official signs prohibiting parking are erected upon narrow streets, as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign.**

Section 9. No stopping, standing, or parking near hazardous or congested places.

- a. The city Director of Public Works is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.**
- b. When official signs are erected at hazardous or congested places, as authorized in this section, no person shall stop, stand, or park a vehicle in such designated place.**

Section 10. Parking on roadway for certain purposes prohibited.

- a. No person shall park a motor vehicle, trailer, or semi-trailer upon any public highway, road, or street, or other public way of the city, for the principal purpose of:
 - (1) Displaying that vehicle for sale.**
 - (2) Washing, greasing, or repairing that vehicle, except repairs necessitated by an emergency.****
- b. No person shall park a motor vehicle, trailer, or semi-trailer upon any public highway, road, or street, or other public way of the city, for the purpose of:
 - (1) Abandoning that vehicle.**
 - (2) Standing or leaving that vehicle, otherwise than as permitted in subsection (c) of this section, if it is disabled, broken down, or otherwise inoperative and immovable.****
- c. A reasonable period of time, but not in excess of 48 hours, shall be allowed for removal by the owner or person in possession thereof of any vehicle which is disabled, broken down, or otherwise inoperative and immovable, or which has been parked for repairs necessitated by an emergency. In no event shall any such vehicle be allowed to remain parked upon any public street or other public way of the city for more than 48 hours, and after expiration of a reasonable period of time, however, if a vehicle is disabled, broken down, or otherwise inoperative but is not a traffic hazard there shall be placed a citation upon that vehicle showing a violation of this section not less than 24 hours prior to its removal.**

Section 11. Use of streets by businesses for purpose of storing vehicles.

- a. It shall be unlawful for any person engaged in any business of selling, leasing, renting, or repairing motor vehicles, or for any agent, employee, or servant of any such person, to store or park or cause or permit to be stored or parked on any street, alley, or other public way in the city, within fire zone any such vehicle kept or held for sale, lease, hire, rent, or repair.**
- b. It shall be unlawful for any person engaged in any business in which any motor vehicle is kept, held, used, or employed as a means or instrument in or for the carrying on or advancement of such business, or for any agent, servant, or employee of such person, to store or park or cause or permit to be stored or parked on any street, alley, or other public way in the city, within fire zone any such vehicle kept, held, used, or employed as such means or instrument; provided, that this subsection (b) shall not apply to taxicabs or transit buses parked in taxicab or bus stands designated in accordance with law nor to passenger automobiles designed and used primarily for carriage of passenger and non-business purposes.**

Section 12. Parking of Semi-Trailer Trucks, Other Commercial Vehicles, and Buses

- a. It shall be unlawful to park a truck on any streets of the city, except in loading zones that have been designated and marked as such by the Director of Public Works of the city.**
- b. No semi-trailer truck or any part thereof shall be parked upon any of the public ways of the city, other than for the expeditious loading and delivery or pickup and loading of materials.**
- c. No other commercial vehicle, with a gross weight in excess of 6,500 pounds, shall be parked upon any public way in a residential area except for loading or unloading.**
- d. No bus shall be parked upon any public way in a residential area.**

- e. Any commercial vehicle or bus parked in a residential area between 11:00 p.m. and 6:00 a.m. is prima-facie evidence of a violation of this section.

Section 13. Priority in right to occupy parking space.

It shall be unlawful for the operator of any vehicle which is not itself in position to be backed into a vacant parallel parking space to obstruct or hinder the lawful backing of any other vehicle in to that vacant space.

Section 14. Parking on private premises; presumption of guilt.

- a. It shall be unlawful for any person to park or leave or cause to be parked or left any automobile or other motor vehicle on the premises of another after having been warned not to do so by word of mouth or sign or otherwise; provided, that this section shall not apply to employees of the city in the discharge of their official duties.
- b. The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control of the automobile or other motor vehicle shall raise a prima facie presumption that the registered owner of the automobile or other motor vehicle parked or left or caused to be parked or left the automobile or other motor vehicle on the premises, and the burden of proof shall be upon the registered owner to show otherwise.

Section 15. Parking spaces for the physically handicapped.

- a. **Designator:** The city Director of Public Works is hereby authorized to designate not more than one (1) marked parking space within any curb face of any city block for the exclusive parking of motor vehicles of physically handicapped persons; provided, that the city's Director of Public Works is hereby authorized to designate two (2) marked parking spaces for the exclusive parking of motor vehicles of physically handicapped persons within any curb face of any city block which has a hospital or clinic located within said block.
- b. **Unlawful Use.** It shall be unlawful for any person not displaying a handicapped license plate, decal, and/or placard as provided by state law to park any other vehicle in an area designated for handicapped parking.
- c. **Private Spaces.** Upon the request of the owner, the city Director of Public Works is also authorized, in addition to the above, to designate certain parking spaces and access ramps in parking decks or privately owned parking lots and authorize those spaces and ramps to be posted as parking for the handicapped under the provisions of this section. The parking spaces and ramps so designated in parking decks or privately owned parking lots shall be subject to the same regulations as provided in this section. The cost of the sign and/or installation by the city shall be paid to the city by the owner prior to delivery or installation of any such sign.
- d. **Evidence of Certain Violations.** In any prosecution for the violation of any provision of this section, relating to the operation or parking of vehicles, it shall be prima facie evidence that the owner of that vehicle was operating the same at the time of the alleged violation, or, in case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.
- e. **Penalty for Violations.** Any person found guilty of the violation of this section shall be punishable by a fine of \$100, and a notice of the amount of the fine shall be posted on or at the location of each space to which this section is applicable.

ARTICLE B: RESTRICTIONS ON CITY STREETS

Section 1. Applicability of article.

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at specified times as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Section 2. Regulations not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

Section 3. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets designated by the city Director of Public Works.

Section 4. Parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified on such signs of any day except Sundays and public holidays on any of the streets designated by the city Director of Public Works.

Section 5. Stopping, standing or parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified on such signs upon any of the streets designated by the city Director of Public Works.

Section 6. Parking time limited on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time specified on such signs and between the hours of any day except Sundays and public holidays upon any of the streets designated by the city Director of Public Works.

Section 7. Stopping, standing, and parking of taxicabs.

- a. No taxicab driver shall stop, stand, or park the taxicab while in service upon any street or alley or public way except while in the process of loading or unloading passengers.
- b. No taxicab driver shall leave his taxicab unoccupied in a taxicab stand for longer than five (5) minutes.
- c. No taxicab driver which is out of service shall park the taxicab on any street, alley, or public right-of-way in any business district for a period of longer than two (2) hours.
- d. No driver of a taxicab shall receive or discharge passengers in the roadway portion of the street in any business district unless it is not possible to do so at the right-hand curb or side of the street or at the right or left-hand curb or side of the street on one-way streets.

ARTICLE C: PENALTIES & OTHER PROVISIONS

Section 1. Penalties.

Any person violating any provision of this Ordinance shall be fined a total of twenty-five dollars (\$25.00) with the exception of a violation of Article A, Section 15, which fine shall be set at one hundred dollars (\$100.00).

Section 2. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the City Council of the City of Gardendale without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 3. Repealer.

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

Section 4. Effective date.

This Ordinance shall become effective immediately upon its adoption and publication or by its otherwise becoming a law.

ADOPTED AND APPROVED on this 21st day of January, 2008.