

ORDINANCE NO. 2006-21

AN ORDINANCE TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; AND TO PRESCRIBE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE

BE IT ORDAINED by the City Council of the City of Gardendale, Alabama, while in regular session on the 16th day of October, 2006, at 6:00 p.m., as follows:

SECTION 1. DEFINITIONS

1. "Used Car," as used in this ordinance, means any used or second-hand motor vehicle to which a certificate of title and license plates have been issued and which motor vehicle has been registered for use on the highways by a consumer or by a dealer, and any used or second-hand vehicle, defined as any vehicle required to be titled, trailer coaches, and trailers weighing over 2,500 pounds.

2. "Used Car Dealer" means a person who brokers, deals, or engages in the purchase, sale, lease, or exchange of five (5) or more Used Cars within a 12-month period or four (4) or more Used Cars at any one point in time.

3. "Used Car Business" means the purchase, sale, lease, or exchange by any person, firm, or corporation of five (5) or more Used Cars within a 12-month period or four (4) or more Used Cars at any one point in time.

4. "Used Car Lot" means any place where Used Cars are displayed and offered for purchase, sale, lease, or exchange in the open by a Used Car Dealer or Used Car Business.

5. "Established Used Car Lot" means a Used Car Lot in the City of Gardendale or any land in said City maintained and/or used for the conduct of a Used Car Business.

6. "City" shall mean the City of Gardendale, Alabama.

SECTION 2. ESTABLISHED USED CAR LOTS.

Any Established Used Car Lot must have:

1. A minimum size of three-fourths (3/4) acre and a permanent structure containing not less than seven hundred (700) square feet of interior floor space to be used as a business or sales office.

Any new structure to be built shall conform to the International Building Code, 2003 Edition.

2. Improved grounds complying with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of Used Cars:

a. Parking spaces for inventory shall be not less than ten (10) feet by twenty (20) feet for each Used Car.

b. Improved ground shall contain a gravel base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.

c. The finished grade of such improved grounds shall be not less than twelve (12) inches or more than thirty-six (36) inches above the grade of the street adjoining said premises.

d. Two (2) driveways, one for ingress and one for egress, or one (1) driveway adequate to permit simultaneous ingress and egress.

SECTION 3. LICENSE REQUIREMENTS AND PROCEDURE FOR OBTAINING LICENSE.

1. No person, firm, or corporation shall operate as a Used Car Dealer or engage in a Used Car Business within the City without a Used Car sales license as herein provided.

2. A separate Used Car sales license shall be required for each Established Used Car Lot.

3. The city clerk is hereby authorized to issue a Used Car sales license upon submission by the applicant of a written application on forms to be provided by the city clerk and upon compliance by the applicant with the following requirements:

a. The applicant shall submit to the Inspection Services department of the City of Gardendale written detailed plans showing the layout of land to be used, the portion thereof to be improved as required herein, method proposed for improvement, drainage, driveways for ingress and egress, and buildings to be built or existing buildings to be used in the operation of the Established Used Car Lot. The application shall also be accompanied by written evidence that he/she has obtained all applicable zoning, use, or site plan approvals/permits required to be obtained prior to operating a Used Car Lot or business in the proposed location in the City. The granting of a Used Car sales license shall be contingent on obtaining all applicable zoning, use, or site plan approvals/permits.

b. The applicant must furnish evidence that he/she possesses a valid State of Alabama used vehicle dealer's license for the proposed location.

c. Payment of an annual City of Gardendale Used Car sales license fee as required by the City's current business license ordinance.

4. All City Used Car sales licenses issued under this ordinance shall be for a period of one (1) year expiring on December 31 of each year. The city clerk is hereby authorized to issue a renewal City Used Car sales license upon expiration of the initial license upon written application on forms to be provided by the city clerk accompanied by the required renewal City Used Car sales license fee and a determination by the city clerk that the applicant is complying with all of the provisions of this ordinance.

5. No City Used Car sales license issued under this ordinance may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the city clerk and the payment of a transfer fee in the amount of \$25.00. Provided, however, the transferee shall be required to furnish any and all information as may be contained in an initial application for a City Used Car sales license. Prior to transferring any City Used Car sales license, the city clerk shall determine that the Established Used Car Lot for the City Used Car sales license has been issued is complying with all of the provisions of this ordinance.

SECTION 4. REGULATIONS.

Each licensee under this ordinance shall comply with the following regulations:

1. Keep his/her premises in a neat and clean condition. He/she shall not allow any used motor vehicles that are part of his/her inventory to encroach upon any right-of-way of the City.

2. Not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment.

SECTION 5. REVOCATION.

Any Used Car sales license issued under this ordinance shall be automatically revoked upon termination, suspension, revocation, or failure to renew the licensee's State of Alabama used vehicle dealer's license or upon proof by competent legal evidence that the licensee has made a false statement in any application for a City Used Car sales license filed under this ordinance.

Any such Used Car sales license may be revoked by the City Council in their discretion upon proof of conviction of the licensee for a violation of this ordinance.

SECTION 6. PENALTIES.

Any person, firm, or corporation who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor, punishable by imprisonment in the City jail for not more than ninety (90) days or by fine of not more than \$500.00, or both such fine and imprisonment, in the discretion of the court.

SECTION 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. Should any section or provision of this ordinance be held invalid, such holding shall not affect the validity of any other section or provision hereof which is not of itself invalid.

SECTION 9. That this Ordinance shall become effective upon its adoption and publication or by its otherwise becoming a law.

ADOPTED AND APPROVED on this the 16th day of October, 2006.