

CITY OF HUEYTOWN

ORDINANCE 23-0509-01

AN ORDINANCE TO REPEAL CHAPTER 94, ENTITLED "TRAFFIC AND VEHICLES", ARTICLE III, ENTITLED "PARKING", SECTIONS 94-46 THROUGH 94-51 OF THE CODE OF ORDINANCES OF THE CITY OF HUEYTOWN, ALABAMA.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUEYTOWN, ALABAMA:

THAT CHAPTER 94, ENTITLED "TRAFFIC AND VEHICLES", ARTICLE III, ENTITLED "PARKING", SECTIONS 94-46 THROUGH 94-51 BE AND IS HEREBY REPEALED IN THEIR ENTIRETY AND THE FOLLOWING IS SUBSTITUTED IN ITS PLACE AND ENACTED TO READ AS FOLLOWS:

ARTICLE III. - PARKING

Section 94-46 Prohibited Parking

(a) **Prohibition.** It shall be unlawful within the corporate limits of the City of Hueytown to:

- (1) Park or place, within a residential area, a motor vehicle as defined in subsection (b) below, recreational vehicle, boat, trailer, or other type of similar wheeled conveyance, collectively referred to as a "vehicle" for the purposes of this ordinance, in the front yard of a residence unless it is parked on a properly permitted driveway, a paved driveway that provides access to a carport or garage that is incorporated into the main house structure; or that provides access to a parking area located entirely within the side or rear yard.
- (2) Park or place, within a commercial area, a vehicle in the front yard of a business unless it is parked upon a properly paved lot or paved driveway that provides access to the same.
- (3) Stop, stand, or park a motor 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.) Park a vehicle over any part of a curb, sidewalk, or unpaved portion of the public right-of-way.
 - 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 except at intersections where traffic is controlled by a traffic officer or a traffic control device.
 - 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 a different length has been indicate by traffic signs or markings.
 - i.) Within 50 feet of the nearest rail of a railroad crossing which lies beyond the corporate limits of any municipality.

- 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 such entrance (when properly signposted).
- k.) Alongside or opposite any street exaction 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 tunnel.
- n.) At any place where official signs prohibit stopping.
- o.) On any alley.

Section 94-47. Definitions.

For purposes of this Ordinance, the following definitions shall apply:

- (1) Front yard. Any portion of a lot or parcel of land which extends its full width and lies between the edge of a public street and the front of the principal building or structure on the lot or parcel.
- (2) Principal Building. The principal dwelling house, office, or, if there is no principal dwelling house or office, that building which is closest in distance to the public street. The front of a principal building shall be all of the principal building which lies between the two corners which constitute the widest portion of that side of the principal building which faces the public street and shall include all sides of a building which face a public street where the lot or parcel either lies in a curve of the public street, or which occupies a corner bounded on two or more sides by a public street.
- (3) Driveway. Any area which is constructed for the purpose of accessing a parking space or area, and which is surfaced with concrete or asphalt. For the purposes of this ordinance any driveway must connect to the public street and must include a curb cut where street curbing is present.
- (4) Sidewalk. 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 City of Hueytown for the purpose of accommodated pedestrian traffic.
- (5) Motor Vehicle. Any motorized or electric vehicle which is capable of self-propulsion or any wheeled vehicle used for conveyance and includes all such vehicles irrespective if same are used for personal, business or commercial conveyance or purpose.
- (6) Registered Owner. The owner of a vehicle as shown on the vehicle registration records of the Alabama Department of Revenue or the analogous department or agency of another state or country.
- (7) Exemption. A lessening of the requirements of this ordinance of the City Council of the City of Hueytown. An Exemption can only be granted by the City Council of the City of Hueytown in or following a public hearing.

Section 94-48. Exemptions

- (1) Limited Use. For the purposes of this ordinance, parking in the front yard, as restricted by Section (a) (1) above, shall not be prohibited where the vehicle is parked for the limited purpose of loading, unloading, or washing. This exemption shall apply while the owner or operator of the vehicle is actively engaged in the said

task, and in no event shall this exemption apply for more than three (3) hours in any given twenty-four (24) hour period.

- (2) **Emergency Vehicles.** The prohibitions of this ordinance shall not apply to authorized emergency vehicles parked while emergency personnel are engaged in answering a call or rendering assistance. Authorized emergency vehicles shall include police and fire vehicles, as well as ambulances and hearses.
- (3) **Exempted Property.** The City of Hueytown City Council may, in its discretion, grant exemptions ("Exemptions") to allow parking in the front yards of residences and/or businesses within the city limits of Hueytown. Locations granted an Exemption by the City Council of the City of Hueytown to allow parking in the front yard shall be deemed to be in compliance with this ordinance. Application for an Exemption shall be made by the filing with the City Clerk an application on the form provided by the City of Hueytown for such application.
 - a. The Hueytown City Council may consider the following when deciding to grant exemptions:
 1. If the applicant complies with the provisions of the ordinance, the applicant can secure no reasonable return from, or make no reasonable use of, his/her property. (It is not sufficient that failure to grant the exemption simply makes the property less valuable.)
 2. The exemption is in harmony with the general purpose and intent of the ordinance and preserves its spirit. The exemption requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the exemption is granted, will not substantially detract from the character of the neighborhood.
 3. The granting of the exemption secures the public safety and welfare and does substantial justice. If the exemption is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.
 4. Any other legitimate reason for which the City of Hueytown City Council deems it necessary to grant an exemption to allow parking the front yards of residences and/or businesses within the city limits of Hueytown.
 - b. Exemptions granted due to land use issues shall run with the land and do not have to be renewed.
 - c. Exemptions granted for reasons related specifically to the individual property owner or resident do not run with the land and must be renewed on a yearly basis.

Section 94-49. Compliance with no parking signs.

It shall be unlawful for any person to park any motor vehicle or any muscular drawn or propelled vehicle on any public street in the city where the city council shall have caused signs or markers to be placed prohibiting parking and marked "No Parking".

Section 94-50. Authority to tow vehicles in violation.

Any motor vehicle parked in violation of this article may be towed away at owner's expense.

Section 94-51. Presumption when vehicle is unattended.

The presence of an unattended motor vehicle on the premises of one who is not the owner or in control of such 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 motor vehicle on the premises.

Section 94-52. Parking on another's premises after warning not to do so.

No person shall park or leave or cause to be parked or left any motor vehicle on the premises of another after having been warned not to do so by word of mouth or sign or otherwise. This section shall not apply to employees of the city in the discharge of their official duties.

Section 94-53. Manner of parking.

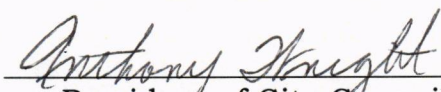
No motor vehicle shall be allowed to park on any street other than parallel with the curb; provided, that at any place where lines are painted on the street at approximately a 45-degree angle with the curb, the parking at such place shall be at such 45-degree angle and between the lines so drawn.

Section 94-54. Imposition of Penalties for Violations

- (1) Any person or property owner found to have himself parked, have allowed others to be parked, or having a parked vehicle on his property, in violation of this ordinance shall be subject to a fine of Fifty Dollars (\$50.00). Each calendar day in which a violation hereunder continues or re-occurs shall constitute a separate violation.
- (2) For each violation, a citation shall be posted on or near the front windshield or other similar applicable area of the vehicle found to be parked in violation of this ordinance. The citation shall provide the time and place for the hearing relating to said violation.
- (3) Hearing. A hearing shall be held by the Municipal Court at the time and place prescribed in the citation. Upon a determination by the Municipal Court that a violation has occurred, Hueytown Municipal Court shall order the property owner or person found to have been operating the vehicle to pay the fine set in Section 94-54 (1) above. Hueytown Municipal Court shall have the additional authority to impose any court costs which may be allowable by Alabama law upon a conviction after hearing or upon receiving a guilty plea after the issuance of the summons.
- (4) The Mayor of the City of Hueytown, Alabama or his duly appointed designee or any APOST Certified Police Officer shall have the authority to enter upon private property for the purpose of ticketing an offending vehicle found parked in violation of this ordinance.


This Ordinance shall become immediately effective upon its adoption by the City Council and approval by the Mayor or as otherwise becoming law

ADOPTED this 23rd day of May, 2023.



President of City Council

APPROVED this 23rd day of May, 2023.



Mayor

ATTEST:




City Clerk & Treasurer

CERTIFICATION

I, Kevin Fouts, City Clerk of the City of Hueytown, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Hueytown, Alabama, at its regular meeting held on May 23, 2023 as same appears in the minutes of record of said meeting, and was thereby published by posting of same in each of the following public places, all of which are located within the corporate limits of the City of Hueytown, Alabama:

- | | |
|-----------------------------|-------------------------|
| 1. Mayor's Office/City Hall | 3. Hueytown Post Office |
| 2. Hueytown Public Library | 4. Food Giant Grocery |

Signed this 23rd day of May, 2023.



City Clerk & Treasurer