

## ORDINANCE 2019-02 TOWN OF PERDIDO BEACH PARKING ORDINANCE

### **BE IT ORDAINED BY THE TOWN OF PERDIDO BEACH, ALABAMA, AS FOLLOWS:**

#### DIVISION ONE PARKING

##### **Sec. 1 Obedience to signs and markings**

(a) It shall be unlawful for any person to park, cause to be parked or knowingly permit any automobile or other motor vehicle to be parked in violation of any lawfully posted sign or marking or in violation of any provision of this section, except as specifically noted elsewhere.

(b) The presence of an unattended automobile or other motor vehicle parked on the streets, right of ways or public places in violation of any ordinance shall raise a prima facie presumption that the registered owner of the automobile or together motor vehicle committed or authorized the parking violation, and the burden of proof shall be upon the registered owner to show otherwise

(c) The phrase "any sign or marking," or any combination or variation of the phrase used in this section, shall only apply to instruments lawfully placed and shall include both temporary signs and markings placed for special events and fixed signs and markings placed to control parking on a permanent basis. Signs and markings should be designed to meet the requirements of the Manual on Uniform Traffic Control Devices, as revised.

(d) In addition to the provisions herein related to towing and impounding vehicles, any code enforcement official of the town is authorized to issue citations for violation of the municipal parking ordinance. Violations of the municipal parking ordinance shall be cited using the appropriate municipal violation citation form.

##### **Sec. 2 Parking within lines.**

It shall be unlawful for any person to park any vehicle on the marked streets of the town other than between and parallel with the lines marked off for parking.

##### **Sec. 3 Parking on certain streets—Oversized vehicles prohibited.**

It shall be unlawful for any person to park a motor vehicle having an overall length greater than eighteen (18) feet on or about the public streets of the Town of Perdido Beach except that commercial trucks may stop at business or houses at such reasonable time as shall actually be necessary for loading and unloading goods delivered to or received from such businesses or houses.

##### **Sec. 4 Vehicles with projecting loads prohibited.**

It shall be unlawful for any person to park any vehicle of any kind on the street or parts of streets when such vehicle has any stick, pole, rod, pipe or anything else, projecting more than two (2) feet beyond the main body of the vehicle.

**Sec. 5 No parking of vehicles for sale in municipal complex parking area or upon any park land.**

There will be no parking of vehicles with "For Sale" signs, or any vehicle with an indication that said vehicle is for sale, in the Town of Perdido Beach Municipal Complex parking area, or upon any park land. Any such vehicle found in said areas will be towed away at owner's expense.

**Sec. 6 Parking near intersections; exceptions; penalties.**

The parking of any vehicle on any town street parallel to the street centerline nearer than twenty-five (25) feet to the corner of the intersection of any other street or alley, or the parking of any vehicle in such other manner as to obscure the view from any intersection of any vehicle approaching within one hundred (100) feet of the center of the intersection, is hereby declared to be an unlawful act and a violation of this section; provided, however, that the foregoing shall not apply to any intersection controlled by automated traffic signals while such signals are in operation; nor shall it apply to any vehicle properly parked in an officially designated, marked parking space.

**Sec. 7 Parking spaces for physically handicapped, regulations.**

(a) The Town may designate marked parking spaces on public property for the exclusive parking of motor vehicles of physically handicapped persons.

(b) Vehicles which bear current license plates of the state to which the authorized handicapped insignia decal is affixed are eligible to utilize those handicapped parking spaces created by this section. Additionally, vehicles which display a current handicapped parking placard issued by the state department of revenue on the dashboard are authorized to use parking spaces for physically handicapped persons. Either the license decal or the parking placard shall be acceptable identification for the use of designated handicapped parking spaces within the town.

(c) Vehicle license plates issued by states other than Alabama may be accepted as proof of handicapped status provided that such license has affixed to it the standard handicapped symbol. Parking placards issued by an official state agency, issued by states other than Alabama may also be accepted as proof of handicapped status. Either the license decal or the parking placard shall be acceptable identification for the use of designated handicapped parking spaces within the town.

(d) The handicapped parking permit shall in no way exempt the operator of motor vehicles from compliance with any other ordinance or law prohibiting the standing, stopping or parking of motor vehicles upon any public street.

(e) It shall be unlawful for any person to park any other vehicle not displaying either the special permit provided for herein or the approved Alabama vehicular license plate in an area designated for handicapped parking.

(f) In any prosecution for any violation of the provisions of this section, relating to the operation or parking of vehicles, it shall be prima facie evidence that the owner of such vehicle was operating the

same at the time of such alleged violation, or, in the case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.

**Sec. 8 Unauthorized use of handicapped parking places.**

It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard duly issued to such person and currently in effect to park a vehicle in a parking place designated for individuals with disabilities on any public or private property within the corporate limits of the Town of Perdido Beach. Upon conviction, notwithstanding any other penalty provision which may be authorized or employed, shall be fined a minimum of fifty dollars (\$50.00) for the first offense, a minimum of two hundred dollars (\$200.00) for the second offense, and a maximum of five hundred dollars (\$500.00) for the third or any subsequent offense.

**DIVISION TWO**

**IMPOUNDING**

**Sec. 1 General authority.**

Any unoccupied vehicle parked or left upon a public street, public park or other public place within the corporate jurisdiction of the town, at a place, in a manner or for a length of time prohibited by any ordinance of the town or in a manner so as to hinder or obstruct traffic or to endanger users of any such public street, public park or other public place is hereby declared to be an obstruction to traffic and a public nuisance, and any code enforcement officer of the town is hereby authorized to remove such vehicle or to cause the same to be removed and impounded at a depository provided by the town for such purpose or at such place as the enforcement officer shall deem safe if the same cannot conveniently be impounded at a place provided therefor by the town. Such removal may be done by driving the vehicle under its own power, or by hauling it by wrecker or otherwise.

**Sec. 2 Overparked, etc., vehicles.**

Whenever any code enforcement official shall find upon any public street, public park or other public place within the town, any vehicle which such official has reasonable cause to believe to be lost, stolen or abandoned, or any vehicle which is, or is likely to become an obstruction to traffic, or to be without proper protection by reason of the person in charge or control thereof having been arrested and incarcerated, or any vehicle which has remained parked on any public street, public park or other public place continuously for a longer time than forty eight hours, such officer shall have authority immediately to remove such vehicle or cause the same to be removed to and impounded at a depository provided by the town for such purpose, or at such place as the officer shall deem safe if the same cannot conveniently be impounded at a place provided therefor by the town.

**Sec. 3 Recovery of impounding costs; additional penalties.**

(a) The Town shall have a lien upon each impounded vehicle for the amount of the cost of removing and impounding such vehicle, plus such reasonable amount as may be charged for storing such vehicle if caused to be removed by a person other than the code enforcement official and impounded at a depository provided therefor by the town. All such charges are hereby declared to be reasonable and

proper charges to cover the cost of removal and storage. No vehicle impounded as provided in this article shall be released to any claimant without the payment of the charges provided in this section, unless the Town Council is reasonably satisfied that such vehicle was improperly impounded. If any such vehicle shall not be claimed and such charges paid within thirty (30) days, the town may by appropriate action to recover the costs associated with the abandoned vehicle.

(b) The payment of any charges prescribed by this section shall not have the effect of relieving the owner or operator of the vehicle or the person parking, leaving or abandoning the same from any penalty prescribed by any other ordinance of the town.

**Sec. 4 Tow-away zones.**

The Council for the Town of Perdido Beach is hereby authorized to designate certain streets as tow-away zones, either on a permanent basis or on a temporary basis as required for traffic control, wherein no parking shall be allowed and wherein vehicles in violation shall be towed away and stored at the vehicle owner's expense.

Streets in permanent tow-away zones shall be clearly marked by standard signs erected at the beginning and the end of the zone, reading substantially as follows:

"No Parking—Tow Away Zone—vehicles in violation will be towed at owners' expense".

Streets in temporary tow-away zones shall be clearly marked by signs reading substantially as follows

"No Parking While Signs Are Posted—Tow Away Zone—vehicles in violation will be towed at owners' expense".

Signs shall [be] spaced so as to be visible, one from another.

It is the intent of this section that all areas between signs shall be included in the tow-away zone.

The owner of any vehicle parked or remaining in violation of this section shall be deemed prima facie responsible for the violation.

Towing services licensed within the town and serving under Council's rotation system are authorized to tow such vehicles on the order of any code enforcement official and may collect reasonable towing and storage fees from the owner of any vehicle so towed as a condition precedent to the release of such vehicle to such owner.

**Sec. 5 Enforcement**

The Code enforcement officer of the Town of Perdido Beach is hereby ~~is~~ authorized to issue citations for violations of this Ordinance.

A Code enforcement officer is authorized to contact the towing services designated by Council to enforce tow away zone violations.

**Sec. 6 Fines**

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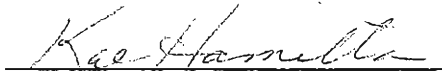
Except as otherwise provided, violations of this Ordinance, recovery of costs shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) plus costs. Each and every day that such violation continues shall constitute a separate offense.

Any code enforcement officer may issue a municipal offense ticket for any vehicle found in violation of this section. Where an enforcement officer reasonably believes that the parking of one or more vehicles in violation of this section represents an imminent danger to life or property and the owner of such vehicle cannot be readily contacted, such officer is hereby authorized to have the vehicle or vehicles towed away to a place of storage designated by the Town.

**Sec. 7 EFFECTIVE DATE**

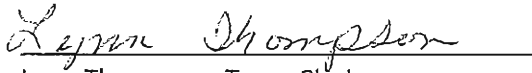
This Ordinance shall become effective upon its adoption and publication.

ADOPTED AND APPROVED THIS 12<sup>th</sup> DAY OF December, 2019



Kae Hamilton, Mayor


ATTEST:



Lynn Thompson, Town Clerk

TOWN OF PERDIDO BEACH Certificate of Publication. This is to certify that Ordinance Number 2019- 02, Town of Perdido Beach, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from December 12 , 2019 to January 12, 2019

- 1) Town Hall
- 2) Perdido Beach Volunteer Fire Department
- 3) Perdido Beach Baptist Church
- 4) St. Andrews by the Sea Church

  
Lynn Thompson, Town Clerk