

ORDINANCE NO. 1013

**AN ORDINANCE TO REPEAL ORDINANCE NO. 561A,
ORDINANCE NO. 581, ORDINANCE 767 and ORDINANCE 837
AND TO PROVIDE FOR THE REGULATION OF PARKING**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE,
ALABAMA, WHILE IN REGULAR MEETING ASSEMBLED ON OCTOBER 17, 2022, AS
FOLLOWS:**

- Section 1.** That the following Ordinances of the City of Bay Minette are hereby repealed, effective on the effective date of this Ordinance as set forth in Section 19: (a) Ordinance No. 561A, adopted December 16, 1958; (b) Ordinance No. 581, adopted May 17, 1961; (c) Ordinance 767, adopted January 3, 1985; and (d) Ordinance No. 837, adopted September 17, 2001.
- Section 2.** Except as otherwise provided in this Ordinance 1013, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the righthand wheels of such vehicle parallel to and within twelve (12) inches of the righthand curb.
- Section 3.** (a) The Streets & Sanitation Superintendent shall determine upon what streets or areas that parking shall be prohibited and shall be permitted and shall mark or sign such streets or areas.
- (b) No person shall park or stand a vehicle at any place where an official sign prohibits parking.
- (c) The Streets & Sanitation Superintendent shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets.
- (d) On those streets which have been signed or marked 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 such signs or markings.
- Section 4.** (a) No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
- (b) No person shall stop, stand or park any vehicle upon a public street within the city or its police jurisdiction in such a manner or under such conditions as to block or obstruct the free movement of vehicular traffic.
- Section 5.** (a) The Streets & Sanitation Superintendent is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- (b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.
- Section 6.** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (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 such position as to block the driveway entrance to any abutting property.

Section 7. It shall be unlawful and an offense against the city and shall constitute a nuisance for any person to park or leave standing on any public street in the city or its police jurisdiction, any car, bicycle, automobile, truck, wagon, cart or other vehicle of like kind or nature for a period in excess of three (3) days. It shall be unlawful and an offense against the city and shall constitute a nuisance, for any person to park or leave standing on any public street, alley or other public place in the city or its police jurisdiction, any damaged or wrecked vehicle, not in use, for a period in excess of six (6) hours. It shall be unlawful and an offense against the city and shall constitute a nuisance for any person to park or leave standing on any sidewalk any car, automobile, truck, wagon, cart or other vehicle of like kind or nature.

Section 8. (a) It shall be unlawful for any person who does not have a distinctive handicapped decal, placard or "temporarily handicapped" placard as provided for in Title 32 of the Code of Alabama (1975, as amended), to park a motor vehicle in a parking place designated for the handicapped at any place of public accommodation, amusement or resort or any other place to which the general public is invited, even though located on private property, and upon conviction thereof, shall be fined in accordance with Code of Alabama 32-6-233.1. Such fines shall be paid in the same manner as other municipal fines for traffic or parking violations.

(b) The Streets & Sanitation Superintendent is authorized to designate marked handicapped parking spaces on public property and to post signs designating said parking spaces for the exclusive use of handicapped persons and to also post these designated parking spaces as "tow away" zones for anyone who is parked in a manner which violates this section. On private property, the owner of such property may designate marked handicapped parking spaces and post signs designating said parking spaces. Such signs must clearly provide notice to the public that the designated parking spaces are for the exclusive use of handicapped persons, but it is not necessary for the property owners to purchase these signs from the city's Streets & Sanitation Department.

(c) Handicapped vehicle license plates, insignias, decals, placards, etc. issued by states other than Alabama may be honored and accepted as proof of handicapped status for tourists and individuals who have resided in the state for less than thirty (30) days.

(d) A proper handicapped parking designation shall not in any way exempt the operator of any motor vehicle from compliance with any other state, federal or local law.

(e) Handicapped parking spaces shall be conveniently located to ramps, curb cuts, etc. designed to facilitate building or site ingress and egress.

(f) Any authorized municipal law enforcement officer may go onto private property within the city and its police jurisdiction to enforce the provisions of this section.

(g) 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.

(h) The provisions of this section shall be held in pari materia with all other provisions of law related to illegal parking violations.

Section 9. (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 without permission; 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 such 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 such premises, and the burden of proof shall be upon the registered owner to show otherwise.

Section 10. (a) The marking of fire lanes anywhere in the city, including but not limited to fire lanes on private property devoted to public use, may and shall be approved by the chief of the fire department.

(b) No vehicle or other obstruction shall be allowed to block or occupy any space designated as a fire lane in the city.

(c) Authorized and approved fire lanes shall be designated and marked with appropriate signs obtained from the city Streets & Sanitation Department which shall be clearly marked in a manner approved by the fire chief so the sign clearly indicates that the particular space is designated as an approved and authorized fire lane by the city and parking is prohibited.

(d) In addition to being marked with an authorized and approved fire lane sign, all authorized and approved fire lanes within the city shall be designated with red paint along the street or curb where the fire lane space exists.

Section 11. (a) The Streets & Sanitation Superintendent is hereby authorized to erect signs indicating parking restrictions 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.

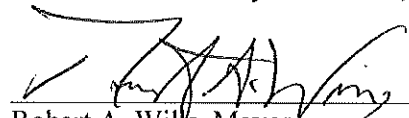
(b) When official signs are erected indicating restricted parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in violation in any such designated place.

Section 12. Unless otherwise permitted by the City, it shall be unlawful and an offense against the city for any person to use the public streets or other public property for displaying food commodities, goods, wares or merchandise for exhibit or sale from any vehicle of any kind or nature whatsoever.

Section 13. Where parking stalls or spaces are designated by appropriate markings, a vehicle shall be parked wholly within the stall or space unless such vehicle be too large, in which case such vehicle may use two (2) or more parking stalls or spaces as necessary.


- Section 14.** All provisions of this ordinance shall apply to all places within the corporate limits of the City or the police jurisdiction of the City.
- Section 15.** Any person violating any provision of this ordinance or doing any act or thing declared by this ordinance to be unlawful shall be guilty of an offense against the City and upon conviction shall be punished by a fine of not less than Twenty-Five and No/100 Dollars (\$25.00) and not more than Five Hundred and No/100 Dollars (\$500.00), or ninety (90) days imprisonment or both.
- Section 16.** All Ordinances or part of Ordinances heretofore adopted by the City Council of the City of Bay Minette, Alabama that are inconsistent with the provisions of this Ordinance are hereby expressly repealed, including, without limitation, (a) Ordinance No. 561A, adopted December 16, 1958; (b) Ordinance No. 581, adopted May 17, 1961; (c) Ordinance 767, adopted January 3, 1985; and (d) Ordinance No. 837, adopted September 17, 2001.
- Section 17.** If any part, section or subdivision of this Ordinance shall be held unconstitutional, invalid or noncompliant with applicable federal or state laws, orders or resolutions, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect.
- Section 18.** This Ordinance shall be codified as Section 22 Traffic in the City of Bay Minette Code of Ordinances.
- Section 19.** This Ordinance shall be posted in accordance with Alabama law, and the same shall become effective five (5) days thereafter.

DONE, ORDERED, APPROVED and ADOPTED this the 17th day of October, 2022.



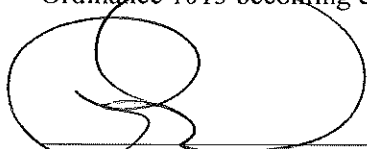
 Robert A. Wills, Mayor

ATTEST:



 Rita Diedrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above Ordinance was published by posting copies thereof in the Bay Minette City Hall, the Bay Minette Public Library and North Baldwin Utilities beginning on the ____ day of October, 2022, with Ordinance 1013 becoming effective five (5) days thereafter.



 Rita Diedrich, City Clerk