

ORDINANCE NO. 2007-3

TO AUTHORIZE AND ESTABLISH UNIFORM PARKING VIOLATIONS AND FINES TO BE LEVIED WITHIN THE CITY OF MIDFIELD, ALABAMA TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO AUTHORIZE ENFORCEMENT OF THIS ORDINANCE WHEREAS, the City Council finds and determines that the regulation and deterrence of Parking Offenses committed within the City of Midfield necessitates that the City's Parking laws be updated for the purpose of establishing uniform Parking Violations and Fines related to same, to provide for the imposition of Penalties for the violation of the City's Parking Laws; and to authorize the City Representatives to take all reasonable and necessary actions in effecting the enforcement of the City's Parking Laws.

BE IT THEREFORE ORDAINED by the Midfield City Council as follows:

Section 1. DEFINITIONS:

a. Vehicle. "Vehicle" shall mean a machine propelled by power, other than human power, designed to travel along the ground, by use of wheels, treads, runners or slides, and to transport persons or property or to pull other machinery.

The term "Vehicle" shall include—without limitation: Automobiles, Truck Trailers, Motor Cycle, Tractors, Riding Mowers, Go-Carts (or any similarly constructed mobile transportation), or Buggies with Attached Wagons.

b. Police Chief. The use here to of the term "Police Chief" or "Chief of Police" of the City of Midfield, Alabama shall be deemed to mean the Police Chief or his or her duly authorized Designee.

c. Offending Vehicle. The use herein of the term "Offending Vehicle" is any vehicle, which is parked, in a designated Prohibited Parking Space or is otherwise improperly parked, in violation of this Ordinance.

d. Street, Roadway or Highway. The use herein of the term "Street" or "Highway" or "Roadway" shall mean the entire width between the boundary lines of every way or route publicly maintained—when any part thereof is open to the use of the public for vehicular travel.

e. Property, The use herein of the term "Property" shall mean any real property—located within the Police Jurisdiction or within the Territorial Boundaries of the City of Midfield, Alabama—which is not a Street, Highway, or Roadway.

f. Superintendent of Public Works. The use herein of the term shall be used to designate the Superintendent of Public Works or any other Employee, Officer or Agent of the City of Midfield designated by the Mayor or the City Council to erect Public Safety Signs, Signals, Devices, or Notices.

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 Twelve Inches (12") of the right-hand curb. However, upon a Roadway—other than a 'Through Street, in a residential 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-Twelve Inches (12") of the left-hand curb.
- b. When Parking Spaces have been designated by appropriate signs or 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 such Space. Except, however, 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 vehicle shall allow that vehicle to stand on any street or alley unattended without, 'first, effectively setting the brakes thereon; stopping the motor of the vehicle; locking the ignition; removing the ignition key; and taking the key with him. Moreover, when a person is standing upon any grade, he shall not allow any vehicle to stand on any street or alley unattended without, first, turning the front wheels of the vehicle to the curb side of the street.

Section 4. STOPPING, STANDING OR PARKING IN SPECIFIED SPACES IS GENERALLY PROHIBITED, INCLUDING_INTER: ALIA

- a. 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:
- o On a Sidewalk;
 - o In front of a public or private Driveway;
 - o Within an Intersection;
 - o Within Fifteen feet (15') of a Fire Hydrant;
 - o On a Crosswalk;
 - o Within Twenty feet (20') of a Crosswalk at an Intersection;
 - o Within Thirty feet (30') upon the approach to any Flashing Beacon, Stop Sign or Traffic Control Signal located at the side of a Roadway;
 - o Between a Safety Zone and the adjacent curb or within Thirty feet

- o (30') of points on the curb immediately opposite the ends of a
- o Safety Zone, unless the Traffic Engineer indicates a different
- o length by signs or markings;
- o Within Fifty feet (50') of the nearest Rail of a Railroad Crossing;
- o Within Twenty feet (20') of the Driveway Entrance to any Fire
- o Station and on the side of a street opposite the entrance to any
- o Fire Station within Seventy-five (75') feet of that Entrance—
- o when signs properly posted prohibits such parking;
- o Alongside or opposite any Street Excavation or Obstruction when
- o stopping, standing or parking Would obstruct traffic;
- o On 'the Road Way side of any vehicle stopped or parked at the
- o Edge or Curb of a Street;
- o Upon any Bridge or other Elevated Structure upon a Highway or
- o within a Highway Tunnel;
- o At any place where Official signs prohibit stopping; and
- o Parking within Ten Feet (10') of a Street Corner or of the
- o Entrance to an Alleyway.

b. No person shall move a vehicle, not lawfully under his control into any such prohibited areas or away from a curb an unlawful distance.

Section 5. PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street—other than an alley—in such a manner or under those conditions as to leave available less than Ten feet (10') of the width of the roadway for free movement of vehicular traffic.

Section 6. PARKING IN ALLEYS.

a. No person shall park a vehicle within an alley in such a manner or under those condition as to leave available less than Ten feet (10') of the width of the roadway for the free movement of vehicular traffic. Moreover, no person shall stop, stance 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, not with standing, it shall be unlawful for any person to park any vehicle in any Public Alley in a Business District. However, this prohibition shall not apply to trucks and other Commercial Vehicles, which said vehicles are loading and unloading or waiting to be loaded and unloaded,¹—so long as said vehicles are parked in accordance with Subsection (a) of this Section.

c. Subsections (a) and (b) of this Section, notwithstanding, it shall be unlawful for any person to park any vehicle in any Public Alley within the Central Business District. However, this prohibition shall not apply to trucks and other Commercial Vehicles, which are engaged in

loading and unloading—so, long as said Vehicles are parked in accordance with Subsection (a) of this Section. Moreover, this prohibition shall not apply to trucks and other Commercial Vehicles parked in accordance with Subsection (a)—to the extent that said Vehicles are waiting to be loaded or unloaded for a period of not more than Thirty (30) minutes.

Section 7. PARKING PROHIBITED ON NARROW STREETS OR ROADWAYS.

a. The Superintendent of Public Works is hereby authorized to erect signs indicating “No Parking” upon any street or road way when the width of the street or roadway does not exceed Twenty-seven feet (27’), or upon one (1) side of a street or roadway, as indicated by those signs—when the width of the street or roadway does not exceed Thirty-four feet (34’).

b. When Official Signs prohibiting parking are erected upon narrow Streets or Roadways, as authorized in this Section, no person shall ‘park a vehicle upon such Street or Roadway in violation of any such sign.

Section 8. NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

a. The Superintendent of Public Works is hereby authorized to determine and designate, by proper signs or areas—not exceeding One Hundred feet (100’) 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 or areas, as authorized herein, no person shall stop, stand or park a vehicle in such designated place.

Section 9. STANDING OR PARKING ON ONE (1)-WAY STREETS/ROADWAYS

The Superintendent of Public Works is hereby authorized to erect signs upon the left-hand side of any one (1)-way Street or Roadway for’ the purpose of prohibiting the standing or parking of vehicles. When such ‘Signs are in place, no person shall stand or park a vehicle upon the left-hand side in violation of any such sign.

Section 10. PARKING ADJACENT TO SCHOOLS, PARKS, AND CHURCHES

a. The Superintendent of Public Works shall evaluate and monitor parking areas, in and around, any street or roadway adjacent to any School, Park or Church Property.

If the Superintendent of Public Works shall determine that parking upon either or both sides of any street or roadway adjacent to any School, Park, or Church Property—would, in his opinion, interfere with traffic” or create a hazardous situation, then he shall, by appropriate means, make a recommendation to the Chairman of the Public Safety Committee of the City Council that signs be erected to prohibit, limit or regulate the time place, or manner of parking in the designated areas, for the purpose of correcting or minimizing potential hazardous conditions in the subject area(s).

b. When Official Signs are erected indicating that there shall be “No Parking” on either side of a street or road adjacent to any School, Park or Church Property, as authorized herein, no person shall park a vehicle in any such designated/prohibited place.

c. If the timing of the parking is regulated hereby, when Official Signs are erected indicating that there shall be “No Parking” on either side of a street or road adjacent to any School, Park or Church Property, as authorized herein, no person shall park a vehicle in such place, at any time’ when such parking would be prohibited.

Section 11. 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 vehicle into that vacant Space.

Section 12. 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—by word or mouth, by sign or otherwise—not to do so. However, this Section shall not apply to Employees, Agents or Officers of the City of Midfield, engaged 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 Lawful Possessor (one who is in control) of the vehicle or automobile shall raise prima-facie presumption that the’ Registered Owner of the automobile or other motor vehicle parked or left or caused to be parked or left said vehicle/motor vehicle on the premises, in violation of this Ordinance. The Burden of Proof shall be upon the Registered Owner or one in lawful possession of the vehicle/automobile to demonstrate otherwise.

Section 13. PARKING SPACES FOR THE PHYSICALLY HANDICAPPED.

a. Designation. The Superintendent of Public Works shall evaluate and monitor the need for Handicapped Parking Areas/Spaces.

If the Superintendent of Public Works shall determine the need for Handicapped Parking or shall become aware of the need for same, then he shall, by appropriate means, make a recommendation to the City Council that signs be erected to designate specified places/spaces as "Handicapped Parking" areas.

b. Unlawful Use. It shall be unlawful for any person not displaying a "Handicapped" License Plate Decal, Placard, or other authorized notice of handicapped status, as provided by state law, to park any unauthorized motor vehicle in an area designated for "Handicapped Parking."

c. Private Spaces.

(i). Requests for designated "Handicapped Parking" Spaces or Handicapped Access Ramps on Private Property, shall be made to the City Clerk's Office which shall forward same to the Public Safety Chairman, who shall refer the request to the Superintendent of Public Works.

Upon concluding his evaluation, the Superintendent of Public Works shall, by appropriate means, make a recommendation to the City Council that signs be erected to designate specified Places/Spaces as "Handicapped Parking" Areas.

(ii). Handicapped Parking Spaces, on private property, shall be subject to the state regulations as provided elsewhere herein.

(iii). The-Costs of purchasing and erecting Handicapped Signs on private property shall be paid to the City Clerk's Office, by the Owner or person in lawful control of the subject private property—prior to the delivery or installation of any requested Handicapped Sign.

d. Evidence of Certain Violations, In prosecuting Violations of this Section of the Ordinance, relating to the operation or parking of vehicles, it shall be prima-facie evidence that the Owner—or other person in lawful control of said vehicle—was operating the vehicle at the time of the alleged Violation.

e. Penalty for Violation Under this Section. Any person found guilty of violating this Section of this Ordinance shall be punishable by a Fine of One Hundred Dollars (\$ 100.00), A Notice of the amount of the Fine shall be posted on, 'or at the location, of each Handicapped Parking Space to which the Violation is applicable.

Section 14. NOTICE OF VIOLATION ON CITATION.

- a. Citation Identified. The Name of the City and City Court shall be on the face of the Citation. Also included shall be the Address of the Municipal Court and its days and times of operation and times at which Payments of fines may be made. For Identification purposes, the Citations shall be sequentially and consecutively numbered.
- b. Offending Vehicle, Date and Time of Offense Identified, The Date of the Offense shall be specified on the Citation. Also included shall be the Make, Model, Color, and License Plate Number of the Offending Vehicle.
- c. Violation and Fine Identified, The specific provisions of the Parking Ordinance violated and the Fines associated with said Violation shall be stated on the face of the Citation.
- d. Notice of Violation, The form of the Notice on the Citation shall be substantially as follows:

YOU HAVE BEEN CHARGED WITH VIOLATING PROVISION _____ OF THE MIDFIELD CITY CODE SECTION OF ORDINANCE 2007-3, AS NOTED HEREIN. FINES ARE NOT CONSIDERED DELINQUENT, IF PAID BY THE COURT DATE SHOWN ON THE TICKET.

AFTER THE COURT DATE, A FINE—NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) PLUS COURT COSTS AND OTHER PENALTIES—MAY BE IMPOSED FOR ANY TICKET.

PAYMENT TO THE MIDFIELD MUNICIPAL, COURT SHALL BE MADE IN CERTIFIED FUNDS, SUCH AS MONEY ORDER OR BANK DRAFT, OR IN CASH. ONLY CERTIFIED FUNDS SHOULD BE USED TO MAKE PAYMENTS BY MAIL.

ON CERTIFIED FUNDS INCLUDE TICKET NUMBER OR A COPY OF THIS TICKET AND YOUR LICENSE TAG NUMBER TO AVOID FURTHER PENALTIES OR FINES, THIS TICKET MUST BE PAID BY;

FAILURE TO PAY THIS TICKET AS SPECIFIED MAY RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST AND INCREASED FINES AND PENALTIES. GOOD BOND IS REQUIRED FOR EACH OFFENSE CHARGED”

TO CONTEST TICKET A PLEA OF “NOT GUILTY” MAY BE ENTERED BY SETTING A COURT DATE, ON OR BEFORE, THE DATE SPECIFIED FOR PAYMENT HEREIN. TO SET A COURT DATE, YOU MUST COME TO THE MUNICIPAL COURT CLERK’S OFFICE, MAKE A REQUEST FOR A COURT DATE, AND SIGN AN APPEARANCE BOND.”

Section 15. FAILURE TO PAY OR FAILURE TO APPEAR.

a. If a Violator charged hereunder fails to, voluntarily, pay the Fine specified on the Citation is not made by the date specified, AND if said Violator also fails to appear before the Court to answer the Charges levied against him, then the Court shall issue to the Party charged ONE (1) automatic Notice of Extension of Court Date.

b. If Forms for "Failure to Appear" are available to the Municipal Court from the Alabama Department of Public Safety said Forms shall be used. If they are not, the' Municipal Court shall create its' own Notices—subject to the approval of the City Council—stating thereon the location and telephone number of the Municipal Court.

Moreover, the substance of the"Notice of Failure to Appear" shall be substantially as' follows:

"OUR COURT RECORDS INDICATED THAT YOU DID NOT APPEAR ON THE TH/ND/RD DAY OF 200X TO ANSWER THE CHARGE OF YOUR PRELIMINARY COURT DATE HAS BEEN EXTENDED TO THE DAY OF

UNLESS YOU SETTLE THIS CHARGE, VOLUNTARILY, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND THE ALABAMA DEPARTMENT OF PUBLIC SAFETY OR YOUR HOME STATE'S LICENSING AUTHORITY WILL BE NOTIFIED TO SUSPEND YOUR DRIVER'S LICENSE. IF SUSPENDED, YOU MAY NOT LEGALLY OPERATE A MOTOR VEHICLE AND WILL NOT BE PERMITTED TO RENEW YOUR LICENSE AFTER EXPIRATION UNTIL THIS CASE IS SETTLED.

DRIVING WHILE SUSPENBED OR FAILURE TO SUBMIT YOUR DRIVER'S LICENSE UPON REQUEST OF THE DEPARTMENT OF PUBLIC SAFETY IS PUNISHABLE BY FINE OR JAIL SENTENCE.

YOU MAY VOLUNTARILY SETTLE THIS CHARGE BY PAYING TO THE MIDFIELD MUNICIPAL COURT CLERK, DURING REGULAR BUSINESS HOURS OF 8AM TO 4:30 PM, MONDAY - FRIDAY (EXCEPT HOLIDAYS), THE SUM OF DOLLARS (\$ _____)

PAYMENT TO THE MIDFIELD MUNICIPAL COURT SHALL BE MADE IN CERTIFIED FUNDS, SUCH AS MONEY ORDER OR BANK DRAFT, OR IN CASH. ONLY CERTIFIED FUNDS SHOULD BE USED TO MAKE PAYMENTS BY MAIL. .ON CERTIFIED FUNDS, INCLUDE CITATION NUMBER OR A COPY OF THIS CITATION AND YOUR LICENSE TAG NUMBER.

TO PROTEST THIS CHARGE OF FAILURE TO APPEAR, BEFORE THE DATE SPECIFIED FOR PAYMENT HEREIN, YOU MUST COME TO THE MUNICIPAL COURT CLERK'S OFFICE, MAKE A REQUEST FOR A COURT DATE, SIGN AN APPEARANCE BOND, AND APPEAR ON THE RESCHEDULED DATE."

GOOD BOND SHALL BE REQUIRED FOR EACH OFFENSE CHARGED.

Section 16.

PENALTIES

a. Conviction by the Municipal Court, Any Person who fails to, voluntarily, settle' any Charges levied against him and who is convicted of violating any of the provisions of this Ordinance (other than the "Handicap Parking" Provisions hereof) shall be charged with the commission of a Violation and, upon conviction thereof [pursuant to § 13A-5-12(b) and 13A-5-7(b) (1975), as amended], shall be fined in an amount—not to exceed—Two Hundred Dollars (\$ 200.00); shall be assessed Court Costs' as determined by the Court; and may be sentenced to an Imprisonment Term—not to exceed—Thirty (30) days.

The Penalties provided hereunder shall be subject to rights of Appeal as may be applicable under State law,

b. Issuance of Warrants For Failure to Pay or Failure to Pursuant to 11-45-9.1(a), Code of Alabama (1975), as amended—upon the failure of a Party Charged under this Ordinance to appear before the Court and answer the Charges levied against 'him or to pay Fines imposed by the Municipal Court hereunder,—the Municipal Court shall be authorized to issue an Attachment/Arrest 'Warrant to effect the payment or appearance ordered by the Court. All other provisions of - § 11-45-9.1 shall also be complied with regarding any Arrest made Concerning Class C Misdemeanor Offenses proscribed by Municipal Ordinances.

Section 17.

VOLUNTARY SETTLEMENT OF ANY CHARGE HEREUNDER

A person charged under this Ordinance may settle Violations and Fines, voluntarily, by Administrative Adjudication, by paying to the Midfield Municipal Court Clerk on or before the Due Date reflected thereon—the Fine(s) shown on the Traffic Citation issued to him or her,, Fines are not considered delinquent, paid by the Court date shown on the Citation.

Section 18.

FAILURE TO PAY/APPEAR BY THE DATE SHOWN ON THE CITATION

After the Court date, a Fine not to exceed Five Hundred Dollars (\$ 500.00) plus Court Costs and other Penalties may be imposed against any person who fails to appear before the Municipal Court or who fails to pay any Fine ordered by the Municipal Court, as authorized hereunder.

Section 19.

PAYMENT OF FINES IMPOSED.

Payment shall be made in Certified Funds, such as Money Order or Bank Draft, or in Cash. Only Certified Funds should be used to make Payments by mail, On Certified Funds, include ticket number or a copy of this Citation and your License Tag Number.

To avoid further penalties or Citation, this ticket must be paid by _____

Failure to pay the fine associated with a Citation, as specified, may result in the issuance of an Arrest Warrant for the cited party. Such "failure to pay" may also result in increased Fines and Penalties, Good Bond shall be required for each Offense charged.

Section 20. NOTICE OF OPPORTUNITY TO CONTEST TICKET.

A Plea of "Not Guilty" may be entered by setting a Court Date, on or before, the date specified on the Citation for Payment. In order to set a Court Date, a Protester must appear before the Midfield Municipal Court Clerk; make a request for a 'Protest Court Date; and tender an acceptable Appearance Bond."

Section 21. FINE AND OFFENSE SCHEDULE.

The following Parking Violations and Fines are authorized to be voluntarily disposed of by Administrative Adjudication, Said Violations and Fines may be administratively adjudicated by entering a "Guilty Plea" as, authorized herein and by paying the Fine prescribed below (Posting Notice of Prohibition or Violation is required):

A. Listing of Fines and Offenses:

OFFENSE

1.	Improper Parking		
a.	More than 12 Inches from the Curb	\$	15.00
b.	Outside a Designated Space		15.00
c.	Leaving Keys in an Unlocked Parked Vehicle		15.00
d.	Failure to Set Car Brakes		15.00
2.	Parking, In Prohibited Zones, Including the Following:		
a.	On a Sidewalk		25.00
b.	In Front of or In a Public or Private Driveway		25.00
c.	Within an Intersection		25.00
e,	On Crosswalk		25.00
f.	Within 20 Feet of Crosswalk at Intersection		25.00
g.	Within 30 Feet of Crosswalk at Intersection		25.00
h.	Within 50 Feet of Crosswalk at Intersection		25.00
i.	Within 20 Feet of Driveway to Fire Station		25.00
j.	Alongside or Opposite a Street on Which Construction or Excavation is Ongoing		25.00
k.	Parallel to another Vehicle (Double-Parked)		25.00

1.	On a Bridge or in a Tunnel	25.00
m.	In any Area or Place Where a Sign Officially Prohibits Parking	25.00
3.	Blocking Street or Highway with Motor Vehicle	30.00
4.	Parking in Alley	25.00
5.	Blocking Alley with Motor Vehicle	15.00
6.	Parking on a Narrow Street	15.00
7.	Stopping, Standing or Parking Innards a Hazardous or Congested Place	15.00
8.	Parking to the Corner	15.00
9.	Parking Broken Down or Inoperative Vehicle	15.00
10.	Standing or Parking on One-Way Street or Roadway	20.00