

ORDINANCE NO. 23-2016

Sec. 27-395.

PARKING MOTOR VEHICLES IN FRONT YARDS PROHIBITED



This pamphlet prepared by



Building Our Neighborhoods for Development and Success
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BONDS is a neighborhood strengthening program; providing training, a resource center, networking opportunities, and financial assistance (grants) in an effort to improve the overall quality of life throughout the City and County of Montgomery.

ORDINANCE NO. 23-2016

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 27, Section 27-395 of the Code of Ordinances for the City of Montgomery, Alabama is hereby amended to read as follows:

Sec. 27-395. - Parking motor vehicles in front yards prohibited.

(a) **Prohibition.** It is hereby ordained by the city council that it shall hereafter be unlawful within the corporate limits of the city to:

- (1) Park a motor vehicle in the front yard of a residence or business, unless the motor vehicle is parked in a driveway;
- (2) Park a motor vehicle over any part of a sidewalk, or any unpaved portion of the public right-of-way.

(b) **Definitions.** In this section the following words or phrases shall have the meaning ascribed to them in this subsection:

Driveway means any area which is constructed for the purpose of parking motor vehicles, and which is surfaced with asphalt, concrete, pavers or stone. Any area surfaced with pavers or stone shall be constructed with an edging or other boundary material which prohibits the movement and spreading of the pavers or stone in order to be deemed a driveway for the purposes of this section. For the purposes of this section any driveway must connect to the public street and must include a curb cut where street curbing is present.

Front yard means 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 on the lot or parcel.

Motor vehicle means every vehicle which is self-propelled, every vehicle which is propelled by electric power, and every vehicle that is drawn by a self-propelled vehicle, including every motor vehicle which is required to be registered and licensed under Alabama law.

Principal building means 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 the 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.

Registered owner means the owner of a motor vehicle as shown on the motor vehicle registration records of the state department of revenue or the analogous department or agency of another state or country.

Sidewalk means 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 for the purpose of accommodating pedestrian traffic.

(c) Exceptions

- (1) *Limited use.* For the purposes of this section, parking in the front yard, as restricted by subsection (a)(1), shall not be prohibited where the motor vehicle is parked for the limited purpose of loading, unloading, or washing. This exception shall only apply while the owner or operator of the motor vehicle is actively engaged in the said task, and in no event shall this exception apply for more than three hours in any given 24-hour period.
- (2) *Emergency vehicles.* The prohibitions of this section 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) *Historic districts.* The provisions of this section shall not operate to allow the construction of driveways or the use of property in historic districts which conflicts with the rules and regulations governing land use in those districts.

(d) Authority to Enforce; Citation

(1) The Mayor, or his duly appointed designee, shall be charged with the enforcement of this section. For each violation, a citation shall be posted on or near the front windshield of the motor vehicle found to be parked in violation of this section. The registered owner of the vehicle shall have 30 calendar days within which to enter a guilty plea and pay the said fine.

(2) The Mayor, or his duly appointed designee, shall have the authority to enter upon private property for the purpose of ticketing an offending motor vehicle found parked in violation of this section.

(e) Authority of municipal court

The municipal court is vested with the power and jurisdiction to administer, hear and adjudicate the civil violations and to issue summons and orders imposing the civil fines, costs and fees.

(f) Imposition of penalties and procedures for violations

(1) Any person found to have parked in violation of this section shall be subject to a fine. Each calendar day in which a violation hereunder continues or reoccurs shall constitute a separate violation.

(a) *First Violation.* For first violation, upon conviction, the fine shall be a minimum of \$50.00.

(b) *Second Violation.* For second violation within a 12-month period, upon

conviction, the fine shall be a minimum of \$150.00.

(c) *For Third and All Subsequent Violations.* For third and any subsequent violation within 12-month period, upon conviction, the fine shall be a minimum of \$300.00.

(2) *Hearing.* A hearing shall be held by the municipal court at the time and place prescribed in the summons. Upon a determination by the municipal court that a violation has occurred, the court shall order the person found to have been operating the vehicle to pay the designated fine. The municipal court shall have the additional authority to impose any court costs which may be allowable by state law upon a conviction after hearing or upon receiving a guilty plea after the issuance of the summons.

(3) *Failure to Pay.* If, after the hearing, the municipal court orders the payment of the fine and/or costs and the person so ordered to pay fails to pay the said amounts, the municipal court may enforce said order in accordance with state, federal, or local laws which empower the court with enforcement authority.

(4) *Failure to Appear.* If the registered owner does not appear at time and place prescribed in the summons, and fails to enter a guilty plea and pay the fine before the said prescribed time ordered, the municipal court may enforce the said order in accordance with state, federal, or local laws which empower the court with enforcement authority.

ADOPTED at a regular meeting of the City Council of the City of MONTGOMERY, Alabama, on this 17th day of May, 2016.

/S/
TODD STRANGE, MAYOR

ATTEST:
/S/
BRENDA GALE BLALOCK, CITY CLERK