

**ORDINANCE NO.: 19-2419**

*An ordinance of the City of Hoover to modify Chapter 9, Motor Vehicles and Traffic and to repeal all ordinances and parts of the ordinances of the City of Hoover in conflict therewith.*

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Hoover, in regular meeting duly assembled, a quorum being present, as follows:

**Section 1. Modification of Chapter 9, Motor Vehicles and Traffic**

- A. Chapter 9 of the *Municipal Code of the City of Hoover, Alabama* is hereby amended to delete Article V – Stopping, Standing and Parking in its entirety and to replace with the following:

**ARTICLE V. - STOPPING, STANDING AND PARKING**

**DIVISION 1. – GENERALLY**

**Sec. 9-96. - Markings.**

- (a) It shall be the duty of the city engineer or designee:
- (1) To cause taxicab stands established by the city to be substantially outlined or indicated on roadway surfaces in yellow.
  - (2) To cause safety zones in or on roadway surfaces to be so designated in yellow or by raised markers or raised platforms.
  - (3) To cause loading and unloading zones or spaces established the city to be indicated by alternate white and yellow marking of curbs opposite and contiguous to such loading and unloading zones or spaces.
  - (4) To cause curb bus stop spaces established by the city to be indicated by yellow marking of curbs opposite and contiguous to such bus stop spaces.
  - (5) To cause all other spaces in which parking is prohibited by ordinance to be indicated by yellow marking of curbs opposite and contiguous to such prohibited parking spaces.
  - (6) To cause parallel parking spaces to be indicated by white or yellow lines in roadways parallel to and approximately seven (7) feet from curbs of sides of streets upon which parallel parking is prescribed.
  - (7) To cause diagonal parking spaces prescribed by the city to be indicated by white or yellow lines spaced approximately eight (8) feet apart and extending from curbs of sides of streets upon which diagonal parking is prescribed into the roadway at an angle of approximately forty-five (45) degrees to curb lines.

- (b) Whenever business houses fronting upon either side of a street within any block in a business district are not served, or adequately served, by an alley in the rear thereof, the chief of police or designee shall have the power to establish and cause to be properly marked a loading and unloading zone of thirty (30) feet or less in length upon such side of the street within such block for the service of such business houses.
- (c) In addition to, or in lieu of, the aforesaid warnings of regulations, the city engineer or designee may cause to be erected and maintained official signs warning of regulations.
- (d) No failure of the city engineer or designee to perform any duty placed upon him by this section shall absolve any person from the duty of conforming to any and every requirement of this article, but any such failure and any ignorance of such requirement upon the part of any defendant to prosecution for violation thereof as a consequence of such failure may be shown in mitigation or justification as the municipal judge may determine.

**Sec. 9-97. - Standing or parking on one-way roadways.**

In the event a roadway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, it shall be unlawful for any person to stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking. The city engineer or designee is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

**Sec. 9-98. - Parking of certain vehicles on roadway prohibited; Exceptions.**

- (a) It shall be unlawful for any person to park a commercial motor vehicle, boat, recreational vehicle, trailer, semitrailer, or similar vehicle upon any street, alley, or public way of the city, except for repairs necessitated by an emergency and for loading and unloading.
- (b) It shall be unlawful for any person to park overnight and occupy a recreational vehicle, motor home, house car, travel trailer, pickup camper, van or other motor vehicle having sleeping quarters upon any street, alley, or other public way of the city.
- (c) For the purposes of this section, the following definitions shall apply:
  - (1) A commercial motor vehicle is defined as set forth in Alabama Code §32-9A-1(2).
  - (2) A recreational vehicle is a vehicle equipped to be lived in.
  - (3) A house car is a motor vehicle original designed, or permanently altered, and equipped for human habitation or to which a camper has been permanently attached.

**Sec. 9-99. - Parking not to obstruct traffic.**

It shall be unlawful for any person to park any vehicle upon a street in such a manner or under such conditions as to leave available less than fourteen (14) feet of the width of the roadway or hinder the free movement of vehicular traffic. It shall be unlawful for any person to park any vehicle upon a roadway on a curve or hillcrest which causes a public hazard as determined by the chief of police or designee.

**Sec. 9-100. - Parking in public alleys.**

- (a) It shall be unlawful for any person to park a vehicle upon a public alley in such a manner or under such conditions as to leave available less than fourteen (14) feet of the width of the roadway for the free movement of vehicular traffic, or to stop, stand or park a vehicle within a public alley in such position as to block the driveway entrance to any abutting property.
- (b) It shall be unlawful for any person to park any vehicle in any public alley in a business district; provided, that this prohibition shall not apply to trucks and other commercial vehicles while loading and unloading or waiting to be loaded and unloaded, when such vehicle is parked in accordance with subsection (a) above for a period of time not longer than is necessary for the unloading and delivery or pick-up and loading of materials.

**Sec. 9-101. - Parking in private alleys or on private property – Generally.**

- (a) It shall be unlawful (i) for any person to park any vehicle in any private alley without the consent, express or implied, of the owner thereof or (ii) for any person lawfully entitled to the use of a private alley to park any vehicle therein in such manner or with such effect as to unreasonably obstruct the passage of any other vehicle entitled to use such alley.
- (b) It shall be unlawful for any person to park any vehicle upon the lot or private premises of another without the consent, express or implied, of the owner, tenant, occupant or person in lawful possession of such lot of premises.

**Sec. 9-102. - Parking on streets where improvements are in progress.**

It shall be unlawful for any person to park any vehicle on any street, alley or other public way upon which paving or grading or other municipal improvements are in progress, where to do so will interfere with the work or endanger the traveling public in the opinion of the chief of police or designee.

**Sec. 9-103. - Prohibited parking — Designated areas.**

- (a) It shall be unlawful for any person to 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, fire official, or traffic-control device) in any of the following places or portions thereof:
- (1) On a sidewalk.
  - (2) In front of or within ten (10) feet of a public or private driveway. This prohibition shall apply on each side of a public or private driveway and shall be measured from the outermost edge of the public or private driveway at the point where such side of the driveway meets the roadway and shall run a distance of ten (10) feet from this point away from the driveway.
  - (3) Within thirty (30) feet of an intersection.
  - (4) Within fifteen (15) feet of a fire hydrant.
  - (5) On a crosswalk.
  - (6) Within twenty (20) feet of a crosswalk at an intersection except at intersections where traffic is controlled by a police officer or traffic-control device.
  - (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway.
  - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the chief of police or designee indicates a different length by signs or markings.
  - (9) Within fifty (50) feet of the nearest rail of a railroad crossing.
  - (10) Within twenty (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 seventy-five (75) feet of such entrance.
  - (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic in the opinion of the chief of police or designee.
  - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

- (14) At any place where official signs prohibit parking or stopping and/or the curb is marked in yellow.
- (15) On any median or other area of a street not improved as a roadway.
- (16) On the premises of another having been warned not to do so by word of mouth or sign or otherwise, provided, that this section shall not apply to employees of the city in the discharge of their official duties.

The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control thereof shall raise a prima facie presumption that the registered owner of such automobile or other motor vehicle parked or left or caused to be parked or left such automobile or other motor vehicle on the premises, and the burden of proof shall be upon the registered owner to show otherwise.

- (17) Upon any portion of any paved roadway in the city without maintaining a continuous width of fourteen (14) feet of unimpeded travel distance. The roadway width required does not include curb and gutters.
- (18) In any place marked as a loading and unloading zone for a period of time longer than is necessary for the unloading and delivery or pick-up and loading of materials.
- (19) In an officially designated bus stand, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, or for any vehicle other than a truck or merchandise delivery vehicle to stand or park in an officially designated loading and unloading zone, except that the operator of any private passenger vehicle may temporarily stop in any such stand or zone for the purpose of and while actually engaged in the loading or unloading of passengers.

(b) Unless otherwise provided for herein, any person violating the provisions of this division shall, upon conviction, be fined in the amounts not less than:

1. First conviction .....	\$ 25.00
2. Second conviction .....	\$ 100.00
3. Third conviction and any subsequent conviction....	\$ 300.00

(c) Except for the owner of a private motor vehicle offering his own vehicle for sale on his own private property, no person shall offer for sale a motor vehicle of any kind, whether attended or not, upon any private property within the city not properly zoned and licensed for the sale of motor vehicles.

Additionally, the police department of the city is hereby authorized to cause any motor vehicle offered for sale in violation of this article to be removed and stored at an authorized location and the costs of such removal and storage shall be at the expense of the owner of such motor vehicle.

- (d) It shall be unlawful for any persons other than Individuals with a Long-Term Disability or an Individual with a Temporary Disability as defined in § 32-6-230, *Code of Alabama* (1975), whose vehicles bear license plate decals and placards validly issued under the provisions of § 36-6-231, *Code of Alabama* (1975), to park vehicles in parking zones designated for handicapped persons within the city or its police jurisdiction.

Any person found guilty of a violation of this subsection (d) shall be punished by a fine of one hundred dollars (\$100.00), which may be paid in advance of trial to the court magistrate, Rule 19(B), ARJA.

**Sec. 9-104. - Stopping on streets unlawfully.**

Whenever any police or traffic officer shall find a vehicle standing upon a street in violation of this article and/or § 32-5A-136, *Code of Alabama* (1975), such officer is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this article.

**Sec. 9-105. - Putting advertisements in or on parked vehicles.**

It shall be unlawful for any person to place any written or printed advertising matter in or attach any such advertisement to any part of any vehicle while the same is parked upon any public street or alley of the city, without first having obtained the consent of the owner of said vehicle so to do.

**Sec. 9-106. - Stop signs — Generally.**

It shall be the duty of the city engineer or designee to cause to be erected and maintained official "stop" signs at the entrances of every street to an intersection into which the city may now or hereafter prohibit entrance from such street by operators of vehicles without having come to a complete stop.

**STATE LAW REFERENCE—** AUTHORITY OF CITY TO DESIGNATE STOP INTERSECTIONS, CODE OF ALA. 1975, § 32-5A-113.

**Sec. 9-107. – Same — Where maintained.**

It shall be unlawful for the operator of any vehicle to cause or allow such vehicle to enter any intersection at the entrance to which there is maintained an official "stop" sign facing in the

direction of such operator, without having first brought such vehicle to a complete stop within twenty (20) feet of such intersection.

**Secs. 9-108 – 9-120. - Reserved.**

## **DIVISION 2. - OBSTRUCTION OF STREETS; IMPOUNDMENT**

**Sec. 9-121. – Reserved.**

**Sec. 9-122. - Removal by police—Obstructions.**

Any motor vehicle, trailer or semitrailer and any “special mobile equipment” as defined in § 32-1-1.1, *Code of Alabama* (1975), parked upon a public street or way of the city at a place, in a manner or for a length of time, prohibited by law is, if unoccupied, hereby declared to be an obstruction in such street or way and a public nuisance, and any police officer of the city is hereby authorized to cause the same to be removed to, and impounded in, the garage designated by the city.

**Sec. 9-123. - Same—Lost, stolen or abandoned vehicles.**

Whenever any police officer of the city shall find upon any public street or way of the city, or upon any street within the police jurisdiction of the city, any vehicle which he has reasonable cause to believe to be lost or stolen, or abandoned as defined in § 32-13-1, *Code of Alabama* (1975), or any vehicle which is, or is likely to become, an obstruction on a public way, or to be without proper protection by reason of the person in charge or control thereof having been arrested and incarcerated, such officer shall have the authority to immediately cause the same to be removed to, and impounded in the garage designated by the city.

**STATE LAW REFERENCE—** ABANDONED MOTOR VEHICLES, CODE OF ALA. 1975, § 32-13-1 ET SEQ.

**Sec. 9-124. - Report of removal.**

Whenever any police officer of the city shall cause the removal and impounding of any vehicle, such officer shall immediately report such action to the chief of police or designee in writing, giving a description of such vehicle, and the date and cause of removal and the impounding thereof. Thereafter, chief of police or designee shall give notice as required by Ala. Code §32-13-2(c).

**Sec. 9-125. - Claiming impounded vehicle.**

Any owner or person entitled to possession of a vehicle impounded under this division may claim the same at any time before the sale thereof by filing a written claim thereto with the

chief of police or designee, upon a form to be provided by the city, and if said chief or designee is satisfied that the claimant is the owner or entitled to possession of such vehicle, he/she shall notify the holder of such vehicle to cause the same to be released to the claimant upon payment of proper charges. Upon receipt of such notification, the holder of such vehicle shall cause same to be released to the claimant upon payment of such charges.

**Sec. 9-126. - Costs; lien.**

The garage designated by the city to remove such vehicles shall have a lien upon each impounded vehicle for a reasonable fee that such vehicle remains impounded in the designated garage to cover the cost of hauling to the said garage, storage of the vehicle therein and overhead; and, except as provided in section 9-128 hereof, no vehicle shall be released to any claimant prior to the sale thereof, unless such proper charge is paid.

**Sec. 9-127. - Sale of vehicle.**

When any vehicle impounded under this division shall have remained in the garage for as long as forty-five (45) days from the date of its reception therein and no claim for such vehicle shall have been made within said period of time, the vehicle may be sold and the proceeds thereof distributed as provided in § 32-13-1, *Code of Alabama (1975) et seq.*

**Sec. 9-128. - Owner to locate vehicle.**

It shall be the duty of every person who may not know the whereabouts of a vehicle owned by him, or to which such person may have the right of possession, to take notice that such vehicle may be in the custody of the city pursuant to the provisions of this division and that he may inquire of the chief of police or designee whether it is in such custody. Any such person who may thus, or otherwise, ascertain that such vehicle is in such custody, and who may believe that it has been impounded for a cause not authorized by the provisions of this division, may, if he desires to escape payment of the aforesaid charges, present a complaint, in duplicate, to the municipal judge at any time prior to the sale of said vehicle, averring that he is the owner or entitled to the possession of said vehicle, describing it, that it is in the custody of the city and that the same has been impounded for a cause not authorized by the provisions of this division. Upon presentation of such complaint, in duplicate, the municipal judge shall immediately set the same down for hearing on the court date following the receipt of such complaint and shall cause one of said duplicates, with the time of the hearing noted thereon, to be delivered to the chief of police or designee. The judge may continue the hearing from time to time as may be proper. If, upon the hearing, the complaint should be sustained, the judge shall render judgment that the vehicle be forthwith released to the complainant without payment of any impounding, storage or other charges and that the city clerk or designee shall cause such vehicle to be so released. If, on the other hand, the complaint should not be sustained, the judge shall enter judgment dismissing the same and assessing costs of court against the complainant, to be collected before release of said vehicle to the complainant in addition to all other charges prescribed in this division.



**Sec. 9-129. - Other penalties.**

The payment of any charges prescribed in this division shall not have the effect of relieving the owner or operator of the vehicle of any penalty prescribed by any other ordinance of the city for violating ordinances of the city regulating parking of vehicles.

**Sec. 9-130. - Complaint in municipal court.**

In addition to the right of removal of any vehicle found to be parked in violation of section 9-122, any police officer of the city is hereby further authorized to cause a complaint to be filed in the municipal court of the city, alleging a violation of section 9-122 against the owner or operator of said vehicle if he can be found or is known to said officer, which complaint shall be heard and tried in said municipal court in the same manner as other violations of city ordinances are heard and tried.

**Secs. 9-131—9-140. - Reserved.**

**DIVISION 3. - EMERGENCY LANES**

**Sec. 9-141. - Definition.**

For the purpose of this division, any area (even though privately owned) within the city limits or the police jurisdiction of the city provided in connection with a shopping center, office building or planned building group consisting of multiple structures constructed on a single parcel of land that is under the ownership, control or development of one individual, corporation, partnership or firm, including apartments or other business establishments utilized for the access, movement and parking of motor vehicles and which is open to the public generally for such use, shall be termed a "public parking area."

**Sec. 9-142. - Established; painting.**

- (a) The chief of police, fire chief, fire marshal, and/or their designees are authorized to establish, or cause to be established, emergency lanes in any public parking area for the purpose of providing adequate access for emergency vehicles and equipment to and from all buildings and structures adjacent to or served by such public park area.
- (b) Such emergency lanes shall be clearly marked by painting the curb or painting stripes on the pavement with a color to be approved by the chief of police, fire chief, fire marshal, and/or their designees and/or by posting signs designated by appropriate markings, signs or arrows for ingress or egress into, from or through any public parking area. Fire lanes shall be at least twenty (20) feet in width with the rolled edge closest to the structure at least ten (10) feet from the structure. "No parking-tow-away zone" signs shall be posted in such fire lanes in accordance with the instructions of the city's fire department.

**Sec. 9-143. - Unlawful use.**

It shall be unlawful for any person to park or leave unattended any vehicle in a roadway or emergency lane designated by appropriate markings, signs or arrows for ingress or egress into, from or through any public parking area.

**Sec. 9-144. - Nonconforming uses.**

There may exist, within the city, structures or buildings which have already constructed emergency lanes which may not conform to the technical provisions of this division, but which have been determined to be safe and adequate by the appropriate city officials. It is the intent of this division to permit these nonconforming uses to continue unless the structures to which they are adjacent are removed, damaged to the extent of more than fifty (50) percent of their current replacement value, or change in use or abandoned, in which event all of the provisions of this division shall be applicable to such structures and they shall be made to conform to the provisions hereof.

**Secs. 9-145—9-155. - Reserved.**

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**Section 2. ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3. SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Hoover hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4. LEGAL RIGHTS NOT IMPAIRED.** That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

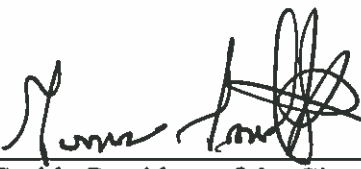
**Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Section 6. PUBLICATION OF ORDINANCE.** That the City Clerk of the City of Hoover is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

**Section 7. EFFECTIVE DATE OF ORDINANCE.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Hoover does hereby ordain, resolve, and enact the foregoing Ordinance for the City of Hoover.

Done this the 4th day of February, 2019.

  
Gene Smith, President of the City Council

APPROVED:

  
Frank V. Brocato, Mayor

ATTESTED:

  
Margie Handley, City Clerk