

ORDINANCE NO. 2006-06-05

AN ORDINANCE PROVIDING REQUIREMENTS FOR OFF-STREET PARKING FOR CERTAIN AREAS, RESIDENTIAL DWELLINGS, SIDEWALKS AND RIGHTS-OF-WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEEDS, ALABAMA AS FOLLOWS:

Section 1. DEFINITIONS

For the purposes of this article, the following terms shall have the respective meanings ascribed by this section:

- a. Parking: "Parking" is the stopping or standing of a vehicle, whether attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading and unloading in a prescribed zone or in obedience to traffic regulations or traffic signs or signals.
- b. City: The City of Leeds, Alabama
- c. Person: Any natural person, firm, partnership, association, corporation, receiver, trust, estate, or other entity, or any other group or combination of any thereof acting as a unit.
- d. Motor Vehicle shall mean every vehicle which is self-propelled.

Section 2. STOPPING ON HIGHWAYS

- a. No person shall park or let stand any vehicle whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to lawfully park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of two hundred (200) feet in each direction upon such highway.
- b. Whenever any police or traffic officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he 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 section.

c. The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position, provided, however, that this subsection is subject to all the provisions of § 19-70 (*Lights on Parked Vehicles*).

Section 3. OFF-STREET PARKING FOR SPECIFIC USES:

a. Residential off-street parking spaces shall be provided with safe entrance to and exit from the public thoroughfare. Permit for the location of such entrance and exit shall be obtained from the planning and zoning commission which shall also approve the design and construction thereof in the interest of safety, adequate drainage and other public requirements, not limited to the safety of vehicles traveling on the public thoroughfare on which such entrance or exit is located.

b. It is prohibited and shall be unlawful to park or allow any motor vehicle, specially constructed vehicle, special-mobile equipment, trailer, semi-trailer, as each of the above are defined in the Code of Ala. 1975, § 32-1-1.1, or any boat or other vessel, as defined in the Code of Ala. 1975, § 33-5-3, in the front yard of any residentially zoned property in the city except upon the paved driveway required and installed according to the requirements of the Code of Ordinances, City of Leeds, Alabama.

Section 4. PARKING IN DRIVEWAYS

a. It shall be unlawful for any person to park or leave a motor vehicle so that any portion of such motor vehicle is in a driveway located on property owned by another person without the permission of the person who is the owner or tenant of such property.

b. It shall be unlawful for any person to park or leave a motor vehicle on any portion of a public street or a private street in a location which results in the partial or complete blocking of, or interference with access to or from, a driveway located on property owned by another person without the permission of the person who is the owner or tenant of such property.

Section 5. MANNER OF PARKING UNATTENDED VEHICLES

No person having charge or control of a vehicle shall allow that vehicle to stand on any street

or alley unattended without first effectively setting their brakes thereon, stopping the motor of the vehicle, locking the ignition, removing the ignition key and taking the key with him; and, when standing upon any grade, without turning the front wheels of the vehicle to the curb side of the street.

#### Section 6. PARALLEL PARKING

a. Except as otherwise provided in this chapter, 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 12-inches of the right-hand curb; provided, that upon a roadway, other than a through street, in a residence 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 12 inches of the left-hand curb.

b. When parking spaces have been designated by appropriate 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 that space; except, that 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 7. ANGLE PARKING

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 those signs or markings.

#### Section 8. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES GENERALLY

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:

- a. On a sidewalk. [See § 19-38, Code of Ordinances, City of Leeds, Alabama
- b. In front of or across a public or private driveway.
- c. Within an intersection.
- d. Within 15 feet of a fire hydrant. [See § 19-82, Code of Ordinances, Leeds, Alabama].
- e. On a crosswalk. [See § 19-38, Code of Ordinances, Leeds, Alabama].

- f. Within 20 feet of an intersection or crosswalk.
- g. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
- h. Within 50 feet of the nearest rail of a railroad crossing.
- i. Within 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 75 feet of that entrance (when properly signposted).
- j. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- k. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- l. Upon any bridge or other elevated structure upon a highway.
- m. At any place where official signs prohibit stopping.
- n. Within the right-of-way of any street or highway.
- o. In a fire lane.
- p. On private property if not in a designated space.
- q. Within a block of fire apparatus that has stopped in answer to fire alarm.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb a distance that is unlawful.

#### Section 9. PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such manner or under those conditions as to leave available less than 12 feet of the width of the roadway for free movement of vehicular traffic.

#### Section 10. PARKING IN ALLEYS

a. No person shall park a vehicle within an alley in such a manner or under those conditions as to leave available less than 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 a position as to block the driveway entrance to any abutting property.

b. Subsection (a) of this section to the contrary notwithstanding, 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 or unloaded, when parked in accordance with subsection (a) of this section, for a period of not more than thirty (30) minutes.

Section 11. PARKING ON ROADWAY FOR CERTAIN PURPOSES PROHIBITED

a. No person shall park a motor vehicle, trailer or semi-trailer as defined in Alabama Code § 32-1-1, as amended, upon any public highway, road or street, or other public way of the city, for the principal purpose of:

- (1) Displaying that vehicle for sale.
- (2) Washing, greasing or repairing that vehicle, except repairs necessitated by an emergency.

b. No person shall park a motor vehicle, trailer or semi-trailer as defined in Alabama Code § 32-1-1, as amended, upon any public highway, road or street, or other public way of the city, for the purpose of:

- (1) Abandoning that vehicle.
- (2) Standing or leaving that vehicle, otherwise than as permitted in subsection (c) of this section, if it is disabled, broken down or otherwise inoperative and immovable.

c. A reasonable period of time, but not in excess of 48 hours, shall be allowed for removal by the owner or person in possession thereof of any vehicle which is disabled, broken down or otherwise inoperative and immovable, or which has been parked for repairs necessitated by an emergency. In no event shall any such vehicle be allowed to remain parked upon any public street or other public way of the city for more than 48 hours; provided, however, if a vehicle is disabled, broken down or otherwise inoperative but is not a traffic hazard there shall be placed a citation upon that vehicle showing a violation of this Section not less than 24 hours prior to its removal.

Section 12. USE OF STREETS BY BUSINESSES FOR PURPOSE OF STORING VEHICLES

a. It shall be unlawful for any person engaged in any business of selling, leasing, renting or repairing motor vehicles, or for any agent, employee or servant of any such person, to store or park or cause or permit to be stored or parked on any street, alley or other public way in the city, any such vehicle kept or held for sale, lease, hire, rent or repair.

b. It shall be unlawful for any person engaged in any business in which any motor vehicle is kept, held, used or employed as a means or instrument in or for the carrying on or advancement of such business, or for any agent, servant or employee of such person, to store or park or cause or permit to be stored or parked on any

street, alley or other public way in the city, any such vehicle kept, held, used or employed as such means or instrument; provided, that this subsection (b) shall not apply to taxicabs or transit buses parked in taxicab or bus stands designated in accordance with law nor to passenger automobiles designed and used primarily for carriage of passenger and non-business purposes.

Section 13. PARKING OF SEMI-TRAILER TRUCKS, OTHER COMMERCIAL VEHICLES, AND BUSES

a. It shall be unlawful to park a truck on any streets of the city, except in loading zones that have been designated and marked as such by the police department of the city.

b. No semi-trailer truck or any part thereof shall be parked upon any of the public ways of the city, other than for the expeditious loading and delivery or pickup and loading of materials.

c. No other commercial vehicle, with a gross weight in excess of 6,000 pounds, shall be parked upon any public way in a residence district except for loading or unloading.

d. No bus shall be parked upon any public way in a residence district. For the purposes of this section, "bus" shall mean any vehicle designed to seat more than 12 passengers.

e. Any commercial vehicle or bus parked in a residential district between 11 pm and 6 am is prima-facie evidence of violation.

Section 14. 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 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.

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 the 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 the premises, and the burden of proof shall be upon the registered owner to show otherwise.

#### Section 15. PARKING SPACES FOR THE PHYSICALLY HANDICAPPED

a. Unlawful Use. It shall be unlawful for any person not displaying a handicapped license plate, decal, or placard as provided by state law to park any other vehicle in an area designated for handicapped parking.

b. Private Spaces. Upon the request of the owner, the city traffic engineer is also authorized, in addition to the above, to designate certain parking spaces and access ramps on privately owned parking lots and authorize those spaces and ramps to be posted as parking for the handicapped under the provisions of this section. The parking spaces and ramps so designated on privately owned parking lots shall be subject to the same regulations as provided in this section. The cost of the sign and/or installation by the city shall be paid to the finance department by the owner to the city prior to delivery or installation of any such sign.

c. Evidence of Certain Violations. In any prosecution for the violation of any provision of this section, relating to the operation or parking of vehicles, it shall be prima facie evidence that the owner of that vehicle was operating the same at the time of the alleged violation, or, in case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.

d. Penalty for Violations. Any person found guilty of the violation of this section shall be punishable by a fine of \$100, and a notice of the amount of the fine shall be posted on or at the location of each space to which this section is applicable.

#### Section 16. RESTRICTIONS ON CERTAIN STREETS

The provisions of this Section prohibiting the standing or parking of a vehicle shall apply at all times or at specified times as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

#### Section 17. REGULATIONS NOT EXCLUSIVE

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section 18. PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

- a. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets designated by the city traffic engineer.
- b. No person shall park a motor vehicle, trailer or semi-trailer as defined in Alabama Code § 32-1-1, as amended, on the east side of Ashville-Montevallo Road from U.S. Highway 78 North to the intersection of Ashville-Montevallo Road and twenty-sixth street, at all times.

Section 19. PARKING TIME LIMITED ON CERTAIN STREETS

- a. When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time specified on such signs on any day except Sundays and public holidays upon any of the streets designated by the city traffic engineer.
- b. It shall be unlawful, except on Sundays, for any person to park any vehicle between the hours of 8:00 a.m. and 6:00 p.m., for a continuous period of more than two (2) hours upon the following streets or portions of streets:

*Parkway Drive* from the east margins of its intersection with Seventh Street SE and Seventh Street NE, eastward to its intersection with the west margins of Tenth Street SE and Tenth Street NE.

*Seventh Street SE* from the north margin of its intersection with First Avenue SE, northward to its intersection with the south margin of Parkway Drive.

*Eighth Street SE* from the south margins of its intersection with Parkway Drive, southward to its intersection with the north margins of First Avenue SE.

*Eighth Street NE* from the south margins of its intersection with Railroad Avenue NE, southward to its intersection with the north margins of Parkway Drive.

*Ninth Street SE* from the south margins of its intersection with Parkway Drive, southward to its intersection with the north margins of First Avenue SE.

*Ninth Street NE* from the south margins of its intersection with Railroad Avenue NE, southward to its intersection with the north margins of Parkway Drive.

Section 20. STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified on such signs on any day except Sundays and public holidays on any of the streets designated by the city traffic engineer.

Section 21. CITY TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this article are applicable.

Section 22. STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are in effect.

Section 23. STOPPING, STANDING OR PARKING IN FREIGHT CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

Section 24. CITY TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The city traffic engineer shall establish bus stops, bus stands; taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in those places and in the number as he shall determine to be of the greatest benefit and convenience to the public. Every bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Section 25. STOPPING, STANDING AND PARKING OF BUSES OR TAXICABS

- a. The operator of a bus shall not stand or park any vehicle upon any street at any place other than a bus stand or taxicab stand.
- b. The operator of a bus or taxicab shall not stop that vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or taxicab stand except in case of an emergency.
- c. The operator of a bus or taxicab shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus or taxicab when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of the vehicle not further than 18 inches from the curb and the bus or taxicab approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

#### Section 26. RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when that stopping does not interfere with any bus or taxicab waiting to enter or about to enter that zone.

#### Section 27. STOPPING, STANDING AND PARKING OF TAXICABS

- a. No taxicab driver shall stop, stand or park the taxicab while in service upon any street or alley or public way except in a taxicab stand or while in the process of loading or unloading passengers.
- b. No taxicab driver shall leave his taxicab unoccupied in a taxicab stand for longer than five (5) minutes.
- c. No taxicab driver which is out of service shall park the taxicab on any street, alley or public right-of-way in any business district or residential area for a period of longer than two (2) hours.
- d. No driver of a taxicab shall receive or discharge passengers in the roadway portion of the street in any business district unless it is not possible to do so at the right-hand curb or side of the street or at the right or left-hand curb or side of the street on one-way streets.

#### Section 28. FINES FOR PARKING VIOLATIONS

Any person who is convicted of, or who admits, violating any ordinance relating to the parking of motor vehicles as contained in this Ordinance or in Article III of the Leeds Ordinance Code, shall pay a minimum fine of \$15.00, except for violation § 14(d), parking in designated handicapped space, for which the fine is \$100.00.

Any person, firm or corporation, or agent, servant or employee thereof, violating any provision of this section shall, upon conviction, or admission, be punished as provided by Ordinance No. 431 (11-7-77), if a fine for said offense is not contained herein.

Section 29. ORDINANCE CUMULATIVE

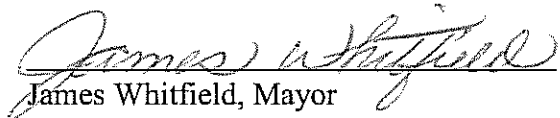
This ordinance shall not be construed to repeal any provisions of the general license code or any other ordinance of the City of Leeds under which a privilege or license tax is levied, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license fees and taxes imposed by the City of Leeds.

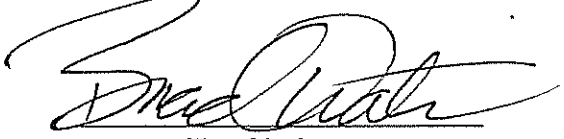
Section 30. SEVERABILITY

Each section and provision of this ordinance is hereby declared to be an independent section or provision. If any section or provision shall be declared void, invalid, or unconstitutional, the remaining sections or provisions shall not be affected but shall remain in full force and effect.

Section 31. EFFECTIVE DATE

ADOPTED and ORDAINED this 19<sup>th</sup> day of June, 2006.

  
James Whitfield, Mayor

ATTEST:  
  
City Clerk