

ORDINANCE NO. 1779

AN ORDINANCE TO RESTRICT THE PARKING OF VEHICLES ON AND WITHIN THAT CERTAIN AREA OF THE CITY OF TALLADEGA, ALABAMA KNOWN AS THE COURTHOUSE SQUARE AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION I: Purpose of Ordinance

This entire ordinance shall be deemed and construed to be an exercise of the police power of the City for the preservation and protection of public safety and convenience of the citizens of the City; and all of its provisions shall be literally construed with a view to the effectuation of such purpose.

SECTION II: Definitions

When used in this ordinance, the following words or terms shall have the meanings respectively ascribed to them by this section:

- a) **Park or parking**. The standing of a vehicle, whether occupied or not, upon a street otherwise than in obedience to traffic regulations, signs or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- b) **Parking space**. Any space within the paved portion of a public street adjacent to the curb thereof which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb and /or on the surface of the street adjacent to the curb.
- c) **Vehicle**. Any device in, upon or by which any person or property is or may be transported upon a street, except a device which is operated upon rails or tracks.

SECTION III: Restricted Areas Designated

The following named streets or portions of streets within the corporate limits of the City, including both sides thereof, consisting what is known as the Courthouse Square, shall be and constitute a restricted parking zone to which the provision of this article shall apply, being more particularly described as follows:

- a) East Street, from Battle Street north to North Street
- b) Court Street, from Battle Street north to Coosa Street
- c) North Street, from Spring Street east to Hill Street; and
- d) Battle Street, from Spring Street east to Hill Street.

Except as herein otherwise provided, this ordinance shall apply only to such zones.

SECTION IV: Lawful Parking

- a) It shall be unlawful to park a vehicle continuously within any designated parking space in the area described hereinabove for a period of time in excess of two (2) hours per day on any Monday through Friday of any week hereafter between the hours of eight o'clock a.m. and five o'clock p.m.;
- b) No person shall park a vehicle in any one or more parking spaces within said area described above for a consecutive period of time longer than two (2) hours per day, on any Monday through Friday of any week hereafter, between the hours of eight o'clock a.m. and five o'clock p.m.;
- c) The removal of a vehicle from one parking space to another within the area set forth above for the purpose of evading the penalty for overparking is hereby declared to be unlawful. Such action shall be construed, for the purposes of this Ordinance, as if such vehicle had not been removed from one space to another, but had remained in the same space for the full period of parking.

SECTION V: Report of Violation and Notice to Operator

It shall be the duty of the Chief of Police, or his/her designee, to check the parking spaces within the area described above and report the violation of this Ordinance in the following manner;

- a) All vehicles parked within the parking spaces within the restricted parking zone shall be appropriately and uniformly marked on a regularly scheduled basis in such manner as to determine whether or not such vehicle has been parked in violation of this Ordinance or, in some other reasonable manner, make a determination as to whether or not such vehicle has been parked in violation of this Ordinance.
- b) Whenever any vehicle is overparked in violation of this Ordinance, a citation shall be attached to such vehicle stating that vehicle has been parked in violation of this Ordinance and instructing the owner or the person in possession of said vehicle to report to the Municipal Court with regard to such violation, a copy of such notice shall also be filed at the office of the Municipal Court Clerk.
- c) The presence of a vehicle parked in violation of any of the provisions of this article shall raise a prima facie presumption that the registered owner of the vehicle committed or authorized the parking violation, and the burden of proof shall be upon the registered owner to show otherwise.

SECTION VI: Penalty; Failure to Appear

- a) The fine for an overparking violation shall be Fifteen Dollars (\$15.00) if paid to the Municipal Court Clerk within seventy-two (72) hours of issuance thereof, without a docketing of the case in the Municipal Court and without the payment of Court costs;
- b) If the fine is not paid as herein provided within seventy-two (72) hours, the case shall be docketed in the Municipal Court as other cases are docketed and the fine increased to Twenty-five Dollars (\$25.00) if paid to the Municipal Court Clerk before the case is scheduled to be heard; or
- c) If the fine is not paid prior to the date and time set for hearing in Municipal Court, upon conviction, the violator shall be fined not less than Thirty Dollars (\$30.00) and not more than Fifty Dollars (\$50.00) plus the regular costs of Court.
- d) Whenever a person receiving a notice provided by this Ordinance shall fail to pay the parking fine and shall also fail to appear in Court at the appointed time, the Municipal Judge shall cause a warrant to issue for the arrest of such person and the case shall be processed as are other cases handled by the Municipal Court.

SECTION VII: Exceptions

No provision of this Ordinance shall apply to parking spaces designated by the State of Alabama by the Department of Public Safety for use by the Driver's License Ordinance.

No provision of this Ordinance shall apply to vehicles designated for County Courthouse employees with mobility disabilities. The County Commission must provide documentation of the employee's mobility issue/disability to the Talladega Police Department and designate which vehicle shall be exempt from the two-hour parking restriction.

SECTION VIII: Signage

Appropriate signs and notices, in accordance with the Ordinance, shall be erected by the Chief of Police or designee at conspicuous places within the restricted parking zone.

SECTION IX: Severability

All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Upon adoption of this Ordinance and its passage and publication as provided by law, all Ordinances or resolutions inconsistent with this Ordinance are hereby repealed; and specifically Ordinances Number 535 and 1545 are hereby repealed

SECTION XI: Effective Date

This ordinance shall take effect immediately upon its passage and publication, as provided by law.

ADOPTED AND APPROVED this 20th day of October 2014.

Council President Donnie Miller

Councilman Horace Patterson

Councilman Joe Ballow

Councilman Ricky Simpson

Councilman Jarvis Elston

City Manager Brian Muenger

Attested to: Elizabeth Cheeks, City Clerk