

ORDINANCE 2019-15

ORDINANCE ESTABLISHING PARKING REGULATIONS AND STREET USAGES WITHIN TOWN LIMITS OF BROOKWOOD

WHEREAS, the Town of Brookwood has invested extensively in the maintenance, acquisition, construction, and upkeep of its Town's streets and roads; and

WHEREAS, the Town of Brookwood believes that these investments are important to establishing an ease of transportation and commercial development and for the general betterment of the health, welfare, and safety of all the Town's citizenry; and

WHEREAS, the Town now believes that the management and operations of the Town's street and road system has reached a point where it is expedient, wise, and necessary to establish rules and regulations regarding the use of and parking of vehicles on those streets and roads, as well as to maximize their revenue generating potential for both the Town of Brookwood and those businesses and citizens within the Town's limits; and

WHEREAS, the Town Council and Mayor believe that it is in the best interests of the Town to establish this ordinance in order to achieve the stated goals and intentions.

BE IT ORDAINED by the Town Council of the Town of Brookwood, Alabama as follows:

SECTION 1. PRESUMPTION

As to any vehicle parking in violation when the driver is not present, it shall be presumed the owner parked the same, or that the driver was acting as an agent of the owner

SECTION 2. GENERAL PARKING PROHIBITIONS

It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic in any of the following places:

1. On a sidewalk
2. In front of a public or private driveway.

3. Within an intersection.
4. Within 20 feet of an intersection.
5. In a sign posted fire lane.
6. Within 50 feet of the nearest rail of a railroad crossing.
7. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted.
8. Within 10 feet of a fire hydrant.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, i.e. double parking.
11. Upon any bridge or other elevated structure upon a street.
12. At any place where official signs prohibit or restrict stopping, parking or both.
13. In any alley, except for loading and unloading to or from adjacent premises.
14. On any street within a platted subdivision that has been adopted by the Town of Brookwood for a period exceeding twenty four (24) hours on a continuous basis.

SECTION 3. UNAUTHORIZED REMOVAL.

It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

SECTION 4. RECREATIONAL VEHICLE PARKING.

- (a) Definition. For the purpose of this ordinance a “recreational vehicle” is defined as follows: travel trailers, including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, non-motorized trailers intended and generally used for transporting boats, utility trailers, snowmobiles, all-terrain vehicles boats or other watercraft.
- (b) Unlawful Act. It is unlawful for any person to leave or park a “recreational vehicle” on or within the limits of any street or right of way for a continuous period in excess of twenty-four (24) hours.

SECTION 5. TRUCK PARKING

- (a) Detached Trailer. It is unlawful for any person, as driver or operator of a semi-trailer, or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, a semi-trailer, not attached to a truck or truck tractor upon any public street, municipally owned parking lot or parking facility, or other public property.
- (b) Subdivision Streets. It is unlawful for any person, as driver or operator of a semi-trailer or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, any such semi-trailer, whether or not attached to a truck tractor, within any area platted as a subdivision and where the roads therein have been accepted, adopted, or taken ownership of by the Town, except for the purpose of and while engaged in the loading and unloading of such semi-trailer. The truck with attached semi-trailer may only be parked in this type of residential district during the time it is actually engaged in continuous actual acts of loading or unloading such a semi-trailer, otherwise parking shall not be allowed in a residential district.
- (c) Use of Subdivision Streets. The use and operation of any vehicle having a gross vehicle weight rating (GVWR) that exceeds fourteen thousand pounds (14,000 lbs) are hereby restricted on or within any streets contained within an area platted as a subdivision and where the roads therein have been accepted, maintained, adopted, or taken ownership of by the Town of Brookwood. This section shall not apply to vehicles going to or from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance, and repair of said streets or public utilities therein; or to Federal, State, County, Municipal, or public service corporation, utilities, or refuse collection owned vehicles. The provisions of this section shall apply only when there are sufficient standard signs erected notifying operators of the restriction.

SECTION 6. PENALTY

Any person violating this ordinance shall be subject to the following penalties:

- (a) The first violation of this ordinance shall warrant a formal written warning to the individual or entity found to be in violation.
- (b) Upon the second violation of this ordinance the individual or entity found to be in violation of this ordinance shall be guilty of a violation and subject to a fine not to exceed two hundred dollars (\$200.00) and/or a definite term of imprisonment in the county jail, not to exceed thirty (30) days.
- (c) Upon the third and subsequent violations of this ordinance the individual or entity found to be in violation of this ordinance shall be guilty of a Class C Misdemeanor and subject to a

fine not to exceed five hundred dollars (\$500.00) and/or a definite term of imprisonment in the county jail, not to exceed three (3) months.

Violations of this ordinance shall be prosecuted by the Town of Brookwood Municipal Court.

SECTION 6.1 IMPOUNDMENT OF VEHICLE.

The council may order the removal of a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders trash removal, street improvements or maintenance operations. The vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this ordinance.

SECTION 6.2 PRIMA FACIE VIOLATIONS.

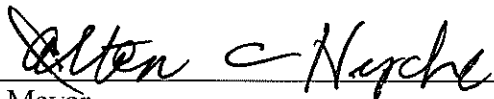
The presence of any motor vehicle on any street when standing or parked in violation of this ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

SECTION 7. EFFECTIVE DATE

The ordinance shall take effect and be in force after its passage and publication according to law.

Adopted by the Town Council of the Town of Brookwood this _____ day of June, 2019.

BROOKWOOD TOWN COUNCIL

By: 
Mayor


ATTEST:


Town Clerk

I hereby certify that the above and foregoing Ordinance was posted on the ____ day of

_____, 2019 at the following locations:

- 1.
- 2.
- 3.
- 4.



Town Clerk