

ORDINANCE NO. 2016-3

**AN ORDINANCE REGARDING MUNICIPAL PARKING ORDINANCES, THE  
ENFORCEMENT OF SUCH ORDINANCES, AND THE  
RELATED SCHEDULE OF FINES**

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**WHEREAS**, the City Council desires to amend and restate Ordinance No. 2009-23, concerning (i) the administrative enforcement of parking ordinances, and (ii) criminal prosecution when ordinance violators refuse to pay such tickets after the administrative process; and

**WHEREAS**, the City is authorized by § 11-45-9.1 of the *Code of Alabama* to provide to enforce the parking ordinances through the process described herein.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Pinson, Alabama that Ordinance No. 2009-23 is hereby amended in its entirety, reenacted, and restated to read as follows:

***Section 1. Applicability to Certain Municipal Ordinance Violations.***

This Ordinance shall apply to any person's violation of the following:

- (a) Section 4 of Ordinance No. 2007-5 (relating to emergency lane parking);
- (b) Section 1 of Ordinance No. 2007-6 (relating to handicap parking);
- (c) Section 2 of Ordinance No. 2006-23 (relating to parking on Innsbrooke Parkway); and
- (d) Any other Ordinance of the City of Pinson concerning rules concerning parking within the corporate limits of the City of Pinson, whether previously or hereafter enacted.

***Section 2. Registered Owner Presumption.***

The presence of an unattended automobile or other motor vehicle parked in violation of any of the city ordinances discussed in Section 1 hereof shall raise a prima facie presumption that the registered owner of the automobile or other motor vehicle committed or authorized the parking violation and the burden of proof shall be upon the registered owner to show otherwise.

***Section 3. Administrative Process for Parking Tickets.***

(a) The Mayor (or his designee) and the law enforcement officers of the City are authorized to enforce the parking ordinances set forth in Section 1 of this Ordinance and/or otherwise adopted in Ordinance No. 2005-46 (concerning the “Adoption of State Offenses by Reference”) (all of which are hereinafter referred to in this Ordinance as the “Parking Ordinances”), in addition to any other lawful manner, by attaching a written parking ticket (*i.e.*, a parking summons and complaint) to an offending vehicle in a form authorized by the Mayor. Additionally, the Fire Marshals (as may be identified by City Resolution) and/or their designees are authorized to enforce the parking ordinance set forth in Section 1(a) in the same manner.

(b) With respect to the municipal offenses discussed in Section 1 of this Ordinance, the Mayor or his/her designee is hereby appointed as the city official to accept payment for parking tickets and to act as an administrative hearing officer to determine parking offense disputes.

(c) If a person cited with a violation hereunder fails to pay the fine for the same or request an administrative hearing within fourteen (14) days from the date of citation, then the fine for such offense shall be increased by fifteen dollars (\$15.00).

(d) Remittance of the applicable fine stated herein shall constitute a guilty plea and waiver of hearing.

(e) Where a person requests an administrative proceeding, such proceeding shall be conducted informally. Although due process shall be afforded each person requesting an administrative adjudication, strict rules of evidence shall not apply.

(f) After such hearing, the Mayor or his/her designee shall be authorized and shall have the discretion to summarily dismiss any charged parking offense hereunder when no probable cause is found for the charge or when reasonable excuse of justification for the offense is shown. When fines are imposed, the Mayor or his/her designee is authorized to impose only the fines provided by ordinance.

(g) The Mayor or his/her designee shall maintain a list of all tickets by number which were issued, and shall record the disposition of each. Where tickets are summarily dismissed, there will be a brief notation of the reasons for such disposition.

(h) Any person aggrieved by the administrative decision may appeal as provided by state law or rule.

***Section 4. Summons and Complaint Procedure in Courts of Jefferson County, Alabama***

(a) Except as otherwise set forth herein, if

(i) a person is cited with a violation of one or more of the Parking Ordinances, as described in Section 3 hereof; and

(ii) after the expiration of fourteen (14) days following the date of the offense, such person fails to pay the fine for the same and fails to timely request an administrative hearing, or the person cited fails to abide by any order issued by the City Clerk following an administrative hearing,

then such person is in violation of this Ordinance, and the city's law enforcement officers may, within one year from the date of the offense, in lieu of placing such persons under custodial arrest, issue a summons and complaint to such persons, and the prosecution of such persons will adhere to the procedure set forth in § 11-45-9.1 of the *Code of Alabama*, as it may be amended, and other applicable state law.

(b) Pursuant to § 11-45-9.1(b) of the *Code of Alabama*, the Alabama Uniform Nontraffic Citation and Complaint is hereby approved by the City Council as the form of the summons and complaint.

(c) The schedules of fines for the Parking Ordinances are hereby restated and approved as follows:

Parking Ordinance Violation: \$50.00 for each first, second and subsequent offenders.

(d) The schedule of fines is adopted and shall be utilized as set forth in § 11-45-9.1 of the *Code of Alabama*, as it may be amended, and other applicable state law.

*Section 5.* Any ordinance heretofore adopted by the City Council of the City of Pinson, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

*Section 6.* If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

*Section 7.* This Ordinance shall become effective upon its adoption.

ADOPTED this the 21<sup>st</sup> day of Jan, 2016.

  
HOYT SANDERS, MAYOR

ATTEST:

  
MARIE TURNER, CITY CLERK/TREASURER

**CERTIFICATION OF CITY CLERK/TREASURER**

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, Marie Turner, City Clerk/Treasurer of the City of Pinson, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Pinson, Alabama, on the 21<sup>st</sup> day of Jan, 2016.

Witness my hand and seal of office this 21<sup>st</sup> day of January,  
2016.

  
Marie Turner, City Clerk/Treasurer