

**ORDINANCE NO. 2018-28**

**ORDINANCE PROHIBITING CERTAIN KINDS OF PARKING  
IN RESIDENTIAL AREAS**

---

**WHEREAS**, the City Council has received complaints concerning the parking of large commercial vehicles and trailers on residential streets inside the city;

**WHEREAS**, the City Council has received complaints concerning the parking of vehicles on residential streets inside the city in such a manner as to block the passage of other vehicles upon those streets;

**WHEREAS**, the City Council finds that the parking of large commercial vehicles and trailers on streets in residential areas, while not being used in the process of deliveries or other business, can pose a hazard by obstructing the vision of drivers and pedestrians;

**WHEREAS**, the City Council finds that the parking of vehicles on residential streets, in such a manner as to intrude upon the parts of the street used by other vehicles for travel, can pose a hazard by obstructing the vision of drivers and pedestrians;

**WHEREAS**, such parking can also crowd the street, making it difficult for other vehicles to travel the roadway, and unreasonably obstruct the enjoyment of the residential neighborhood by its occupants and visitors;

**WHEREAS**, § 32-5-1(e) of the *Code of Alabama* permits local authorities to regulate or prohibit the parking of vehicles; and

**WHEREAS**, the City Council finds that this Ordinance will promote the health, safety, and welfare of the citizens of Pinson.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA, while in regular session on December 20, 2018, at 1:00 p.m., as follows:

**Section 1. Commercial Vehicle / Trailer Parking in Residential District - Violation.**

(a) No person shall stand or park

(i) a commercial motor vehicle, as that term is defined by § 32-6-49.3 of the *Code of Alabama*, as the same exists or may hereafter be amended, or

(ii) any trailer or semitrailer, as those terms are defined by § 32-1-1.1 of the *Code of Alabama*, that is of a length in excess of 25 feet,

on a part of any public roadway where such part lies adjacent to a parcel of property that is located in a residential zone according to the Zoning Ordinance of the City of Pinson, Alabama.

(b) This Section 1 shall not apply to recreational vehicles, motor homes, pickup trucks with attached campers, and/or buses that are used exclusively for personal pleasure by an individual, and not in connection with any business or commercial endeavor.

**Section 2. Parking in Street in Residential District - Violation.**

(a) No person shall stop, park, or have standing any vehicle, whether attended or unattended, upon any public roadway where such part lies adjacent to a parcel of property that is located in a residential zone according to the Zoning Ordinance of the City of Pinson, Alabama, when it is practicable to stop, park, or leave such vehicle off the roadway.

(b) No person shall stop, park, or have standing any vehicle, whether attended or unattended, upon any public roadway where such part lies adjacent to a parcel of property that is located in a residential zone according to the Zoning Ordinance of the City of Pinson, Alabama, such that an unobstructed width of the roadway opposite a standing vehicle is not left open for the free passage of other vehicles.

**Section 3. Exceptions**

Sections 1 and 2 shall not apply to:

(a) the driver of any vehicle which is disabled while on the paved or main-traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position;

(b) the driver of any person engaged in the business of carrying passengers for hire while stopped on the right-hand side of the roadway and actively picking up or discharging passengers, if there is a clear view of the vehicle from a distance of 100 feet in each direction upon the roadway and it is not practicable to stop or park such vehicle off the roadway;

(c) any driver engaged in the official delivery of the U.S. mail or private parcel delivery, if there is a clear view of the vehicle from a distance of 100 feet in each direction upon the roadway; and

(d) any driver of a commercial motor vehicle, trailer or semi-trailer under the following conditions, so long as there is a clear view of the vehicle from a distance of 100 feet in each direction upon the roadway, and it is not practicable to stop or park such vehicle off the roadway:

(i) during the process of actively loading or unloading such vehicle;

(ii) during the time such vehicle is actively used in connection with the performance of routine or emergency work, service, or maintenance, involving utilities, other vehicles, or public/private property; or

(iii) during the time such vehicle is actively used in connection with the construction of utilities or structures/improvements on public/private property.

#### **Section 4. Enforcement.**

(a) There shall be a prima facie presumption that the registered owner of the vehicle in violation of this Ordinance parked or allowed the vehicle to be parked in violation of this Ordinance.

(b) Any person violating the terms of this Ordinance shall be punished by a fine of \$50.00.

(c) *Schedule of Fines.* Violations of this Ordinance shall appear on the City of Pinson, Alabama's Schedule of Fines as follows:

Violation of Ordinance No. \_\_\_\_\_ (Prohibiting Certain Kinds of Parking in Residential Areas): \$50.00.

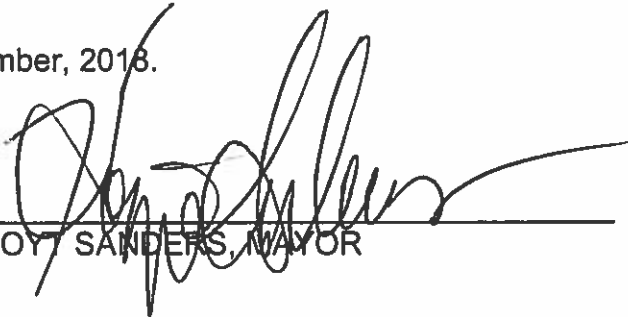
**Section 5.** Any ordinance heretofore adopted by the City Council of the City of

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 on February 1, 2019.

**ADOPTED** this the 20 day of December, 2018.

  
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 \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Marie Turner, City Clerk/Treasurer