

**ORDINANCE NO. 2024-02-05-02**

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**AN ORDINANCE AMENDING THE ASHLAND ON-STREET PARKING ORDINANCE OF 2009; REPEALING ALL CONFLICTING PROVISIONS OF SAID ORDINANCE; AND PROVIDING AN EFFECTIVE DATE OF SAID AMENDMENT**

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**WHEREAS**, the City Council of the City of Ashland, Alabama (“City Council”) adopted an ordinance regulating on-street parking within the City of Ashland (“City”) on October 19, 2009, by virtue of Ordinance No. 2009-10-19-01 (the “Ashland On-Street Parking Ordinance”);

**WHEREAS**, the City has elected to amend said ordinance;

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

**SECTION 1.** The Ashland On-Street Parking Ordinance is hereby amended to read as follows:

**Article I, Generally**

**Section 1.1. Generally.** The City Council may from time to time designate particular streets or parts of streets, or particular areas, in which parking is prohibited, or prohibited during certain hours, or limited in time, or otherwise regulated or restricted. Suitable signs or marking shall be erected and maintained, giving notice of such regulations and restrictions, and it shall be unlawful for any person to violate or fail to comply with any such sign or marking.

**Section 1.2. Designation of Authority.** Except as may be otherwise provided or required, the Mayor, Chief of Police, and the Street Department council liaison are authorized and empowered to post regulations and restrictions for parking on the public streets or public parking area in the town.

- a. **Markings.** It shall be the duty of the Mayor, Chief of Police, and Street Department council liaison to:
  - i. Cause all safety zones in or on roadway surfaces to be so designated in yellow or by raised markers or platforms.
  - ii. Cause loading and unloading zones established to be so indicated by appropriate markings on the roadway or curbs opposite and contiguous to such loading and unloading zones or spaces.
  - iii. Cause all spaces and areas in which parking is prohibited to be indicated by yellow marking of curbs opposite and contiguous to such prohibited parking space.
  - iv. Cause diagonal parking spaces to be indicated by white or yellow lines spaced approximately eight feet (8’) apart and extending from curbs or sides of streets upon which diagonal parking is permitted into the roadway at an angle of approximately forty-five degrees (45°) to curb lines.
- b. **Signage.** In addition to, or in lieu of, the aforesaid warning of regulations, the Mayor, Chief of Police, or Street Department council liaison may cause to be erected and

maintained official signs warning of regulations. The existence of such signs, signals, markers, or markings at any place within the corporate limits of the City shall be prima facie evidence that such signs or markers were erected or placed in accordance with the provisions of this Ordinance.

- c. **Lack of Signage or Markings.** No failure of the Mayor, Chief of Police, or Street Department council liaison of any duty placed upon them by this section shall absolve any person from the duty of conforming to any and every ordinance of the City of Ashland (“City”).

## **Article II, Prohibited and Restricted Stopping, Standing, and Parking**

**Section 2.1. Prohibited Stopping, Standing & Parking Areas.** 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, no person shall:

- a. Stop, stand, or park a vehicle:
  - i. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - ii. On a sidewalk;
  - iii. Within an intersection;
  - iv. On a crosswalk;
  - v. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - vi. In front of a public or private driveway;
  - vii. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - viii. Upon a bridge or other elevated structure, upon a highway or within a highway tunnel;
  - ix. On any railroad tracks;
  - x. At any place where official signs prohibit stopping.
- b. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - i. Within 15 feet of a fire hydrant;
  - ii. Within 20 feet of a crosswalk at an intersection;
  - iii. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
  - iv. Within 500 feet of any fire apparatus that has stopped to answer an emergency call.
- c. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
  - i. Within 50 feet of the nearest rail or railroad crossing;

- ii. At any place where official signs prohibit parking.
- iii. In any manner or location as to interfere with the normal functioning and operations of such vehicles in providing emergency and city services.

**Section 2.2. Courthouse Square Restricted Parking.** Due to limited parking on court square, all restricted personnel, as defined in subsection (a), are prohibited from parking their respective personal or business vehicles in any parking space located on the square on Monday through Friday of each week during the hours of 9:00 am to 5:00 pm, with the exception of a 30-minute period to load and unload their vehicles as necessary.

a. **Restricted Personnel:** Unless excluded by subsection (b), restricted personnel shall mean any:

- i. owner or employee of any business located on the square;
- ii. employee of any State or County government office(s) located on the square;
- iii. employee of the City of Ashland;
- iv. Clay County Courthouse Personnel. For the purposes of this Ordinance, Clay County Courthouse Personnel shall mean any individual, other than an elected or appointed judge, who is employed by the State of Alabama or Clay County Commission and who maintains an office in, or whose employment duties are primarily discharged within, the Clay County Courthouse. This includes, but is not limited to elected officials, administrative staff, bailiffs, security guards, and court clerks. This is to ensure those who spend a significant portion of their workweek at the courthouse are encompassed within the definition of Courthouse Personnel. Judges are excluded from this definition for safety purposes.

b. **Exemptions:** The following restricted persons shall be exempt from the restrictions of this section: (i) any restricted person who has a displays a valid handicapped license plate decal or placard and (ii) any law enforcement officer employed by the City of Ashland while conducting business in or about the square during the normal course of his or her employment duties.

**Section 2.3. Courthouse Square, Reverse Parking.** All vehicles parked on the square shall be parked with the front end facing into the marked space. No person shall back a vehicle into any parking space on the square.

**Section 2.4. Angle Parking.** On any street having been signed or marked for angle or diagonal 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 2.5. Double Parking.** When parking spaces have been designated by appropriate markings on the pavement, no person shall park or stand a vehicle in any such designated parking space such that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating that space; except that a vehicle that is a size too large to be parked within a single designated space shall be permitted to occupy two adjoining spaces unless otherwise prohibited by this ordinance.

**Section 2.6. City Parks and Facilities.** No person shall park at any city park or facility between the hours of 11:00 pm and 5:30 am unless authorized by the City.

**Section 2.7. Stopping, Standing, or Parking in Loading Zone.** No person shall stop, stand, or park a vehicle for any purpose or any period of time, other than the expeditious loading or unloading of passengers, merchandise, materials or freight, in any place marked as a loading and unloading zones longer than necessary and in no event longer than twenty (20) minutes.

**Section 2.8. Parking in Alleys.** No person shall park a vehicle within an alley in such a manner or under those conditions as to leave available less than ten feet (10') 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 abutting property; provided, however, that this provision shall not apply to vehicles while loading and unloading when parked in manner that leaves not less than ten feet (10') of width of the roadway for free movement of other vehicular traffic.

**Section 2.9. Trailers, trucks, etc., in residential districts.** It shall be unlawful for any person to park, or leave standing on any public street or alley in a residence district of the town, as defined in the traffic law, except when in the process of loading and unloading, any truck, trailer or other structure whatsoever, or combination thereof, or any other type motor vehicle, trailer, tractor or structure whatever which is in excess of twenty-two (22) feet in length, or which is in excess of seven (7) feet in height.

**Section 2.10. Abandoning vehicles on public streets-Prohibited.** It shall be unlawful and an offense against the town, and shall constitute a public nuisance, for any person to park or leave standing on any public street, public parking lot or sidewalk in the town any car, bicycle, automobile, truck, cart, wagon or other vehicle of like kind or nature for a period in excess of 24 hours; and it shall be unlawful and an offense against the town and shall constitute a nuisance for any person to park or leave standing or abandon on any street, sidewalk, municipally owned parking lot, alley, or other public place in the town, any vehicle that is damaged, wrecked, unlicensed, inoperable, or that is incapable of being used for its intended purpose, for a period in excess of twenty-four (24) hours. Any vehicle which is abandoned by the driver thereof and left standing while being pursued by any municipal or other duly constituted law enforcement officer shall be deemed to have been abandoned.

**Section 2.11. Handicapped Parking Spaces.** The Mayor and Chief of Police are authorized to designate parking spaces for the exclusive parking of motor vehicles operated by handicapped or disabled individuals on public property. The parking spaces so designated shall be properly marked along with a posted sign stating it is designated for parking by handicapped individuals.

- a. *Definition.* For the purposes of this section, the term 'handicapped individual' means any person having a permanent mental or physical handicap, which limits mobility to the extent that the individual would have difficulty safely walking alone a distance of fifty (50) feet or more.
- b. *Parking without Decal or Placard.* It shall be unlawful for any person who does not have a distinctive handicapped decal or placard as provided for by state law to park a

motor vehicle in a parking space designated for handicapped individuals and, upon conviction, shall be fined one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for the third or any subsequent offense. In addition, for the third or any subsequent offense under this section, the person shall be ordered by the court to perform a minimum of forty (40) hours of community service.

- c. *Enforcement.* Any authorized municipal, county, or state law enforcement officer may go onto private property to enforce the provisions of this ordinance.

**Section 2.12. Overtime Parking.** When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time specified on such signs.

### **Article III, Enforcement**

**Section 3.1. Violations.** Any person failing or refusing to comply with the directions indicated or any sign or marker erected or placed in accordance with the provisions of this ordinance or any person stopping, standing, or parking in violation of the provisions of this ordinance shall be guilty of a misdemeanor.

**Section 3.2. Citations.** The owner or driver committing a municipal parking offense may be cited with the Uniform Non-traffic Citation and Complaint, and the municipal court judge or magistrates shall administratively process all municipal parking offenses wherein a dispute arises. There shall be no court costs.

**Section 3.3. Impounding.** When it is made known to the police department that any vehicle has been parked or left standing on the public streets, alleys, sidewalks or other public place or in one of the prohibited areas as defined by law or ordinance, the police department is authorized to immediately remove the vehicle to some storage place and to hold it there until the owner properly establishes his ownership and pays the cost of removing the vehicle from the street, alley, sidewalk or other public place and pays the cost of storage and handling. Nothing contained in this section shall be construed as binding the town to hold the vehicle in storage for an indefinite and unreasonable time or to prevent the town from selling the vehicle as provided for by Code.

**Section 3.4. Presumption of violation by registered owner of vehicle.** The presence of a vehicle parked in violation of any provision of this division 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 3.5. Schedule of Fines.** A parking fine schedule for the City is established as follows:

<b>Offense</b>	<b>Fine</b>
Parking in excess of posted time limit	\$10.00
Parking in prohibited zone or area	10.00
Parking on yellow curb	10.00
Blocking fire hydrant	100.00
Parking in reserved handicapped zone--first offense	100.00
Handicapped Parking Violation - Second offense	200.00
Handicapped Parking Violation - Third and any subsequent offenses	500.00
Parking in fire lane	25.00
Parking in alley	10.00
Reverse parking	10.00
Double parking	10.00
Blocking driveway	20.00
Parking on sidewalk	25.00

**SECTION 2.** Except as herein amended, the Ashland On-Street Parking Ordinance, as amended, shall remain in full force and effect.

**SECTION 3.** That this amendment of the Ashland On-Street Parking Ordinance shall be effective upon its due adoption and publication.

**ADOPTED AND APPROVED** this the \_\_\_\_ day of February, 2024.

CITY OF ASHLAND, ALABAMA

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**LARRY J. FETNER**, its Mayor

ATTEST:

\_\_\_\_\_  
**CHELSEY WYNN**, Ashland City Clerk

**STATE OF ALABAMA**     )  
  )  
**COUNTY OF CLAY**         )

**CERTIFICATION OF PUBLICATION**

I hereby certify the attached ordinance, Ordinance No. 2024-02-05-02, was passed and adopted on the \_\_\_\_ day of February, 2024, and published by posting at the following locations on the \_\_\_\_ day of February, 2024, at \_\_\_\_ o'clock \_\_.m.:

1. Ashland City Hall (Mayor’s office);
2. Ashland Public Library;
3. Ashland Post Office;
4. the Clay County Courthouse; and
5. City of Ashland website (<https://www.cityofashlandal.com/>).

All notices will remain posted for not less than thirty (30) days after posting.

**CERTIFIED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF ASHLAND, ALABAMA**

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**CHELSEY WYNN**  
City Clerk/Administrator