

AN ORDINANCE REGULATING ON-STREET PARKING

ORDINANCE 894-2022

WHEREAS, the City Council of the City of Helena, Alabama wants to replace Ordinance 431 Amended with new Ordinance as reads below, being referred to forward as Ordinance 894-2022,

WHEREAS, the City Council of the City of Helena, Alabama wants to provide safe streets allowing the best access for all on public streets within the city.

BE IT ORDAINED, by the City Council of the City of Helena, Alabama as follows:

Section 1. Definitions

For the purpose of this division, any area (even though privately owned) within the city limits and police jurisdiction of the City of Helena, provided in connection with a shopping center or other business establishment for the access, movement and parking of motor vehicles and which is open to the public generally for such use, shall be termed a "public parking area."

Section 2. Markings

2.1 It shall be the duty of the Building Official:

- 2.1.1 To cause taxicab/ride share stands established by ordinance to be substantially outlined or indicated on roadway surfaces in yellow.
- 2.1.2 To cause safety zones in or on roadway surfaces to be so designated in yellow or by raised markers or raised platforms.
- 2.1.3 To cause loading and unloading zones or spaces established by them to be indicated by alternate white and yellow marking of curbs opposite and contiguous to such loading and unloading zones or spaces.
- 2.1.4 To cause curb bus stop spaces established by ordinance to be indicated by yellow marking of curbs opposite and contiguous to such bus stop spaces.
- 2.1.5 To cause all other spaces in which parking is prohibited by ordinance to be indicated by yellow marking of curbs opposite and contiguous to such prohibited parking spaces.
- 2.1.6 To cause parallel parking spaces prescribed by ordinance to be indicated by white or yellow lines in roadways parallel to and

approximately seven feet (7') from curbs or sides of streets upon which parallel parking is prescribed.

2.1.7 To cause diagonal parking spaces prescribed by ordinance to be indicated by white or yellow lines spaced approximately eight feet (8') apart and extending from curbs of sides of streets upon which diagonal parking is prescribed into the roadway at an angle of approximately forty-five degrees (45°) to curb lines.

2.2 In addition to, or in lieu of, the aforesaid warnings of regulations, the Building Official and/or Chief of Police may cause to be erected and maintained official signs warning of regulations.

2.3 No failure of the Building Official to perform any duty enjoined upon them by this section shall absolve any person from the duty of conforming to any and every ordinance of the city, but any such failure of an ordinance upon the part of any defendant to prosecution for violation of such ordinance as a consequence of such failure may be shown in mitigation or justification as the municipal judge may determine.

Section 3. Backing Into Parking Space

3.1 It shall be unlawful for any person to back or attempt to back any vehicle into a vacant parallel parking space which is more than ten feet (10') in the rear of such vehicle at the commencement of the backward movement.

3.2 It shall be unlawful for the operator of any vehicle which is not itself in position to be backed into vacant parallel parking space to obstruct or hinder the lawful backing of any other vehicle into such vacant space.

Section 4. Loading and Unloading Zone

4.1 Businesses fronting upon either side of a street within any block in a business district are not served, or adequately enough by alley in the rear thereof, the Building Official shall have the power to establish and cause to be properly marked a loading and unloading zone of thirty feet (30') or less in length upon such side of the street within such block for the service of such business houses.

4.2 It shall be unlawful for the operator of any vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the unloading and delivery or pick-up and loading of materials in any place marked as a loading zone.

- 4.3 It shall be unlawful for the operator of any vehicle to stand or park in an officially designated bus stand, or for any vehicle other than a taxicab/ride share to stand or park in an officially designated taxicab/ride share stand, or for any vehicle other than a truck, or merchandise delivery vehicle to stand or park in an officially designated loading and unloading zone, except that the operator of any private passenger vehicle may temporarily stop in any such stand or zone for the purpose of and while actually engaged in the loading or unloading of passengers.

Section 5. Prohibited Parking

- 5.1 No person shall park a motor vehicle on any city street that is maintained by the City of Helena in the corporate or police jurisdictional limits.
- 5.2 Any person violating any provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof: be punished by a fine of not more than three hundred dollars (\$300.00) or may be imprisoned in the municipal jail. For a second conviction within one year thereafter, such person shall be punished by a fine of not more than four hundred dollars (\$400.00), or may be imprisoned in the municipal jail, or both such fine and imprisonment. Upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or may be imprisoned in the municipal, or both such fine and imprisonment.

Section 6. Designated Areas

- 6.1 It shall be unlawful for any person to park any vehicle:
- 6.1.1 Upon any portion of any paved roadway owned and/or maintained by the city within the city.
 - 6.1.2 Within three feet (3') of the intersection of any alley with a street.
 - 6.1.3 Within fifteen feet (15') of a line through the center of the main entrance of any hotel, theatre, bank, office building or public building projected into the street at right angles to the street line.
 - 6.1.4 On any public sidewalk or portion thereof in any platted subdivision located within the city or any public sidewalk or any portion thereof located anywhere within the city.

- 6.1.5 Vehicles within a residential area are only allowed to park in the designated area of off-street parking of the property that is asphalt, concrete, or chip seal.
- 6.1.6 In the space between the pavement and the property line on any paved roadway or street within the city.
- 6.1.7 On the premises of another after having been warned not to do so by word of mouth or sign or otherwise, provided, that this section shall not apply to employees of the City in the discharge of their official duties.
- 6.1.8 The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control thereof, shall raise a prima facie presumption that the registered owner of such automobile or other motor vehicle parked or left or caused to be parked or left on the premises, and the burden of proof shall be upon the registered owner to show otherwise.
- 6.1.9 Any person violating the provisions of this section shall, upon conviction, be fined in amounts not less than:

First Conviction	\$75.00
Second Conviction	\$150.00
Third Conviction	\$300.00

Section 7. Stopping on Street Unlawfully

Whenever any police or traffic officer shall find a vehicle standing upon a street in violation of Code of Alabama 1975, section 32-SA-136, he is authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under said section.

Section 8. Putting Advertisement In or On Parked Vehicles

It shall be unlawful for any person to place any written or printed advertising matter in or attach any such advertisement to any part of any vehicle while the same is parked upon any public street or alley of the city, without first having obtained the consent of the owner of said vehicle so to do.

Section 9. Parking Time Limits

No motor vehicle or semi-trailer, as defined in Code of Alabama 1975, section 32-1-1~, may be parked or left standing upon any public way in the city or its police jurisdiction for a continuous uninterrupted period of four (4) hours. No motor vehicle, tractor, trailer or semi-trailer with an overall length of fourteen feet (14 ') or more shall be parked or left standing upon any public street or way

in any residentially zoned area in the city or its police jurisdiction for a continuous uninterrupted period of more than four (4) hours.

Section 10. Removal by Police

Any motor vehicle, trailer or semi-trailer as defined in Code of Alabama 1975, section 32-1-1~, parked upon a public street or way of the city at a place, in a manner or for a length of time, prohibited by any ordinance of the city is, if unoccupied, hereby declared to be an obstruction in such street or way and a public nuisance, and any police officer of the city is hereby authorized to cause the same to be removed to, and impounded in, the garage designated by the city.

Section 11. Other Penalties

The payment of any charges prescribed in this division shall not have the effect of relieving the owner or operator of the vehicle of any penalty prescribed by any other ordinance of the city for violating ordinances of the city regulating parking of vehicles.

Section 12. Complaint in Municipal Court

In addition to the right of removal of any vehicle found to be parked in violation of section eleven or twelve, any police officer of the city is hereby further authorized to cause a complaint to be filed in the municipal court of the city, alleging a violation of section eleven or twelve against the owner or operator of said vehicle if he can be found or is known to said officer, which complaint shall be heard and tried in said municipal court in the same manner as other violations of city ordinances are heard and tried.

Section 13. Established, Painting

- 13.1 The Building Official is hereby authorized to establish, or cause to be established emergency lanes in any public parking area for the purpose of providing adequate access for emergency vehicles and equipment to and from all buildings and structures adjacent to or served by such public parking area.
- 13.2 Such emergency lanes shall be established and clearly marked by painting the curb red and by posting signs designated the same as emergency lanes.

Section 14. Severability

If any portion or provision of this Ordinance, or its application to any person or circumstance, shall be declared unconstitutional or otherwise declared void, voidable, or invalid for any reason or should any portion be pre-empted by State or Federal law or regulation, such portion or provision shall be deemed severed, and any such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 15. Effective Date

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

Ordinance Number 894-2022

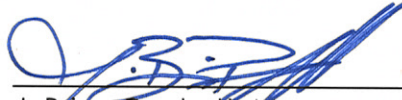
APPROVED AND ADOPTED THIS 27th DAY OF JUNE 2022.

[SEAL]



ATTEST:


Amanda C. Traywick, City Clerk


J. Brian Puckett, Mayor

 absent
Leigh Hulse, Council Member


Chris VanCleave, Council Member


Alice Lobell, Council President


Laura Joseph, Council Member


Harold Woodman, Council Member

**STATE OF ALABAMA
SHELBY COUNTY**

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 894-2022 duly adopted by the Council of the City of Helena at its meeting held 27th day of June, 2022, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 27th day of June, 2022.

Given under my hand and corporate seal of the City of Helena, this the 27th day of June, 2022.

[SEAL]

Amanda C Traywick

Amanda C. Traywick, City Clerk

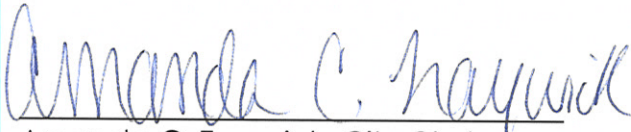


CERTIFICATION

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 894-2022 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, Helena Post Office, on our website www.cityofhelena.org, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 27th day of June, 2022, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 27th day of June, 2022.

[SEAL]


Amanda C. Traywick, City Clerk

