

ORDINANCE NO. 586-2021

AN ORDINANCE REGULATING ABANDONED, JUNKED OR NONOPERATING VEHICLES WITHIN THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, *Code of Alabama* (1975) § 32-13-1, et seq., as the same may be amended, establishes and provides authority for municipalities to regulate abandoned vehicles; and

WHEREAS, abandoned vehicles and junked vehicles cause a danger to the health, safety and welfare of those persons traveling on public rights-of-way in the City of Spanish Fort and/or create a nuisance condition by being abandoned on public lands or public ways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Abandoned, Junked, or Nonoperating Vehicles.

(a) Definitions: The following definitions shall apply in the interpretation and enforcement of this section.

(1) *Public lands or public ways:* All streets, walkways, alleys, highways, parks, lands and easements which are in the ownership or under the lawful control of the City of Spanish Fort.

(2) *Property:* All real property within the City exclusive of public lands and public ways.

(3) *Vehicle:* A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(4) *Abandoned vehicle:* Any vehicle which has been left parked or unattended for longer than seven (7) days upon any public land or public way without written authorization; any vehicle which reasonably appears to be lost, stolen, disabled or unclaimed; any vehicle left in an area clearly marked to designate such an area as a "no parking" zone; or any vehicle left unattended in such a manner and under such circumstances as to constitute a hazard to the safe and orderly movement of traffic upon any public street, alley or highway.

(5) *Junked or nonoperating vehicle:* Any vehicle that does not bear a current license plate; any vehicle that is not capable of being driven under its own power; or any vehicle which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition.

(b) Abandonment: No person shall abandon any vehicle within the City, and no person shall leave any vehicle at any place within the City at such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(c) Dismantled, nonoperating, wrecked, or junked vehicles: No person shall leave any partially or wholly dismantled, nonoperating wrecked or junked vehicle, or parts thereof, on any public land or public way within the City. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially or wholly dismantled nonoperating, junked, wrecked, or discarded vehicle, or parts thereof, to remain on such property longer than seven (7) days; and no person shall place any such vehicle upon any property, or upon any public land or public way within the City. Provided however, that this section shall not apply to the following:

(1) Any vehicle within an enclosed building;

(2) Any vehicle with a lawfully established place of storage.;

(3) Any vehicle upon the premises of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to such operation;

(4) Any vehicle upon the premises of a business involved in the service or repair of such vehicles; or

(5) Any vehicle in a storage place or depository maintained by or under authority of the City of Spanish Fort.

(d) Impounding:

(1) The Chief of Police or any police officer of the City is hereby authorized to remove or have removed any vehicle which reasonably appears to be abandoned, lost, stolen or unclaimed or which is otherwise in violation of this Ordinance. Such vehicle shall be impounded in the manner set forth in Ordinance No. 585-2021, and any amendments thereto, until lawfully claimed or disposed of.

(2) The zoning enforcement officer of the City is hereby authorized to remove or have removed any vehicle which is in violation of subsection (c) of this section. The zoning officer shall notify the Spanish Fort Police Department of such removal and the police shall then immediately cause the same to be impounded as provided in Ordinance No. 585-2021, and any amendments thereto, until lawfully claimed or disposed of.

SECTION 2. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

SECTION 3. Severability Clause.

If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding. **Section 4.** This Ordinance shall become effective upon its adoption, or as otherwise required by State law.

ADOPTED AND APPROVED this _____ day of June, 2021.

Michael M. McMillan
Mayor

ATTEST:

Rebecca A. Gaines
City Clerk