

## ORDINANCE

[To Amend City of Prattville Code of Ordinances Chapter 46 - Nuisances, Article IV. – Abandoned Vehicles and Establish Section 46-106. – Regulation of Vehicles in Residential Areas.]

{Sponsored By: Councilor Whaley}

**BE IT ORDAINED** by the City Council of the City of Prattville, that Chapter 46, Article IV., City of Prattville Code of Ordinances is hereby amended as follows:

**Sec. 46-98. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Property* means any real property which is not a street or highway.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Vehicle* means 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. The term "vehicle" includes any boat or vehicle designed to be used on waterways, lakes, rivers, or any other large body of water. The term "vehicle" refers to a vehicle legally or physically incapable of being operated, which includes one that does not have an attached current tag.

**Sec. 46-99. - Maximum time on streets.**

No person shall abandon any vehicle. It shall be presumed that any vehicle that has been left at any place on a street or highway within the City for a period of 72 hours consecutively is an abandoned vehicle.

**Sec. 46-100. - Leaving wrecked, nonoperating vehicle on street.**

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the City.

**Sec. 46-101. - Disposition of wrecked or discarded vehicles on property; exceptions.**

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than seven days; and no person shall leave any such vehicle on any property within the City for a time longer than seven days; except that this section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City, or to vehicles in a duly licensed junkyard.

**Sec. 46-102. - Impounding.**

The Chief of Police or any member of the Police Department designated by the Chief is hereby authorized to remove or have removed by a local wrecker service any vehicle left at any place within the City which reasonably appears to be in violation of this article. Any vehicle so taken up and removed shall be stored at a secured local wrecker lot. A permanent record giving the date of the taking of each vehicle shall be kept by the Prattville Police Department. The owner of any vehicle so impounded will be solely responsible for all costs and fees associated with such impoundment.

**Sec. 46-103. - Reclamation by owner.**

The owner of any abandoned vehicle removed by the Police Department as provided in section 46-102 may regain possession thereof from the City by making application therefor within two months after its receipt by the City upon paying to the City all reasonable costs of removal, which shall be repaid to the person who paid or incurred such charges, plus any additional charges levied by the local wrecker service for storage charges of the vehicle while in possession of the local wrecker.

**Sec. 46-104. - Sale of unclaimed vehicles; disposition of proceeds.**

If no claim for the abandoned vehicle is made within two months after it is received by the City, the City may sell the vehicle for the best price obtainable as junk or otherwise, as provided in Code of Alabama 1975, as amended, § 32-13-1 et seq. The proceeds shall be available to pay the reasonable charges of delivering the same to the City if a claim therefor is made by the person who paid the charges and the expense of keeping and disposing of the vehicle; any balance shall be held and disposed of as provided in Code of Ala. 1975, § 32-13-7.

**Sec. 46-105. - Liability for damage following removal.**

Neither the owner, lessee or occupant of the premises from which any abandoned vehicle shall be removed under the provisions of this article, or any servant or agent thereof, or the City, shall be liable for any loss or damage to such vehicle while being removed, or while in the possession of the City, or as a result of any subsequent sale or other disposition.

**BE IT FURTHER ORDAINED** by the City Council that Chapter 46, Article IV., City of

Prattville Code of Ordinances is hereby amended to establish the following:

**Sec. 46-106. – Regulation of Vehicles in Residential Areas.**

A. *Prohibition.* It shall be unlawful for any person, either as owner, agent, occupant, lessee, tenant, invitee, licensee, or otherwise to park, store, keep, harbor, stop, deposit a vehicle or allow, cause or permit such a vehicle to be parked, stored, kept, harbored, stopped, or deposited within any zoned residential area of the City of Prattville in the following manners:

1. In front of a residence, except under the following conditions:
  - a. Within the boundaries of the designated driveway.
  - b. Adjacent to the driveway along the street, opposite the front door of the residence, and with the flow of traffic provided such vehicles do not violate section 46-99 for maximum time on streets.
2. In the rear of a residence, for no more than 72 consecutive hours, unless the rear yard is enclosed by a 6-foot-tall opaque fence.
3. No vehicle shall be parked or stored upon a vacant parcel of land that does not have a principal structure for no more than 72 consecutive hours.
4. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless such work is being performed inside of an enclosed garage or similarly enclosed area designed for such purposes or concealed to the rear of the residence behind a 6-foot-tall opaque fence as listed above.

B. *Exceptions.*

1. *Limited Use.* For the purposes of this section, parking in the front yard, as restricted by subsection (A)(1), shall not be prohibited where the motor vehicle is parked for the limited purpose of loading, unloading, or washing. This exception shall only apply while the owner or operator of the motor vehicle is actively engaged in the said task, and in no event shall this exception apply for no more than a 72 consecutive hour time period.
2. *Special Events / Functions.* The prohibitions of this section shall not apply to vehicles legally parked for the purposes of a special event or organized function (including but not limited to holiday gatherings, birthday parties, celebrations of life, etc.). This exception shall only apply while the owner or operator of the motor vehicle in question is in physical attendance of such an event or function and the parking of the vehicle for no more than 72 consecutive hours.
3. *Emergency Vehicles.* Furthermore, the prohibitions of this section shall not apply to authorized emergency vehicles parked while emergency personnel are engaged in answering a call or rendering assistance. Authorized emergency vehicles shall include police and fire vehicles, as well as ambulances and hearses.
4. *Historic Districts.* The provisions of this section shall not operate to allow the construction of driveways or the use of property in historic districts which conflicts with the rules and regulations governing land use in those districts.

C. *Enforcement.* The Chief of Police, or his duly appointed designee, shall be charged with the enforcement of this section. For any property found to be in violation, notice shall be given, and the registered owner of the vehicle shall have ten (10) calendar days within which to bring the property into compliance.

1. *Impounding.* Refer to Section 46-102.

a. *Liability for Damage Following Removal.* No agent or servant of the City, shall be liable for any loss or damage to such vehicle while being removed, or while being stored in accordance with this Ordinance or other disposition as defined in Sec. 46-105.

2. *Penalty for violation.* In addition to any cost incurred for the removal of any vehicle by a local wrecker service in Section C(1), there shall be assessed the following fines to the owner of the vehicle:

- For the first violation, a fine of \$100.00 shall be assessed.
- For the second violation, a fine of \$200.00 shall be assessed.
- For the third or any subsequent violation a fine of \$300.00 shall be assessed.

a. The fines for this violation will be paid to the City of Prattville Municipal Court. After the Municipal Court has received payment and issued a receipt for said fine, the owner of the vehicle will be able to retrieve his/her vehicle from the local wrecker service where it is stored. The above fines apply individually for each vehicle for this section.

**THIS** Ordinance shall become effective upon its passage and execution as provided by

law.

**ADOPTED THIS 21<sup>ST</sup> DAY OF MAY, 2024.**

By: Lora Lee Boone, President  
Prattville City Council

**AUTHENTICATED THIS 21<sup>ST</sup> DAY OF MAY, 2024.**

By: Paula G. Barlow  
City Clerk

**APPROVED:**

By: Bill Gillespie, Jr.  
Mayor