

ORDINANCE NUMBER 2236

**AN ORDINANCE PROHIBITING PARKING OR DRIVING ON
PUBLIC SIDEWALKS IN THE CITY OF VESTAVIA HILLS,
ALABAMA**

**THIS ORDINANCE NUMBER 2236 IS APPROVED AND ADOPTED BY
THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA ON
THIS THE 2ND DAY OF JUNE, 2008.**

WITNESSETH THESE RECITALS:

WHEREAS, Alabama law at Title 32-5A-137(a)(1)(b), *Code of Alabama, 1975*,
reads as follows:

- (a) Except when necessary to avoid conflict with other traffic, and in compliance
with the law or the direction of a police officer or official traffic-patrol device,
no person shall:
 - (1) Stop, stand or park a vehicle;
- (b) on a sidewalk; and

WHEREAS, Ordinance Number 1653 approved and adopted on October 21,
1996, provides that any person, entity or corporation committing an offense within the
corporate limits or police jurisdiction of the City of Vestavia Hills, Jefferson County,
Alabama, which is declared by law or laws of the State of Alabama now existing or
hereafter enacted to be a misdemeanor shall be guilty of an offense against the City of
Vestavia Hills, Jefferson County, Alabama; and

WHEREAS, the City of Vestavia Hills, Alabama has constructed extensive
public sidewalks on public property in many areas thorough the City of Vestavia Hills
which said construction was paid for utilizing federally funded grants providing matching
funding (80% federal and 20% local); and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama finds and
determines that it will promote the health, safety and public welfare to enact this
Ordinance Number 2236.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

SECTION ONE: DEFINITIONS.

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

- A) Person or Persons: Any person, firm, corporation or association.
- B) Motor Vehicle – Every vehicle which is self-propelled.
- C) Sidewalk - a paved walk for pedestrians generally located at or along the side of a street in a public right-of-way or easement recorded for such purpose.

SECTION TWO: PROHIBITIONS.

- 1. It shall be unlawful for any person to leave or cause to be left or parked any vehicle upon, over, or across any public sidewalk in the City of Vestavia Hills, Alabama, or that area between the sidewalk and curb; and
- 2. It shall be unlawful for any person to drive upon, over or across any public sidewalk in the City of Vestavia Hills, Alabama or that area between the sidewalk and curb unless said sidewalk is built across or onto a private driveway or public entrance and is constructed in such a way as to accommodate said traffic.

SECTION THREE: PRESUMPTION OF GUILT.

The presence of an unattended motor vehicle as defined in Section One above, parked or left, or caused to be parked or left on any public sidewalk of the City of Vestavia Hills, Alabama of one who is not the owner of, or in control of, such motor vehicle shall raise a prima facie presumption that the registered owner of such motor vehicles parked or left, or caused to be parked or left, said motor vehicle on said sidewalk and the burden of proof shall be upon the registered owner thereof to show otherwise.

SECTION FOUR: EXCEPTIONS.

The following motor vehicles shall be exempt from the provisions of this ordinance:

1. Any government vehicle used by any government official in the performance of his duties;
2. Any emergency vehicle used by medics or other emergency personnel in the performances of his duties;
3. Any public utility vehicles or contractors hired by public utility companies in the performance of their official or contracted duties;
4. Motorized mobility scooters and/or electric power wheelchairs designed for and utilized by mobility disadvantaged individuals as it relates to driving.

SECTION FIVE: PENALTY.

Any person found to be in violation of Section Two of this ordinance shall, upon the first conviction thereof, be punished by a fine of not less than Seventy-Five Dollars (\$75.00) or punished pursuant to Section 1-5 of the Vestavia Hills Code of Ordinances, republished 2002 at the discretion of the Court trying the case.

SECTION SIX: SEVERABILITY.

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 SEVEN: EFFECTIVE DATE.

This ordinance shall become effective immediately upon adoption and publishing/posting as required by state law.

DONE, ORDERED, ADOPTED and APPROVED this the 2nd day of June, 2008.

David Carrington
Council President

ATTESTED BY:

Rebecca Leavings
Acting City Clerk

APPROVED BY:

Charles A. McCallum
Mayor

CERTIFICATION:

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2236 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 2nd day of June, 2008 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Public Library, Vestavia Hills City Center and Vestavia Hills Recreational Center this the _____ day of _____, 2008.

Rebecca Leavings
Acting City Clerk