

TOWN OF
MAGNOLIA  SPRINGS

ORDINANCE NO. 2015-01

AN ORDINANCE REGULATING PARKING; GENERAL USE OF RIGHTS OF WAYS, STREETS, ALLEYS OR OTHER PUBLIC PLACES

BE IT ORDAINED BY THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, AS FOLLOWS:

DIVISION ONE

REPEAL OF ORDINANCE NO. 2008-11

Ordinance 2008-11 adopted by the Town of Magnolia Springs, Alabama, on October 28, 2008, is hereby repealed, such repeal to become effective on the effective date of this Ordinance.

DIVISION TWO

PARKING

Section 1. Definitions.

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

Park and Parking means the standing or halting of a vehicle, whether occupied or not, or otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Section 2. Enforcement.

Enforcement. Law enforcement or a representative of the Town of Magnolia Springs may enforce the provisions of this Division and report the violation thereof by attaching to each vehicle found in violation of this Division a notice stating that it has been parked in violation of this Division. Such notice may include the date and hour of the violation, the make and state license number of the vehicle, and the place where the violation occurred. A complaint may be filed by the Town with a court of competent jurisdiction in regard to such violation if all penalties are not paid in the times and amounts set forth below. Remittance by mail of the fine shall constitute a guilty plea and waiver of trial, whether or not the notice is signed by the owner or operator.

The Town, as its sole method of enforcement or in conjunction with all methods of enforcement available to the Town under this code or any local, state or federal laws, may tow vehicles in violation of this Division at the owner's expense.

Section 3. Areas Where Parking is Prohibited.

No person shall park, cause to be parked or knowingly permit any vehicle which he owns to be parked in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.

3. Within an intersection.
4. Within 15 feet of a fire hydrant, unless in an area specifically marked out or designated for parking.
5. On a crosswalk.
6. Within 20 feet of any street excavation or obstruction when parking would obstruct traffic.
7. On the roadway side of any vehicle stopped or parked at the edge of a curb or street.
8. Upon any bridge, culvert or other elevated structure.
9. In any prohibited area when such area is marked with yellow paint and/or an official no parking sign.

Section 4. Designation of Prohibited Parking Areas or Limits on Use.

The Town Council may, from time to time, designate areas in which parking or use shall be limited or prohibited which shall be marked with yellow paint and/or an official sign.

DIVISION THREE

CERTAIN USES AND OBSTRUCTION

Section 1. Obstruction Prohibited.

No persons shall obstruct, cause to be obstructed or knowingly permit the obstruction of the streets, roads or rights-of-way of the Town of Magnolia Springs with rubbish, trash, debris, garbage, machinery, automobiles, personal items, or bulky waste in addition to any other obstruction that may, in the Town's sole discretion, be offensive to the public health, safety or welfare, prevent or impair maintenance or drainage, or obstruct the view of any motorist or pedestrian entering, exiting, or travelling upon the streets, roads, or rights-of-way. Bulky waste includes, without limitation, yard debris, leaves, plants, shrubs, trees, limbs and other like matter. Persons placing bulky waste or other items within the Town's rights-of-way for collection and removal by Baldwin County Solid Waste, or any other provider of solid waste removal services, shall place said items in compliance with this Ordinance and only in the area of the Town's right-of-way that abuts their real property. No person shall place bulky waste or other items within the Town's rights-of-way for collection and removal for longer than seven (7) consecutive days.

Section 2. Walking

Except as otherwise stated in this code or as marked with paint and/or an official sign, pedestrians may walk on the Town's rights-of-way in a safe and reasonable manner so as not to endanger themselves or other users of the streets, roads and right-of-ways.

DIVISION FOUR

PENALTY AND EFFECTIVE DATE

Section 1. Penalty.

The violation of any provision of this ordinance shall be punishable by a fine of not less than \$25.00 nor more than \$50.00. Each violation of this ordinance shall be a separate offense, and in the case of a continuing violation, each day's continuance

thereof shall be deemed to be a separate and distinct offense. The Town of Magnolia Springs may file a complaint in a court of competent jurisdiction to enforce the provisions and penalties of this ordinance and may request all appropriate relief available under state and local law. All costs, fees, and expenses (including without limitation court costs and reasonable attorney fees) in connection with such violation shall be assessed as damages against the violator. The fines outlined herein must be paid within ten (10) days of the date of the violation notice in cash, check, or money order payable to the Town of Magnolia Springs at:

12191 Magnolia Springs Hwy
Post Office Box 890
Magnolia Springs, AL 36555.


Section 2. Severability

If the provisions of any division, section, subsection, paragraph, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph or clause of this ordinance.

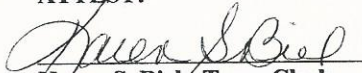
Section 3. Effective Date

This Ordinance shall become effective upon its adoption and publication.

ADOPTED and APPROVED this 27th day of January, 2015.


Kenneth D. Underwood - Mayor

ATTEST:


Karen S. Biel - Town Clerk

Town of Magnolia Springs, Alabama, certificate of publication. This is to certify that **Ordinance No. 2015-01**, Town of Magnolia Springs, Alabama, was published by posting on at least three (3) bulletin boards in the Town from **January 28, 2015** to **February 26, 2015**.


Karen S. Biel - Town Clerk