

**ORDINANCE TO AMEND CHAPTER 16 OF THE *CODE OF ORDINANCES*  
OF THE CITY OF OPELIKA, ALABAMA TO ADD A NEW ARTICLE XIV  
ENTITLED “STOPPING, STANDING, AND PARKING GENERALLY”**

BE IT ORDAINED by the City Council (the “Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. **Amendment.** That Chapter 16 of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended to add a new Article XIV entitled “Stopping, Standing, and Parking” to read as follows:

**Article XIV STOPPING, STANDING, AND PARKING**

**Division 1--Generally**

**Sec. 16-351. Application of article.**

The provisions of this article prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this article or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**Sec. 16-352. Signs and/or markings required.**

Whenever by a provision of this article parking is prohibited or restored on any street, section of a street or in any municipal off-street parking facility, the City Engineer shall have the duty and is empowered to cause to be installed appropriate signs and/or markings on such street or part of the street giving notice. Markings are described but not limited to as follows: stop line markings, crosswalk markings, curb markings, or yellow or white pavement markings on areas of pavement that prohibit parking in the absence of curbs. No such regulations shall be effective unless such signs or markings are in place on any street, section of a street, or off-street municipal parking facility at the time of any alleged offense.

**Sec. 16-353. Stopping, standing or parking prohibited in specified places.**

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (1) Stop, stand or park a vehicle:
  - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - b. On a sidewalk;
  - c. Within an intersection;
  - d. On a crosswalk;
  - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - g. Upon any bridge or other elevated structure, upon a highway or within a highway tunnel or beneath a highway viaduct unless designated by the City Engineer for public parking;
  - h. On any railroad tracks;
  - i. At any place where official signs prohibit stopping.

- j. At any place where official signs or markings are erected prohibiting or restricting parking.
  - k. Within bicycle lanes adjacent arterial and collector streets.
  - l. In any designated fire zone.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of a public or private driveway;
  - b. Within 15 feet of a fire hydrant;
  - c. Within 20 feet of a crosswalk at an intersection;
  - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
  - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
  - f. At any place where official signs prohibit stopping, standing or parking.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- a. Within 50 feet of the nearest rail or railroad crossing;
  - b. At any place where official signs prohibit stopping, standing or parking.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (c) Penalties for violation of this section shall be as provided in section 16-404 of this Code.

**Sec. 16-354. Parallel parking.**

- (a) Except as otherwise provided by law or ordinance, every vehicle stopped or parked upon a street or roadway, shall be so stopped or parked headed in the direction of lawful traffic movement and with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb; provided, that upon a one-way roadway in a residential district, other than upon a through street, parallel parking where permitted may also be accomplished by a vehicle being stopped or parked with the left-hand wheels of such vehicle parallel to and within eighteen (18) inches of the left-hand curb. It shall be unlawful for any person to park a vehicle in violation of this section.
- (b) The operator of any vehicle in the process of backing into a parallel parking space shall have the right-of-way over the operator of any vehicle attempting to enter such parking space.

**Sec. 16-355. Angle parking.**

- (a) The City Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal-aid or state highway unless done in accordance with state law.
- (b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the roadway.
- (c) On those streets which have been signed and marked by the City Engineer for angle parking, it shall be unlawful for any person to park or stand a vehicle other than between the markings so provided and at the angle to the curb or edge of the roadway indicated by such signs or markings.

**Sec. 16-356. Unlawful designation of prohibited parking.**

It shall be unlawful for any person to paint any part of a public way yellow, to place any sign indicating parking in a public parking place is prohibited, or to place any barrier hindering the parking of vehicles in any public parking place. It shall be unlawful

to sell or rent or attempt to sell or rent the use of any public parking place. This section shall not apply to actions authorized elsewhere by law.

**Sec. 16-357. Parking not to obstruct traffic.**

It shall be unlawful for any person to park any vehicle upon a street in such a manner or under such conditions as to leave available less than fifteen (15) feet of the width of the roadway or hinder the free movement of vehicular traffic. It shall be unlawful for any person to park any vehicle upon a roadway that is forty (40) feet or less in width within one hundred (100) feet of a crest of a hill without the consent of the City Engineer.

**Sec. 16.358. Parking in alleys.**

- (a) It shall be unlawful for any person to park a vehicle upon an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, or to stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.
- (b) It shall be unlawful for any person to park any vehicle in any public alley in a business district; provided, that this prohibition shall not apply to trucks and other commercial vehicles while loading and unloading or waiting to be loaded and unloaded, when parked in accordance with subsection (a) of this section.
- (c) It shall be unlawful for any person to park any vehicle in any public alley within the central business district; provided, that this prohibition shall not apply to trucks and other commercial vehicles while actually engaged in loading and unloading, when parked in accordance with subsection (a) above, nor shall this prohibition apply to trucks and other commercial vehicles parked in accordance with subsection (a) above while waiting to be loaded or unloaded for a period of not more than thirty (30) minutes.

**Sec. 16-359. Parking in private alleys or on private property, generally.**

- (a) It shall be unlawful for any person to park any vehicle in any private alley without the consent, express or implied, of the owner thereof or for any person lawfully entitled to the use of a private alley to park any vehicle therein in such manner or with such effect as to unreasonably obstruct the passage of any other vehicle entitled to use such alley.
- (b) It shall be unlawful for any person to park any vehicle upon the lot or private premises of another without the consent, express or implied, of the owner, tenant, occupant or person in lawful possession of such lot of premises.

**Sec. 16-360. Parking on streets where improvements are in progress.**

It shall be unlawful for any person to park any vehicle on any street, alley or other public way upon which paving or grading or other municipal improvements are in progress, where to do so will interfere with the work or be attended with danger to the traveling public.

**Sec. 16-361. Parking prohibited on narrow streets.**

The City Engineer is hereby authorized to erect signs prohibiting parking upon any street when the width of the roadway does not exceed twenty-seven (27) feet or upon one side of a streets as indicated by such signs when the width of the roadway does not exceed thirty-four (34) feet.

**Sec. 16-362. Standing or parking on one-way roadways.**

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, it shall be unlawful for any person to stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking. The City Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

**Sec. 16-363. Parking on roadway for certain purposes prohibited.**

- (a) It shall be unlawful for any person to park a motor vehicle, boat, recreational vehicle, trailer or semitrailer upon any street, alley, or public way of the city, for the purpose of storage, displaying such vehicle for sale, or washing, servicing, or repairing such vehicle, except repairs necessitated by an emergency.
- (b) It shall be unlawful for any person to park overnight and occupy a recreational vehicle, motor home, house car, travel trailer, pickup camper, van or other motor vehicle having sleeping quarters upon any street, alley, or other public way of the city.

**Sec. 16-364. Use of streets by businesses for purposes of storage of vehicles.**

It shall be unlawful for any person engaged in any business of selling, leasing, hiring, renting or repairing motor vehicles, or for any agent, employee or servant of any such person, to store or park or cause or permit to be stored or parked on any street, alley or other public way in the city any such vehicle kept or held for sale, lease, hire, rent or repair.

**Sec. 16-365. Priority in right to occupy parking space.**

It shall be unlawful for the operator of any vehicle which is not itself in position to be backed into a vacant parallel parking space to intentionally obstruct or hinder the lawful backing of any other vehicle into such vacant space, provided the vehicle with the right-of-way signals the intention to occupy the vacant space.

**Sec. 16-366. Parking of semitrailer trucks.**

It shall be unlawful for any person to park, stand or stop any semitrailer truck or any part thereof upon any street, alley or other public ways in the city for a period longer than one (1) hour; provided, that this section shall not authorize parking contrary to any other provisions of this Code.

**Sec. 16-367. Vehicle not to extend more than eighteen feet from curb.**

Unless otherwise permitted by law, it shall be unlawful for any person to park any vehicle on any street or to permit or suffer any vehicle to be parked on any street when any part of such vehicle or any load or thing thereon, or anything forming a part thereof, or any trailer attached thereto, extends more than eighteen (18) feet from the curb.

**Sec. 16-368. Parking and loading of trucks.**

- (a) It shall be unlawful for any person to park, load or unload trucks, tractor-trailers, or other vehicles which exceed thirty (30) feet in length, between the hours of 9:30 a.m. and 5:30 p.m. from each Monday through Saturday, on the public streets of the city, in the following areas:
  - On Avenues A and B, from the easterly side of 7th Street to the westerly side of 10th Street.
  - On 8th and 9th Streets, from the northerly side of South Railroad Avenue to the southerly side of Avenue B.

**Sec. 16-369. Handicapped parking regulations.**

- (a) *Definitions.* Wherever in this section the following items are used, they shall have the meanings respectively ascribed to them in this subsection:
- (1) *City:* The City of Opelika.
  - (2) *Distinctive decal:* License plate decal and special identification placard displaying the international symbol of access thereby designating the driver of a vehicle or passenger as being a handicapped person and which are issued by the judge of probate, license commissioner or other authorized issuing authority of the State of Alabama or any foreign state.
  - (3) *Handicapped person:* Any person having a permanent mental or physical handicap, which limits mobility to the extent that the person would have difficulty safely walking along a distance of fifty (50) feet or more.
  - (4) *Vehicle:* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power. The word "vehicle," as used herein, shall include, but shall not be limited to, the following: Automobiles, trucks, motorcycles and motorbikes.
- (b) *City engineer authorized to set aside parking places.* The city's engineer is hereby authorized and directed to set aside a reasonable number of parking places within the central business district and in public parking areas to be used exclusively for the parking of motor vehicles of handicapped persons.
- (c) *Designation of places in privately owned parking lots.* Upon the written request of the owner, the City Engineer is authorized to designate certain parking spaces in privately owned parking lots to be used exclusively for the parking of motor vehicles of handicapped persons and shall authorize such spaces to be posted as parking for the handicapped. The parking spaces so designated shall be subject to the same regulations as provided in this section. The cost of the sign and/or installation to designate such parking spaces for the handicapped in privately owned parking lots shall be borne by the owner.
- (d) *Markings and signs.* Each parking space reserved for the handicapped shall be marked distinctively by a sign bearing the international wheelchair symbol. The installation of the sign shall meet the requirements set out in the *Alabama Manual on Uniform Traffic Control Devices*.
- (e) *Operation at time of violation.* In any prosecution for the violation of any provision of this section relating to the operation or parking of vehicles, it shall be prima facie evidence that the owner of such vehicle was operating the same at time of the alleged violation.
- (f) *Exceptions to handicapped parking.* Handicapped persons to whom distinctive, licensed decals and placards are issued shall be allowed to park in parking spaces reserved for handicapped persons. This section does not permit handicapped persons to park in zones where stopping, standing or parking is either prohibited or time limited to all vehicles or which are reserved for special types of vehicles nor will these provisions apply where there is a local ordinance prohibiting parking during heavy traffic periods or where parking would clearly present a traffic hazard.
- (g) *Parking without decal or placard prohibited.* It shall be unlawful for any person not displaying a handicapped decal or placard to park any vehicle in any space reserved or designated for handicapped parking.

- (h) *Penalty for parking without decal.* Any person violating the provisions of paragraph (g) of this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (i) *General penalty.* Any person who is not a handicapped individual, as herein defined, and who willingly and falsely represents himself or herself as a handicapped person to obtain the distinctive decals and placard prescribed by this section or misuses or abuses the parking privilege protected by this section or who owns a vehicle bearing the distinctive decal but is not entitled to do so under the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 1-8 of this Code of Ordinances.

**Sec. 16-370. Parking, loading or unloading motor vehicles in certain areas prohibited.**

- (a) It shall be unlawful for any person to park, load, or unload trucks, tractor trailers, or other motor vehicles, in the following areas within the Northeast Opelika Industrial Park:
  - (1) On Northpark Drive, Andrews Road and Anderson Road; and
  - (2) On any future street, road, avenue or highway to be constructed within the Northeast Opelika Industrial Park.
  - (3) Any street, road, avenue or highway with Fox Run Business Park.
- (b) The city engineer is hereby authorized and directed to designate the above streets as prohibited parking areas with yellow paint and/or signs.

**Sec. 16-371. Parking across lines.**

It shall be unlawful for any person to park any vehicle in a marked-off and designated parking space so that the vehicle is across any line or marking of the designated parking space or in such position that the vehicle is not entirely within the area designated and marked-off as an individual parking space for a vehicle.

**Sec. 16-372. Overtime parking.**

It shall be unlawful for any person to stop, stand or park a vehicle in any parking space for a period in excess of any time limit established for such space.

**Sec. 16-373 – 16-377 Reserved.**

**Sec. 16-373. Parking signs or yellow curbs required.**

Whenever in this article or any other ordinance of this City any parking time limit is imposed or parking is prohibited on designated streets, the City Engineer shall erect appropriate signs or paint curbs yellow giving notice thereof.

**Sec. 16-378. City Engineer to designate loading zones and delivery zones.**

The City Engineer is authorized to designate loading zones and delivery zones by placing appropriate signs.

**Sec. 16-379. Stopping, standing or parking in loading zones and delivery zones.**

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers or materials, in any place

marked as a loading zone. In no case, except as provided in subsection (b) of this section shall the stop for loading and/or unloading exceed thirty (30) minutes.

(b) Any freight vehicle which displays on each side of the vehicle a sign of dimension not smaller than two (2) feet by two (2) feet containing the name of the business and telephone number of the business will be allowed to park the vehicle in a loading zone for a period of time not to exceed two (2) hours if the parking of the vehicle for the length of time does not interfere for the safe movement of pedestrian or vehicular traffic.

(c) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious pickup or delivery of passengers or materials in any place marked as a delivery zone. In no case shall the stop for pickup or delivery exceed ten (10) minutes.

**Sec. 16-380. City Engineer to designate public carrier stops and stands.**

The City Engineer shall establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such numbers as he shall determine to be of the greatest benefit and convenience to the public. Every bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

**Sec. 16-381. Restricted use of bus and taxicab stands.**

It shall be unlawful for any person to stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any stop or stand has been officially designated as such; except that temporary stops may be made for the actual loading or unloading of passengers when such stop does not interfere with a bus or taxicab.

**Sec. 16-382. Parking in emergency lanes.**

(a) For the purpose of this section, any area (even though privately owned) within the City limits provided in connection with a shopping center, office building or planned building group consisting of multiple structures contained on a single lot of land that is under the ownership, control, or development of one individual, corporation, partnership, or firm, including apartments or other business establishments utilized 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."

(b) The City Engineer is 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. Such emergency lanes shall be clearly marked by painting the curb or painting stripes on the pavement with a color to be approved by the City Engineer and/or by posting signs designated by appropriate markings, signs or arrows for ingress or egress into, from or through any public parking area. Fire lanes shall be at least twenty (20) feet in width with the rolled edge closest to the structure at least ten (10) feet from the structure. "No parking-tow away zone" sign shall be posted in accordance with the instructions of the City Engineer.

(c) It shall be unlawful for any person to park or leave unattended any vehicle in a roadway or emergency lane designated by appropriate markings, signs or arrows for ingress or egress into, from or through any public parking area.

(d) There may exist, within the City, structures or buildings which have already constructed emergency lanes which may not conform to the technical provisions of this chapter, but which have been determined to be safe and adequate by appropriate City officials. It is the intent of this article to permit these non-conforming uses to continue unless the structures to which they are adjacent are removed, damaged to the extent of more than 50% of their current replacement value, or change in use or abandoned, in which event all of the provisions of this article shall be applicable to such structures and they shall be made to conform to the provisions hereof.

**Sec. 16-383. Parking of heavy trucks in residential districts; exceptions.**

(a) The term “heavy truck”, as used in this section, shall mean and include any tractor-trailer, truck-trailer, road-trailer, semitrailer, pole trailer or any type of motor vehicle having three (3) or more axles. The above definition shall not include a boat trailer or utility trailer, as herein below defined. “Utility trailer” shall mean and include a trailer primarily designed to be drawn by a passenger car or pickup truck, including luggage trailers, folding or collapsible camping trailers and other small trailers of similar size and function. The term “residential district”, as used in this section shall mean and include any area or district zoned as either R-1A, R-2, R-3, R-4, R-4M, R-5 and R-5M, according to the zoning ordinances of the City.

(b) It shall be unlawful for a person to stop, park or stand or caused to be stopped, parked and stand any heavy truck, as hereinabove defined, in a residential district, as hereinabove defined.

(c) This section shall not apply to the parking or standing of heavy trucks for the purpose of:

- (1) Expeditiously loading or unloading passengers, freight or merchandise;
- (2) Street construction, maintenance and repair equipment; or
- (3) Trucks, equipment, trailers and vehicles engaged in repairing or extending public services or utilities.

**Sec. 16-384. Compliance with “no parking” signs.**

It shall be unlawful for any person to park any automobile, truck or other motor vehicle, or any propelled vehicle, on any public street, public alley, public right-of-way, municipal parking lot, or any designated portion thereof within the City where the City Engineer has caused signs or markers to be placed prohibiting parking and marked “No Parking”.

**Sec. 16-385. Restricted parking.**

(a) Yellow paint or markings on any street or curbing shall mean that parking is prohibited in that area so marked, provided, however, areas marked with yellow paint and marked as a loading zone shall be permitted to be used for that purpose or for whatever purpose so designated.

(b) The existence of such signs, signals or markings at any place within the corporate limits of the City shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the City Engineer and in accordance with the provisions of this article.

(c) Any person failing or refusing to comply with the directions indicated on any sign or marker erected or placed in accordance with the provisions of this section when so placed

or erected shall be guilty of a violation of this article and shall be punished in accordance with the provisions of Section 16-404.

**Sec. 16-386. Parking in public parking lots.**

(a) The off street public parking lots covered by the regulations under this section are those at the following locations:

- (1) South Railroad Avenue between 10<sup>th</sup> Street and 6<sup>th</sup> Street
- (2) North Railroad Avenue between 10<sup>th</sup> Street and 6<sup>th</sup> Street
- (3) Courthouse Square bordered by the following streets: 9<sup>th</sup> Street, Avenue A, Avenue B and the Western side of the building fronting on 8<sup>th</sup> Street
- (4) Municipal Building parking lot at intersection of Avenue A and S. 7<sup>th</sup> Street.
- (5) Sportsplex parking lots
- (6) West Ridge parking lot
- (7) Spring Villa Park parking lot
- (8) Municipal Park parking lot
- (9) Denson Drive Recreation Center parking lot
- (10) Covington Recreation Center parking lot
- (11) Moore Stadium parking lot
- (12) Thomas Field parking lot
- (13) Power Services parking lot
- (14) Calhoun Tennis Center parking lot
- (15) Public Works parking lots, Fox Trail
- (16) Police Department parking lots
- (17) All Fire Station parking lots

(b) The City Engineer is authorized to designate individual parking spaces in a public parking lot by marking of lines painted or durably marked on the surface of the parking lot. It shall be unlawful to park any vehicle in any way that such vehicle shall not be entirely within the limits of a designated parking space.

(c) It shall be unlawful to park any vehicle in a public parking lot in any area set aside for ingress and egress to parking spaces for any fire lane.

**Sec. 16-387. Exemption of certain governmental vehicles.**

(a) Any law enforcement vehicle operated by law enforcement personnel engaged in the active performance of their official duties shall be exempt from City parking regulations except for those regulations pertaining to handicapped and fire lane.

(b) In the event of an emergency affecting the public health, safety and welfare, vehicles of the fire department, ambulance services, law enforcement vehicles and other emergency vehicles shall be exempt from all parking regulations for the duration of the emergency.

**Sec. 16-389. Towing authorized.**

Any police officer is hereby authorized to have removed and towed away by a commercial towing service, any automobile or vehicle illegally parked or left in any place prohibited by this article or where such parked or left vehicle creates or constitutes a traffic hazard.

**Sec. 16-390. Tow-away zones.**

All places where parking is prohibited or hereby designated and established as tow-away zones. The City Engineer is hereby granted the authority to establish and designate additional tow-away zones in such places as he shall determine necessary where a vehicle parked in such place creates or constitutes a traffic hazard.

**Sec. 16-391. Notice to owner of towed vehicle.**

(a) Whenever a police officer has a vehicle towed by a commercial towing service from a street or prohibited place as authorized by this article, the commercial towing service shall be responsible for reporting the tow to the owner of the vehicle. Whenever ownership of any vehicle removed or towed away under the provisions of this article cannot be determined, the vehicle shall be treated as abandoned property and disposed of as provided by state law.

**Sec. 16-392. Towing fee.**

Vehicles towed away for parking violations shall be returned to the owner or operator of such vehicle upon payment of a reasonable towing and storage charge paid to the commercial towing company.

**Sec. 16-392 – 16-399 Reserved.**

**Division 2—Enforcement**

**Sec. 16-400. Violations.**

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this article, or to counsel or aid or abet any such violation or failure to comply. Any police officer or civilian employee designated by the Chief of Police shall have the authority to issue notices and summons for violations of this article. In any prosecution for a violation of any section of this article, it shall be prima facie evidence that the registered owner of the vehicle was operating the same at the time of the alleged violations and the burden shall be upon the registered owner to show otherwise.

**Sec. 16-401. Duties of officer**

It shall be the duty of all police officers and civilian employees designated by the Chief of Police to give parking violation notices as part of their official duties acting in accordance with this article to report the following information on any summons, notice or citation issued for a violation of this article:

- (a) The location as best described where said vehicle is parked in violation of any parking regulation
- (b) The state license number of said vehicle
- (c) The year, make and model of the vehicle
- (d) The date and time during which the vehicle was parked in violation of any provision of this article
- (e) The violation type
- (f) Any fact which is necessary to understand the circumstances attending such violation.
- (g) The date by which the fine shall be paid.
- (h) The manner and time in which the violation may be contested in Court.
- (i) The name of the registered owner.

**Sec. 16-402. Service of summons when driver of illegally parked vehicle is present.**

When any driver is found with a motor vehicle parked or stopped in violation of any provision of this article, any police officer or civilian employee designated by the Chief of Police to give such parking violation notices as part of his or her official duties, finding such vehicle, shall take the name and address and driver's license number of the alleged violator and the registration number of the motor vehicle involved and shall serve personally upon violator a notice and summons in accordance with the provisions of Section 16-401.

**Sec. 16-403. Notice affixed to illegally parked vehicle.**

Whenever any motor vehicle without driver is found stopped or parked in violation of any provision of this article, any police officer or civilian employee designated by the chief of police to give such parking violation notices as part of his or her official duties, finding such vehicle, shall conspicuously affix to such vehicle a notice and summons as provided in Section 16-401.

**Sec. 16-404. Fines for offenses.**

Any person violating any provision of this article relating to stopping, standing or parking shall be guilty of a municipal parking offense and, upon conviction, shall be punished in accordance with the schedule of parking fines as established herein.

(a) A parking fine schedule for the City is established as follows:

(1) Overtime parking in violation of Sec. 16-372	\$10.00
(2) Parking facing traffic in violation of Sec. 16-354	
First offense	\$25.00
Second or subsequent offense	\$50.00
(3) Parking in handicapped space w/o decal in violation of Sec. 16-369(g)	
First offense	\$100.00
Second offense	\$200.00
Third or subsequent offense	\$500.00
(4) Parking within 15 feet of fire hydrant in violation of Sec. 16-353(a)(2)(b)	
First offense	\$50.00
Second or subsequent offense	\$200.00
(5) Parking on sidewalk in violation of Sec. 16-353(a)(1)(b)	\$50.00
(6) Blocking driveway in violation of Sec. 16-353(a)(2)(a)	\$25.00
(7) Parking in fire zone in violation of Sec. 16-353(a)(1)(i)	\$50.00
(8) Parking on private property in violation of Sec. 16-359	\$30.00
(9) Parking in certain areas of Northeast Opelika Industrial Park and Fox Run Business Park in violation of Sec. 16-370	
First offense	\$100.00
Second offense	\$200.00
Third or subsequent offense	\$500.00
(10) Parking in emergency lane in violation of Sec. 16-382	
First offense	\$50.00
Second offense	\$100.00
Third or subsequent offense	\$500.00
(11) Parking in loading or delivery zones in violation of Sec. 16-379	
First offense	\$50.00
Second offense	\$100.00
Third or subsequent offense	\$500.00
(12) Parking in bus or taxicab stands in violation of Sec. 16-381	

First offense	\$50.00
Second offense	\$100.00
Third or subsequent offense	\$500.00
(13) Parking on railroad tracks in violation of Sec. 16-353(a)(1)(h)	
First offense	\$100.00
Second offense	\$200.00
Third or subsequent offense	\$500.00
(14) Parking within bicycle lane in violation of Sec. 16-353(a)(1)(h)	\$50.00
(15) Parking of heavy trucks in residential district in violation of Sec. 16-383	
First offense	\$50.00
Second offense	\$100.00
Third or subsequent offense	\$500.00
(16) Other parking violations not listed	\$15.00

(b) The court magistrates are authorized to accept such fines and adjudicate all offenses in cases where the party receiving the ticket wishes to pay a fine without a court appearance. There are no court costs for cases adjudicated outside of court.

(c) If the violator does not contest the charges as provided in Section 16-405, the fine shall be due within fourteen (14) days of the issuance of the summons and notice.

**Sec. 16-405. Right to contest citation.**

A person who receives a notice of parking violation may contest the same by submitting a request for an adjudicative hearing, in writing, within fourteen (14) days after receipt of the notice. Upon receipt of a timely request, the municipal court clerk shall notify the person of the date and time of the municipal court hearing on the adjudication. The adjudicative hearing shall be held by a municipal judge. A person who is found guilty after an adjudicative hearing or who requests an adjudicative hearing and thereafter fails to appear at the time and place of the hearing shall be assessed a fine in accordance with the schedule of parking fines in Section 16-404 above and any person so convicted shall pay the fine and costs within five (5) days of the judge's decision. Court costs of twenty-five dollars (\$25.00) shall be taxed for each contested disposition of a parking offense defined in the article upon conviction.

**Sec. 16-406. Failure to pay fine/costs.**

(a) If any person cited for a parking violation fails to pay the fine for a parking violation within the time prescribed by this article, a penalty in the amount of \$25.00 shall be assessed to said defendant and the penalty shall be added to the fine.

(b) If a person cited for a parking violation fails to pay the fine, costs, and/or penalty within the time prescribed by this article, the municipal court clerk shall send a notice of nonpayment by certified mail to the registered owner of the vehicle to which the first notice and summons were affixed. The notice shall contain the following information:

- (1) The date and time of the violation
- (2) The nature of the violation
- (3) The year, make and model of the vehicle
- (4) The state license number of the vehicle
- (5) A statement that the fine, penalty and costs (if applicable) are delinquent and must be paid within 10 days of the date of the notice.
- (6) The total amount due
- (7) A statement that failure to pay the outstanding balance within the ten (10) days may result in the issuance of a warrant for the arrest of the violator.

(c) If the defendant fails to pay the fine, costs and/or penalty within the time as prescribed by this article, the municipal court judge shall issue a warrant for the arrest of the defendant pursuant to Rule 26.11 of the *Alabama Rules of Criminal Procedure* and the court shall examine the reasons for nonpayment. If the defendant is indigent, the municipal judge may reduce the amount of the fine, court costs and/or penalty to an amount the defendant is able to pay after consideration of the defendant's situation, means and conduct with regard to nonpayment or may permit the payment of the balance in installments as prescribed by the court. If the full amount of the fine, costs, and penalty does not exceed the defendant's ability to pay and the defendant does not show good cause or reason for his or her failure to pay, the court shall determine the period of any incarceration in connection with the default of payment, subject however, that such period of incarceration shall not exceed one (1) day for each \$15.00 of the fine, cost and penalty. As an alternative to Rule 26.11, a municipal judge may issue a warrant for the arrest of the defendant for contempt, and if found in contempt, the defendant may be fined fifty dollars (\$50.00) and placed in jail for not greater than five (5) days.

**Section 2. Repeal of Conflicting Provisions.** Sections 16-142, 16-143, 16-144, 16-145, 16-271, 16-272, 16-273, 16-274, 16-275, 16-276, 16-277, 16-286, 16-287, 16-288, 16-290, 16-291, 16-292 and 16-293 of the *Code of Ordinances* of the City of Opelika are hereby repealed. All other ordinances or parts thereof which are in conflict with this Ordinance and the article hereby adopted are hereby repealed.

**Section 3. Severability.** The provisions of this Article are declared to be severable and if any provision of this Article is declared to be invalid by a court of competent jurisdiction, this determination shall not affect, impair, or invalidate the remainder of this Article, but shall be confined in its operation to the section, paragraph, subparagraph, clause or phrase of this Article in which such determination shall have been made.

**Section 4. Construction.** If any section, paragraph or sentence or word of this Ordinance or the article hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance and the article hereby adopted independent of the elimination therefrom of such portion that may be declared invalid.

**Section 5. Effective Date.** This Ordinance and the article hereby adopted shall take effect and be enforced immediately upon its adoption and publication as required by law.

**Section 6. Publication.** The City Clerk of the City of Opelika, Alabama is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the 17<sup>th</sup> day of June, 2014.

/s/ C. E. "Smith" Smith, Jr.

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PRESIDENT OF THE CITY COUNCIL OF THE  
CITY OF OPELIKA, ALABAMA

ATTEST:

/s/ R. G. Shuman

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CITY CLERK

TRANSMITTED TO MAYOR on this the 18<sup>th</sup> day of June, 2014.

/s/ R. G. Shuman

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CITY CLERK

ACTION BY MAYOR

APPROVED this the 18<sup>th</sup> day of June, 2014.

/s/ Gary Fuller

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MAYOR

ATTEST:

/s/ R. G. Shuman

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CITY CLERK