

ORDINANCE NO.: 2024-1158

AN ORDINANCE PROHIBITING PARKING IN FRONT YARD

WHEREAS, the City of Fairfield, Alabama (hereinafter, "City") has received continuous complaints from citizens concerning the parking of motor vehicles in front yard, grass and otherwise in non-designated parking areas or driveways of residential homes and buildings throughout the City; and

WHEREAS, that the parking of motor vehicles in front yard, grass and otherwise in non-designated parking areas or driveways of residential homes and buildings throughout the City negatively affects the health, safety and welfare of the citizens of the City of Fairfield, as well as the property values and ascetic appeal of the residential homes throughout the City; and

WHEREAS, the City Council of the City of Fairfield has deemed it advisable to declare that the parking of motor vehicles in front yard, grass and otherwise in non-designated parking areas or driveways of residential homes and buildings throughout the City is a nuisance.

THEREFORE, BE IT ORDAINED by the City Council of the City of Fairfield, Alabama, that:

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

Driveway means any area which is constructed for the purpose of accessing a parking space or area, and which is surfaced with concrete or asphalt, or brick, concrete or stone pavers, or, where no concrete, asphalt, brick, concrete or stone pavers has previously existed thereon, which is surfaced with loose stone, pebbles, crushed stone, crushed shell, or gravel. For the purposes of this section any driveway must connect to the public street and must include a curb cut where street curbing is present. All driveways must be permitted by the department of planning engineering and permits prior to their installation.

Front yard means any portion of a lot or parcel of land which extends its full width and lies between the edge of a public street and the front of the principal building or structure on the lot or parcel.

Motor vehicle means any motorized or electric vehicle which is required to be registered and licensed by the state in order to be driven on a public street.

Principal building means the principal dwelling house, office, or, if there is no principal dwelling house or office, that building which is closest in distance to the public street. The front of the principal building shall be all of the principal building which lies between the two corners which constitute the widest portion of that side of

the principal building which faces the public street and shall include all sides of a building which face a public street where the lot or parcel either lies in a curve of the public street, or which occupies a corner bounded on two or more sides by a public street.

Registered owner means the owner of a motor vehicle as shown on the motor vehicle registration records of the state department of revenue or the analogous department or agency of another state or country.

Sidewalk means any area within the public right-of-way which is surfaced with asphalt, concrete, pavers or stone, and which is set aside and maintained by the city for the purpose of accommodating pedestrian traffic.

Variance means a lessening of the requirements of the zoning ordinance set forth in this Code. A variance can only be granted by the zoning board of adjustment in a public hearing.

(b) Prohibition. It shall be unlawful within the corporate limits of the City of Fairfield to:

(1) Park or place, within a residential area, a motor vehicle, recreational vehicle, boat, trailer, or other type of similar wheeled conveyance, in the front yard of a residence unless it is parked on a paved and properly permitted driveway that provides access to a carport or garage that is incorporated into the main house structure, or that provides access to a parking area located entirely within the side or rear yard.

(2) Park or place, within a commercial area, a motor vehicle, recreational vehicle, boat, trailer, or similar type of wheeled conveyance, in the front yard of a business unless it is parked upon a properly paved and permitted parking lot or paved driveway that provides access to the same.

(3) Park a motor vehicle, recreational vehicle, boat, trailer, or other type of wheeled conveyance over any part of a curb, sidewalk, or unpaved portion of the public right-of-way.

(c) Exceptions.

(1) Limited use. For the purposes of this section, parking in the front yard, as restricted by subsection (b)(1) of this section, shall not be prohibited where the motor vehicle is parked for the limited purpose of loading, unloading, or washing, or as a result of a limited event, occurring no more than two occasions within any given month. This exception shall only apply while the owner or operator of the motor vehicle is actively engaged in the said task or while the limited event is taking place, and in no event shall this exception apply for more than Five (5) hours in any given 24-hour period.

(2) Emergency vehicles. 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.

(3) Variance. Locations in compliance with a variance granted by the zoning board of adjustment to allow parking in the front yard shall be deemed to be in compliance with this section.

(d) Imposition of penalties for violations.

(1) Any person or property owner found to have himself or herself parked, to have allowed others to be parked, or having a parked vehicle on his or her property, in violation of this section, shall be subject to a fine of \$50.00. Each calendar day in which a violation hereunder continues or reoccurs shall constitute a separate violation.

(2) For each violation, a citation shall be posted on or near the front windshield of the motor vehicle found to be parked in violation of this section. The property owner or registered owner of the vehicle shall have 30 calendar days within which to enter a guilty plea and pay the said fine.

a. Failure to pay fine. If the fine is not paid within the prescribed 30 calendar days, a summons shall issue from the municipal court commanding the presence of the property owner or registered owner of the offending motor vehicle, or both, in municipal court to defend the prosecution of the said violation.

b. Failure to appear. If the property owner and/or registered owner, as the case may be, does not appear at the time and place prescribed in the summons, and fails to enter a guilty plea and pay the fine before the said prescribed time, the municipal court may issue a warrant for the arrest of the property owner and/or registered owner, who may be fined up to \$50.00 and held for up to five days in the municipal jail.

c. Hearing. A hearing shall be held by the municipal court at the time and place prescribed in the summons. Upon a determination by the municipal court that a violation has occurred, the court shall order the property owner or person found to have been operating the vehicle, or both, to pay the fine set out in subsection (d)(1) of this section. The municipal court shall have the additional authority to impose any court costs which may be allowable by state law upon a conviction after hearing or upon receiving a guilty plea after the issuance of the summons.

d. Failure to pay court ordered fine and costs. If, after the hearing, the municipal court orders the payment of the fine and/or costs set out in subsection

(d)(2) of this section, and the person so ordered to pay fails to pay the said amounts, the municipal court may enforce the said order in accordance with Rule 26.11, *Alabama Rules of Criminal Procedure*, as well as any other law, whether state, federal, or local, which may empower the court to enforce the said order.

(3) Any officer employed by the City of Fairfield Police Department shall have the authority to enter upon private property for the purpose of ticketing an offending vehicle found parked in violation of this section.”

2. That the provisions of this Ordinance are deemed severable. If any portion of this Ordinance shall ever be deemed by a Court of Law or other judicial authority to be in any way violates of the constitutions or laws of this State or of the United States, then such portion thereof shall not cause the remaining portions hereof which do not violate such laws to become subject to being stricken, and the same shall remain in full force and effect.

3. That the provisions of this Ordinance are in addition to, and do not supersede nor replace, any other Ordinance of the City of Fairfield.

4. This Ordinance shall become effective upon notice and publication as required by law.

DONE AND ENTERED on this, the 18 day of November, 2024.

Eddie Perry
MAYOR

ATTESTED TO:

Yvette Reynolds
CITY CLERK