

ORDINANCE NUMBER: 961

AN ORDINANCE
TO AUTHORIZE AND ESTABLISH TOW-AWAY ZONES WITHIN THE CITY OF FAIRFIELD, ALABAMA
AND
TO PROVIDE FOR IMPOUNDING OFFENSIVE VEHICLES; TO PROVIDE FOR REDEMPTION AND SALE OF
OFFENSIVE VEHICLES; TO PROVIDE FOR THE APPLICATION OF PROCEEDS RECEIVED FROM THE SALE OF
OFFENSIVE VEHICLES; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

WHEREAS, the City Council finds and determines that motorists often disregard its "Prohibited Parking" designations and that more stringent measures are required in order to void traffic congestion in various areas around the City and in order to enforce the City's "Prohibited Parking" designations; and

WHEREAS, the Public Safety Committee Chairwoman—upon the recommendation of the Director of the Public Works Department—recommended that the City Council establish certain Tow-Away Zones, within the City of Fairfield, including a Tow-Away Zone in the area from "the East side of 5217 Myron Massey Boulevard to 53rd Street"; and

WHEREAS, the City Attorney advised the City Council that it would be advisable for the Council to establish the requested Tow-Away Zones by Ordinance and, thereby, to enact provisions Providing for Impounding Offensive Vehicles; Providing for Redemption of Offensive Vehicles; Providing for the Application of Proceeds Received from the Sale of Offensive Vehicles; and Providing for Penalties for the Violation of the Tow-Away Zone Ordinance.

BE IT THEREFORE ORDAINED by the Fairfield City Council as follows:

Section 1. **DEFINITIONS:**

- a. **Vehicle.** "Vehicle" shall mean a machine propelled by power, other than human power, designed to travel along the ground, by use of wheels, treads, runners or slides, and to transport persons or property or to pull other machinery.

The term "Vehicle" shall include—without limitation: Automobiles, Truck Trailers, Motor Cycles, Tractors, Riding Mowers, Go-Carts (or any similarly constructed mobile transportation), or Buggies with Attached Wagons.

- b. **Police Chief.** The use herein of the term "Police Chief" or Chief of Police of the City of Fairfield, Alabama shall be deemed to mean the Police Chief or his or her duly authorized Designee.
- c. **Offending Vehicle.** The use herein of the term "Offending Vehicle" is any vehicle, which is parked, in a designated Prohibited Parking or Tow-Away Zone, in violation of this Ordinance.
- d. **Tow-Away Zone.** Any area which the City of Fairfield has designated—by clear marking or posting—as a "No Parking" or a "Prohibited Parking" area.

Section 2: **Impounding.** The Chief of Police, or any member of his or her Department duly designated by him or her, is hereby authorized to remove—or have removed—any Offending Vehicle left in an area within the City of Fairfield which has been designated by clear marking or posting as a Tow-Away Zone.

Any Offending Vehicle so taken custody of and removed by the Police Chief shall be removed to and stored at a suitable location provided by the City.

The Police Chief shall maintain a permanent record, reflecting the date on which an Offending Vehicle was taken into custody by the Police, the location where.

the Offending Vehicle was taken into custody by the Police, and a full description of any Offending Vehicle.

Section 3. **Sale.** At least every six (6) month, the Chief of Police shall make available to the Fairfield City Clerk a List of Offending Vehicles which have not been redeemed by their owners AND which have been in the custody of the Police for more than Three (3) months.

The Clerk shall sell, at Public Auction, to the highest Bidder for Cash, any Offending Vehicle or vehicles herein authorized to be removed and taken into custody by the Police Chief.

Publication of Sale. Sale of Offensive Vehicles authorized herein shall occur, after Notice of the Time and Place of the Sale shall have, first, been given by Publication, Once a Week, for Two (2) Successive Weeks, by Posting such Notice in a conspicuous place at the Fairfield City Hall. The first Posting of Notice of Sale shall be, at least, Twenty (20) Days BEFORE the Sale.

Each vehicle shall be sold separately and a notation in the Storage Book shall be made of the Amount received for each Offending Vehicle. The Person conducting the Sale shall have the Right to reject all Bids, if the Bid Amount is deemed unreasonably low. Moreover, he shall have the Right to continue the Sale form time-to-time, if no Bidders are present.

After deducting and paying all Expenses incurred in the removal, taking custody of, storing, maintaining and selling of any applicable Offensive Vehicles, any balance of Sales Proceeds—if any—shall be paid into the General Fund of the City of Fairfield.

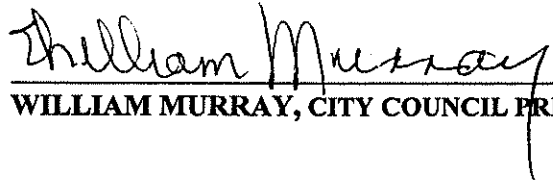
Section 4. **Redemption.** The Owner of any vehicle taken into the Custody of the Fairfield Police Department and stored, pursuant to this Ordinance, may redeem same—at any time—prior to its sale. Any such Offending Vehicle may be redeemed by providing proof of identity, right to claim title (such as registration or other written authorization to possess the vehicle), and by paying the verified reasonable expense of taking such vehicle into custody and of maintaining and storing said vehicle.

Section 5. **Penalties.** Any Person violating any of the provisions of this Ordinance shall be charged with the commission of a Misdemeanor and, upon conviction thereof, shall be fined in an amount—not to exceed—Two Hundred Dollars (\$ 200.00). Moreover—in addition to being fined—said Person may be sentenced to an Imprisonment Term—not to exceed—Thirty (30) days.

Section 6. **Separability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is—for any reason—held invalid or unconstitutional, by any Court of competent jurisdiction—such portion shall be deemed a separate, distinct and independent provision and such Judicial Holding shall not affect the validity of the remaining provisions hereof.

- Section 7. **Exclusivity of Remedy.** The Provisions of this Ordinance are cumulative, and are in addition to any other procedure presently authorized by law for the accomplishment of the objectives herein stated.
- Section 8. **Applicability of Ordinance to Future Areas Designated As "Tow-Away Zones" Within the City of Fairfield, Alabama.** In addition to establishing the Tow-Away Zone in the area from "the East side of 5217 Myron Massey Boulevard to 53rd Street", this Ordinance shall be cited as the authority for creating any Tow-Away Zone which the City Council may, hereafter and from time-to-time, establish.
- Section 9. **Effective Date.** This Ordinance shall take effect upon its adoption and publication, as required by law.


DONE and ADOPTED on this 21st day of APRIL 2003.


WILLIAM MURRAY, CITY COUNCIL PRESIDENT

ATTEST:


MELVIN TURNER, III, CITY CLERK & TREASURER

APPROVED AND TRANSMITTED:


CHARLES L. WILLIS, SR., MAYOR