

Sec. 12-11. Abandoned, junked or nonoperating vehicles.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:

(1) *Public lands or public ways:* All streets, walkways, alleys, highways, parks, lands and easements which are in the ownership or under the lawful control of the City of Fairhope.

(2) *Property:* All real property within the city exclusive of public lands and public ways.

(3) *Vehicle:* A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

(4) *Abandoned vehicle:* Any vehicle which has been left parked or unattended for longer than twenty-four (24) hours upon any public land or public way without written authorization; any vehicle which reasonably appears to be lost, stolen, or unclaimed; any vehicle left in an area clearly marked to designate such an area as a "no parking" zone; any vehicle left unattended in such manner and under such circumstances as to constitute a hazard to the safe and orderly movement of traffic upon any public street, alley or highway.

(5) *Junked or nonoperating vehicle:* Any vehicle that does not bear a current license plate; any vehicle that is not capable of being driven under its own power; any vehicle which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition.

(b) *Abandonment:* No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city at such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(c) *Dismantled, nonoperating, wrecked or junked vehicles:* No person shall leave any partially or wholly dismantled, nonoperating wrecked or junked vehicle, or parts thereof, on any public land or public way within the city. No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially or wholly dismantled nonoperating, junked, wrecked, or discarded vehicle, or parts thereof, to remain on such property longer than seventy-two (72) hours; and no person shall place any such vehicle upon any property, or upon any public land or public way within the city. Provided, however, that this section shall not apply to the following:

(1) Any vehicle within an enclosed building.

(2) Any vehicle within a lawfully established place of storage.

(3) Any vehicle upon the premises of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to such operation.

(4) Any vehicle in a storage place or depository maintained by or under authority of the City of Fairhope.

(d) *Impounding.*

(1) The chief of police or any police officer of the city is hereby authorized to remove or have removed any vehicle which reasonably appears to be abandoned, lost, stolen or unclaimed or which is otherwise in violation of this section. Such vehicle shall be

impounded in the manner set forth in the Procedural General Order Manual of the Fairhope Police Department until lawfully claimed or disposed of.

(2) The zoning enforcement officer of the city is hereby authorized to remove or have removed any **vehicle** which is in violation of subsection (c) of this section. The zoning officer shall notify the Fairhope Police Department of such removal and the police shall then immediately cause the same to be impounded as provided in the Procedural General Order Manual of the Fairhope Police Department, until lawfully claimed or disposed of. (Code 1962, § 13-34; Ord. No. 677, 7-27-81; Ord. No. 854, 4-9-90)

Cross references: **Junked** or abandoned watercraft, § 6-12; impounding illegally parked **vehicles**, § 20-50 et seq.; **junked vehicles** prohibited near dwellings, zoning ordinance, § 60.314.

State law references: Abandoned **vehicles**, Code of Alabama 1975, § 32-13-1 et seq.

Sec. 12-12. Penalty for violation of section 12-10 or 12-11.

(a) *Penalty for failure to comply with order of zoning officer of the city to abate violation of section 12-10:* If any person in charge or control of premises in the city shall fail or refuse, after seven (7) days' written notice by the zoning officer of the city to correct the violation as set out in such notice, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed six (6) months, or both.

(b) *Penalty for failure to comply with order of zoning official of the city to remove from property within the city any **vehicle** in violation of section 12-11:* If any person in charge or control of premises in the city shall fail or refuse to remove such **vehicle** after seven (7) days' notice by the zoning officer of the city, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed six (6) months, or both.

(c) *Penalty for placing or causing to be placed upon public lands or public ways any **vehicle** in violation of section 12-11(c):* Any person who places or causes to be placed upon any public land or public way within the city any **vehicle** which is in violation of section 12-11 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed six (6) months, or both. Provided, however, that nothing herein shall be construed to prevent or delay the removal of such **vehicle** from the public lands or public ways as hereinbefore authorized nor shall such removal in any way mitigate violation of section 12-11.

(Ord. No. 854, 4-9-90)

Cross references: Municipal offense tickets, § 10-26 et seq.

Sec. 12-13. Reserved.

Editor's note: Ord. No. 854, § 1, adopted Apr. 9, 1990, deleted § 12-13 pertaining to city abatement of violations of section 12-11. Such section derived from the 1962 Code, § 10-12.