

ORDINANCE NO. 1653

**AN ORDINANCE TO ESTABLISH AND ADOPT POLICY AND
PROCEDURE FOR “SLEEPING IN VEHICLES, OUT-OF-DOORS
OR IN NONRESIDENTIAL ZONES” TO PROTECT THE
PUBLIC HEALTH, SAFETY AND WELFARE WITHIN
THE CITY OF FAIRHOPE CORPORATE LIMITS AND
ITS POLICE JURISDICTION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
FAIRHOPE, ALABAMA, as follows:**

Section 1. Sleeping in Vehicles, Out-of-Doors or in Nonresidential Zones.

- (a) It shall be unlawful for any person to sleep in an automobile, van, truck, camper, trailer, or other vehicle of any kind or nature within the corporate limits of the city or the police jurisdiction thereof, between the hours of 10:00 p.m. and 6:00 a.m., except in licensed or approved mobile home parks or trailer parks or campsites; provided, however, that the provisions of this subsection shall not apply to self-contained units during the following special annual events at the areas and for the times and purposes specified as follows:
 - (1) The area permitted by the City Council for the Fairhope Arts and Crafts Festival held annually each March, for the period officially designated by the sponsoring agency.
 - (2) The area permitted by the City Council for Mardi Gras held annually, for the period officially designated by the City of Fairhope, the sponsoring agency.
 - (3) Any area permitted by the City Council for an approved scheduled function.
- (b) It shall be unlawful for any person to live or sleep in any tent, sleeping bag, or in the open (this being outside of a building/vehicle) within the City or the police jurisdiction thereof, except in the area specifically designated and approved for this purpose, such as campgrounds.
- (c) It shall be unlawful for any person to live or sleep in any building within any zone in the City not specifically constructed and occupied for residential purposes or for purposes of rentals, such as motels; provided, however, that an owner, operator, or agent, servant or employee of an owner may have living quarters in a retail business establishment, provided such living quarters meet all Code and zoning ordinances of the City and health department requirements, and further provided that this occupancy is limited to one (1) person and members of such person’s immediate family and does not include guests, whether interested in the business operation or not. Any person intending to occupy any part of a business establishment, wherever located in the City, as living quarters or sleeping quarters shall submit to the City Clerk an outline showing the name and relationship to the business of the person intending to occupy such living quarters. The names and ages of any members of such person’s family who shall occupy the living quarters with the designated person shall be submitted. They shall be submitted to an inspection of the premises by an authorized agent or employee of the City or of the State and a permit in writing shall be obtained from the City for such occupancy.

Ordinance No. 1653

Page -2-

- (d) *Exemptions.* The following shall be exempted from the effect of Section 1.
- (1) Youth campouts (i.e., children of residents) on any residential zoned lot where a principal occupied structure exists.
 - (2) Sleeping in vehicles as described in Section 1. (a) shall be allowed on any residential zoned lot where a principal occupied structure exists provided that:
 - a. The vehicle is not occupied in excess of fourteen (14) consecutive days;
 - b. The vehicle does not emit any unreasonable noise or vibration in violation of state or municipal law;
 - c. All sanitary disposals (i.e., gray water) must occur at health department approved sanitary facilities.

Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Effective Date. This ordinance shall take effect upon its due adoption and publication as required by law.

ADOPTED THIS 12TH DAY OF AUGUST, 2019


Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Ord. No. 1653 Published in
FAIRHOPE COURIER
on 9/11/2019
Lisa Hanks City Clerk
by Doyle Fogarty