

ORDINANCE NO. 2-28-05-1

**AN ORDINANCE, ENTITLED ABANDONED VEHICLE ORDINANCE, TO PREVENT ABANDONED VEHICLES, INCLUDING BOATS OR WATER CRAFT TO REMAIN ON CITY STREETS WITHIN THE CITY OF EAST BREWTON, AND TO PREVENT ANY PARTIALLY DISMANTLED, NON-OPERATING, WRECKED, JUNKED, OR DISCARDED VEHICLE ON PROPERTY: TO DEFINE THE TERMS THEREOF, AND TO PROVIDE A PENALTY FOR THE SAME.**

BE IT ORDAINED BY THE City Council of the City of East Brewton, in regular meeting assembled.

SECTION I DEFINITIONS: As used in this ordinance the following terms shall have the respective meanings ascribed to them:

- A. Property: any real property within the City of East Brewton, or police jurisdiction, thereof, which is not a street or highway.
- B. Street or Highway: the entire width between the boundary lines or every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- C. 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, automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, including any boat or vehicle designed to be used on waterways, rivers, or lakes or any other large bode of water.

On and after the passage of this ordinance and its publication it shall be unlawful for any person, firm or corporation to permit or cause any such vehicles as herein defined to remain on such street, highway or property within the corporate limits of said city or the police jurisdiction thereof in violation of said ordinance.

SECTION II. ABANDONMENT OF VEHICLES; MAXIMUM TIME ON STREETS.

No person shall abandon any vehicle within the City or Police Jurisdiction. It shall be presumed that any vehicle, which has been left at any place on a street or highway within the city for a period of seventy-two hours (72 Hours), consecutively is an abandoned vehicle.

SECTION III. LEAVING WRECKED, NONOPERATING VEHICLES ON STREETS.

No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway with the City.

SECTION IV. DISPOSITION OF WRECKED OR DISCARDED VEHICLES ON PROPERTY; EXCEPTIONS.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than seven (7) days; and no person shall leave any such vehicle on any property within the city for a time longer than seven (7) days; except that this section shall not apply with regard to a vehicle within an enclosed building, a vehicle on the premises for a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or to vehicles in a duly licensed junkyard.

SECTION V. IMPOUNDING.

The Chief of Police or any member of the Police Department, designated by the Chief is hereby authorized to remove or have removed any vehicle left at any place within the City which reasonably appears to be in violation of this article or lost, stolen, or unclaimed. Any vehicle so taken up and removed shall be stored in a suitable place by the City. A permanent record giving the date of the taking of such vehicle shall be kept by the Chief of Police.

SECTION VI. RECLAMATION BY OWNER.

The owner of any abandoned vehicle removed by the Police Department as herein provided may regain possession thereof from the City by making application thereof within two (2) months after its receipt by the City upon paying to the city all reasonable cost of removal, which shall be repaid to the person who paid or incurred such charges, plus an additional charge of twenty-five dollars (\$25.00) for storage charges of the vehicle while in possession of the City.

SECTION VII. SALE OF UNCLAIMED VEHICLES, DISPOSITION OF PROCEEDS.

If no claim for the abandoned vehicle is made within two (2) months after it is received by the City, the City may sell the vehicle for the best price obtainable as junk or otherwise, as provided in Sections 32-13-3 through 32-13-6, Code of Alabama, 1975, as amended. The proceeds shall be available to pay the reasonable charge of delivering the same to the City if a claim thereof be made by the person who paid the charges and the expense of keeping and disposing of the vehicle; any balance shall be held and disposed in Section 32-13-7, Code of Alabama, 1975, as amended.

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SECTION VIII. LIABILITY FOR DAMAGE FOLLOWING REMOVAL.

Neither the owner, lessee, or occupant of the premises from which any abandoned vehicle shall be removed under the provisions of this article, or any servant or agent thereof, or the City, shall be liable for any loss or damage to such vehicle while being removed, or while in the possession of the City, or as a result of any subsequent sale or other disposition.

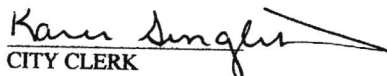
SECTION IX. PENALTIES.

Any person violating any of the provisions of this ordinance shall, in addition to having the vehicle impounded and sold, be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by the payment of a fine of not more than \$500.00 and/or sentenced to not more than six (6) months hard labor for the City. Each day such violation is committed or permitted to continue shall constitute a separate offense and punishable as such hereunder.

READ, APPROVED AND ADOPTED, this the 28<sup>th</sup> day of February, 2005.

  
MAYOR

ATTEST:

  
CITY CLERK