

ORDINANCE 2011-11

AN ORDINANCE REGULATING THE SALE AND OFFER FOR SALE OF MOTOR VEHICLES ON NON-CONFORMING PRIVATE PROPERTY

WHEREAS, the City of Springville, Alabama (the “City”) is authorized to regulate businesses and commercial activities within the City; and

WHEREAS, the City requires businesses within the City to purchase licenses, pay taxes, etc. as a part of its regulation of said businesses; and

WHEREAS, the City intends and strives to treat all individual or entities engaged in any commercial activity consistently with other individual or entities engaged in a similar commercial activity; and

WHEREAS, as provided by the Alabama Code and pursuant to its Zoning Ordinance, the City also regulates the use of real property within the City.

NOW THEREFORE, be it ordained by the City Council of Springville, Alabama, as follows:

Section 1: This Ordinance is enacted as an enforcement procedure for protection of the public, peace, safety, health and welfare and the safeguarding of public and private property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances and for the protection of private and public property rights in the City.

Section 2: Definitions.

- a. “Vehicle” shall mean any “motor vehicle” as that term is defined in §32-1-1.1(32) of the Code of Alabama, whether operable or not, along with any motorcycle, any motorized recreational vehicle, any motor home, trailer of any type or description not attached or associated with a boat also for sale, boat or any other type of water craft and mobile home.
- b. “Person” shall mean any individual or corporation along with the President or CEO of any Corporation, an owner, member or proprietor of any Limited Liability Company and any general partner in a partnership.
- c. “Private property” shall mean any and all property located within the corporate limits of the City that is not public property regardless of who owns such property.
- d. “Zoning Ordinance” shall mean the current Zoning Ordinance for the City of Springville and any amendments or revisions as are, from time to time, made upon said ordinance.

Section 3: Unless otherwise provided for in this Ordinance, no person who either owns or is legally responsible for a vehicle shall offer it for sale or permit it to stand unattended for sale in any public place, including private property, unless the applicable real property is properly zoned for that purpose and that person offering said vehicle for sale has a proper business license issued by the City.

Section 4: Notwithstanding anything herein, the owner of any parcel of private real property within the City may allow one (1) vehicle (at a time) to be unattended and designated for sale on said parcel of private real property as long as said property owner is also the legal owner of said vehicle or the vehicle owner resides on said property and has the property owner's permission to so display the vehicle.

Further, an owner of real property in the City may give permission to an individual who does not reside on said property to display for sale one (1) vehicle(s) upon said property during the hours of 7:00 a.m. until 7:00 p.m. Any vehicle not properly registered to the property owner shall not be displayed upon said property between the hours of 7:00 p.m. and 7:00 a.m. but must be removed therefrom.

Section 5: Any person who owns or is legally responsible for any vehicle displayed for sale in violation of this Ordinance may be cited by any Police Officer of the City which discovers said violation and any property owner who knowingly allows a person who owns or is legally responsible for any vehicle displayed for sale in violation of this Ordinance may also be cited for a violation of this Ordinance. A violation of this ordinance shall be deemed a misdemeanor and upon the conviction of the same in the City's Municipal Court, a fine of not less than One Hundred and No/100 Dollars (\$100.00) and not more than Five Hundred and No/100 Dollars (\$500.00) and/or imprisonment of up to six months shall be imposed by the Municipal Court.

Section 6: That all Ordinance or parts of Ordinances in conflict with the above are, to the extent of such conflict, hereby repealed.

Section 7: That if any part, section, subsection or provision of this Ordinance shall be held by a Court of competent jurisdiction as unconstitutional or otherwise invalid for any reason, said finding shall not effect the validity or enforceability of any other part, section, subsection or provision of this Ordinance, which shall continue in full force and effect notwithstanding such finding.

Section 8: That this ordinance shall become effective as provided by law after passage, approval and publication.

ADOPTED and **APPROVED** this the 21st day of November, 2011.

CITY OF SPRINGVILLE, ALABAMA

By: _____
William Isley, Mayor

ATTEST: _____
Kelli Lee, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Springville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on November 21, 2011 and as same appears of record in Minute Book of said City, and approved by the City Council on the 21st day of November, 2011.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Springville, Alabama, this 21st day of November, 2011.

City Clerk