

CITY OF CHELSEA
ORDINANCE 2018-02-20-760
Abandoned Vehicle Ordinance

**AN ORDINANCE TO REMOVE ABANDONED VEHICLES AND PROPERTY FROM THE
RIGHT-OF-WAY OR OTHER PUBLIC AREAS**

WHEREAS, the City of Chelsea, Alabama, pursuant to the police powers delegated to it by the Alabama Constitution and the Alabama Code, has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

WHEREAS, the abandonment of vehicles in the right of way and in other public areas pose a health and safety concern, and are, in some cases, a nuisance to the general public; and

WHEREAS, the intent of this Ordinance is to protect the public health, safety, and general welfare of the public;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA, ALABAMA, AS
FOLLOWS:**

§1 – Purpose and Scope

Abandoned cars, trucks, trailers, boats, off-road vehicles, and mobile recreational equipment (collectively as “Vehicles” or “Property), left in the right of way and in other public areas pose a concern for public safety. It is in the public interest for safety that these vehicles be removed from said areas.

§2 – Timeframe

It is a reasonable expectation that the owner of any property abandoned in the right of way of any public highway or on any public property, for mechanical or other purposes, would make an effort to retrieve the property, contact the local governing body, or contact local law enforcement to advise on the circumstances of the abandonment. It is reasonable to expect that if no effort or official contact is made within 48 hours of the property being abandoned, that the owner of the property has no intent to retrieve the property or remove it within a reasonable timeframe from the public area.

§3 – Placement of Sticker

Any cars, trucks, trailers, boats, off-road vehicles, recreational equipment, abandoned on the side of the road, in the right of way, or in other public areas within the City Limits or Police Jurisdiction of the City of Chelsea, Alabama shall be affixed with a uniform sticker, by a law enforcement officer, created by the City of Chelsea for the purpose of advising the owner of the property of the City’s intent to have the property towed or hauled off within 48 hours.

The uniform sticker shall list: (1) the date and time that the sticker was placed, (2) a clear statement that the property will be removed from the public area within 48 hours, (3) contact information for the City of Chelsea and Shelby County Sheriff's Office, (4) a brief physical description of the property, (5) the location where the property was abandoned, and (6) the name of the law enforcement officer placing the sticker.

§4 – Removal of Property

Property in the right of way of any public highway or on any public property that has been affixed with the designated sticker for at least 48 hours shall be towed or hauled off by an agency or company designated by the City of Chelsea, Alabama. The designated company shall be from the standardized list of permissible towing companies from the Shelby County Sheriff's Office towing rotation, or another rotation created and designated for such purpose by the City of Chelsea, Alabama.

Property that is removed by the designated agency or towing company shall be stored in a secure area and held there for the timeframe designated by Alabama State Law for towing companies to allow the owner reasonable time to come and claim said property.

§5 – Liability for Damage

The City of Chelsea, Alabama, its officials and employees, law enforcement officials, and the company designated by the City of Chelsea, Alabama to remove the property shall not be liable for any damage or destruction caused to the property during its removal.

§6 – Private Property, Exceptions

No section of this ordinance shall apply to vehicles parked legally on the curbside of a home in a residential neighborhood. Removal of these vehicles should follow the procedures established in the City of Chelsea, Alabama's Nuisance Abatement Ordinance 08-02-19-420.

No section of this ordinance shall apply to any property left in the roadway or lane of travel, or any area that causes immediate danger to public safety and traffic flow. This property shall be removed immediately in conjunction with the law and procedures established by the State of Alabama's Traffic Code and state law.

§7 – Expectation to Remove Property

A driver, operator, or owner of a vehicle that abandons said property in the right of way of any public highway or on any public property shall remove the property within 48 hours of leaving the property unattended at the location, either personally or by contracting with a private company, entity, or otherwise.

§8 – Penalties, Reimbursement

It shall be unlawful to violate Section 8 of this ordinance. Any person, firm or corporation violating said provision of this ordinance shall be guilty of a violation and upon conviction shall be ordered to pay by fines and costs as follows:

(1) \$100 fine, plus court costs.

(2) Any costs or expenses incurred to the City of Chelsea, Alabama as a result of having any property covered under this ordinance removed shall be remanded to the owner of the property and ordered to be paid as restitution by the City of Chelsea, Alabama's Court.

It shall be prima facie evidence that the registered owner of a vehicle, trailer, boat, or any property affixed with a US State issued tag or registration, should the registration be current, is the current owner and responsible party for the property. Paperwork immediately provided by the current registered owner showing the sale or transfer of the property shall be adequate proof that the ownership and responsibility of the paperwork has been transferred.

It shall be at the discretion of the law enforcement official locating the owner of the abandoned property to weigh each situation on a case by case basis, and to waive citing violations of this ordinance when exigent circumstances occur, or if reasonable attempts have been made and are still being made by the property owner to remove said abandoned property.


§9 - Sections and Provisions Severable

If any section or provision of this ordinance shall be held invalid, such holding shall not affect any other section or provision of this ordinance, each of said sections and provisions being hereby declared severable.

§10 - Effective Date

This ordinance shall become effective after such posting of said ordinance as required by law.

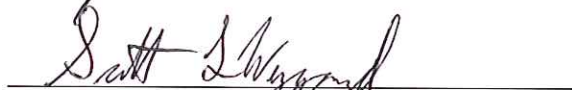
ADOPTED AND APPROVED THIS THE 20th DAY OF February, 2017



Tony Picklesimer, Mayor



Cody Sumners, Councilmember



Scott L. Weygand, Councilmember



David Ingram, Councilmember



Tiffany Bittner, Councilmember



Casey Morris, Councilmember

I, the undersigned City Clerk of the City of Chelsea, Alabama, do hereby certify that the above and foregoing is an ordinance lawfully passed and adopted by the City Council of the City of Chelsea, Alabama, at a regular meeting of such Council held on the 20th day of February, 2018, and that such ordinance is on file in the office of the City Clerk

Attested by: Becky C. Landers
Becky C. Landers, City Clerk