

ORDINANCE NO. 1739

**AN ORDINANCE TO AMEND CHAPTER 19, ARTICLE XXI
PARKING REGULATIONS OF THE ZONING ORDINANCES
OF THE CITY OF MOUNTAIN BROOK, ALABAMA**

WHEREAS, the City Council of the City of Mountain Brook, Alabama, has determined that recreational vehicles can obstruct the view and impede the free passage of motorists on residential streets in violation of sections 18-7 and 12-65.4 of the City Code; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, recognizes the obtrusiveness and lack of esthetic quality of recreational vehicles that are located in driveways and in front yards of residences and on city streets, and

WHEREAS, in the interest of the safety and general welfare of its citizens, the City Council of the City of Mountain Brook, Alabama, passed an ordinance whereby the location of said vehicles was restricted; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, has determined that the goals of zoning policy are to minimize and eventually eliminate nonconforming uses by preventing their extension or continuation, and that a reasonable amortization or tolerance period providing for the elimination of nonconforming uses by a date certain will promote said goals; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, finds that in the interest of the safety and general welfare of its citizens, an amortization period providing a date by which compliance with those previously enacted restrictions must occur is warranted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, as follows:

1. Parking of Recreational Vehicles.

(a) It shall be unlawful for any person to park or store recreational vehicles on private residential property in front of the front building line of a residence, unless the vehicle is parked at least one hundred (100) feet from the street. In the case of a multi-unit dwelling, the vehicle(s) must be parked at one designated location, and so that the vehicles do not obstruct the vision of passing motorists. No recreational vehicle, while parked or stored in a residential area, shall be occupied on a long-term basis or as a dwelling, or be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas, except during exigent circumstances, such as temporary occasions of inclement weather involving power outages.

(b) The term "recreational vehicle" shall include any motorized or non-motorized vehicle designed to provide sleeping and/or restroom facilities, including but not limited to motor homes, motor coaches, "mini" motor homes, travel trailers, tent campers, fifth-wheels, or boats equipped with sleeping and/or restroom facilities, etc., that is typically used as temporary housing during periods of recreation.

(c) Written notice of a violation of this ordinance shall issue from the City via registered or certified mail. Violators shall have seven (7) days after receipt of official notice from the City in which to come into compliance with the requirements of this ordinance. A failure to comply, beginning with the eighth

day after receipt of official notice, will result in a fine of \$100.00 (one hundred dollars) to be assessed against the owner or occupant of the property on which the vehicle is located for each day that the vehicle remains parked in violation of this ordinance, each day constituting a separate violation hereof.

(d) All nonconforming recreational vehicles shall be registered with the City within ninety (90) days of the effective date of this ordinance, and give the name and address of the owner of the recreational vehicle, the VIN number and the location of the vehicle, and other such information as the city may require for enforcement of this article.

(e) All nonconforming uses shall be extinguished and the City shall require, through enforcement of the provisions in this section, that all nonconforming recreational vehicles be relocated or made to otherwise conform herewith by the owner of the property on which the nonconforming recreational vehicle is located when any of the following events occur:

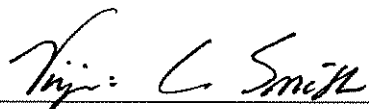
1. The recreational vehicle is removed from the nonconforming location for a period of one (1) year or more; or
2. The recreational vehicle is replaced; or
3. The owner fails to register the nonconforming recreational vehicle with the City; or
4. A period of five (5) years has lapsed from the effective date of this ordinance.

2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.


4. **Effective Date.** This ordinance shall become effective forty-five (45) days after adoption and publication as provided by law.

ADOPTED: The 13th day of August, 2007.



Virginia C. Smith, Council President

APPROVED: The 13th day of August, 2007.



Lawrence T. Oden, Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on August 13, 2007, as same appears in the minutes of record of said meeting, and published by posting copies thereof on August 14, 2007, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
The Invitation Place, 3150 Overton Road

Joe Muggs Newsstand, 2037 Cahaba Road
Piggly Wiggly Food Store 4, 93 Euclid Avenue



Steven Boone, City Clerk