

Town of Gurley- CODE OF ORDINANCES  
Ordinance 2014-003-R1 - TRAFFIC AND VEHICLES  
Section 1 – Towing and Impoundment

***SECTION 1. VEHICLE TOWING AND IMPOUNDMENT***

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**Sec. 1-1. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means the operator of a wrecker service who, after being advised of the requirements and regulations for participation therein, makes known his/her desire to voluntarily participate in the Town's rotation roster by making application for the same.

*Chief* or *police chief* shall refer to the chief of the town police department or his/her designee.

*Contract wrecker* shall mean that wrecker company which has contracted with the town to provide wrecker services requested by the Town of Gurley, for public safety reasons, as opposed to wrecker services requested by a private individual.

*Department* means the town police department.

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*Disabled vehicle* means any vehicle which has lost its ability of self-propulsion or its ability to be transported or drawn on a public street by normal methods other than by a wrecker.

*Fire extinguisher* shall mean a portable device used for extinguishing fires as defined by the National Board of Fire Underwriters, dry chemical extinguisher with either a 5- or 10-B.C. rating and underwriters laboratory approval in a quick release carrier which is capable of extinguishing fires.

*Large wreckers* shall be classified as any of the following types of wreckers: Tandem dual wheel or tandem rear end wreckers, or twin booms with factory rated or tested lifting capacity of 12.5 tons or over per drum and per winch and per winch line, with dual drum capacity, hydraulic or power take-off driven, and shall be equipped with dual rear twin-screw axles, and shall be equipped with quick air couplings for towing vehicles with air brakes, and shall be utilized to tow any vehicle having a gross vehicle weight exceeding 10,000 pounds, or any vehicle having dual rear axles or any tractor-trailer combination. The wrecker company shall provide documentation of lifting capacity from the factory or qualified testing facility.

*Motor vehicle* shall mean every vehicle which is self-propelled.

*Owner* means any person who holds a legal title to a motor vehicle or who has the legal right of possession thereof.

*Person* means any individual, partnership or association, syndicate, company, firm, trust, corporation, department, bureau, agency, business, bank, or any entity recognized by law.

*Place of business* shall mean the place where the wrecker company conducts business and is licensed pursuant to municipal law.

*Police officer* means any duly sworn law enforcement officer employed by the town.

*Repossessor* shall mean any person in the business of providing repossession services to others or who performs repossession services on its own behalf, and includes, but is not limited to, officers, managers, agents or employees thereof.

*Repossession wrecker* shall mean any wrecker or large wrecker, as defined herein, used for the sole purpose of repossessing vehicles. Repossession wrecker shall include vehicles commonly referred to as "snatch trucks," as well as any and all motor vehicles used to tow or remove any vehicle from one location to another. Repossession wrecker shall not apply to wreckers used for the dual purpose of performing regular wrecker services and repossession services.

*Rotation roster* means the rotation list of wrecker companies available for request by private individuals as prepared and used as provided in the execution of this chapter.

*Street* means a thoroughfare including public streets, lanes, alleys, etc., within the town and its police jurisdiction which is reserved for vehicle traffic.

*Town* means the Town of Gurley Al.

*Traffic hazard* means any disabled vehicle, other than those resulting from a vehicular accident as defined herein, and which is an obstruction to the normal movement of traffic on any public street.

*Vehicle* shall mean every device in or by which any person or property is or may be transported or drawn upon a public street, except devices moved only by human power, or used exclusively upon stationary rails or tracks, and shall include trailers and semi-trailers.

*Vehicular accident* means any incident involving contact between a vehicle and any other object or vehicle which results in disabling damage to any vehicle requiring the services of a wrecker.

*Wrecker* shall mean any motor vehicle used for the purpose of towing or removing motor vehicles from one location to another location, for any purpose.

*Wrecker business* shall mean the act of towing or removing motor vehicles from one location to another location, for any reason, where either the beginning or ending location is within the town. This

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definition shall not include situations whereby a business owns or leases wreckers for the sole purpose of towing other vehicles owned or leased by the business.

*Wrecker company* shall mean any person engaged in the wrecker business.

*Wrecker operator* means any person who drives or otherwise uses a wrecker for wrecker business as defined herein.

**Sec. 1-2. Wreckers declared not to be emergency vehicles.**

It is hereby declared and determined that wreckers and large wreckers are not emergency vehicles and shall comply with all laws and ordinances relating to motor vehicles.

**Sec. 1-3. Business license and vehicle inspection permits required.**

No person shall engage in the wrecker business or operate wreckers on the streets within the town without first obtaining a license to do business from the Town Administrator, and without first obtaining a vehicle inspection certificate for each wrecker to be operated, in accordance with this chapter, to be issued by the police department on an annual basis.

**Sec. 1-4. Liability.**

Each wrecker operator doing business in the town who moves or otherwise makes contact with any vehicle to be towed, assumes liability for injury to persons, property damage, fire, theft or any other acts of negligence stemming from the towing process.

**Sec. 1-5. Vehicle inspection.**

Each wrecker company doing business in the town shall be inspected by the Gurley Police Department or a qualified person designated by the Chief of Police at least once per year, but more often if complaints arise, to ensure compliance with the following provisions:

(a) *Equipment necessary for all wreckers:*

- (1) All equipment necessary for the towing vehicle or combination of towing vehicle and towed vehicle must comply with the applicable requirements of 49 C.F.R. §§ 390-399, of the Federal Motor Carrier Rules and Regulations, as the same currently exist or as they may be amended in the future. Any future amendments of the Federal Motor Carrier Rules and Regulations which results in a conflict with the additional requirements contained in this section shall be resolved in favor of compliance with the Federal Motor Carrier Rules and Regulations;
- (2) Certification: A garage or mechanic licensed to do business, who is not an owner, employee or otherwise connected with any wrecker company regulated by this article, must inspect and issue a certificate upon inspection that all wreckers of the wrecker company are in safe operating condition, the following mechanical functions and systems are in proper working order and each wrecker of the company has the following additional equipment in the vehicle:
  - a. Wheels: Bearings, lugs;
  - b. Tires: Front left and right (no recap) minimum tread depth 5/32; rear left, outside, and all drive tires minimum tread depth 4/32;
  - c. Brakes: Master cylinder; fluid level, leaks; wheel cylinder; brake hose and lines; hydrovac and lines; vacuum or air tanks; parking brake; vacuum or air gauge and buzzer or light; brake pedal fade; pedal pads, if factory equipped; adjustment; brakes;

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- d. Exhaust system: Exhaust manifold; exhaust pipe; muffler; tail pipe;
  - e. Rear end: Springs, shackles and clamps; leaks;
  - f. Clutch and transmission: Adjustment, release;
  - g. Body: Seats securely fastened and in good condition; no broken glass in any window, and no broken or cracked glass in any windshield which obstructs the driver's vision; mirrors, left and right; wipers, windshield washers; horn; fire extinguisher; markings; driver's and passenger seat belts; flags and flares; sun visor for driver;
  - h. Steering: Steering arm; tie rod-ends and drag-link; front springs, shackles and clamps; sector to frame mounting; steering free play;
  - i. Most current edition of the Department of Transportation Emergency Response Guide Book.
- (3) Each wrecker shall be equipped with factory installed one-ton capacity dual wheels. Dummy wheels are prohibited;
  - (4) Each wrecker shall be equipped with a power winch, winch line, and boom with a factory rated lifting capacity, or a tested capacity, of not less than 8,000 pounds single line capability. At the time of application, the wrecker operator shall provide documentation of lifting capacity from the factory or qualified testing facility;
  - (5) Appropriate equipment shall be attached to each wrecker in order to prevent any vehicle being hauled or towed from being further damaged by coasting, rocking, swinging, or slamming into the wrecker or any part thereof;
  - (6) Each wrecker shall have the following standard equipment: Tow bar; safety chains; operating, fully charged 5-B.C. rated fire extinguisher mounted in an easily accessible location; wrecking bars; brooms; shovel; axe; dolly; at least three reflective road warning devices; a minimum of 40 pounds of oil dry; and a minimum of 100 feet of three-eighths-inch diameter or larger steel cable;
  - (7) Yellow emergency lights shall be affixed above the top of the cab of the wrecker. The warning lights shall be visible from a distance of not less than 1,500 feet under normal atmospheric conditions at night. Sirens are prohibited;
  - (8) The name, address, and telephone number of the wrecker operator shall be permanently affixed to and prominently displayed on both sides of the wrecker, using letters and numerals of a contrasting color than the rest of the vehicle that are clearly visible from a distance of 100 feet. The lettering used for the operator name shall be at least four inches tall and the lettering and numerals used for the address and telephone number shall be at least two inches tall;
  - (9) The wrecker company shall not place or imprint on its vehicles, buildings, equipment, clothing, advertisements, or correspondence anything suggesting or implying any official relationship between the wrecker company and the town. Without limitation, the wrecker company shall not use any colors or paint schemes similar to those used by the police department; decals similar in design to department decals; any logo similar to those employed by the town or any of its departments; or any other language or wording which would cause the general public to believe the wrecker is owned or operated by the town;
  - (10) Each wrecker shall be properly equipped with clearance and marker lights and all other equipment as required by law;
  - (11) Each wrecker shall be equipped with warning devices, as the same are required by law applicable to trucks;
  - (12) Each wrecker shall be equipped with dual rear adjustable floodlights with a minimum of 20,000 candlepower each.

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- (b) *Equipment necessary for large wreckers.* In addition to the requirements contained in subsection (a), large wreckers, as defined herein, are required to be equipped with the following additional items and equipment:
- (1) Air control valve or an electrical break capability with an electrical break control box for the purpose of providing braking capability for the vehicle or trailer being towed or removed;
  - (2) Two chock blocks to prevent rolling or slippage of the wrecker. These chock blocks should have the capability of being secured firmly to the wrecker and should be of a width equal to that of the dual wheels of the wrecker;
  - (3) A minimum of 200 feet of five-eighths-inch steel cable on multiple drums;
  - (4) Air brakes constructed to lock the rear wheels automatically upon failure and to supply air to disabled vehicles;
  - (5) One pair of bolt cutters with a minimum one-half-inch opening;
  - (6) A minimum total of two operating, fully charged 10-B.C. rated fire extinguishers mounted in easily accessible locations;
  - (7) External air hookups and hoses;
  - (8) At least six reflective road warning devices;
  - (9) A minimum of 80 pounds of oil dry.
- (c) *Equipment necessary for roll back wreckers.* In addition to the requirements contained in subsection (a), roll back wreckers are required to be equipped under the following modifications:
- (1) A one-ton truck with a 19-foot bed, dual wheels, and one power winch with an 8,000-pound capacity;
  - (2) A brake lock device;
  - (3) Two safety tie-down chains at least ten feet in length;
  - (4) The following standard equipment shall be substituted for the requirements of subsection (a)(6) above: Tow bar; safety chains; operating, fully charged 5-B.C. rated fire extinguisher mounted in an easily accessible location; wrecking bars; brooms; shovel; axe; at least three reflective road warning devices; a minimum of 40 pounds of oil dry; and a minimum of 50 feet of three-eighths-inch diameter or larger steel cable.
- (d) *Equipment necessary for repossession wreckers.* In addition to the requirements contained in subsection (a), repossession wreckers, as defined herein, are required to be equipped under the following modifications:
- (1) The following standard equipment shall be substituted for the requirements of subsection (a)(6) above: Tow bar; safety chains; operating, fully charged 5-B.C. rated fire extinguisher mounted in an easily accessible location; wrecking bars; and at least three reflective road warning devices.
  - (2) The following shall be substituted for the requirements of subsection (a)(8) above: The initials of the reposessor business name and USDOT number of the reposessor shall be permanently affixed to and prominently displayed on both sides of the wrecker, using letters and numerals of a contrasting color than the rest of the vehicle that are clearly visible from a distance of 100 feet. The lettering used for the reposessor name shall be at least four inches tall and the lettering and numerals used for the USDOT number shall be at least two inches tall. Additionally, all repossession wreckers shall also be clearly marked as a "Repossession Wrecker" or "Repo Wrecker" in lettering of equal size to the reposessor name.
  - (3) Reposession wreckers shall comply with all other requirements as stated in the above subsections.

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Following inspection by the Gurley Police Department, each wrecker shall be issued a certificate which shall be kept inside the wrecker and presented when requested by any police officer. Each certificate shall indicate the wrecker permit number and the current calendar year. The fee for each annual inspection and issuance of each annual inspection certificate shall be \$15.00. If a wrecker is not issued an inspection certificate following any Gurley Police Department inspection or if the certificate is expired or not properly kept in the wrecker for which it was issued, that wrecker is not authorized to do business within the Town of Gurley.

**Sec. 1-6. Authority at the scene of an accident.**

The police officer in charge of the scene of an accident shall have the ultimate authority to direct all activities concerning the removal of vehicles and any cleanup activities including requesting any additional assistance that is needed, or canceling any unneeded wreckers, vehicles, or other unneeded assistance in the interest of public safety and welfare. No wrecker company shall be allowed to clean up, load, unload or otherwise handle the cargo or contents of any wrecked or disabled vehicle beyond that which is necessary in order to properly tow the vehicle and clean the street or highway of debris as necessary without the expressed consent of the police officer in charge of the scene, the owner of the vehicle and/or the owner of the vehicle's contents and/or his agent.

**Sec. 1-7. Removal of a vehicle from an accident scene.**

Any police officer at the scene of an accident, who in the exercise of his discretion as a police officer suspects that a vehicle involved in an accident may have been used during the commission of a crime, may direct that such vehicle be taken by the driver of the contract wrecker towing the vehicle directly to the location designated by the police officer and there held by the town for any lawful purpose, and the town will be responsible for payment of towing and/or storage fees. Where allowed by law, the Town may recover the costs of towing and/or storage from the owner of any impounded vehicle.

**Sec. 1-8. Unauthorized presence of a wrecker at an accident scene, solicitation prohibited.**

No person, agent or employee of a wrecker company shall drive a wrecker or large wrecker to or near the scene of a vehicular accident or disabled vehicle on the streets of the town and park the same unless such wrecker has been authorized to proceed to the scene of the vehicular accident or disabled vehicle by the police department of the town or the owner(s) or operator(s) of the vehicle(s), nor shall any representative, agent or employee of a wrecker company solicit business in any manner for a wrecker company at the scene of a vehicular accident, disabled vehicle, or on the streets of the town. The unauthorized presence of any wrecker or large wrecker parked on any public street or highway in the town at or near the scene of any accident, collision, or disabled vehicle shall be prima facie evidence of a solicitation in violation of this section.

**Sec.1-9. Intercepting police radio wrecker communications.**

No person shall intercept any message emanating through the radio frequencies utilized by the town police department or shall divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication, and use the same or any information therein contained for the purpose of soliciting or aiding another in the solicitation of wrecker business.

**Sec. 1-10. Impoundments.**

- (a) Any unoccupied vehicle parked upon a public street or any public alley in the town at a place, in a manner or for a length of time prohibited by any ordinance of the town is declared to be an

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obstruction to traffic and a public nuisance. Any police officer and the Town Administrator are authorized to remove such vehicle or to cause the vehicle to be removed and impounded at police headquarters or in a depository provided for such purposes. Such removal may be done by hauling the vehicle by wrecker. Any charge for the removal and/or impoundment of the vehicle, unless otherwise provided, shall be charged against the owner of the vehicle.

- (b) Whenever any police officer shall find within the town limits any vehicle which he has reasonable cause to believe to be lost, stolen or abandoned, or any vehicle which is, or is likely to become, an obstruction on a public way, or to be without proper protection by reason of the person in charge or control thereof having been arrested and incarcerated, such officer shall have authority immediately to remove such vehicle or cause the vehicle to be removed to and impounded at police headquarters or in a depository provided for such purposes.
- (c) Whenever the driver of a motor vehicle fails to produce a valid driver's license upon the lawful request of an officer who is acting in his capacity as a law enforcement officer, such officer shall have authority immediately to remove such vehicle or cause the vehicle to be removed to and impounded at police headquarters or in a depository provided for such purposes, regardless of ownership, subject to the following conditions:
  - (1) The officer shall make a reasonable attempt to verify the license status of a driver who claims to be properly licensed, but who is unable to produce the license on demand. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the departmental report. If the officer is unable to verify that the driver is a properly licensed driver, the vehicle shall be impounded and the driver and occupants of the motor vehicle will be transported to a place of safety by the impounding officer.
  - (2) The officer shall not impound a motor vehicle pursuant to this section if the license of the driver expired within the preceding 60 days and the driver would otherwise have been properly licensed.
  - (3) The officer shall not impound a motor vehicle pursuant to this section if the owner of the motor vehicle or a family member of the owner is present in the motor vehicle, has a valid license, and agrees to take possession of and responsibility for the vehicle.
  - (4) The officer may elect not to impound the motor vehicle in the event there is a medical necessity jeopardizing life or limb.
- (d) A motor vehicle impounded pursuant to this section shall be released if the person redeeming the motor vehicle satisfies in full the cost of removing and impounding the vehicle, plus such reasonable amount as may be charged by the depository for storing the vehicle, and:
  - (1) The registered owner appears at the Gurley Town Hall, and presents a valid driver's license and either the original vehicle title or a copy of both the front and back of the title or a copy of the current vehicle tag receipt in the registered owner's name; or
  - (2) If the registered owner does not have a valid driver's license, the registered owner must present some form of picture identification along with either the original vehicle title or a copy of both the front and back of the title or a copy of a current vehicle tag receipt in the registered owner's name, and must be accompanied by an individual who has a verified valid driver's license; or
  - (3) A representative of the owner appears at the Gurley Town Hall with a valid driver's license along with a written notarized authorization from the registered owner and either the original vehicle title or a copy of both the front and back of the title or a copy of a current vehicle tag receipt in the registered owner's name; or
  - (4) Upon order of a court of competent jurisdiction.
- (e) The town shall have a lien upon each impounded vehicle for the amount of the cost of removing and impounding the vehicle, plus such reasonable amount as may be charged by the depository for storing the vehicle.

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- (f) The chief of police, or his designee may advertise and sell all vehicles which have been impounded, taken or seized by the town, and which have not been claimed by the owner after such vehicles have been held by the chief of police or his designee for a period of 90 days or more in accordance with Ala. Code § 32-13-1 et seq.

**Sec. 1-11. Impoundment hearings.**

- (a) The owner or person entitled to possession of any motor vehicle which is removed or towed from the public streets of the town, or from any public parking facility of the town, pursuant to any ordinance or policy of the town, or any of its departments, shall, upon written request, be entitled to a due process hearing, prior to paying any towing or storage fee concerning the motor vehicle. Said hearing shall take place no later than twenty-four hours after the police department's receipt of the hearing request. The chief of police or any supervisory officer of the police department of the rank of police sergeant or above, designated by the chief of police, who was not involved in the impoundment of the vehicle, shall act as a hearing officer for the purpose of carrying out these requirements. Any owner or person entitled to possession of any motor vehicle, unless the right is waived, shall be provided a due process hearing before such officer prior to being required to pay any such towing charge or storage fee. When the hearing officer shall determine at the hearing that the towing of the vehicle was in error, or that neither the owner nor any person lawfully entitled to possession caused the motor vehicle to be subject to towing under any such ordinance or policy, the vehicle shall be ordered immediately released and returned to the owner or the person in possession without the payment of any charges or fees.
- (b) Any person aggrieved by any decision of any hearing officer made pursuant to this section shall be entitled to a hearing before a municipal judge by filing notice with the clerk of the town court within five days from the date of any such decision.
- (c) At any time an arrest or citation for violation of town ordinances is made in connection with the towing or impoundment of any motor vehicle by the police department, the town judge trying the case may also hear evidence concerning the impoundment, towing and storage of the motor vehicle. If the town judge shall determine, after a due process hearing, that neither the owner nor any person lawfully entitled to possession of the motor vehicle was guilty of any act which caused the impoundment, towing or storage, the town judge shall order the vehicle immediately released without the payment of any fees or charges, or if the fees or charges have already been paid, shall order the return of the fees to the person paying the fees.

**Sec. 1-12. Reports of repossession required.**

- (a) Every wrecker company or reposessor who repossesses a motor vehicle within the town limits shall notify the Gurley Police Department by providing the information indicated in section 1-14 within one hour after the repossession is completed, and shall also file a written report of repossession or towing, as indicated in section 1-14, with the Gurley Police Department within five days after the repossession is completed.
- (b) At the time of repossession, every wrecker company operator or reposessor who repossess a motor vehicle within the town limits shall be required to have official paperwork authorizing the repossession of the vehicle on his/her person. The authorizing paperwork shall include, at a minimum: the name of the authorizing entity, the name of the person/entity believed to be in possession of the vehicle, and a description of the vehicle to include tag number and Vehicle Identification Number.

**Sec. 1-13. Reports of towing from private property required.**

Every towing service which tows a motor vehicle from private property within the town limits at the request of any person other than the owner of the vehicle, a person designated by the owner, or the town



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police department, shall notify the town police department by providing the information indicated in section 1-14 within one hour after completion of the towing service, and shall also file a written report of repossession or towing, as indicated in section 1-14, with the town police department within five days after completion of the towing service.

**Sec. 1-14. Reports of repossession or towing from private property.**

The report of repossession or towing, applicable to notifications and the filing of written reports, shall contain the following information:

- (1) Name and address of the person in possession, or believed to be in possession, of the motor vehicle at the time that it was repossessed or towed;
- (2) Location where the motor vehicle was found and the repossession or towing was carried out, including street name and block number;
- (3) Time that the repossession or towing was carried out;
- (4) Date and time that the report was filed;
- (5) Name of the reposessor or towing service who carried out the repossession or towing;
- (6) Name of person on whose behalf the repossession or towing was carried out, if different from the reposessor or towing service;
- (7) Description of the motor vehicle repossessed or towed, including, but not limited to, the year, make, model, style, vehicle identification number, tag number, and color (inside and outside);
- (8) Location of the motor vehicle following repossession or towing; and
- (9) Signature of the individual who carried out the repossession or towing.

**Sec. 1-15. Applications and conditions for participation.**

- (a) *Written request for participation in the rotation system.* The Town of Gurley Police Department shall maintain a roster of wrecker companies to be dispatched by the Town or any town police officer on a rotating basis. Each applicant desiring to be placed on the rotation roster shall file a written application with the police chief or his designee on a form furnished by the police department. A new applicant may file a written application at any time. Once an applicant has been accepted and placed on the rotation roster, applications for renewal shall be submitted in January of each year thereafter, and shall adhere to all of the same terms and conditions as apply to new applicants. An applicant may request to discontinue participation in the rotation roster at any time.
- (b) *Equipment certification.* Each applicant shall certify that each wrecker to be utilized in service of the rotation roster meets or exceeds the following requirements at the time application is made:
  - (1) For each regular haul wrecker, in addition to the criteria established in section 1-5, a conventional wrecker must be equipped with dollies and wheel lift or hydraulic operated tilting bed trucks, with one ton rated chassis or larger and equipped with a broom and shovel, two fully charged 10-B.C. rated fire extinguishers, and agents to remove oil spills from the roadway;
  - (2) The name of the company must be permanently affixed on each side of the wrecker in four-inch-high or larger letters and the address and telephone number in two-inch-high or larger letters;
  - (3) All safety equipment, horns, lights, flashers, amber lights, brakes, and other similar equipment must be operational.
- (c) *Copy of rules and regulations.* The chief of police or his designee will furnish each applicant with a copy of the rules and regulations pertaining to the operation of wreckers within the rotation system.

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- (d) *Inspection of wreckers and equipment.* Prior to being placed on the rotation roster, the applicant shall present and make available for inspection by the chief of police or his designee all wreckers and equipment that are to be used by the applicant for the provision of wrecker services.
- (e) *Business license required.* Prior to being placed on the rotation roster, the applicant must furnish the police department with a copy of a current, valid business license issued by the town in the applicant's name.
- (f) *Storage facilities.* Prior to being placed on the rotation roster, the applicant must agree to a preapproval inspection of the premises to ensure adequate outside storage sufficient to accommodate a minimum of ten vehicles, which is well and continuously lighted during the hours of darkness, and, at a minimum, include an area completely enclosed within a six-foot-high chain link or other equivalent fencing material designed to protect against unauthorized entry. Any inside storage must be within a supervised or locked building. In addition to the provision of a secure storage area, each wrecker company shall employ reasonable safeguards and procedures so that all personal belongings and contents in a stored vehicle remain intact and are returned to the vehicle's owner or agent upon request or upon release of the vehicle.
- (g) *Location of storage facilities.* The wrecker company, wrecker(s) utilized, operator(s), and storage facilities must be located within the town limits.
- (h) *Certificate of insurance.* Each wrecker company participating on the rotation roster, from the time he/she moves or otherwise makes contact with any vehicle to be towed, assumes liability for injury to persons, damage to property, fires, or theft resulting from the operator's negligent acts or omissions. Therefore, prior to being placed on the rotation roster, the applicant shall furnish the police department with a certificate of insurance that indicates compliance with the following insurance guidelines:
  - (1) Submit a certificate of insurance naming the Town of Gurley as an additional insured and stating the town will be provided with 30 days' notice of any material change, cancellation or nonrenewal. The certificate of insurance must also state that the coverages below are in force:

Minimum coverage and limits acceptable

a.	<i>Automobile Dealers</i>	<i>Limits</i>	
	Garage Liability	\$100,000/\$300,000/\$100,000 Split Limits, or	
	Covering any auto (21) Owned Autos (22)	\$500,000 Combined Single Limit	
	Auto Medical Payments Uninsured Motorists	\$1,000 per accident \$20,000/\$40,000 Split Limits or \$40,000 Combined Single Limit	
	Garage Keepers Legal Liability	Maximum Deductible	
	Specified Perils	\$1,000	\$40,000

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	Collision	\$1,000	\$40,000
b.	<i>Non Dealers (Repair Operations or Storage Lots)</i>		
	Garage Liability	\$100,000/\$300,000/\$100,000 Split Limits, or	
	Covering: Owned Autos (22) or specifically Described Auto (27)*	\$500,000 Combined Single Limit	
	Auto Medical Payments Uninsured Motorists	\$1,000 per accident \$20,000/\$40,000 Split Limits or \$40,000 Combined Single Limit	
	Garage Keepers Legal Liability	Maximum Deductible	
	Specified Perils	\$1,000	\$40,000
	Collision	\$1,000	\$40,000
c.	<i>Non Dealers (No Repair Operations and No Storage Lots - Wrecker Service Only)</i>		
	Automobile or Garage Liability	\$100,000/\$300,000/\$100,000 Limits, or	
	Auto Coverage: Any Auto (1) Owned Autos (2), or specifically Described Autos (7)*	\$500,000 Combined Single Owned Autos	
	Garage Coverage: Owned Autos (22) or specifically Described Autos (27)*		
	Auto Medical Payments	\$1,000 per accident	
	Uninsured Motorists	\$20,000/\$40,000 Split Limits	

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		or \$40,000 Combined Single Limit	
	Garage Keepers Legal Liability	Maximum Deductible	
	Specified Perils	\$1,000	\$40,000
	Collision	\$1,000	\$40,000

\*Schedule of autos used in the wrecker operation must be attached.

- (i) *Certification required.* A department certificate must be kept in each participating wrecker to indicate current inspection and eligibility to participate in the rotation system. Each certificate shall indicate the rotation roster permit number and the current calendar year. The fee for each wrecker inspection and issuance of each decal shall be \$15.00.
- (j) *Valid license plates required.* Each wrecker company shall be required to maintain a current, valid license plate on each wrecker used in responding to rotation roster calls.
- (k) *Wrecker company listed only once.* Each wrecker company shall be listed on the rotation roster only once. This listing will use the name the wrecker company submitted during the application process and under which he/she is qualified under this chapter. It is prohibited for a wrecker company conducting business at one location to receive multiple listings by utilizing a different or fictitious name for wreckers operating from the same location or by utilizing wreckers with the same name out of different locations within the town. When two or more businesses or companies are owned by the same individual, partnership or parent corporation, each business or company may have a separate listing only when each business maintains completely separate offices, required documentation, logs, and wreckers labeled with the appropriate business name in accordance with subsection 1-5(a)8 at the approved locations. A wrecker business will be regarded as having separate locations only when each business or company continuously and regularly occupies separate, different, permanent, nonresidential, non-overlapping structures, each with its own phone number and service, and each keeping its own towing and recovery books, logs, tax records, and other required records, and each business open to customers with an employee present and available to assist customers continuously between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday. Attempts to circumvent the intent of the rotation system will result in the removal of all wrecker companies and operators associated in any way to the offending wrecker company.
- (l) *Authorization, placement on roster.* When the chief of police or his designee is satisfied that the applicant is qualified, he/she will place the applicant on the rotation roster and so notify applicant.

**Sec. 1-16. Operation.**

The following conditions shall govern the conduct of operators on the rotation roster:

- (a) *Obedience to traffic laws; operator safety.* No operator shall speed or violate any other traffic laws or disregard any traffic control devices while answering a call. The provision of wrecker services shall be done in a reasonable and safe manner and no operator shall needlessly congest the scene of a vehicle accident.

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- (b) *Rotation system participation.* Authorization to participate in the rotation system shall be considered a personal grant of permission to the wrecker company who made application for the same and shall constitute authorization only to that particular legal entity as it operates a bona fide wrecker service. It shall not be subject to assignment, transfer or lease; neither shall the wrecker company sublet the use of the name under which rotation system participation was requested and neither shall the operator permit the exercise by another in any manner of the rights or privileges granted by authorization for participation in the rotation system. Participation on the rotation roster shall not constitute a property interest. Authorization under this article is void if the business address or location of the wrecker company's facilities is changed. Further, any change in ownership due to sale, merger, dissolution, death or any other reason shall result in removal of the wrecker company from the rotation roster and shall necessitate a new application being filed.
- (c) *Submission of daytime and nighttime telephone numbers.* At the time of application, each wrecker company shall furnish the chief of police or his designee with one telephone number to be used for dispatches during the day and one telephone number to be used for dispatches during the night. Any changes in the aforementioned telephone numbers shall be immediately transmitted to the chief of police or his designee. No pagers or answering machines are permitted as call-out numbers.
- (d) *Twenty-four-hour service; hours of availability for vehicle access.* Each wrecker company on the roster shall maintain and be fully capable of providing wrecker services 24 hours a day, seven days a week. Further, each wrecker company shall, at no additional charge, provide access, immediately upon request, to its storage facilities between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, to individuals legally entitled or otherwise authorized to view, inspect, access, claim or retrieve personal property or vehicles stored therein.
- (e) *Availability.* One attempt by phone shall be made to reach the wrecker service appearing next on the appropriate roster. The acceptance of an assignment may be made by any authorized representative of the company who can verify an immediate dispatch of the wrecker. If no contact is made or the company is unable to accept the call, that company shall be passed for that rotation of the roster and the next company in line shall be called. A wrecker operator shall not accept a dispatch for wrecker services from the rotation roster unless the operator has a wrecker and the necessary equipment immediately available to perform the requested service.
- (f) *Use of lights.* No wrecker operator shall use yellow emergency lights when in route to a service or wrecker call. The use of yellow emergency lights is authorized only at the scene of an accident or other call for service and when towing a vehicle from the scene. The use of "wig-wag" headlights is prohibited at all times.
- (g) *Response with own wrecker.* The wrecker company shall respond to each dispatch received from the town with its own wrecker and shall not send another wrecker service in response to a rotation roster dispatch. The responding wrecker must display the name of the wrecker company called by the police department. In the event the dispatched wrecker is unable to perform the required services, needs assistance, or fails to appear at the designated location within a reasonable period of time, the police officer has the discretion to cancel that wrecker and/or dispatch another rotation wrecker.
- (h) *Response while impaired prohibited.* No wrecker operator shall respond to a dispatch when he or she has consumed alcohol in any amount or has ingested either prescription or non-prescription drugs that may impair motor skills. No wrecker operator shall respond to a dispatch when he or she is under the influence of any controlled substance, illegal drug, marijuana, or other intoxicating substance.
- (i) *Restriction for conviction of crimes.* No wrecker operator shall be on the rotation roster if he or she has been convicted of any crime within the past five years that in the opinion of the chief of police or his designee is related to the operator's capability to provide wrecker services to the public in a safe and responsible manner.

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- (j) *Proficiency.* All wrecker operators on the rotation roster shall be proficient and competent in the operation of such wrecker.
- (k) *Driver's license required.* No person shall be a wrecker operator or be allowed to drive any wrecker unless such person has a valid state driver's license and a commercial driver's license, if required by law, issued by state department of public safety.
- (l) *Reflective wear required.* While on the scene of any dispatch, all wrecker operators shall wear reflective vests, coats or shirts that meet federal standards as those standards may be amended.
- (m) *Attendance of hazardous material training sessions required.* All wrecker operators shall attend hazardous material training sessions as required by the chief of police.
- (n) *Removal of glass, debris, etc.* Operators shall remove all glass, injurious substances, oil spills, and other debris at or near the scene of the vehicle prior to leaving the scene.
- (o) *Notice of acquisition of wrecker.* Each wrecker company on the rotation roster shall give notice to the chief of any wrecker acquired subsequent to placement on the rotation roster. The police department will inspect the wrecker to determine if it meets all the criteria required by this chapter. No wrecker shall be allowed to perform any rotation roster activity unless properly inspected and certified in accordance with section 1-15
- (p) *Compliance with laws.* Every wrecker company must comply with all applicable federal, state and local laws.

**Sec. 1-17. Towing and equipment specifications.**

- (a) The minimum equipment standards referred to throughout this chapter shall be determined solely by the manufacturer's specifications for the capabilities and capacities of the wreckers and all towing equipment.
- (b) Each wrecker shall be equipped with only those winches and cranes that have been produced and constructed by a manufacturer of such equipment which carries product liability and which regularly produces winches and cranes. A winch or crane will not be prohibited by this section if the wrecker operator submits to the chief of police or his designee a certification from a reputable testing laboratory, regularly engaged in the testing of such equipment or similar equipment, indicating that the capacity of the winch or crane is not less than what is required in this chapter.

**Sec. 1-18. Storage procedures.**

- (a) All personal property left in a vehicle and which is unclaimed will be handled in accordance with existing laws.
- (b) Any person showing (1) proof of identity and (2) either proof of ownership or written authorization from the vehicle's registered or legal owner may, without charge, inspect the vehicle and remove personal belongings therefrom during normal business hours. For purposes of this subsection, personal belongings shall be defined as those items which belong to the owner, driver or other occupant of the vehicle and which are not attached in any permanent or semi-permanent manner to the interior or exterior of the vehicle. For purposes of this subsection, permanent or semi-permanent shall mean that the removal of an attached object would cause physical damage or deformity to the interior or exterior of the vehicle.

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**Sec. 1-19. Records.**

- (a) Each operator shall maintain accurate records reflecting all wrecker services performed pursuant to his/her participation on the rotation roster. Each record of wrecker service shall include the following information:
- (1) The date and time the operator was contacted and requested to perform the service;
  - (2) The name of the person requesting the service;
  - (3) The location of the vehicle;
  - (4) A description of the towed vehicle, including license tag and identification number;
  - (5) The owner or driver of the vehicle, if known;
  - (6) The service charge and fees; and
  - (7) The final disposition of the vehicle.

Regardless of the method of payment, each customer shall be given a written receipt containing the above required information, and a copy of same shall be maintained by the wrecker company for all wrecker services provided.

- (b) All records required herein must be available immediately upon request so long as the request is made between the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday, for inspection by the chief of police, his designee or other town representatives. Advanced notice of an inspection by the chief of police, his designee or other town representative shall not be required.
- (c) The operator shall maintain the aforementioned records for the current calendar year and the preceding calendar year.
- (d) A record of all abandoned motor vehicles shall be maintained by the wrecker operator and any abandoned motor vehicle sold or disposed of by the operator shall be sold or disposed of in accordance with Code of Alabama 1975, §§ 32-13-1 et seq., as may be amended.

**Sec. 1-20. Rotation roster.**

- (a) A wrecker shall be called from the rotation roster when the following circumstances occur: when the owner, driver, or person in charge of a vehicle to be towed has been advised by the officer on the scene that such vehicle must be removed and that he may call or request the wrecker of his choice. In the event he indicates that he has no preference, or the wrecker of his choice fails to respond to the call within a reasonable period of time considering the time of day, the weather conditions and the traffic conditions, the officer shall see that the next wrecker from the appropriate roster shall be called. In no event shall any officer suggest, direct, or otherwise imply that a particular wrecker be called.
- (b) A wrecker operator shall promptly respond to a dispatch and arrive on-scene with a fully functional wrecker within 30 minutes under normal driving conditions. If a wrecker operator is not capable at the time of dispatch to so respond, he/she shall immediately notify the department's communication center of this fact. If the wrecker operator provides immediate notice of the delay and provides a reasonable time of arrival on-scene, the wrecker operator may take up to a total of 30 minutes from the time of dispatch to arrive. If this is not feasible, however, the wrecker operator shall make the same known to the department's communication center and the wrecker company will be passed over for that rotation and the dispatch will go to the next wrecker company on the rotation roster. When determining whether a violation of this provision has occurred, the police department shall consider the time of day, the weather conditions and traffic conditions.
- (c) When a wrecker operator responds to a dispatch, but renders no wrecker services through no fault of his/her own, the wrecker company will not lose position on the rotation roster if the wrecker operator provides prompt notification of the same to the department's communications center.

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- (d) Two separate rosters are established as follows:
  - (1) *Regular haul roster:* This roster shall be in effect 24 hours a day, seven days a week for assignment by the police department to tow up to three-quarter-ton vehicles for those persons who have no preference as to the company to use; and
  - (2) *Large haul roster:* This roster shall be in effect 24 hours a day, seven days a week for assignment by the police department to tow vehicles over three-quarter-ton for those persons who have no preference as to the company to use.
- (e) If the wrecker operator does not arrive on-scene within the time requirements established herein or if the public health, safety and welfare necessitate more expeditious action, the police department reserves the right to request the services of the next wrecker company on the rotation roster. Under these circumstances, the wrecker company who received the first call will forfeit its position on the rotation roster for that turn. Any wrecker operator who is late in responding to dispatches for wrecker service without justification may be subject to penalties as provided herein.
- (f) The chief of police or his designee has the right to inspect any wrecker or equipment of a wrecker company on the town's rotation roster at any time to ascertain if it is being properly maintained and all required equipment is on the wrecker and in proper operating order.
- (g) All wrecker companies on the rotation roster shall have wreckers and equipment inspected annually by the police department or any qualified person designated by the chief of police to conduct such inspections. A current inspection certificate will be issued by the department and must be inside the wrecker at all times.

**Sec. 1-21. Rates and charges.**

- (a) The maximum fees for wrecker services provided by any wrecker service company on the rotation roster in regard to services provided as a result of rotation system dispatch shall not exceed, but may be less than, the following amounts per wrecker, unless otherwise indicated:
    - (1) Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 10,000 lbs. or less—\$150.00
    - (2) Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 10,001 lbs. through 26,000 lbs.—\$200.00.
    - (3) Towing of wrecked or disabled vehicle: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two axles—\$350.00.
    - (4) Towing of wrecked or disabled vehicle with a trailer or other vehicle attached in tandem: \$75.00 per trailer or vehicle attached in tandem.
    - (5) Towing of wrecked or disabled vehicle with a trailer or other vehicle attached in tandem, when the tandem trailer or other vehicle exceeds 40 feet in length: \$75.00 per trailer or vehicle attached in tandem.
- [Note: Towing services provided hereunder include cleaning of debris from roadway, pickup and towing of vehicle to any destination within the town limits of Gurley, Alabama.]
- (6) Oil dry: Included in towing services.
  - (7) Righting: Two-axle vehicle weighing 10,000 lbs. or less—\$75.00 for the first hour and prorated in ten-minute increments thereafter based on \$75.00 per hour. (For example, if righting a vehicle takes one hour and 38 minutes, the total charge would be \$75.00 + \$50.00 = \$125.00) If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$75.00 for the first hour and prorated in ten-minute increments thereafter based on \$75.00 per hour.



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- (8) Righting: Two-axle vehicle weighing 10,001 lbs. through 26,000 lbs.—\$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour.
- (9) Righting: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two axles—\$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to right the vehicle, the second wrecker may also charge \$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour.
- (10) Winching: Two-axle vehicle weighing 10,000 lbs. or less—\$75.00 for the first hour and prorated in ten-minute increments thereafter based on \$75.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to winch the vehicle, the second wrecker may also charge \$75.00 for the first hour and prorated in ten-minute increments thereafter based on \$75.00 per hour.
- (11) Winching: Two-axle vehicle weighing 10,001 lbs. through 26,000 lbs. — \$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to winch the vehicle, the second wrecker may also charge \$200.00 for the first hour and prorated in ten-minute increments thereafter based on \$200.00 per hour.
- (12) Winching: Two-axle vehicle weighing 26,001 lbs. or more, or any vehicle with more than two axles—\$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour. If a second wrecker is required to attach to the vehicle simultaneously with the first wrecker in order to winch the vehicle, the second wrecker may also charge \$350.00 for the first hour and prorated in ten-minute increments thereafter based on \$350.00 per hour.

[Note: For the purposes of this section, winching shall be defined as the removal of a vehicle, trailer or other piece of equipment from a location inaccessible to a wrecker to a location where the object of removal may be safely secured and towed by a wrecker. Winching shall not include any incidental or routine winching necessary to load any vehicle onto the wrecker. Second wrecker fees may only be charged when it is necessary that both wreckers are attached to the vehicle, and pulled in tandem, to right or winch the vehicle safely.]

- (13) Righting or lifting vehicle by airbag, per pound lifted: \$0.035.
- (14) Forklift, backhoe, track hoe, and any other necessary recovery equipment services shall be at commercial rental rates plus ten percent per hour (not including operator).
- (15) No keys to vehicle: Included in towing services.
- (16) Passenger vehicle storage rates:
  - a. First 24 hours: No charge.
  - b. Second 24 hours: \$30.00.
  - c. Each day thereafter: \$30.00.
- (17) Large haul storage rates:
  - a. Fifty dollars per day, per piece.
- (18) After-hours vehicle release, i.e., times other than Monday through Friday, 8:00 a.m. to 5:00 p.m.: \$35.00.
- (19) Tows to locations outside the Gurley town limits only:
  - a. Regular haul: The per mile rate shall be equal to the national average diesel gas per gallon price as reported on the date this division is adopted; thereafter, the per mile rate shall be

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equal to the national average diesel gas price as reported on January 1 each year and shall remain in full force and effect until July 1 of each year at which time the national average gas price reported on July 1 shall be in effect until the following January 1. The average price per gallon as reported by the United States Energy Information Administration (See <http://www.eia.gov/oog/info/gdu/gasdiesel.asp>, as may be renamed or readdressed) shall govern.

- b. Large haul: The per mile rate shall be double the national average diesel gas per gallon price as reported on the date this division is adopted; thereafter, the per mile rate shall be equal to the national average diesel gas price as reported on January 1 each year and shall remain in full force and effect until July 1 of each year at which time the national average gas price reported on July 1 shall be in effect until the following January 1. The average price per gallon as reported by the United States Energy Information Administration (See <http://www.eia.gov/oog/info/gdu/gasdiesel.asp>, as may be renamed or readdressed) shall govern.
- (b) The rates and charges as established herein do not relate to or regulate consensual wrecker services in which the vehicle's owner or operator expressly requests towing or wrecker services from a specific wrecker operator and chooses not to utilize the rotation roster system.

**Sec. 1-22. Temporary removal from the rotation roster.**

Wrecker companies shall be immediately removed from the roster for the following reasons:

- (1) Failure of a wrecker to continue to meet the requirements established in section 1-15
- (2) Failure of a wrecker to continue to meet the requirements established in section 1-21
- (3) Failure to accept or refusal to respond to six answered calls in any 12-month period. Failure to accept a motorcycle tow shall not constitute a refusal, but will be that company's call for that rotation of the roster;

After a wrecker company has corrected the violation for which it was removed from the rotation roster, the wrecker company may reapply for inclusion on the rotation roster using the procedures established in section 1-15. Three removals of a wrecker company's name from the rotation roster, or conviction of the owner of the wrecker company of a felony, or any criminal conviction of the owner or any employee of the wrecker company for a criminal violation related to the wrecker business shall be sufficient grounds for the permanent revocation of any and all wrecker rotation roster permits issued to such company by the town.

**Sec. 1-23. Suspension from the rotation roster.**

- (a) Upon receipt of proof satisfactory to the chief of police, that any wrecker company has violated any of the provisions of this chapter as described below, or any other ordinance of the town or law of the state or the United States, the chief of police may, in his discretion, immediately remove such wrecker company's name from any or all rotation rosters for such length of time as set forth herein regardless of whether the violation has been corrected. Suspension hereunder shall be established pursuant to the following criteria:
- (1) For violations of sections 1-16(a), 1-16(d), 1-15(g), 1-15(h), 1-16(i), 1-16(k), 1-16(l), 1-19, and 1-21
    - a. First violation: 15-day suspension;
    - b. Second violation: 30-day suspension;
    - c. Third violation: 60-day suspension.

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- (2) For all other violations not specifically covered under paragraph (a)(1) of this subsection or under section 1-22
- a. First violation: Five-day suspension;
  - b. Second violation: 15-day suspension;
  - c. Third violation: 30-day suspension.
- (b) Three suspensions or removals of a wrecker company's name from the wrecker rotation roster, or conviction of the owner of the wrecker company of a felony, or any criminal conviction of the owner or any employee of the wrecker company for a criminal violation related to the wrecker business shall be sufficient grounds for the permanent revocation of any and all wrecker rotation roster permits issued to such company by the town.
- (c) In the event that suspension or revocation of permits is contemplated against any wrecker company, the police department shall have the authority to require the wrecker company to make available to the chief of police or his designee any and all books and records of the wrecker company pursuant to any investigation of violations of this chapter by the police department.

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Section 2 – State Law Adoption

**Section 2. IN GENERAL**

Sec. 2-1. Definitions.

Sec. 2-2. State law and regulations adopted.

Sec. 2-3. Persons riding animals or driving animal-drawn vehicles.

Sec. 2-4. Roadblocks.

Sec. 2-5. Unlawful materials on streets; damage to public way.

**Sec. 2-1. Definitions.**

The following words, terms and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section and in Code of Ala. 1975, § 32-1-1.1, except in those instances where the context clearly indicates a different meaning and except as otherwise provided.

*Stop*, when required, means complete cessation from movement.

**Sec. 2-2. State law and regulations adopted.**

In addition to all other provisions of law relating to the speed and operation of motor vehicles in the town, there are adopted by the town all laws of the state and all rules and regulations of the state highway department pertaining to the control of traffic and motor vehicles on highways that are not felonies under state law. A violation of such laws, rules and regulations shall be unlawful and a violation of this Code.

**Sec. 2-3. Persons riding animals or driving animal-drawn vehicles.**

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-5A-5.

**Sec. 2-4. Roadblocks.**

It shall be unlawful for any person, either individually or in concert with others, to operate upon or adjacent to the traveled portion of any public street or highway of the town any roadblock, or to stand in the traveled portion of any public street or highway, or in close proximity thereto, while operating any roadblock, or while soliciting money, making sales of merchandise or handing out any pamphlets or leaflets to the drivers or passengers of vehicles ~~traveling such street~~. This section shall not apply to any roadblock for a driver's license check or other legitimate law enforcement purpose by authorized officers of the town, county or state.

**State law reference**— Obstructing vehicular or pedestrian traffic, Code of Ala. 1975, § 13A-11-7(a)(5).

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Section 2 – State Law Adoption

**Sec. 2-5. Unlawful materials on streets; damage to public way.**

- (a) It shall be unlawful for any person to drive, operate, tow, push or park any vehicle, piece of equipment or structure of any kind upon any public way open to vehicular traffic when any part of such vehicle, equipment or structure or its cargo making surface contact with such public way is metal, metal alloy, wood, glass, plastic or other hard material. This section is not applicable to any person while in the performance of a contract with the town or the state for the construction, repair or improvement of any public way or of any utility located within the right-of-way. The exception contained in this subsection is limited to work authorized under the contract at the location specified in the contract and does not apply to the transportation of persons, equipment, machinery or materials of any kind to or from the location specified in the contract.
- (b) It shall be unlawful for any person to do any damage to any part of any public way open to vehicular traffic or to any structure forming or supporting part of a public way open to vehicular traffic.
- (c) Nothing in this section shall be interpreted as prohibiting any person from doing any act specifically authorized by the town council.

**State law reference**— Studs, flanges, etc., on tires, Code of Ala. 1975, § 32-5-210(b).

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Section 3 – Traffic Control

***Section 3. IN GENERAL***

Sec. 3-1. Direction of traffic by police.

Sec. 3-2. Direction of traffic by officers of fire and rescue department.

Sec. 3-3. Enforcement of handicapped parking zones.

Sec. 3-4. Enforcement of unauthorized vehicles parking on private property.

**Sec. 3-1. Direction of traffic by police.**

Officers of the Gurley Police Department, or such officers as are assigned by the chief of police, are authorized to direct all traffic by voice, hand or other signal in conformity with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

**State law reference**— Authority to regulate traffic by means of traffic officers, Code of Ala. 1975, § 32-5-1(d); obedience to police and firefighters, Code of Ala. 1975, § 32-5A-4.

**Sec. 3-2. Direction of traffic by officers of fire and rescue department.**

Officers of the fire and rescue department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene or in the immediate vicinity.

**State law reference**— Authority to direct traffic by means of traffic officers, Code of Ala. 1975, § 32-5-1(d); obedience to police and firefighters, Code of Ala. 1975, § 32-5A-4.

**Sec. 3-3. Enforcement of handicapped parking zones.**

Enforcement of provisions of section 8-15 shall be the responsibility of the chief of police.

**Sec. 3-4. Enforcement of unauthorized vehicles parking on private property.**

Enforcement of section 8-17 shall be the responsibility of the chief of police. Such enforcement will be performed upon receipt of complaint. A ticket will be issued after the complainant signs an affidavit.

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Section 4 – Traffic Control Devices

**SECTION 4. TRAFFIC CONTROL SIGNS, SIGNALS, DEVICES AND MARKINGS**

Sec. 4-1. Location ratified.

Sec. 4-2. Required; exception.

Sec. 4-3. Display of unauthorized signs, signals or markings.

**Sec. 4-1. Location ratified.**

The location of traffic control signs, signal devices and markings in place on the adoption date of this Code is ratified and confirmed and shall be considered to have been authorized by ordinance.

**Sec. 4-2. Required; exception.**

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

**Sec. 4-3. Display of unauthorized signs, signals or markings.**

No unauthorized person shall erect or maintain upon any street or highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this chapter; and no person shall erect or maintain upon any street or highway any traffic or highway sign or signal bearing any commercial advertising; but nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing the name of an organization authorized to erect the sign, marker or signal by the state highway department or by the proper town authority. Any person violating this section shall be guilty of a misdemeanor.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-5A-36.

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**SECTION 5. GENERALLY**

Sec. 5-1. Definitions

Sec. 5-2. Driving through business property to avoid traffic control devices.

Sec. 5-3. U-turns at intersections.

Sec. 5-4. Vehicles driven through processions.

**Sec. 5-1. Definitions.**

*Procession* means people or vehicles moving together in an orderly fashion across or upon a roadway as part of a legal, organized event including but not limited to funerals, festivals, parades, ceremonies and motorcades.

**Sec. 5-2. Driving through business property to avoid traffic control devices.**

It shall be unlawful for any person to operate or drive any vehicle upon the streets or highways of the town at any intersection where gasoline filling stations or other business property is located, so as to cause such vehicle to cut the corners of any such intersection by passing over the space used in the operation of such filling station or other business property, and thereby avoid the traffic light or traffic signal at any such intersection, or so as to avoid stopping at any such intersection as is required by the laws of the town, or so as to avoid traveling at any such intersection over the usual lanes of traffic.

**Sec. 5-3. U-turns at intersections.**

Except as permitted by ordinance, no vehicle shall make a U-turn or complete turn of 360 degrees at any street intersection.

**Sec. 5-4. Vehicles driven through processions.**

No vehicle shall be driven through a procession except by permission of a police officer. This section shall not apply to authorized emergency vehicles.



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Section 6 - Speed

**SECTION 6. SPEED**

Sec. 6-1. Generally.

Sec. 6-2. Signs.

Sec. 6-3. Construction or repair zones

**Sec. 6-1. Generally.**

The speed limit on all streets or highways, or portions of streets and highways, not defined in section 6-2 shall be 25 miles per hour.

**Sec. 6-2. Signs.**

Signage designating speed limits over or under 25 miles per hour shall be posted alerting drivers of the maximum speeds allowed.

- (a) It shall be unlawful for any person to drive or operate any motor vehicle within the town limits at a rate of speed greater than posted speed limits on the street or highway, or portions of said street or highway.
- (b) The speed limit on all streets or highways, or portions of said streets or highways, not posted shall be 25 miles per hour.
- (c) This section shall be effective from and after such time as signs are erected along said streets or highways described in subsection (a), which said signs are designated and constructed to inform the traveling public of the provisions of this section.
- (d) This section shall become a part of the Code of Ordinances of the Town of Gurley, Alabama and shall supersede all ordinances in conflict with this section.

**Sec. 6-3. Construction or repair zones.**

It shall be unlawful to operate or drive any vehicle on any town street at a speed in excess of 25 miles per hour between the warning signs placed on the street during construction or repairs, when such signs are placed not more than 500 feet from the place where the construction or repair is in progress.

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**SECTION 7. RESTRICTED USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING**

Sec. 7-1. Definitions.

Sec. 7-2. Restricted use of wireless communication devices while driving.

Sec. 7-3. Exceptions.

Sec. 7-4. Stopping vehicle solely to verify violations of section 7.2 is prohibited.

Sec. 7-5. Penalty.

**Sec. 7-1. Definitions.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as may be otherwise provided in this division, all words and phrases used in this division which are defined in Ala. Code § 32-1-1.1 (1975) shall have the meanings ascribed to them in that section.

*Wireless communication device* shall include a cellular, analog, wireless or digital device, computer or telephone, capable of accessing the internet or sending, receiving or downloading any electronic or digital data, including, but not limited to, videos, pictures, or communications, such as electronic mail, instant messages and text messages. Such device may also include telecommunication capabilities. Covered devices include, but are not limited to, devices commonly known as smartphones, electronic readers, electronic tablets, laptops, netbooks, GPS devices and other similarly equipped wireless devices. Covered devices shall not include voice radios, mobile radios, land mobile radios, commercial mobile radios or two-way radios with the capability to transmit and receive voice transmission utilizing a "push to talk" or "press to transmit" function.

**Sec. 7-2. Restricted use of wireless communication devices while driving.**

- (a) No person shall operate a vehicle upon any highway, roadway or street while using a wireless communication device to send, receive, download or view any electronic or digital content including music, video, picture or communication including, but not limited to, electronic mail, instant messaging or text messaging.

**Sec. 7-3. Exceptions.**

Section 7-1 shall not apply only in the following instances:

- (1) An emergency services professional using a wireless communication device while operating an authorized emergency vehicle in the due course of business; however, personal use of a wireless communication device shall remain subject to the provisions contained in section 7-1
- (2) An individual using a wireless communication device to make or receive a telephone call;
- (3) An individual using a wireless communication device to obtain emergency services including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity;
- (4) An individual using a wireless communication device while the motor vehicle is legally parked on the shoulder of the highway, roadway or street, or the vehicle is stopped due to normal traffic being obstructed and the vehicle transmission is in neutral or park;

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- (5) An individual using a wireless communication device as a global positioning or navigation system to receive driving directions which has been pre-programmed with the desired coordinates. A person programming coordinates while operating a vehicle remains a violation of section 7-2.

**Sec. 7-4. Stopping vehicle solely to verify violations of section 7-2 is prohibited.**

- (a) No law enforcement officer shall stop a vehicle solely for the purpose of verifying a suspected violation of section 7-2.
- (b) The provisions of section 7-2 shall not constitute probable cause for search of the vehicle involved.

**Sec. 7-5. Penalty.**

Any person who violates any provision of this division shall upon conviction be punished, in addition to such other punishment as may be provided by the court, by fines and penalties as follows:

- (1) For a first conviction, by a fine of \$100.00 or by imprisonment of not more than ten days;
- (2) For a second conviction, by a fine of \$200.00 or by imprisonment for not more than 30 days;
- (3) For a third or subsequent conviction, by a fine of \$500.00 or by imprisonment for not more than three months or by both such fine and imprisonment.

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**SECTION 8. GENERALLY**

Sec. 8-1. Fines.

Sec. 8-2. Application of article.

Sec. 8-3. Signs and/or markings required.

Sec. 8-4. Stopping, standing or parking prohibited in specified places.

Sec. 8-5. Violations.

Sec. 8-6. Parking not to obstruct traffic.

Sec. 8-7. Parking or standing on railroad tracks

Sec. 8-8. Obstructing alleyways prohibited.

Sec. 8-9. Parking vehicles more than 20 feet in length.

Sec. 8-10. Parking on service drive or alley in public housing project.

Sec. 8-11. Parallel and angle parking; manner of parking.

Sec. 8-12. Parking for certain purposes.

Sec. 8-13. Limited parking.

Sec. 8-14. Stopping or standing prohibited during certain hours on certain streets.

Sec. 8-15. Parking for disabled individuals.

Sec. 8-16. Parking in emergency lanes.

Sec. 8-17. Parking on Private Property

Sec. 8-18. - Parking of large vehicles in residential districts

**Sec. 8-1. Fines.**

(a) For the following violations, the parking fines shall be as follows:

- (1) Prohibited parking .....15.00
- (2) Improper parking .....15.00
- (3) Loading zone violation .....15.00
- (4) Handicap space violation, see section 8-15 .....50.00
  - a. Second offense, 40 hours community service .....100.00
  - b. Third offense, 40 hours community service .....500.00
- (5) Facing traffic .....15.00
- (6) Parking on sidewalk .....15.00
- (7) Parking on private property .....30.00
- (8) Abandoned vehicle .....100.00
- (9) Emergency lane violation .....50.00

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- a. Second offense .....100.00
- b. Third offense .....500.00

(10) Other parking violations not listed .....15.00

- (b) For each parking violation still outstanding seven days past the scheduled court date, a \$10.00 penalty charge shall be assessed in addition to the normal fine and applicable court costs.

**State law reference**— Penalties for ordinance violations, Code of Ala. 1975, § 11-45-9.

**Sec. 8-2. Application of article.**

The provisions of this article prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this article or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**Sec. 8-3. Signs and/or markings required.**

Whenever by a provision of this article, parking is prohibited or restored on any street, section of a street or in any municipal off-street parking facility, the mayor shall have the duty and is empowered to cause to be installed appropriate signs and/or markings on such street or part of the street giving notice. Markings are described but not limited to as follows: stop line markings, crosswalk markings, curb markings, or yellow or white pavement markings on areas of pavement that prohibit parking in the absence of curbs. No such regulations shall be effective unless such signs or markings are in place on any street, section of a street, or off-street municipal parking facility at the time of any alleged offense.

**Sec. 8-4. Stopping, standing or parking prohibited in specified places.**

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
  - (1) Stop, stand or park a vehicle:
    - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    - b. On a sidewalk;
    - c. Within an intersection;
    - d. On a crosswalk;
    - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
    - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
    - g. Upon any bridge or other elevated structure, upon a highway or within a highway tunnel or beneath a highway viaduct;
    - h. On any railroad tracks;

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- i. At any place where official signs prohibit stopping.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - a. In front of a public or private driveway;
  - b. Within 15 feet of a fire hydrant;
  - c. Within 20 feet of a crosswalk at an intersection;
  - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
  - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
  - f. At any place where official signs prohibit stopping, standing or parking.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
  - a. Within 50 feet of the nearest rail or railroad crossing;
  - b. At any place where official signs prohibit stopping, standing or parking.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (c) Penalties for violation of this section shall be as provided in section 8-1 of this Code and as may be further provided in Ala. Code § 32-5-312 (1975), as may be amended.

**Sec. 8-5. Violations.**

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this article, or to counsel or aid or abet any such violation or failure to comply.

**Sec. 8-6. Parking not to obstruct traffic.**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

**Sec. 8-7. Parking or standing on railroad tracks.**

It shall be unlawful for any person to leave standing or cause to be left standing any vehicle, motor or otherwise, upon or within 25 feet of any railroad track, spur railroad track or side railroad track within the town.

**Sec. 8-8. Obstructing alleyways prohibited.**

It shall be unlawful for any person to park, place, cause to be placed, or leave unattended any automobile, vehicle, structure or obstacle which would prevent the free passage of emergency vehicles or personnel through any alley or alleyway.

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**Sec. 8-9. Parking vehicles more than 20 feet in length.**

Motor vehicles more than 20 feet in length may be parked only on those streets on which parallel parking is allowed. This section shall not apply to any truck parked not longer than 30 minutes for the purpose of loading or unloading merchandise.

**Sec. 8-10. Parking on service drive or alley in public housing project.**

It shall be unlawful for any person to park or leave standing any vehicle upon or along any service drive or alleyway in any public housing project within the town.

**Sec. 8-11. Parallel and angle parking; manner of parking.**

Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within 18 inches of the right hand curb, and shall be so parked as to leave a space of at least three feet between such vehicle and any other vehicle parked on such street; except where signs are posted requiring bumper-to-bumper parking, vehicles shall park in such a manner so as to be as close as practical to adjacent vehicles. These provisions shall not apply in the following circumstances:

- (1) Upon one-way streets, vehicles may be parked with the left hand wheels adjacent to and within 18 inches of the left hand curb.
- (2) Upon any street which is officially designated and lined for angle parking, vehicles shall be parked at an angle parallel to the painted parking lines and markings, and at least three feet from any other vehicle parked on such street, and not more than 12 inches from the curb.

**Sec. 8-12. Parking for certain purposes.**

It shall be unlawful for any person engaged in the business of dealing in, selling or repairing automobiles, trucks, motor vehicles or other kinds of vehicles in his possession or under his control to allow them to be parked upon or along any of the streets or alleys of the town except when in actual use by such person.

**Sec. 8-13. Limited parking.**

- (a) It shall be unlawful for any person to park or leave standing any motor vehicle upon a street whenever such conduct has been proscribed by law or traffic control device.
- (b) A commercial motor vehicle having the business or company clearly identified by markings visible on the outside of such vehicle shall be permitted to stop or stand in roadway for a period of time not exceeding 30 minutes for the purpose of unloading and delivery or pickup and loading of articles, materials or merchandise. A minimum of 10 feet of roadway clearance must be allowed to maintain the flow of traffic.



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**Sec. 8-14. Stopping or standing prohibited during certain hours on certain streets.**

When signs are erected on any street or part of a street in each block giving notice, no person shall stop or stand a vehicle on any such street or part of a street in each block so designated between the hours specified by the signs.

**Sec. 8-15. Parking for disabled individuals.**

- (a) For the purposes of this section, the term "disabled individual" means any person having a physical impairment or permanent mental impairment which limits mobility to the extent that the individual would have difficulty safely walking alone a distance of 50 feet or more.
- (b) Beginning with the implementation of the staggered system of motor vehicle license plate registration, any person who submits to the judge of probate, license commission or other issuing authority medical proof satisfactory to the commissioner of revenue that he is a disabled individual shall be issued either a distinctive license plate or a decal and a special identification placard displaying the international system of access, thereby designating the driver of the vehicle or the passenger as being a disabled person. The distinctive license plates, decals and placards shall be prepared by the commissioner of revenue and shall be issued in the same manner as motor vehicle license plates.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-6-231.

- (c) The disabled individual to whom valid distinctive license plates and/or decals or placards are issued shall be allowed to park for unlimited periods in parking zones designated for disabled persons; however, such disabled persons shall pay parking fees the same as any other person. The provisions of this subsection shall not apply to zones where stopping, standing or parking is prohibited to all vehicles, or zones which are reserved for special types of vehicles; nor will these provisions apply where there is a local ordinance prohibiting parking during heavy traffic periods during morning, afternoon or evening rush hours, or where parking would clearly present a traffic hazard. In designated disabled loading zones, disabled persons shall be limited to one-hour parking, as these loading zones are not intended for unlimited parking usage.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-6-232.

- (d) It shall be unlawful for any person who is not a disabled individual to willfully and falsely represent himself as a disabled person to obtain the distinctive license plate and/or decal or placard or to misuse or abuse the parking privilege protected by this section, or to own a vehicle bearing distinctive license plate and/or decals when not entitled to do so under the provisions of this section.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-6-233.

- (e) It shall be unlawful for any person to park or allow to be parked any vehicle in any zone designated for "handicap only" or "disabled only" parking, not bearing the distinctive license plate and/or decal or placard. It shall also be unlawful for any person to park or allow to be parked any vehicle or allow the placement of any material or other equipment which would block an access ramp or curb cut.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-6-233.1.

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- (f) Any automobile unlawfully occupying a parking zone designated for disabled or handicapped persons may be towed away at the owner's expense.

**Sec. 8-16. Parking in emergency lanes.**

- (a) As used in this section, the following words and phrases will have the following meanings unless the context clearly indicates a different meaning:

*Emergency lane* means a part of a public access area which is designed to provide clear and unobstructed access to emergency vehicles, equipment and personnel to and from all 30,000 square feet and above mercantile occupancies adjacent to or served by such public access area. Emergency lanes shall be a minimum of 60 feet in length and 20 feet in width and shall be located in front of or adjacent to each public entrance to such occupancies and structures.

*Public access area* means any publicly owned property or any privately owned property provided for the general public for the movement or parking of vehicles in connection with a shopping center or publicly owned structures used for assembly or educational purposes.

- (b) No parking shall be permitted at any time on any emergency lane, and no parking shall be permitted at any location which would prevent access to any emergency lane by any emergency response equipment.
- (c) No person shall stop, let stand or park a vehicle, whether occupied or not, on any emergency lane at any time; and no owner, manager or tenant of any premises shall permit any customer or visitor to stop, let stand or park any unoccupied vehicle on any part of any emergency lane at any time. Notwithstanding the provisions of the first sentence of this subsection, a person may stop a vehicle temporarily in an emergency lane for the limited purpose of allowing passengers on the vehicle to disembark or allowing persons waiting on the vehicle to board; and a person may stop, let stand or park a commercial vehicle temporarily, but in no event for a period of time exceeding one hour, in an emergency lane for the limited purpose of:
  - (1) Waiting for passengers to return to the vehicle from the public access area;
  - (2) Performing commercial pickups or deliveries within the public access area which require only a single trip between the public access area and the subject vehicle, or which, for security or other compelling reasons, cannot be completed using standard parking facilities or loading bays; so long as the commercial vehicle is occupied by a person properly licensed and authorized to operate and move the vehicle at all times during which the limited purposes identified in this sentence are being accomplished; however, no exception provided in this sentence shall apply within any area or zone identified in subsection (c) of this section or excuse noncompliance with or violation of such subsection.
- (d) The property owner of any property subject to the emergency lane requirements of this section shall mark each emergency lane with red painted curbs or where curbs are absent, with a red painted six-inch-wide lane line along the entire length of the emergency lane to warn people against blocking the lane. The owner of the area where an emergency lane is located shall also post appropriate signs indicating that the emergency lane is an emergency lane, and indicating that no parking is permitted on the emergency lane. The owner shall erect one such sign for every 50 feet of distance along the curb adjacent to the emergency lane or, where curbs are absent, adjacent to the red painted lane line. Signs shall be posted so that the bottom edge of the sign is not less than 42 inches from the ground or more than seven feet from the ground. Each sign shall be maintained in a good state of repair by the property owner.
- (e) No person shall stop, let stand or park a vehicle, whether occupied or not:
  - (1) Within 15 feet of a fire hydrant or within an area clearly marked with red painted curbs, spanning 30 feet along the curb of the public parking area by every fire hydrant; or

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- (2) Within any zone, not less than 30 feet in length, designated by official signs denoting "No parking—standpipe or sprinkler system connections," and further designated with red painted curbs.

The owner of the area or property where a standpipe or sprinkler system connection is located shall post appropriate signs indicating that no parking is permitted in the zone.

**State law reference—** Parking within 15 feet of fire hydrant, Code of Ala. 1975, § 32-5A-137(a)(2)b.

**Sec. 8-17. Parking on private property.**

- (a) It shall be unlawful for any person to park or leave or cause to be parked or left any automobile or other motor vehicle on the premises of another after having been warned not to do so by word of mouth or sign or otherwise, but this section shall not apply to employees of the town in the discharge of their official duties.
- (b) The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control of such automobile or other motor vehicle shall raise a prima facie presumption that the registered owner of the automobile or other motor vehicle parked or left or caused to be parked or left the automobile or other motor vehicle on such premises, and the burden of proof shall be upon the registered owner to show otherwise.
- (c) The police department or any member of the police department is authorized and directed to issue a citation to any respective automobile or any driver of that automobile, that is otherwise violating this section on request of the owner or operator of the premises where the violation is occurring.

**Sec. 8-18. - Parking of large vehicles in residential districts.**

- (a) No person shall park or leave standing on the street, or a street directly adjoining a residential district, or within 25 feet of the front lot line of a house in a residential district a motor vehicle that exceeds 22 feet in length.
- (b) No person shall park any truck, semi-trailer, or tractor truck having a Class 6 gross vehicle weight or more, or a school bus, on the street, in a driveway, in the front or side yard of a house in a residential district, except for the purposes of loading and unloading.
- (c) No person shall park any truck, semi-trailer, or tractor truck having a Class 6 gross vehicle weight or more, or a school bus, on any lot in a residential district where no primary residence exists (vacant lot).
- (d) No person shall park any commercial vehicle or motor truck that is not a passenger vehicle on the street in a residential district or street adjoining a residential district, even if the vehicle is less than 22 feet in length, between the hours of 6:00 p.m. and 6:00 a.m.
- (e) No person shall park on the street, in a driveway, within 25 feet of the front lot line of a house in a residential district any nonmotorized vehicle attached or connected to a motor vehicle, which together exceed 22 feet in length measured from the front of the motor vehicle to the end of the nonmotorized vehicle.
- (f) Notwithstanding the other provisions of this section, a vehicle may be parked in a residential district on a street immediately abutting the lot upon which a resident resides, in the driveway, within 25 feet of the front lot line of a house, for the purpose of convenient departure from or return to the lot in connection with a planned outing commencing or ending the same day of such departure or return, including any loading or unloading or persons and personal effects, or for the preparation of the

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vehicle incidental to such departure or return. Such parking shall in no event extend beyond two consecutive days, nor more than three days during any seven-day period.

- (f) It is not a violation of this section if, in the judgment of the building official, a vehicle is sufficiently screened so as not to be visible to the adjoining property on the side of the house where the vehicle is parked.
- (h) Notwithstanding any provision of this section to the contrary, the parking of any vehicle on a street remains subject to regulation of parking established pursuant to the Code of Ordinances, the Code of Alabama and other lawful zoning and traffic regulations.

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**SECTION 9. SCHOOL TRAFFIC**

Sec. 9-1. Traffic study.

Sec. 9-2. School crossings; signs; speed limit.

Sec. 9-3. Signs.

Sec. 9-4. Direction of traffic.

Sec. 9-5. Parking areas; designation.

Sec. 9-6. Obedience to parking area signs.

Sec. 9-7. Driving on school grounds.

Sec. 9-8. Turning movements at exits from school grounds.

Secs. 9-9—25-360. Reserved.

**Sec. 9-1. Traffic study.**

The Chief of Police or Town Administrator are authorized to make or cause to be made within the town studies of traffic problems within the town, as they pertain to both vehicular and pedestrian traffic within the vicinity of schools. Such study shall include the areas within the town within the immediate vicinity of schools and in addition shall include other areas over and along the public streets of the town where children customarily cross public streets on the way to and from school.

**Sec. 9-2. School crossings; signs; speed limit.**

The Town Administrator, after having conducted a study of traffic conditions as required in section 9-1, shall cause to be designated and marked off with signs and appropriate markings on the surface of the street certain areas along and upon the public streets of the town which shall be designated and known as school crossings. From and after such time as signs as provided in section 9-3 shall be erected to warn the traveling public, it shall be unlawful to drive a motor vehicle over, along or through a school crossing at a rate of speed greater than the maximum posted speed or such other lesser speed which shall have been determined to be the maximum rate of speed allowable by such a traffic study provided for in section 9-1 after such lesser speed limit as determined by the study shall be approved by the mayor. The town shall designate, by appropriate markings upon the signs, the hours of the day during which the special regulations shall be in effect and the maximum speed limit allowable.

**Sec. 9-3. Signs.**

In carrying out the authority of sections 9-1 and 9-2, the Town Administrator or other person designated to erect the signs required under these sections shall designate school crossings with traditional signs and markings in common ordinary use for such purpose, or by use of any other sign or device approved by the Manual of Uniform Traffic Control Devices as published by the United States Bureau of Public Roads.

**Sec. 9-4. Direction of traffic.**

(a) *Traffic survey; required purpose.* The Chief of Police or Town Administrator is authorized, empowered and directed to make or cause to be made surveys pertaining to traffic conditions in the vicinity of schools within the town. These surveys shall particularly pertain to the direction of traffic

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within the vicinity of schools to the end that traffic over and along public streets in the vicinity of schools shall be required to move in a harmonious and safe manner.

- (b) *Designation of one-way streets.* The Chief of Police is empowered to determine as a result of such surveys of traffic over and along the public streets of the town within the vicinity of schools that vehicular traffic shall be required to proceed one way only over and along certain portions of certain streets.
- (c) *Signs; required, effect of erection.* In exercising the power granted in this section, the Chief of Police may provide that traffic movements over and along portions of designated public streets will be required to move one way only during certain hours; however, the Chief of Police or other designated person shall place or cause to be placed portable or permanent signs at the entrances to such areas to warn the traveling public of such regulations and restrictions upon the movement of traffic.

**Sec. 9-5. Parking areas; designation.**

The Board of Education is authorized and empowered to determine areas on school property to be used for the parking of automobiles and other motor vehicles and to post appropriate signs and markings to warn the public of such regulation. In exercising this authority, the board of education may designate certain areas on school property where only teachers and employees may park their vehicles, certain areas for students and certain areas for visitors, such regulations to be posted by appropriate signs and markings to warn the public.

**Sec. 9-6. Obedience to parking area signs.**

From and after such time as signs are in place, which signs shall be so designated and worded as to warn the public of parking regulations, it shall be unlawful for any person to park or leave standing an automobile or motor vehicle on school property within the town except in conformity with such regulations.

**Sec. 9-7. Driving on school grounds.**

It shall be unlawful for any person to drive any motor vehicle, including motor-driven cycles, upon the grounds of any public school except in the driveways, access roads or other public places set aside by the board of education for such purpose, except at the express direction or permission of appropriate school authorities.

**Sec. 9-8. Turning movements at exits from school grounds.**

- (a) *Regulation.* The Chief of Police is authorized and empowered to control turning movements of automobiles and motor vehicles at all exits from public school grounds to the public streets of the town.
- (b) *Signs required.* The Town Administrator shall place or cause to be placed appropriate signs along the public streets at such exits from public schools as he deems necessary and desirable for the safety of the traveling public, which signs shall warn the traveling public of the restrictions upon turning movements. These signs shall read "No Right Turn," "No Left Turn" or "No Turn" as the director of Town Administrator may from time to time determine.

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Section 10 – Vehicle Defects

**SECTION 10. GENERALLY**

Sec. 10-1. Condition of brakes.

Sec. 10-2. Mufflers; prevention of noise.

**Sec. 10-1. Condition of brakes.**

The Chief of Police, or any Police Officer, is authorized to require an inspection of the brakes of any motor-driven vehicle and to disapprove any brakes which he finds are not adequate. The brakes of all motor vehicles shall be maintained in good working order.

**State law reference**— Brakes, Code of Ala. 1975, § 32-5-212.

**Sec. 10-2. Mufflers; prevention of noise.**

Every motor vehicle shall at all times be equipped with a muffler in good working order.

**State law reference**— Mufflers, Code of Ala. 1975, § 32-5-216.

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Section 11 – Scattering Loads

**SECTION 11. VEHICLES SCATTERING LOAD**

Sec. 11-1. Definitions.

Sec. 11-2. Penalties.

Sec. 11-3. Intent.

Sec. 11-4. Presumption.

Sec. 11-5. Exemptions.

Sec.11-6. Enforcement.

Sec. 11-7. Spilling vehicle loads prohibited.

Sec. 11-8. Solid sides, tailgate and solid top or tarpaulin or confinement system required with exception for special vehicles.

Sec. 11-9. Covering, securing, or sealing of loads required.

Sec. 11-10. Securing of boat loads required.

Sec. 11-11. Maximum load height imposed.

Sec. 11-12. Tracking debris onto public streets or other public ways prohibited.

Sec. 11-13. Clearing of streets by persons responsible for spills or tracking.

**Sec. 11-1. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Construction and demolition materials* means lumber, roofing and sheathing, scraps, dirt, stone, brick, ceramic, rubble, broken concrete, plaster, conduit, pipe, wire, insulation, carpet or carpet padding, gutters, sheetrock, siding, HVAC, or other similar material.

*Debris* means the remains of any material broken down and tracked onto any highway by any vehicle, including but not limited to dirt, gravel, mud, rocks, brush and any other loose material.

*Garbage* means putrescible animal and vegetable wastes resulting from the handling, storage, preparation, cooking, serving and consumption of food, including wastes from markets, storage facilities, or the handling and sale of produce and other food products.

*Litter* means all solid waste that can be or is subject to being blown or carried from place to place by the elements, including but not limited to cigarette butts, rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris and any foreign substance of whatever kind and description, and whether or not it is of value.

*Load* means any material put in, on or drawn by any vehicle for transport, including but not limited to garbage, litter, trash, rubbish, refuse, loose material, debris, process and fill materials, construction and demolition materials, yard waste, and any foreign substance of whatever kind and description, whether putrescible or non-putrescible, and whether or not it is of value. Loads shall not include people.

*Loose material* means any material that is hauled on, in or by any vehicle that could spill, drop, sift, leak, blow or otherwise escape the vehicle, but not limited to garbage, litter, trash, rubbish, refuse, loose material, debris, process and fill materials, construction and demolition materials, yard waste, and any foreign substance of whatever kind and description, whether putrescible or non-putrescible, and whether or not it is of value.



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*Process and fill materials* means all materials used for fill or that are the result of a specific process. This term includes but is not limited to rock, gravel (any aggregate), sand, dirt, asphalt, pug mix, brick, cinder blocks, cement, concrete, tar, petroleum products, liquid and similar materials.

*Refuse* means all solid or semisolid waste resulting from industrial processes and manufacturing operations, such as food processing wastes, boiler and house cinders, wood, plastic, metal scraps and shavings, byproducts accumulated as a result of treatment of liquid waste, etc.; putrescible and non-putrescible animal and vegetable waste from the handling, storage and sale of produce and meats; street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacles. This term includes but is not limited to garbage, rubbish, ashes, street cleanings, dead animals or fowl, offal, abandoned motor vehicles, and solid market or industrial wastes.

*Rubbish* means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper, cardboard, rags, cartons, wood, boxes, excelsior, cloth, furniture, bedding, leather, rubber, plastics, yard trimmings, leaves, glass, crockery, metals, metal cans, metal foils, metal furniture, mineral refuse and similar materials.

*Special vehicle* means any vehicle specially manufactured to transport or draw a particular type of load which is used solely in strict accordance with the purpose for which the special vehicle was manufactured, and, in order to accomplish this purpose, is designed without solid sides or a tailgate, or so that the load will extend above a point four inches below the top of the sides of the special vehicle, or so that a tarpaulin or confinement system cannot be rigged or the load covered, secured or sealed while still allowing the special vehicle to accomplish its purpose. Exceptions in this article related to special vehicles shall be narrowly construed so that a vehicle qualifying as a special vehicle shall be exempt only from those requirements of this article which are inherent in the design and purpose of the special vehicle, as manufactured, but not from any other requirements of this article which are not inherent in the design and purpose of the special vehicle, as manufactured.

*Tarpaulin or confinement system* means a solid or semisolid cover or system placed and secured over open-topped vehicles to secure loads and of sufficient and appropriate size, structure and strength to prevent the dispersal of loads and loose material from the vehicle. A tarpaulin or confinement system may be constructed from any suitable material, including but not limited to canvas, polyethylene, rubberized cloth, netting, ropes, straps, chains, cables, and racks with a restraining or enclosing system.

*Trash* means any non-putrescible solid wastes, including but not limited to yard clippings, leaves, wood, compost, tree limbs, tree trunks, furniture, bedding, appliances, paper, cardboard, plastics, wrappings, cans, tires and similar materials.

*Vehicle* means any device in, upon or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rails or tracks. This term includes but is not limited to trucks, trailers and automobiles. This term includes special vehicles unless specifically denoted otherwise.

*Yard waste* means grass, leaves, yard trimmings, shrubbery clippings, trees, branches, palm fronds and all other miscellaneous vegetation.

### **Sec. 11-2. Penalties.**

Any person who violates or fails or refuses to obey or comply with any provision of this article shall upon conviction be punished, in addition to such other punishment as may be provided by the court, by minimum fines and penalties, for a first conviction of \$100.00 or by imprisonment for not more than ten days; for conviction of a second offense committed within one year after the date of the first offense, by a fine of \$200.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment; for conviction of a third or subsequent offense committed within one year after the date of the first offense, by a fine of \$500.00 or by imprisonment for not more than three months or by both such fine and imprisonment.

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Section 11 – Scattering Loads

**State law reference**— Penalties for ordinance violations, Code of Ala. 1975, § 11-45-9.

**Sec. 11-3. Intent.**

The spilling of vehicle loads upon the public streets and other public ways of the town is a dangerous and blighting factor which damages, deteriorates and depreciates these public streets and other public ways, as well as adjacent and surrounding property. The town council finds that the spilling of vehicle loads is a public nuisance and recognizes that appropriate measures must be taken to keep public streets, other public ways and adjacent and surrounding property free from debris and other materials spilling from vehicles. Debris and other materials spilling from vehicles pose a danger of physical injury and property damage to motorists, pedestrians and other inhabitants of the town and cause the proliferation of trash, garbage, litter, and other dangerous or unsanitary debris within the town. The prevention of the spilling of vehicle loads and the removal of spillage from streets is necessary to prevent proliferation of this problem. This article is enacted to protect, promote and preserve the safety and welfare of the citizens of the town through the reduction, control and prevention of vehicle spillage within the town. The council does not intend for this article to conflict with any existing state law.

**Sec. 11-4. Presumption.**

If an article of litter or loose material bearing a person's name is discovered on any public property not designated for the throwing, dumping or depositing of solid waste, including public streets, sidewalks, gutters, alleys, bodies of water, drainage ditches, storm sewers, sanitary sewers or other property over or with respect to which the town has an easement, or on private property of another without such person's permission, then a rebuttable, prima facie presumption shall arise that the person whose name appears on the article threw, spilled, scattered, dumped, placed, deposited or otherwise caused the article to be thrown, spilled, scattered, blown, dumped, placed or deposited at the place where it was found; however, this presumption, if unrebutted at trial, shall not serve as a basis for a conviction in the absence of other evidence of such nature and degree as required by law.

**Sec. 11-5. Exemptions.**

The following activities are exempt from the provisions of sections 11-7, 11-9 and 11-12:

- (1) The deposit or spreading of sand or other substances, not otherwise expressly prohibited, on the streets of the town for the purpose of street construction, maintenance or repair, or maintenance of utilities or the use of water or other substances in cleaning or maintaining public streets or public ways, when such acts are performed by a town, state or federal governmental entity or a contractor conducting such actions pursuant to a valid contract with a town, state or federal governmental entity. Vehicles carrying loads or loose material covered by this subsection, while in transit to a work site, must satisfy all requirements and prohibitions of this article.
- (2) The deposit of sand or other substances, not otherwise expressly prohibited, on the streets of the town for the purpose of increasing traction when such acts are performed by a town, state or federal governmental entity or a contractor conducting such actions pursuant to a valid contract with a town, state or federal governmental entity, or by motorists spreading sand from public receptacles.
- (3) Vehicles hauling loads or loose material that have reached their final destination and are preparing to unload. Vehicles carrying loads or loose material covered by this subsection, while in transit to their final destination, must satisfy all requirements and prohibitions of this article.

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**Sec. 11-6. Enforcement.**

The provisions of this article shall be enforced by the police department. Any sworn officer of the police department is empowered to issue citations to appear in municipal court to answer charges for violation of any provision of this article.

**Sec. 11-7. Spilling vehicle loads prohibited.**

It shall be unlawful for any person to drive, operate or permit to be operated any vehicle upon the public streets or other public ways of the town when such vehicle is so constructed, maintained or loaded that the vehicle's load or loose material is permitted to blow, spill, drop, bounce, fall, waste or otherwise escape from such vehicle upon the public streets or other public ways or adjacent or surrounding property.

**State law reference—** Vehicles scattering loads, Code of Ala. 1975, § 32-5-76.

**Sec. 11-8. Solid sides, tailgate and solid top or tarpaulin or confinement system required with exception for special vehicles.**

It shall be unlawful for any person to haul a load or loose material unless the vehicle has solid sides and a tailgate, and is further equipped with a solid top or so rigged that a tarpaulin or confinement system can be spread or secured tightly over the top of such vehicle and is further equipped with a tarpaulin or confinement system. Any one or more of the requirements imposed by this section shall not apply to a special vehicle. Each vehicle shall have signs painted on both doors or, if the vehicle does not have doors, then on both sides of the vehicle indicating the correct name of the hauler and his or her telephone number.

**Sec. 11-9. Covering, securing, or sealing of loads required.**

It shall be unlawful for any person to haul a load or loose material unless the vehicle is covered, secured or sealed to the extent that there will be no loss or spillage during haulage to cause littering of streets or highways or cause a nuisance or hazard to the public health. The requirement imposed by this section shall not apply to a special vehicle.

**Sec. 11-10. Securing of boat loads required.**

It shall be unlawful for any person to haul a boat upon the public streets or other public ways of the town unless all food, coolers, trash, life jackets, vests, skis, ropes, fishing gear, other equipment and loose material are stored and secured to prevent these items from blowing, spilling, dropping, bouncing, falling, wasting or otherwise escaping onto public streets or other public ways or adjacent and surrounding property.

**State law reference—** Securing of loads, Code of Ala. 1975, § 32-5-75.

**Sec. 11-11. Maximum load height imposed.**

It shall be unlawful for any person to haul a load or loose material in a vehicle which does not have a solid top unless the load or loose material remains at least four inches below the top of the sides of such

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vehicle as measured at the front, back and side walls of the vehicle. The use of a tarpaulin or confining system on a vehicle shall not excuse any person from compliance with the provisions of this section. The requirement imposed by this section shall not apply to a special vehicle.

**Sec. 11-12. Tracking debris onto public streets or other public ways prohibited.**

It shall be unlawful for any person to drive, operate or permit to be operated any vehicle upon the public streets or other public ways of the town unless the vehicle is free of debris and trash that could be tracked onto the public streets or other public ways of the town in such a manner as to:

- (1) Cause a safety hazard;
- (2) Create rough driving conditions;
- (3) Impede the flow of water in gutters or along streets or that would tend to clog drains, ditches, or sewers;
- (4) Create a nuisance from dust generated by driving over debris and trash which has been tracked onto the highway; or
- (5) Create a likelihood of gravel, stone, other debris or trash being thrown into the windshield of other vehicles.

The requirements of this section shall not apply to the tracking of debris onto public streets and other public ways of the town if the public streets and public ways are part of a construction or maintenance work site.

**Sec. 11-13. Clearing of streets by persons responsible for spills or tracking.**

Any person operating or permitting to be operated a vehicle or hauling a boat in violation of this article shall immediately cause the public street or other public way or surrounding and adjacent property to be cleared of spilled or tracked material so long as the person does not endanger himself or any other person. If traffic or other conditions are such that it would not be safe to remove the spilled or tracked material, the person responsible for the spilled or tracked material shall immediately notify the police department and request assistance. The person responsible for spilled or tracked material shall bear the costs involved in the containment and removal of the spilled or tracked material.

**Cross reference**— Streets, sidewalks and other public places.

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Section 12 - Bicycles

**SECTION 12. BICYCLES**

Sec. 12-1. Definitions.

Sec. 12-2. Rider responsibility.

Sec. 12-3. Condition.

Sec. 12-4. Towing.

Sec.12-5. Riding on sidewalks.

Sec. 12-6. Trick riding.

Sec. 12-7. Parking.

Sec. 12-8. Warning for safe operation.

Sec. 12-9. Bicycle alterations.

**Sec. 12-1. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bikeway* means any facility that explicitly provides for bicycle travel. There are three classes of bikeways:

- (1) *Bike path*. A bike path is a completely separated right-of-way designated for the exclusive use of bicycles.
- (2) *Bike lane*. A bike lane is a restricted right-of-way designated for the semi-exclusive use of bicycles, usually on the street alignment.
- (3) *Bike route*. A bike route is a shared right-of-way designated as a bikeway by signs placed on vertical posts or stenciled on the pavement. Right-of-way may be shared with either or both motor vehicles and pedestrians.

**Sec. 12-2. Rider responsibility.**

Every person riding a bicycle upon the streets of this town shall be granted all the rights and shall be subject to all the duties applicable to the driver of a motor vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of law and ordinances which by their very nature can have no application.

**State law reference**— Similar provisions, Code of Ala. 1975, § 32-5A-260.

**Sec. 12-3. Condition.**

The rider of a bicycle shall be responsible for maintaining his bicycle in a safe mechanical condition.

**Sec. 12-4. Towing.**

A bicycle operator shall not tow any vehicle or person except that bicycle trailers properly attached to the bicycle which allow for the firm control and braking may be used.

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Section 12 - Bicycles

**State law reference**— Clinging to vehicles, Code of Ala. 1975, § 32-5A-262.

**Sec. 12-5. Riding on sidewalks.**

Bicycles ~~and tricycles~~ shall not be ridden on the sidewalks of this town unless such sidewalk has been designated as a part of a bikeway.

**Sec. 12-6. Trick riding.**

A person riding a bicycle shall not weave in and out of traffic or ride in an irregular or reckless manner such as zigzagging, stunting or otherwise ride with disregard for his own safety or the safety of others. It shall be unlawful for any person to ride a bicycle without having at least one hand upon the handlebars.

**Sec. 12-7. Parking.**

No person shall park a bicycle upon a sidewalk in such a manner as to obstruct pedestrian traffic. Bicycles shall not be parked upon the streets in spaces designated for the use of a motor vehicle.

**Sec. 12-8. Warning for safe operation.**

All persons operating a bicycle shall give an audible warning whenever necessary to ensure the safe operation of the bicycle; however, the use of a siren or whistle is prohibited.

**Sec. 12-9. Bicycle alterations.**

No bicycle shall be operated upon a street with handlebars so raised that the hands of the operator are above his shoulders while gripping them. No bicycle which has been altered by extending the fork, when such alteration has not been commercially manufactured, shall be operated upon a public street.

## **SECTION 13. VISUAL OBSTRUCTIONS**

### Sec. 13-1. Enforcement.

### Sec. 13-2. Street intersections; visibility area delineated.

### Sec. 13-3. Driveways; visibility area delineated.

### Sec. 13-4. Outside the triangular area.

### Sec. 13-5. Exceptions.

### Sec. 13-6. Existing obstructions.

#### **Sec. 13-1. Enforcement.**

The provisions of this article shall be enforced by the Town Administrator. When the Town Administrator shall find that any provision of this article is being violated, he shall issue written notification to the person owning, renting or leasing or otherwise in possession of the real property upon which the violation exists, of such violation, indicating the nature of the violation and the necessary action required to correct the violation. If the violation is not removed or abated within 14 days from the written notification, the Town Administrator may issue a citation to the person responsible for the violation, directing him to appear in the municipal court at a time and on a date stated in the citation to answer to charges of violations of this article, which charges shall be stated in the citation. It shall be unlawful and a misdemeanor for any person to fail to appear in municipal court at the time and place stated in a citation issued by the Town Administrator pursuant to this article.

#### **Sec. 13-2. Street intersections; visibility area delineated.**

- (a) It shall be a misdemeanor for any person owning, renting, leasing or otherwise in possession of real property at intersecting streets to install, set out or maintain or allow the installation, setting out or maintenance of any sign, hedge, fence, shrubbery, natural growth or other obstruction to the view, whether movable or stationary, higher than 30 inches (76.2 centimeters) above the level of the adjacent intersection.
- (b) No obstruction shall be placed in that triangular area between the property line and a diagonal line joining points on the property line, 30 feet (9.1 meters) from the point of their intersection.
- (c) In the case of rounded property corners, that triangular area shall be between the property lines extended and a diagonal line joining points on the property lines, 30 feet (9.1 meters) from the point of their intersection.
- (d) In both subsections (b) and (c) of this section, such area within the triangle that encroaches within the interior of the setback lines applicable to any lot or parcel of real property by and through the zoning ordinances of this town as fully set forth in this Code shall be exempted from the application of this section and shall not be deemed a part of the visibility area.
- (e) Subsections (b), (c) and (d) of this section shall also apply to the intersection of a public street right-of-way and a railroad right-of-way.

#### **Sec. 13-3. Driveways; visibility area delineated.**

It shall be a misdemeanor for any person owning, renting, leasing or otherwise in possession of real property to install, set out or maintain or allow the installation, setting out or maintenance of any sign, hedge, fence, shrubbery, natural growth or other obstruction to the view, whether movable or stationary, higher than 30 inches (76.2 centimeters) above the level of the adjacent roadway on any lot where a private drive enters a street within the triangular area formed by the street property line, the private drive-edge line and a line connecting them at ten feet (three meters) from their intersection.

**Sec. 13-4. Outside the triangular area.**

It shall be a misdemeanor for any person owning, renting, leasing or otherwise in possession of real property to install, set out or maintain or to allow the installation, setting out or maintenance of any sign, hedge, fence, shrubbery, natural growth or other obstruction to the view, whether movable or stationary, but outside the triangular area as defined in sections 13-2 and 13-3, if the Town Administrator shall determine, after notice and hearing, that maintenance of such obstruction is, because of the peculiar topography at or near the intersection, an actual hazard, and is being maintained outside the setback lines applicable to the lot or parcel of real property upon which it is situated under the applicable zoning ordinance or regulations.

**Sec. 13-5. Exceptions.**

Sections 13-2 and 13-3 shall not apply to small trees that are not more than 12 inches (30.5 centimeters) in diameter (trimmed to the trunk), that are at least 15 feet above the level of the intersection and that are planted so as to leave a clear and unobstructed cross view. Sections 13-2 and 13-3 also shall not apply to fire hydrants; public utility poles; street markers; traffic control devices; existing permanent buildings; and signs mounted 15 feet or more above the ground the supports of which do not constitute an obstruction as defined in sections 13-2 and 13-3.

**Sec. 13-6. Existing obstructions.**

Except as provided in this article, no obstruction to cross-visibility shall be excepted from the application of this article because of its being in existence at the time of the adoption of this article.

**READ, APPROVED and ADOPTED** at a regular meeting of the Town Council of Gurley Alabama, on this the 1<sup>st</sup> day of May, 2018.

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Robert Sentell, Mayor and Presiding Officer  
the Town Council of the Town of Gurley

ATTEST:

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Tawnie Bryant, Town Clerk