

**CITY COUNCIL OF THE CITY OF LAKE VIEW, ALABAMA**

**ORDINANCE NO. 0111132025**

**AN ORDINANCE TO AMEND THE CITY OF LAKE VIEW,  
ALABAMA'S REGULATIONS CONCERNING PARKING  
AT CITY HALL.**

**WHEREAS**, the City of Lake View, Alabama (the "City") owns and maintains a City Hall and associated parking lot located at 22757 Central Park Dr, Lake View, AL 35111 (together, "City Hall") within the corporate limits of the City;

**WHEREAS**, citizens use the parking lot of City Hall without compensating the City for the same;

**WHEREAS**, the City previously adopted Ordinance No. 0307082021 that established regulations for parking at City Hall;

**WHEREAS**, Section 11-47-114 of the *Code of Alabama* (1975) authorizes the City to regulate the running of automobiles within the corporate boundaries and to prohibit the standing thereof on or across the streets within the corporate boundaries;

**WHEREAS**, Section 32-5-1 of the *Code of Alabama* (1975) authorizes local authorities to regulate or prohibit the parking of vehicles within the limits of their respective municipalities;

**WHEREAS**, Section 32-5-152 of the *Code of Alabama* (1975) provides as follows:

No person shall park, cause to be parked, or knowingly permit an automobile or other motor vehicle which he or she owns to be parked, on any street in any municipality in this state in violation of an ordinance of such municipality. The presence of an unattended automobile or other motor vehicle parked on the streets of any municipality in violation of an ordinance of such municipality shall raise a prima facie presumption that the registered owner of the automobile or other motor vehicle committed or authorized the parking violation, and the burden of proof shall be upon the registered owner to show otherwise.

**WHEREAS**, in *Decatur v. Robinson*, 251 Ala. 99, 36 So.2d 673 (1948), the Supreme Court of Alabama specifically recognized the power of municipalities to regulate traffic and parking on their streets;

**WHEREAS**, as recognized by the Attorney General of Alabama in ALA. ATT'Y GEN. OP. No. 98-00061 (Dec. 29, 1997), the City may authorize persons other than sworn law enforcement officers to enforce its own parking ordinance;

**WHEREAS**, the matter of parking on public property is a privilege, not an absolute right, and the City is authorized to employ means reasonably necessary to make effective a regulatory ordinance to safeguard the public;

**WHEREAS**, the City Council of the City of Lake View, Alabama (the “City Council”) desires to amend its regulations concerning parking at City Hall parking lot in order to promote the safety of persons utilizing the parking lot and property located in the parking lot;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Lake View, Alabama, while in regular session on Thursday, November 13, 2025, at 6:00 p.m., as follows:

**Section 1.** The City Council hereby replaces Ordinance No. 0307082021 in its entirety with the following:

**Section 2.** Definitions. Unless otherwise set forth herein, the terms utilized in this Ordinance shall have the meanings ascribed to them in Section 32-8-2 of the *Code of Alabama* (1975).

**Section 3.** No Parking.

A. Unless otherwise expressly permitted by this Section, no parking of a motor vehicle shall be permitted at City Hall and its associated parking lot between the hours of 10:00 p.m. local time and 5:00 a.m. local time. The prohibitions of this Section shall not apply to:

- (1) Any time when City Hall is open to the public;
- (2) The City or any official (elected or appointed), agent, officer, or employee of the City who is administering this Ordinance or otherwise performing its, his, or her official duties for the City; and/or
- (3) Any person attending a private meeting at City Hall at the invitation of any official (elected or appointed), agent, officer, or employee of the City who is performing its, his, or her official duties for the City.

B. No person shall park or leave standing any motor vehicle, whether attended or unattended, within any designated “No Parking” zones. Said zones shall be designated with signs and/or road surface markings indicating that it is a “No Parking” zone.

**Section 4.** Signage & Road Surface Markings. As needed, the Mayor and the City’s agents and employees acting at the direction of the Mayor are hereby authorized to purchase, install, and maintain signage and road surface markings to give notice of the acts prohibited by this Ordinance and to promote compliance with this Ordinance.

**Section 5.     Penalties for Violations.**

A.     *Parking Offenses.*     Upon conviction of a violation of this Ordinance, notwithstanding any other penalty provision which may be authorized or employed, the defendant shall be fined One Hundred Dollars (\$100.00) for the first offense, Two Hundred Fifty dollars (\$250.00) for the second offense, and Five Hundred Dollars (\$500.00) for the third or any subsequent offense. Each day shall constitute a separate offense.

In accordance with Rule 19(B) of the *Alabama Rules of Judicial Administration*, the Uniform Traffic Ticket and Complaint, including electronic versions of the same, shall not be used to charge parking offenses prescribed by this Ordinance.

In accordance with Rule 19(B) of the *Alabama Rules of Judicial Administration*, City of Lake View Municipal Court magistrates shall administratively process all parking offenses prescribed by this Ordinance wherein a dispute arises. Within fourteen (14) days from any administrative decision of a contested case, a defendant may appeal such decision to the appropriate circuit court for a trial de novo in accordance with the provisions of Sections 12-11-30 and 12-14-70 of the *Code of Alabama* (1975).

B.     *Non-Parking Offenses.*     It shall be unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with a motor vehicle being towed pursuant to this Ordinance by remaining in or upon the motor vehicle or in such proximity to the motor vehicle and at such a time and location where the towing cannot be accomplished without endangering the life, health, safety, or general welfare of himself or another person.

It shall be unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, tamper with, or remove signage or road surface markings established pursuant to this Ordinance. A violation for a non-parking offense shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

**Section 6.     Civil remedies.**     The continued or recurrent performance of any act or acts deemed unlawful under this Ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The City, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same or proceed as otherwise authorized under law to address nuisances. The City Attorney is authorized to bring a civil action to recover a fine on an adjudicated ticket.

**Section 7.     No effect on immunities.**     This Ordinance is adopted only to provide a service for the public as a whole and is not for the benefit of any individual person or entity. By the adoption of this Ordinance, the City and its agents, officers, and employees accept no duty for the benefit (intended or unintended) of any person, including but not limited to any driver, passenger, pedestrian, bailee, or any other person or entity or any of their agents, officers, or employees. Any duty alleged to arise under this Ordinance on the part of the City or any of its agents, officers, or employees for the benefit of any person is hereby expressly disclaimed and

rejected. The City and its agents, officers, and employees hereby expressly reserve all applicable immunities existing under any doctrine, authority, or law (whether under the common law, statute, or otherwise), including but not limited to substantive immunity, qualified immunity, and discretionary function immunity. Save for the powers and remedies that this Ordinance gives to the City and to its agents, officers, and employees who are administering this Ordinance or otherwise performing its, his, or her official duties, this Ordinance does not create any private cause of action for the benefit of any person.

**Section 8.** Cumulative effect. This Ordinance is cumulative in nature and is in addition to any power and authority that the City may have under any other law.

**Section 9.** Effect on Existing Prosecutions and Actions. The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this ordinance shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture or lien be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.


**Section 10.** Severability. The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this Ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

**Section 11.** Effective Date. This Ordinance shall become effective upon its adoption and publication as provided by law.

**ADOPTED** this the 13<sup>th</sup> day of November, 2025.

  
ADRAIN DUDLEY PhD, MAYOR

ATTEST:

  
Tawana Witherspoon, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA     )  
TUSCALOOSA COUNTY    )

I, Tawana Witherspoon, as City Clerk of Lake View, Alabama, hereby certify that the above and foregoing is a true and correct copy of an ordinance that was duly adopted by the City Council of Lake View, Alabama, on the 13th day of November 2025, as same appears in the official records of said City.

The above and foregoing Ordinance was published on the 13<sup>th</sup> day of November, 2025, by posting copies thereof at Lake View City Hall, the Lake View Club, and DJ's Food Mart.

Witness my hand and seal of office this 13th day of November, 2025.

  
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Tawana Witherspoon, City Clerk



