

ORDINANCE NO. 2017-01

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MIDFIELD, ALABAMA ESTABLISHING REQUIREMENTS AND STANDARDS PERTAINING TO VEHICLE IMPACT PROTECTION MEASURES FOR BUILDINGS HAVING PARKING AREAS WITH IN 10 FEET OF THE FRONT ENTRY OF THE BUILDING

THE CITY COUNCIL OF MIDFIELD DOES ORDAIN AS FOLLOWS:

Section 1. The City of Midfield amends Section 54 of the City Municipal code by Adding new Sections 54-32 to the Municipal Code.

Section 2. The City Council makes the following findings to connection with the adoption of this ordinance.

- A. According to the report of the City Attorney to the City Council of Artesia , California presented to that city council on July 14, 2014,experts in vehicle-into-building crashes have estimated that each day in the United States there are up to 60 vehicle-into-building crashes caused mostly by pedal error or other driver error. For example, approximately 20 times each day, a convenience store in the United States is damaged by vehicle-into-building crash, and up to up times each day a quick serve restaurant is damaged by vehicle-into-building crash,(Exhibit A to this ordinance).
- B. Experts in vehicle-into-buildings crashes indicate that as many as 500 people die each year as victims of vehicle-into-building crashes.

- C. Experts in vehicle-into-building crashes indicate that standard parking lot wheel stops and raised sidewalks are not sufficient, by themselves, to stop the force of vehicle in such pedal error accidents and that other design standards and devices are needed to protect pedestrians, shoppers and customers.
- D. Building codes already have design standards to protect gas meters, fire hydrants, electrical switching equipment, trash enclosures and other equipment from vehicle crashes but have yet to establish and impose appropriate standards for protection of pedestrians, shoppers and customers of retail shops, restaurants and other establishments.
- E. Many of these accidents and deaths are preventable if parking lots are designed and built with vehicle impact safety devices to prevent vehicles from driving into pedestrian walking and seating areas and into adjacent stores, restaurants and other building.
- F. No one design, device or requirement is appropriate for all locations and al conditions, and therefore property owners, architects, engineers and business owners should be given the flexibility to utilize a variety of design elements and devices to protect pedestrians, shoppers and customers in areas near vehicle parking areas.
- G. The goal of this ordinance is to establish standards for the design of vehicle impact protective devices that achieves an appropriate level of safety but not one set so high as to require unnecessarily expensive and aesthetically in appropriate structures within parking lot areas of the City.
- H. The City Council also desires to establish development standards for private parking lots in a manner that balance (i) the public interest in protecting pedestrians, shoppers and customers from vehicle-into-building crashes,(ii) the financial burden on property

owners and businesses of providing appropriate protective designs and devices; and (iii) the goal of encouraging innovation, variety and aesthetic variation so to give property owners and businesses flexibility depending on the conditions specific to each location.

### Section 3. INTENT AND PURPOSE

The intent and purpose of this ordinance are to establish requirements and standards for safety barriers to lessen the potential for injury or death from vehicles that may through operator error or otherwise, drive into exposed areas at buildings whose parking areas are within 10 feet of the front entrance of the buildings

### Section 4. ELEMENTS OF VEHICLE IMPACT PROTECTION DEVICES.

Required vehicle impact protection devices shall take the form of bollards, as defined and provided below:

- (i) Bollards, post and guard posts shall comply with all of the following requirements:
  - (aa) Constructed of steel or other material not less than four (4) inches in diameter.
  - (ab) Spaced so that one (1) post or bollards is provided for each parking space required to have the device, with the post or bollard located on the centerline of the parking space. The City's building inspector may approve minor deviations to these spacing requirements to accommodate site conditions and different size of parking spaces or loading areas.
  - (ac) Set with the top of the post not less than three (3) feet and not greater than four (4) feet above finished grade.
  - (ad) Located between the vehicle parking space or drive aisle and the seating area of the building to be protected.

(ae) Such bollards or posts shall be black, grey, safety yellow, bronze, stainless steel, concrete finish or similar color, as approved by the City's Building Inspector.

(af) Bollards or post shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment. Use of protective or decorative sleeves is permitted.

Section 5. Physical Barriers such as reinforced walls, building perimeter walls, planters and street furniture, may be used to satisfy the requirements and standards of this section, provided they comply with the following requirements:

(A) The barriers shall be a minimum of thirty-six (36) inches in height and designed to achieve an impact resistance level of 5,000 pounds traveling at thirty (30) miles per hour. Plain concrete barriers, such as "K" Rails or "Jersey" barriers, shall be prohibited, except as temporarily allowed under subsection (e) of this section.

(B) When barriers are spaced apart, the spacing shall be not less than forty-eight (48) inches and not more than fifty-six (56) inches between the outer edge of the barrier and the nearest outer edge of the adjacent barrier.

(C) The color and design of the barriers shall be consistent building exterior.

(2) *Bollards, post, and guard posts.* Bollards, posts, may be used to satisfy the requirements of this section, provided they comply with the following requirements:

(A) The bollards or posts shall be constructed of steel or other material not less than four (4) inches in diameter that shall achieve a minimum impact resistance level of 5,000 pounds traveling at thirty (30) miles per hour, as provided by ASTM International (formerly known as American Society of Testing and Material or "ASTM") in its document number F3016.

(B) The bollards or post shall be spaced not less than forty-eight (48) inches and not more than fifty-six (56) inches between the outer edge of the post or bollard and nearest outer edge of the adjacent post or bollard.

(C) The top of the bollards or post shall be set not less than three (3) feet and not more than four (4) feet above finished grade.

(D) The bollards or post shall be black, grey, bronze, stainless steel, concrete finish, or color that is similar to the color of the principal structure, with night reflector decals or paint where appropriate.

(E) The color and design of the bollards or posts shall be consistent throughout each care center.

(F) The bollards or posts shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment. Use of protective and/or decorative sleeves shall be permitted.

(3) *Features.* Manmade features (for example, billboard support poles, culverts, ditches, or retention ponds) and natural features (for examples, large trees or water bodies), may be used to satisfy the requirements of this section, provided they are able to achieve an impact resistance level of 5,000 pounds traveling at thirty (30) miles per hour.

(d) *Attestations from licensed professional engineer.* Every permit application for vehicle impact protection devices at building required for install safety barriers shall be accompanied by construction documents, signed and sealed by a professional engineer licensed with the State of Alabama, with a statement thereon attesting that the design and/or locations of the vehicle impact protection devices and/or features comply with the requirements and standards of this Article. Furthermore, prior to the issuance of a certificate or occupancy, the licensed professional engineer shall attest that the vehicle impact protection devices and/or features have been installed or exist in compliance with the requirements and standards of this ordinance.

(e) *Replacement or repair.* Within ninety (90) days after a device or feature that serves to protect an exposed area of a building having an adjacent lot within 10 feet of the front of the building is destroyed, damaged, or removed, the device or feature shall be replaced with one that satisfies the requirements and standards of this section. Before the device or feature is replaced, plain concrete barriers, such as “K Rails” or “Jersey” barriers, may be temporarily allowed.

Section 6. Time lines for Compliance with this Ordinance by Business with street level Parking.

- 1] Upon new construction of a parking lot or,
- 2] Upon a major renovation of a parking lot or,
- 3] At the times of any AMERICAN WITH DISABILITIES ACT(ADA) compliance measures are installed in the parking lot or,
- 4] Within 5 years of enactment of this ordinance or,
- 5] Upon the completion of repairs to a building that has been damaged or personal injury suffered as a result of a vehicle-into- building crash, whichever is the earliest.

Section 7. Penalties

Any person who violates the provisions of this ordinance shall be subject to any one or more of the following penalties or remedies:

- (a) A violation of any provision of any provision of this ordinance may be enforced as set out in Section 1.8 of the Midfield Municipal Code.
- (b)The City may bring a lawsuit in a court of competent, jurisdiction to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law to cure remove, prevent, or end a violation of any provision of this ordinance.

Section 8. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and publication as required by law

Approved this 27, day of February, 2017.

Attest:

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Recarda Cobb, City Clerk

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Gary R. Richardson, Mayor

Certificate of City Clerk

I, Recarda Cobb, City Clerk of the City of Midfield, Alabama, for the sole purpose of administering implementing the above and foregoing Ordinance, is a true and correct copy of Ordinance 2017, adopted and approved by the City Council of the City of Midfield, Alabama at its regular Meeting held on the 27th day of February, 2017 as same is represented in the Recorded Minutes.

Move, I hereby certify that the above and foregoing Ordinance was published by Posting same at the following three (3), or more, locations: Midfield City Hall, the Midfield Library, and the Midfield Post Office.

Certified and acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Recarda Cobb, City Clerk

