

ORDINANCE 2013-6

AN ORDINANCE OF THE CITY OF MIDFIELD, ALABAMA, TO ADD A NEW SECTION TO BE NUMBERED TO ESTABLISH THE REMOVAL OF DRIVERS FROM VEHICLES AND IMPOUNDMENT OF VEHICLES UNDER CERTAIN CIRCUMSTANCES: ESTABLISHING ADMINISTRATIVE FEES, REPEALING ORDINANCES IN CONFLICT: SERVERABILITY: AND EFFECTIVE DATE.

Whereas, driving a motor vehicle on the public streets and highways of the State of Alabama is a privilege, not a right; and

Whereas, of all drivers involved in fatal accidents, driver violating accident than a properly licensed, insured and registered driver; and

Whereas, a large number of person who are in violation of license, insurance and registration laws, continue to drive, regardless of the law; and

Whereas, it is necessary and appropriate to take additional steps to prevent drivers who are in violation of the law from driving, and

Whereas, the City of Midfield has critical interest in enforcing traffic laws and keeping unlicensed and uninsured drivers, and unregistered vehicles from illegally operating; and

Whereas, multiple violations near in time drastically increase the chance of being involved in a serious accident; and

Whereas, impounding the vehicles operated illegally serves a significant governmental and public safety interest, namely the protection of the health, safety and welfare of the Citizens of Midfield from harm of unlicensed drivers and illegally operated vehicles who are in a disproportionate number of traffic incidents, and the avoidance of the associated destruction of lives and property.

NOW THEREFORE BEIT ORDAINTED BY THE CITY COUNCIL OF MIDFIELD, ALABAMA:

Section 1. That all matters and facts set forth in the recitals hereinabove are found to be true and such recitals are hereby approved and made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings by the City Council of the City of Midfield, Alabama.

Section 2. That the Code of Ordinances, City of Midfield, Alabama, is hereby amended to add

a new Section 54-32 entitled, Car Impound Ordinance.

Section 54—32 (a) Any person who operates a motor vehicle upon the streets in City of Midfield or its Police Jurisdiction while any of the following apply shall be immediately removed from the vehicle:

- A. When the Driver as a license that is suspended or revoked for any reason.
- B. When the Driver has no license.
- C. When the Driver has a license that is expired in excess of 90 days.
- D. When the Driver cannot produce a driver's license, and the Police Officer cannot sufficiently identify the driver to the Officer's Satisfaction
- E. When the driver is unable to provide valid proof of insurance for the vehicle which he is driving in accordance with the Code of Alabama 32-7A-6.
- F. When the vehicle driven is not properly registered in accordance with the Alabama State Law, or the registration is expired in excess of 90 days.
- G. When the Driver commits 3 or more violations, one of which is moving violation, in the same setting.
- H. When the Driver commits the offenses of Reckless Driving, Attempting to Elude, Speeding in excess of 25 M.P.H. over the speed limit, or Possession of Open Container of Alcohol in a Vehicle, under the laws of the State of Alabama.

Section 54-32 (b) The vehicle, regardless of ownership or possessory interest of the operator or person present in the vehicle, except when the owner of the vehicle or another family member of the owner is present in the vehicle and presents a valid driver's license, shall be impounded by any duly sworn law enforcement officer.

Section 54-32 (c) The owner of the vehicle may reclaim his vehicle upon production of Valid License, Insurance and Registration by obtaining a release from the Midfield Police Department, and settling any associated towing and storage fees with the City-Authorized Towing Company.

Section 54-32 (d) In the event that the owner cannot produce the documents required by Sec.

98-120.3, upon acceptable proof of ownership (Title, expired registration etc.) the vehicle may be released, but must be removed from the Impound Location by wrecker or other transport.

Section 54-32 (e) The owner of the vehicle shall be liable for a \$250.00 administrative fee for each vehicle impounded under the article. The fee shall be in addition to any towing and storage fee assessed by the Towing Company. The vehicle owner shall remit that administrative fee to the City-Authorized Towing Company at the time of the vehicle's release. The City-Authorized Towing Company shall remit it to the Midfield Police Department on a monthly basis. The funds remitted under this section shall be at the disposal of the Police Chief for any Law Enforcement function.

Section 54-32 (f) The driver and any occupants of the vehicle, upon request, shall be transported to the nearest open convenience store, shopping mall, restaurant, or Midfield Police Headquarters.

Section 54-32 (g) If there is an emergency or other situation, that in the Officer's opinion outweighs the need to impound the vehicle, the Officer may elect not to impound the vehicle.

Section 54-32 (h) Repeal of Ordinances in Conflict

This ordinance supersedes and replaces any ordinance previously adopted that conflict.

Section 54-32 (i) Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of Competent Jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 54-32 (j) Effective Date

This ordinance shall become effective 14 days after adoption and publication as required by law.

Attest:

Tameeka Ephriam Vann,
City Clerk

Gary R. Richardson
Mayor