

Council Member \_\_\_\_\_ introduced the following Ordinance:



**ORDINANCE NO. 150608-006**

**SUMMARY: AN ORDINANCE AMENDING SECTION 12-24 RELATING TO THE SUMMARY DISPOSITION OF CHARGES IN THE MUNICIPAL COURT BY MAGISTRATES**

**WHEREAS**, summary disposition of municipal code violations creates convenience and certainty for citizens charged with minor offenses against the City; and,

**WHEREAS**, Section 12-24 of the *Code of Ordinances of the City of Alabaster (2015)* provides for the summary disposition of certain charges by the magistrates of the municipal court by accepting guilty pleas from defendants without the necessity of citizens appearing in court. And,

**WHEREAS**, Section 12-24 of the *Code of Ordinances of the City of Alabaster (2015)* does not currently allow for the summary disposition of municipal offenses and the City is desirous of permitting magistrates to take pleas to such charges.

**NOW THEREFORE, THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA:**

**Section 1.** Section 12-24 is hereby replaced as follows:

**Sec. 12-24. - Fines and Costs in Summary Disposition of Certain Municipal Court Cases.**

A defendant may plead guilty before a magistrate to certain offenses listed herein, and pay the corresponding fine and all required costs without the necessity of going to court. If a defendant elects to plead guilty before the magistrate on certain municipal ordinance violations, the magistrate is hereby authorized to take, accept the plea of guilty and the fine set forth in Schedules A, B or C below shall apply:

**SCHEDULE A: RULE 20, ALABAMA RULES OF JUDICIAL ADMINISTRATION**

The City hereby adopts for use in the municipal court and authorizes it’s magistrates to accept in summary disposition the schedule of fines and offenses set forth by the Alabama Supreme Court in Rule 20 of the Alabama Rules of Judicial Administration, as it may be amended from time to time.

SCHEDULE B: FEDERAL MOTOR CARRIER SAFETY REGULATIONS

In addition to the fines set forth in Schedule A, the City hereby authorizes the magistrates of the municipal court to accept in summary disposition the following traffic violations under the Federal Motor Carrier Safety Act:

Federal Motor Carrier Safety Regulation No 49 CFR

Code	Description	Fine
393.11	Failing to equip vehicle with required lights and reflectors	\$50.00
393.19(a)	Failing to equip vehicle with turn signals	\$25.00
393.24(b)	Failing to equip bus, truck, or truck tractor with two headlamps	\$25.00
393.25(f)	Failing to equip with operative stop lamps	\$25.00
393.30	Failing to cover storage battery	\$50.00
393.33	Failing to place electrical wires properly	\$25.00
393.42(a)	Failing to equip vehicle with required brakes	\$25.00
393.45	Failing to secure brake house or tubing against chafing, kinking or other mechanical damage	\$25.00
393.45(b)	Failing to prevent leaks, constrictions, or other defects in brake hose or tubing connections	\$25.00
393.47	Failing to equip vehicle with adequate brake linings	\$25.00
393.48(b)	Failing to equip vehicle with operative brakes (i.e., devices to use when brakes do not work)	\$25.00
393.51(a)	Failing to equip brake systems with warning device	\$25.00
393.52(a)(1)	Failing to have proper braking force	\$50.00
393.60(a)	Failing to conform to glazing windshield requirements	\$50.00
393.65(b)	Failing to place fuel system in right place	\$50.00
393.65(c)	Failing to securely attached fuel tank	\$50.00
393.67(c)(1)iii	Failing to equip fuel tank with securely fitting cap	\$25.00
393.67(d)(2)	Failing to equip vehicle with fuel tank free of leaks	\$50.00
393.70(b)(1)(I)	Failing to mount lower half of fifth wheel securely on a truck tractor or converter dolly	\$50.00

393.70(b)(1)(ii)	Failing to mount upper half of fifth wheel securely on a truck tractor or converter dolly	\$50.00
393.75(a)	Failing to place proper tires on vehicle	\$50.00
393.78(a)	Failing to place proper windshield wipers on vehicle	\$50.00
393.80(a)	Failing to place proper rear view mirrors on vehicle	\$50.00
393.83(a)	Operating vehicle with improperly located exhaust system	\$50.00
393.83(c)	Gasoline-powered bus with exhaust discharging more than six inches forward of the rearmost part of the bus	\$50.00
393.83(d)(1)	Diesel-powered bus with exhaust discharging more than 15 inches forward of the rearmost part of the bus	\$50.00
393.83(e)	Truck or truck-tractor with exhaust not discharging at rear of cab	\$50.00
393.86(a)	Failing to install bumpers or devices for rear-end protection	\$50.00
393.87	Failing to place red flag on projecting load	\$50.00
393.92	Failing to post emergency door signs in bus	\$25.00
393.93(a)(1)	Failing to equip vehicle with seat belt for driver (buses)	\$25.00
393.93(b)(1)	Failing to equip vehicle with seat belt for driver (trucks/truck trailers)	\$25.00
393.95(a)	Failing to equip vehicle with emergency equipment	\$50.00
393.100(a)	Failing to secure cargo properly	\$50.00
393.108(a)(1)	Failing to provide headerboard for vehicles	\$25.00
172.205(a)	Offering, transporting, transferring, or delivering hazardous waste without proper manifest.	\$200.00
172.205(c)	Failing to have hazardous waste manifest copy dated and signed by carrier and shipper.	\$150.00
172.332(a)	Failing to display ID number on placard in conformance with requirements	\$150.00
172.332(b)	Failing to display orange ID panel in conformance with requirements	\$150.00
172.336(b)	Failing to properly display ID number for hazardous materials class not requiring placards	\$200.00
172.502(a)(1)	Placarding a vehicle that is not transporting a hazardous material	\$50.00
173.33(a)(1)	Transporting hazardous material in unauthorized cargo tank.	\$500.00

177.801	Transporting or accepting shipment of hazardous material not in proper condition for transportation	\$500.00
177.817(a)	Transporting shipment or hazardous materials without properly prepared shipping papers	\$150.00
177.817(e)	Failing to maintain proper accessibility of shipping papers	\$150.00
177.823(a)	Failing to placard motor vehicle	\$200.00
177.870(b)	Transporting unauthorized hazardous material in a passenger-carrying vehicle	\$500.00
391.11(b)(5)	Using driver without current valid operator's license/permit	\$100.00
391.41(a)	Failure of driver to possess medical examiner's certificate	\$25.00
392.3	Driver operating vehicle while ill or fatigued	\$50.00
392.9(a)(1)	Driver operating vehicle with an unsafe load	\$50.00
392.14	Driver operating vehicle without caution during bad weather	\$50.00
392.16	Driver failing to use seat belt	\$25.00
392.60(a)	Transporting unauthorized passengers	\$25.00
395.3(e)(1)	Requiring or permitting driver to drive more than ten hours following eight consecutive hours off duty	\$100.00
395.3(a)(2)	Requiring or permitting driver to drive after having been on duty 15 hours following eight consecutive hours off duty	\$100.00
395.3(b)(1)	Driving after having been on duty 60 hours in seven consecutive days	\$100.00
395.3(b)(2)	Driving after having been on duty 70 hours in eight consecutive days	\$100.00
395.8(a)	Driver's record of duty status required	\$50.00
395.13(c)(1)(i)	Allowing a driver out of service to operate vehicle	\$50.00
396.7(a)	Operating a vehicle that is in an unsafe condition	\$50.00
396.11(c)(1)	Failing to certify that repairs were made or were not necessary	\$10.00
396.11	Failing to carry copy of last vehicle inspection report on vehicle to the power unit	\$10.00
396.13(c)	Failing to require driver to sign vehicle inspection report	\$10.00
397.19(a)(1)	Failing to furnish copy of part 397 rules to driver of vehicle containing division 1.1, 1.2, or 1.3 explosives	\$100.00

SCHEDULE C: ALABASTER ORDINANCE VIOLATIONS

LIST OF FINES

In addition to those fines set out in Schedule A and Schedule B, the magistrates are authorized to accept guilty pleas and assess fines in summary disposition in the following manner as to the following local ordinances: (Any item listed as 1<sup>st</sup> offense shall be sent to court on a second or subsequent offense for the same violation within a twelve month period).

Alabaster Code Section	Description	Fine
§6-28	Dogs at Large (1 <sup>st</sup> Offense)	\$25.00
§6-29	Dog Unlawfully Tethered	\$50.00
	Violation of Zoning Ordinance (1 <sup>st</sup> Offense)	\$100.00
§8-24	Doing Business Without a License	\$100.00
§8-25	Failure to Display Business License	\$50.00
§111-8	Failure to Obtain Building Permit	\$75.00
	Violation of Building Code	\$50.00
§34-69	Untarped Load	\$100.00
§8-103	Unlawful Used Car Sales	\$100.00
§44-27	Unlawful Use of Fire Hydrant	\$100.00
§44-204	Stormwater Control Violation	\$100.00
§34-68	Littering (1 <sup>st</sup> Offense)	\$100.00
§16-22	Unlawful Installation of Alarm System	\$100.00
§16-29	Excessive False Alarms (1 <sup>st</sup> Offense)	\$25.00
§18-123	Unlawful Smoking in Restaurant or Hotel	\$100.00
§24-6	Violation of Noise Ord.	\$50.00
§111-232	Violation of Sign Ord.	\$50.00
§8-161	Yard Sale Permit Required	\$50.00
§111-110	Inoperable Vehicles	\$100.00
§111-111	Keeping of Farm Animals	\$50.00

§6-59	Barking Dogs (1 <sup>st</sup> Offense)	\$25.00
§18-21	Nuisance	\$50.00
§111-112	Swimming Pools Violations	\$50.00
§34-10	Garbage Ordinance	\$25.00
§111-109	Storage of RV's/Campers/Tractor Trailers	\$50.00
§42-105	Truck Route	\$25.00
§18-88	Grass Violation	\$50.00

**Section 2.** This ordinance shall become effect upon its passage and publication as required by law.

ADOPTED AND APPROVED THIS 8<sup>th</sup> DAY OF JUNE 2015.

ATTEST:

CITY OF ALABASTER

\_\_\_\_\_  
George Henry, City Manager/Clerk

BY \_\_\_\_\_  
Scott Brakefield, Council President

APPROVED:

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Marty B. Handlon, Mayor