

**ORDINANCE NUMBER 2290**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2053 - TO ESTABLISH FINES FOR ANY PERSON, ENTITY OR CORPORATION COMMITTING A MISDEMEANOR OFFENSE PURSUANT TO THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS IN THE CITY OF VESTAVIA HILLS, ALABAMA OR POLICE JURISDICTION OF THE CITY AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF**

**WHEREAS**, the City of Vestavia Hills, Alabama Police Department is held to a high standard of traffic enforcement and protection of the citizens and general public of the City; and

**WHEREAS**, the Mayor and City Council of the City of Vestavia Hills concur with the Police Chief in order to maintain the highest level of enforcement and safety within the City and the police jurisdiction, enforcement of the Federal Motor Carrier Safety Regulations pursuant to Title 49 of the United States Code should be established.

**WHEREAS**, on June 7, 2004, the Vestavia Hills City Council adopted and approved Ordinance Number 2053; and

**WHEREAS**, due to changes in penalties as adopted by the Alabama State Legislature, the Mayor and City Council feel it is in the best public interest to amend Ordinance Number 2053.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. Ordinance Number 2053 adopted and approved on June 7, 2004 is hereby amended, as follows:
2. Any person, entity or corporation committing an offense within the corporate limits of the City or within the police jurisdiction thereof which is declared to

be a violation of the Federal Motor Carrier and Safety Regulations as authorized by Title 49 of the United States Code as they now exist or may hereinafter be enacted shall be guilty of an offense against the City; and

3. Violations of this section shall be punished in accordance with the provisions of the attached fine schedule entitled "Federal Motor Carrier Safety Regulations Fine Schedule," marked as Exhibit A, a copy of which is hereby attached and incorporated into said Ordinance Number 2290 plus all applicable court costs; and
4. This Ordinance Number 2290 shall become effective immediately upon adoption and posting as required by law.

**DONE, ORDERED, ADOPTED and APPROVED** this the 23<sup>rd</sup> day of November, 2009.

David Carrington  
Council President

ATTESTED BY:

Rebecca Leavings  
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.  
Mayor

**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2290 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 23<sup>rd</sup> day of November, 2009, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library, and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Rebecca Leavings  
City Clerk

**“Exhibit A”**  
**FEDERAL MOTOR CARRIER SAFETY REGULATIONS**  
**FINE SCHEDULE**

<b>Regulation #</b>	<b>Offense</b>	<b>Fine</b>
395.3 (a)(1)	10 hour rule violation	\$100.00
395.3 (a)(2)	15 hour rule violation	\$100.00
395.3 (b)(1)	60/7 hour rule violation	\$100.00
395.3 (b)(2)	70/8 hour rule violation	\$100.00
393.45(a)(4)	Brake hose not secure	\$25.00
395.13 (c)(1)(i)	Allowing a driver out of service to operate vehicle	\$50.00
393.46 (b)	Brake connection w/leak or constriction	\$25.00
393.25()	Brake light violation	\$25.00
393.42 (a)	Brakes not as required	\$25.00
392.14	Driving w/o caution in bad weather	\$50.00
393.3	Driving while Ill or Fatigued	\$50.00
392.9 (a)(1)	Driving with unsafe load	\$50.00
393.83 (?)	15 hour rule violation	\$100.00
396.11	Failing to carry copy of last vehicle inspection report on vehicle to the power unit	\$10.00
396.11 (c)(1)	Failing to certify that repairs were made or were not necessary	\$10.00
393-60 (a)	Failing to conform to Glazing Windshield requirements	\$50.00
393-.48 (b)	Failing to equip vehicle with Operative Brakes (i.e. devices to use when brakes don't work)	\$50.00
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
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
177.817 (e)	Failing to maintain proper accessibility of shipping papers	\$150.00
177.823 (a)	Failing to placard motor vehicle	\$200.00
396.13 (c)	Failing to require driver to sign vehicle inspection report	\$10.00
392.16	Failing to use seat belt	\$10.00
172.332 (a)	Failure to display ID number on placard in conformance with requirements	\$150.00
172.332 (b)	Failure to display orange ID panel in conformance with requirements	\$150.00
393.67 (c)(1)(iii)	Failure to equip fuel tank with securely fitted cap	\$25.00
393.67 (d)(2)	Failure to equip vehicle with fuel tank free of leaks	\$50.00
172.205 (c)	Failure to have Hazardous Waste Manifest copy	\$150.00

	dated and signed by carrier and shipper	
393.70 (b)(1)(i)	Failure to mount lower half of Fifth Wheel securely on truck tractor or converter dolly	\$50.00
393.70 (b)(1)(ii)	Failure to mount upper half of Fifth Wheel securely on truck tractor or converter dolly	\$50.00
393.65	Failure to place fuel system in correct place	\$50.00
172.336 (b)	Failure to properly display ID number for Hazardous Material in Hazardous Class NOT requiring placards	\$200.00
393.106 (a)(1)	Failure to provide Headerboard for vehicle	\$25.00
172.205 (a)	Handling Hazardous Waster without Proper manifest	\$200.00
393.30	Improper battery installation	\$50.00
393.52 (a)(1)	Improper braking force	\$50.00
393.83 (a)	Improper exhaust system	\$50.00
393.80 (a)	Improper rearview mirrors	\$50.00
393.65 (c)	Improper securement of fuel tank	\$50.00
393.75 (a)	Improper tires on vehicle	\$50.00
393.78 (a)	Improper Windshield Wipers	\$50.00
393.33	Improper Wiring	\$25.00
393.100 (a)	Improperly secured cargo	\$50.00
393.47	Inadequate brake lining	\$25.00
393.86 (a)	Inadequate rear end protection	\$50.00
393.51 (a)	Inoperative brake warning device	\$25.00
393.95 (a)	No emergency equipment	\$50.00
393.87	No flag or light on end of load	\$50.00
391.41 (a)	No medical card	\$25.00
393.92	No posted emergency doors in bus	\$25.00
395.8 (a)	No record of duty status	\$50.00
393.93 (b)(1)	No seatbelt for driver	\$10.00
391.11 (b)(5)	No valid operator's license/permit	\$100.00
393.24	No/inoperable headlight	\$25.00
396.7 (a)	Operating a vehicle that is in an unsafe condition	\$50.00
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 property condition for transportation	\$500.00
177.817 (a)	Transporting shipment of Hazardous Material without properly prepared shipping paper	\$150.00
177.870 (b)	Transporting unauthorized Hazardous Material in a Passenger-Carrying vehicle	\$500.00
392.60 (a)	Unauthorized Passenger	\$25.00