

ORDINANCE NUMBER 2764

AN ORDINANCE PROHIBITING DRIVERS TO OPERATE A VEHICLE THROUGH PRIVATE OR PUBLIC PROPERTY IN ORDER TO AVOID TRAFFIC CONTROL DEVICES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. It shall be unlawful for any person to operate or drive any vehicle upon the streets or highways of the city, or within the city's police jurisdiction, at any intersection where gasoline filling stations or other business or public property is located, so as to cause such vehicle to cut the corners of any such intersection by passing over the space used in the operation of such filling station or other business or public property, and thereby avoid the traffic light or traffic signal at any such intersection, or so as to avoid stopping at any such intersection as is required by the laws of the city, or so as to avoid traveling at any such intersection over the usual lanes of traffic; and
2. Owners of said filling station or other business or public property shall post signage in a conspicuous area of the ingress/egress areas of said property which states, "This Property Is For Parking Of Patrons Only; Vehicular 'Cut Through' Is Prohibited By Ordinance 2764 Of The City Of Vestavia Hills;" and
3. Said sign shall be no smaller than 6.5 square feet and shall be clearly legible from all areas of ingress/egress of said filling station or business or public property; and
4. Driving a motor vehicle through any private or public property located at the intersection of any two (2) streets of the city without stopping such vehicle on such property for the transaction of business shall be prima facie evidence of a violation of this ordinance; and
5. Any law enforcement officer of the City of Vestavia Hills, Alabama, may issue an "Uniform Non-Traffic Citation and Complaint (For Scheduled Non-Traffic Violations or Misdemeanors)" to any person committing the offense of operating a vehicle through private or public property in order to avoid traffic control devices, in violation of this Ordinance Number 2764 of the City of Vestavia Hills, Alabama, and release such person from custody upon his or her written promise to appear in Vestavia Hills Municipal Court at the designated time and place as evidenced by his or her signature on the Uniform Non-Traffic Citation and Complaint; and

6. A copy of said “Uniform Non-Traffic Citation and Complaint (For Scheduled Non-Traffic Violations or Misdemeanors)” adopted by the State of Alabama Unified Judicial System, Form Number ARJA-20, as amended, is marked as “Exhibit A” attached to and incorporated into this Ordinance Number 2764; and
7. Anyone charged with this offense may elect to appear before the municipal court magistrate within the time specified in the summons and complaint and, upon entering a plea of guilty and executing a notice and waiver of rights form, pay a minimum fine of \$100.00 plus court costs or may come to court and be punished in accordance with Alabama law; and
8. Said “Plea of Guilty – Waiver or Rights” is located on the reverse side of the Uniform Non-Traffic Citation and Complaint, a copy of which is marked as Exhibit B and is attached to and incorporated into this Ordinance Number 2764; and
9. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and
10. This Ordinance Number 2764 shall become effective immediately following publishing and/or posting in accordance with Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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 Number 2764 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 _____ day of _____, 2018 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk