

ORDINANCE NO. 2009-07

AN ORDINANCE TO AUTHORIZE THE IMPOUNDMENT OF MOTOR VEHICLES DRIVEN BY INDIVIDUALS WHO ARE UNLICENSED, DRIVING WITH AN EXPIRED LICENSE, OR DRIVING WHILE REVOKED OR SUSPENDED FOR ANY REASON.

WHEREAS, on the 20th day of July 2009, a public hearing was held by the City Council (the "Council") of the City of Springville, Alabama (the "City"), regarding the adoption of the above noted ordinance; and

WHEREAS, the Council finds that driving a motor vehicle on the public street and highways is a privilege, not a right; and

WHEREAS, citizens who comply with the law are frequently victim of accidents cause by unlicensed drivers and are caused to suffer considerable pain and property loss; and

WHEREAS, a large number of persons whose driving privilege has been suspended or revoked continue to drive regardless of the law; and

WHEREAS, the Council believes that the City has a critical interest in enforcing its traffic laws and in keeping unlicensed drivers from illegally driving; and

WHEREAS, the Council believes that seizing the vehicles used by unlicensed drivers serves a significant governmental and public interest, namely the protection of the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Springville, Alabama, while in regular session, on the 20th day of July, 2009, as follows:

Section 1. Any person who operates a motor vehicle upon the streets of the City or its police jurisdiction, without having first obtained a valid driver's or chauffeur's license in this or another state, or while his/her driver's license or privilege has expired and said license has been expired over ninety (90) days, or while his/her driver's license or driving privilege is revoked or suspended for any reason under the law of this State or similar laws of any other state or territory, or while his/her driver's license or driving privilege is suspended or revoked as a consequence of a DUI related offense, including, but not limited to, being adjudicated delinquent or a youthful offender based on DUI related offense, or while his/her driver's license or driving privilege is suspended or revoked as a result of his/her failure to comply with the implied consent law of this state or laws of another state, or who has been adjudicated a delinquent child or a youthful offender based on an offense that if the person had been an adult would have been a conviction of driving under the influence of a controlled substance or alcohol or failure to comply with the implied consent law, shall be immediately removed from the vehicle.

Section 2. 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. If there

is an emergency or medical necessity jeopardizing life or limb, the law enforcement officer may elect not to impound the vehicle.

Section 3. The vehicle owner, or individual exercising possession and/or control of said vehicle shall, at the time of impoundment or upon request to the City of Springville, Alabama Clerk of Court, be provided with a “Springville, Alabama Police Department Impound Notice (attached as Exhibit “A”),” providing necessary information for obtaining possession of the vehicle at issue. Before an Impound Notice shall be provided to any individual, said individual shall provide an administrative fee of FIFTY and NO/100 DOLLARS (\$50.00) to the City.

Section 4. All other ordinances or parts of ordinances of the City of Springville, not in conflict herewith, shall remain in full force and effect.

Section 5. **Severability of Provisions.** It is the intention of the Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein and that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 6. **Effective Date.** This ordinance shall take effect immediately upon its passage and approval by the Council and the Mayor or upon its otherwise becoming effective as provided by law.

ADOPTED and APPROVED this the 20th day of July, 2009.

William Isley, Mayor

Attest:

Brenda Roberts, City Clerk

STATE OF ALABAMA
ST. CLAIR COUNTY

CERTIFICATION

I, the undersigned, City Clerk of the City of Springville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on 20th day of July, 2009 and as same appears of record in Minute Book of said City, and approved by the City Council on the 20th day of July, 2009.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Springville, Alabama, and this 20th day of July, 2009.

Brenda Roberts, City Clerk