

ORDINANCE NO. 2013-7

AN ORDINANCE PERTAINING TO THE TOWING AND SECURING OF VEHICLES AND ABANDONED PROPERTY WITHIN THE TOWN OF GORDON AND THE JURISDICTION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GORDON, ALABAMA,
AS FOLLOWS,

SECTION 1. DEFINITION.

Vehicle - As referred to in State of Alabama Title 32, Section 1.1.1, No. 81.

SECTION 2. TOWED, INVENTORIED AND SECURED VEHICLES.

(A) Notwithstanding any other provisions of law, and except as otherwise provided in this section, a motor vehicle is subject to be declared a nuisance if it is driven on a highway or other public roadway in the Town of Gordon or its police jurisdiction and any of the following conditions exist:

1. The motor vehicle is driven by a person whose license or license privilege is suspended for a DUI, revoked, cancelled or denied by the issuing authority or its issuing agency at the time he or she was stopped or arrested and transported to jail.
2. If a driver is unable to produce a valid driver's license or the demand of the law enforcement officer, the officer may have the vehicle towed to a place of safety, regardless of ownership, unless the police officer is reasonably able by other means to verify that the driver is properly licensed. Prior to towing the vehicle, the officer shall make a reasonable attempt to verify the license status of a driver who claims to be properly licensed but who is unable to produce the license on demand of the law enforcement officer. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the inventory report. The driver and occupants of the vehicle will be transported to a place of safety by the law enforcement officer and an inventory report made with a full inventory of items in the vehicle.
3. If the owner of the vehicle is present in the vehicle and has a valid license, the vehicle shall not be towed except for the above.
4. If there is a medical necessity jeopardizing life or limb, the law enforcement officer may elect not to have the vehicle towed.

SECTION 3. RELEASE OF TOWED AND INVENTORIED VEHICLE.

(A) Vehicle towed and inventoried pursuant to this section shall be released if:

3. If the owner of the vehicle is present in the vehicle and has a valid license, and is not Under the influence of Alcohol and/or Narcotics; Or, another verified family member of the owner is present in the vehicle and presents a valid driver's license, the vehicle shall not be towed except for the above. (Code of Alabama Title 32, Section 32-6-19).
4. The vehicle is driven on a public roadway or highway within the town limits or police jurisdiction, and/or is involved in a motor vehicle accident on the public roadway or highway, and valid proof of insurance is not provided upon demand of the law enforcement officer, the vehicle shall be towed. (Code of Alabama Title 32-, Section(s) 32-7A-4; 32-7A-6; 32-7A-15; 32-7A-16; 32-7A-22).
5. If there is a medical necessity jeopardizing life or limb, the law enforcement officer may elect not to have the vehicle towed. (Code of Alabama Title 32, Section 32-6-19)

SECTION 3: RELEASE OF TOWED VEHICLE.

(A) A vehicle towed Pursuant to this section shall be released if:

1. The vehicle shall be released to the legal registered owner with a valid driver's license and valid evidence of insurance, The registered owner may give written notarized authorization to a representative with a valid drivers license.
2. Ownership shall be verified by:
 - A) NCIC print out, or
 - B) Title, or
 - C) Application for Title, or
 - D) Tag Receipt
3. Evidence of insurance shall be verified with an insurance card, temporary insurance card or a confirmation letter that is *Provided by the insurer.*
4. If the registered owner does not have a valid driver's license, he/she may bring someone with them who has a valid driver's license and the vehicle shall be released without written notarized permission, or the owner may have the vehicle towed by a private towing service upon proof of ownership.

5. The person redeeming the vehicle will be responsible for paying the set Administrative Fee of \$250.00 to the Town of Gordon as well as any other fees that the Towing Facility requires, ie: towing costs, storage *fees*, etc.

(a) The person redeeming the vehicle shall make payment in full for all costs associated with the impounding of the vehicle at the time they come to pick up the vehicle from the Towing Facility. This will include the Administrative Fee of \$250.00 (two hundred and fifty dollars) due to the Town of Gordon as well as the costs due to the Towing Facility for towing and storage, if storage has been provided.

(b) The Towing Facility shall remand the Administrative Fee of \$250.00 (two hundred and fifty dollars) to the Town of Gordon for each vehicle that the Facility towed before the 10th of the next month.

6. Any vehicle that has not been redeemed pursuant to this section Within 60 days from the date of the towing maybe sold for fees according to Alabama State Law. (Code of Alabama Title 32, Section 32-13-1; 32-13-2; 32-13-3; 32-13-3; 32-13-4; 32-13-5; 32-13-6; 32-13-7; 32-13-8).

SECTION 4: ABANDONED VEHICLES OR PROPERTY ON CITY STREETS

- (A) *It shall* be unlawful for any person to abandon any vehicle or property upon any road, street or right of way within the city limits or police jurisdiction for a period of seven (7) days or longer. A Police Officer shall remove any vehicle or property after seven (7) days. A Police Officer may remove any vehicle or property from city owned premises after twenty-four (24) hours.
- (B) A Police Officer may immediately remove any vehicle or property parked or placed upon any street, road, right of way, or city premises, within the city limits or police jurisdiction, that constitutes a hazard, a visual impediment, or impairs the flow of pedestrian or vehicular traffic safety, to include, if the driver is impaired and unable to remove the vehicle, or if the driver refuses to remove such vehicle.
- (C) The vehicle or property may be removed to a place of safety by an approved towing company at the direction of the Police Officer and secured in a location designated by the Gordon Police Department. The Town of Gordon shall charge a one hundred fifty dollar (\$150.00) Administrative Fee, in addition to the tow fee and storage fee. The vehicle or property shall not be released until payment of ALL fees are satisfied.

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- (D) Vehicles and/or property secured and not redeemed pursuant to this section within sixty (60) days MAY be sold for fees owned according to state law. (Code of Alabama Title 32, Section 32-5A-136, 32-5A-139).

