

CITY OF CORDOVA, ALABAMA

ORDINANCE NO. 2006-001

AN ORDINANCE OF THE CITY OF CORDOVA PROVIDING FOR THE IMPOUNDMENT OF MOTOR VEHICLES AS SET FORTH IN SECTION 32-6-19 CODE OF ALABAMA AND ALSO KNOWN AS THE CITY OF CORDOVA "SAFE STREETS ACT"

WHEREAS, driving a motor vehicle on the public streets and highways is a privilege, not a right; and

WHEREAS, of all drivers involved in fatal accidents, a driver with a suspended or revoked license is more likely to be involved in a fatal accident than a properly licensed driver; and

WHEREAS, Alabamians who comply with the law are frequently victims of traffic accidents caused by unlicensed drivers. These innocent victims suffer considerable pain and property loss at the hands of people who flaunt the law; and

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

WHEREAS, it is necessary and appropriate to take additional steps to prevent unlicensed drivers from driving. The City of Cordova has a critical interest in enforcing its traffic laws and in keeping unlicensed drivers from illegally driving. 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 Cordova from the harm of unlicensed drivers who are involved in a disproportionate number of traffic incidents, and

the avoidance of the associated destruction and damage to lives and property.

NOW THEREFORE, BE ^{BY}ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORDOVA, ALABAMA, AS FOLLOWS:

Section 1. This ordinance shall be known as the "Safe Streets Act" of the City of Cordova.

Section 2. Definitions. For the purpose of this ordinance, the following words shall have the following meanings:

- (a) Impounding Agency: the City of Cordova Police Department and its police officers.
- (b) Legal Owner or Owner. A lien holder, person with a security interest in a motor vehicle, a lesser of a motor vehicle, assignee of the lesser, or the person who is the registered owner of a motor vehicle.

Section 3. Notwithstanding and provision of law, any person who operates a motor Vehicle upon the streets of the City or its police jurisdiction, while his or her driver's license or driving privilege is revoked or suspended for any reason under the laws of this state or similar laws of any other state or territory, or while his or her driver's license or driving privilege is suspended or revoked as a consequent of a DUI- related offense, including, but not limited to, being adjudicated delinquent or a youthful offender based on a DUI-related offense, or while his or her driver's license or driving privilege is suspended or revoked as a result of failure to comply with the consent law of this state or laws of another state, or who has been adjudicated as 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 4. The vehicle, regardless of ownership or possessor 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 the owner of the vehicle or another family member of the owner is present in the vehicle and has a valid driver's license, the vehicle shall not be impounded and towed. In the event the owner of the vehicle or another family member of the owner is not present in the vehicle and/or cannot present a valid driver's license, the driver and occupants of the vehicle will be transported to a place of safety by the impounding officer and a report made with a full inventory of items in the vehicle.

Section 5. If a driver is unable to produce a valid driver's license on the demand of the law enforcement officer, the vehicle shall be impounded regardless of ownership, unless the law enforcement officer is reasonable able, by other means, to verify that the driver is properly licensed. Prior to impounding the vehicle, a law enforcement 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 a valid driver's license upon the demand of the law enforcement officer. A notification of the officer's attempt to verify that the driver is properly licensed shall be noted on the arrest report of the incident/offense report. The driver and occupants of the vehicle will be transported to a place of safety by the impounding officer and a report made with a full inventory of items in the vehicle.

Section 6. In any event, if there is an emergency or medical necessity

jeopardizing life or limb, the law enforcement officer may elect not to impound the vehicle.

Section 7. The law enforcement officer making the impoundment shall direct an approved towing service to tow the vehicle to the garage of the towing service, storage lot, or other place of safety and maintain custody and control of the vehicle until the registered owner or authorized agent of the registered owner claims the vehicle.

Section 8. A vehicle impounded pursuant to this ordinance shall be released if:

- (a) The registered owner appears at the Cordova Police Department, or his/her representative with written notarized authorization from the registered owner appears, and presents a valid driver's license, a copy of the title, tag receipt, or notarized bill of sale, and a copy of the written authorization, if applicable, to be copied by the Police Department; and
- (b) The registered owner, or duly authorized representative, pays to the City of Cordova an administrative fee of \$50.00 to defer the administrative costs from enforcement of this ordinance; and
- (c) The registered owner, or duly authorized representative, redeeming the vehicle pays all reasonable and customary towing and storage fees for the services of the towing company.
- (d) If the registered owner does not have a valid driver's license, he/she may bring someone with them who has a verified valid driver's license and the vehicle may be released without written notarized authorization.
- (e) Any owner of a vehicle who suffers any loss due to the impoundment of any vehicle pursuant to this ordinance may recover the amount of the loss from the unlicensed, suspended, or revoked driver.

Section 9. Any towing service or towing company removing the vehicle at the direction of the law enforcement officer in accordance with this ordinance shall have a lien on the motor vehicle for all reasonable and customary fees relating to the towing and storage of the motor vehicle. This lien shall be subject and subordinate to all prior security interests and other liens affecting the vehicle whether evidenced on the certificate of title or otherwise.

Section 10 Any vehicle impounded pursuant to this ordinance that is not redeemed

within sixty (60) days may be sold by the towing company for fees owed according to state law. Notice of any sale or other proceedings relative to the towing company's lien shall be given to the holders of all prior security interest or other liens by official service of process at least fifteen (15) days prior to any sale or other proceedings.


Section 11 All other ordinances of the City of Cordova, not in conflict herewith shall remain in full force and effect and not be effected by this ordinance.

Section 12 It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Ordinance be declared to be invalid, such invalidity shall not affect the remaining provisions and all other provisions shall remain valid and enforceable.

Section 13 That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

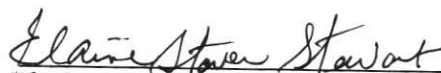
Section 14 That this ordinance shall become effective as provided by law after passage, approval and publication.

ADOPTED THIS THE 14th DAY OF February, 2006



Jack Scott, Mayor

ATTESTED BY:



Elaine Stover Stewart, City Clerk/Treasurer