

ORDINANCE NO. 94-103

PREAMBLE: This matter came before the Council of the City of Cordova, upon the request of the City Clerk of the City of Cordova, in regard to amendments that were made to Rule 20 of the Alabama Rules of Judicial Administration. Rule 20 of the Alabama Rules of Judicial Administration was amended to abolish the distinction between aggravated and unaggravated speeding and to provide for a schedule of fines for all traffic infractions, except for those offenses resulting in personal injury or property damages, any DUI charge, reckless driving charge, operation of motor vehicle without a license, or while a license is suspended, revoked, or cancelled, and any traffic offense involving fleeing or attempting to elude a police officer. Rule 20 of the Judicial Rules of Administration was further amended to provide a set schedule of fines for certain non-traffic violations and for certain revenue violations along with various other offenses listed through out the Code of Alabama. It was explained to the members of the City Council that all or a portion of the extended schedule of fines in the amendments to Rule 20 of the Alabama Rule of Judicial Administration could be adopted. The amendments to Rule 20 of the Alabama Rules of Judicial Administration further provided a procedure and forms that could be used to allow people charged offenses set out in said Rule to enter a guilty plea before the Magistrate and to pay certain fines by and enter a plea of guilty by mail, without having to appear in Court.

The City of Council of the City of Cordova is enacting this Ordinance for the express purpose of adopting the procedure and the form set out by the amendment to Rule 20 of the Judicial Rules of Administration and to adopt the set schedule of fines for certain offenses listed under the amendments to Rule 20 of the Alabama Rules of Judicial Administration.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORDOVA, AS FOLLOWS:

SECTION ONE: Magistrates Fine Schedule and Procedure, if Defendant Elects to Plead Guilty.

Schedule of fines for selected traffic infractions. If a Defendant in a case pending before the Municipal Court of the City of Cordova elects to plead guilty before the magistrate of the Municipal Court of the City of Cordova to one of the traffic offenses listed in the schedule below, the fine established in the schedule set out below shall apply:

<u>OFFENSE</u>	<u>FINES</u>
Driving on wrong side of road	\$30.00
Failure to dim headlights	\$10.00
Failure to stop at railroad crossing	\$10.00
Failure to use child restraint	\$10.00
Failure to wear safety belt	\$10.00
Failure to yield right of way	\$20.00
Following too closely	\$20.00
Improper backing	\$20.00

Improper brakes	\$20.00
Improper lights	\$20.00
Improper muffler	\$10.00
Improper or no rearview mirror	\$20.00
Improper passing	\$20.00
Improper signal	\$10.00
Improper Tag	\$25.00
Improper Tires	\$20.00
Improper Turn	\$20.00
No driver's license in possession	\$10.00
No helmet (motorcycle rider)	\$10.00
Running red light	\$20.00
Running stop sign	\$20.00
Speeding	\$20.00
Stopping on highway	\$30.00
Violating driver's license restriction	\$10.00
Allowing child under the age of 16 to operate a motor vehicle	\$50.00
Shifting load	\$25.00
Spilling load	\$25.00
No red flag or light	\$20.00
Unattended motor vehicle	\$25.00
Driving upon sidewalk	\$20.00
Obstructing driver's view	\$20.00
Coasting	\$20.00
Following emergency vehicle	\$50.00
Crossing a fire hose	\$50.00
Improper use of divided highway or improper driving or parking on highway	\$30.00
Failure to yield to emergency vehicle	\$50.00
Improper use of divided highway or improper parking or parking on highway	\$30.00
No child restraints	\$10.00
Blocking highway	\$30.00
Passing school or church bus	\$100.00
Hitchhiking	\$10.00
Pedestrian under influence	\$10.00
No driver's license in possession	\$10.00
Violating driver's license restriction	\$10.00
Improper, switched, or expired tag	\$25.00
Improper, switched or expired tag	\$25.00
Switched tag	\$100.00
Overweight/overheight/overlength truck	\$100.00
No permit (width, height, length)	\$100.00
Refusal to weigh	\$300.00
Allowing another to use driver's license	\$50.00

SECTION TWO: Schedule of Fines for Selected Non-traffic Offenses

Schedule of fines for selected non-traffic infractions. If a Defendant in a case pending before the Municipal Court of the City of Cordova elects to plead guilty before the magistrate of the Municipal Court of the City of Cordova to one of the non-traffic offenses listed in the schedule below, the fine established in the schedule set out below shall apply:

<u>CODE SECTION</u>	<u>OFFENSE</u>	<u>FINE</u>
13A-7-29(a)(4)	Littering highway	\$100.00
13A-8-61,62	Shopping carts; removal, abandonment	\$100.00
13A-8-121	Theft of cable TV services	\$200.00
13A-9-16,17	Unlawfully using slugs	\$100.00
13A-10-6	Refusing to assist in fire control	\$100.00
13A-11-g	Loitering	\$ 50.00
13A-11-222	Unlawfully refusing to yield party line	\$ 50.00
13A-11-223	Falsely requesting use of party line for emergency	\$ 50.00
13A-11-224	Storing gunpowder in city or town	\$100.00
13A-13-2	Adultery	\$250.00

SECTION THREE: Schedule of Fines for Selected Revenue Violations

Schedule of fines for selected revenue violations. If a Defendant in a case pending before the Municipal Court of the City of Cordova elects to plead guilty before the magistrate of the Municipal Court of the City of Cordova to one of the traffic offenses listed in the schedule below, the fine established in the schedule set out below shall apply:

<u>CODE SECTION</u>	<u>VIOLATION</u>	<u>FINE</u>
40-12-198	Transporting gasoline in vehicle improperly marked	\$10.00
40-12-260	Having license of plates issued to another vehicle	\$50.00
40-12-265	Mutilating/altering tag	\$50.00
40-17-150	Having no fuel identification marker	\$25.00

SECTION FOUR: Procedure and Form to be Used In regard to the Selected Offenses set out in This Ordinance:

Any police officer of the City of Cordova who charges any person with any of the selected non-traffic or revenue offenses set out in this Ordinance shall issue the person charged a uniform non-traffic citation and complaint substantially similar to the uniform non-traffic citation and complaint found attached to this ordinance and labeled Appendix "A". The front and top back portion of said uniform non-traffic citation and Complaint shall be filled out by said officer so that a person charged with any of the non-traffic and revenue offenses set out in this ordinance will know the total court cost and fine associated with the offense that he or she is charged with and may mail said fine and court costs to the magistrate.

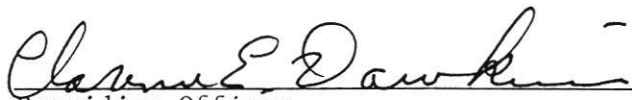
Any persons charged with any offense set out in this Ordinance may appear before the magistrate and plead guilty. Guilty pleas for the select non-traffic offenses set out in this Ordinance may be accepted by mail by the Magistrate of the City of Cordova provided that the Defendant charged with any of the selected offenses set out in the this Ordinance sends in a payment in the full amount of court costs and fine along with his or her signature on the

Plea of Guilty-Waiver of Rights form contained on back of the uniform
Non-traffic offense citation and complaint.

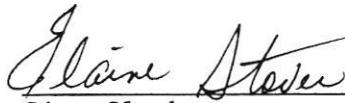
SECTION FIVE: All ordinances or parts of any ordinance passed by the
City Council of the City of Cordova that do not directly conflict with this
ordinance or any portion thereof, shall remain in full force and effect.

SECTION SIX: Effective Date--This Ordinance shall be in full force and
effect beginning on the 26th day of July 1994.

ADOPTED AND APPROVED THIS THE 26th DAY OF JULY, 1994.


Presiding Officer

ATTESTED BY:


City Clerk