

ORDINANCE NUMBER 95-96-03

PREAMBLE

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

WHEREAS, The City Council of the City of Cordova having considered the cost associated with replacing street signs and the inconvenience and possible danger that could result from the removal of some street signs, has decided to and does hereby enact the following ordinance with the intent and purpose of setting a mandatory term of imprisonment for these persons convicted of removing, defacing, or destroying any street sign. The Intent and purpose of this statute is to also require mandatory restitution for any criminal activity set out in this ordinance that would cover all of the actual costs involved in replacing or repairing any street sign, which has been removed, defaced or destroyed.

Section 1. This ordinance shall be a criminal ordinance entitled and to be referred to as "Illegal Possession, Removal, Defacing, or Destruction of a Street Sign"

Section 2. Definitions: The following definitions apply to this ordinance.

(a) Street Sign--any sign which identifies a specific street, avenue, road, and/or boulevard, including but not limited to a sign which has the specific name of a street, avenue, road or boulevard on it and specifically including any sign erected as a part of the 911 Emergency System. A street sign shall also include any sign normally used to direct or control the speed, path, and progress of any vehicle traveling along any road, street, avenue or boulevard, and any sign used to warn the driver of any vehicle of any conditions in the road, street, boulevard, and/or avenue and/or any sign used to identify any bridge, tunnel, park, loading zone, a parking or no parking zone, specifically including but not limited to stop signs, yield signs, no parking signs; signs indicating the presence of a traffic light or a caution light, or a railroad crossing, any sign indicating a dangerous condition, a caution sign, a sign indicating that driver of vehicle should slow, any sign depicting a curve or series of curves, any sign depicting a stop signs presence; any sign indicating a dangerous intersection, any speed limit signs; any signs indicating the existence of any traffic control devise, etc.

Section 3. Any person who with out legal authority to do so, removes, or possesses, or defaces, or destroys a street sign within the City Limits of the City of Cordova or within the police jurisdiction of the City of Cordova shall be guilty of the crime of illegal possession, or removal, or defacing or destroying a street sign. If a person charged with a crime under this ordinance asserts that he or she has legal authority to possess, remove deface or destroy a street sing, then that person has the burden of proof to establish such authority. Upon a plea of guilty or upon a conviction of this charge, such person shall be fined and imprisoned in the manner set out in the paragraph below:

Section 4. Any person found guilty of illegal possession, or removal, or defacing, or destroying a street sign shall upon being found guilty of such crime be punished by a fine of not less than \$500.00 (five hundred dollars) and by imprisonment in the municipal jail for not less than 10 days and not more than 60 days to include a minimum of ten days which shall be served in the City of Cordova Municipal Jail and which cannot be probated or suspended. In addition, each person found guilty of this crime shall be ordered to pay restitution equal to the full cost necessary to repair, clean or replacement of said signs.

Section 5. Any ordinance heretofore adopted by the City Council of the City of Cordova, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

Section 6. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 7. That this Ordinance shall be in full force and effect beginning on the 23rd day of April, 1996.

ATTESTED BY:

Elaine Steed
CLERK

Clarence E. Danks
MAYOR

Billie Epton
COUNCILMEMBER

Jim Peck
COUNCILMEMBER

Lauren Pogo
COUNCILMEMBER

Shefly Drummond
COUNCILMEMBER

Norrell Daulton
COUNCILMEMBER

Della Davis
COUNCILMEMBER

Thomas Mitchell
COUNCILMEMBER