

CITY OF ASHVILLE, ALABAMA
SAFE STREET ORDINANCE

Ordinance No. 2008 – 006
August 18, 2008

AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT
OF MOTOR VEHICLES WHERE DRIVER DOES NOT HAVE
CURRENT, VALID DRIVER'S LICENSE

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

Section 1.

A. Notwithstanding any other provisions of law, and except as otherwise provided in this section, a motor vehicle is subject to being impounded as a nuisance and/or for caretaking if it is driven on a highway or other public roadway in the City of Ashville by a person whose license or driving privilege:

1. Is revoked for any reason.
2. Is currently suspended as a consequence of driving while under the Influence of alcohol, controlled substances, etc...(DUI) related offense, which includes but is not limited to being adjudicated delinquent or a youthful offender based on a DUI related offense or failure to comply with the implied consent law.
3. Is suspended for failure to comply with the Motor Vehicle Safety Responsibility Act.
4. Is suspended or cancelled under Sec.32-5A-195, Code of Alabama.
5. Who has been disqualified from driving a commercial motor vehicle and such person is driving a commercial vehicle.
6. Does not have a current, valid driver's license and is not then exempt from having such license, or
7. Is driving a commercial motor vehicle and does not then hold a valid, current commercial motor vehicle license and is not then exempt from having such license.

- (B)
1. If a driver is unable to produce a valid driver's license on the demand of the police officer or other law enforcement officer, the officer may 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 officer. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the incident report.
 2. A police officer or other law enforcement officer shall not impound a vehicle pursuant to the Ordinance if the license of the driver expired within the preceding ninety (90) days and the driver would otherwise have been properly licensed.

3. If the owner of the vehicle or another family member of the owner is present in the vehicle, such person has a valid license, and such person is not under the influence of alcohols and/or drugs or for any other reason is unable to legally operate the vehicle, then the vehicle shall not be impounded and towed.
4. If the driver is the owner of the vehicle, the police officer or other law enforcement officer may elect to release the vehicle upon the consent of the owner.
5. If there is a medical necessity jeopardizing life or limb; the law enforcement officer may elect not to impound the vehicle.
6. If the vehicle is impounded, a pull-report shall be made with a full inventory of items in the vehicle.
7. If the vehicle is impounded, the impounding officer shall advise the driver and occupants of the vehicle that the driver and occupants may be transported by the impounding officer or other officer at the scene to their residence or any open public facility, whichever is closer, unless they choose instead to:
 - (a) Make arrangements to have someone come to the scene within thirty (30) minutes to pick them up, or
 - (b) be left at the scene upon their specific request to do so, however, minors or physically or mentally handicapped persons, unless in the custody of a parent or guardian, shall not be left at the scene.
8. The impounding officer shall make a notation on the incident report as to the disposition of the driver and/or occupants. If the driver and/or occupants were left at the scene, the persons requesting to be left shall be asked to sign the report.
9. If the police or other law enforcement officer determines that the driver is engaged at that time in Interstate travel, the officer may elect not to impound the vehicle.

(C) A vehicle impounded pursuant to the Ordinance shall be released if:

1. The registered owner or his/her representative with written notarized authorization from the registered owner appears at the Ashville Police Department and presents a valid driver license, a copy of the title, tag receipt or notarized Bill of sale, proof of insurance and a copy of the written authorization if applicable. The aforementioned documents are to be copied by the police department and said copies included with the pull-in report.
2. If the registered owner does not have a valid driver's license he/she may bring someone with them whom has a verified valid license and the vehicle may be released without written notarized permission. The owner must present the vehicle title, tag receipt or notarized Bill of Sale to the Police Department. The person must pay a \$50.00 fee for the city to release the vehicle. These funds will be used for the police department equipment.*

(D) Any vehicle impounded that is not redeemed pursuant to this ordinance within forty-five (45) days may be sold by the town according to State Law.

Section. 2

The provisions of the Ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional that declaration shall not affect the part which remains.

Section. 3

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

Adopted and Approved this the 18th day of August 2008.

CITY OF ASHVILLE, ALABAMA


Robert L. McKay,
Mayor

ATTEST



City Clerk

Posted: 8-19-2008
Taken Down: 8-27-2008

I, hereby certify that the above and foregoing Ordinance was published by me by posting copies thereof in three public places within the limits of the City of Ashville, AL; To-Wit: Ashville City Hall, Ashville Library and Ashville Drug Store, in said City and State, and that said copies remained so posted for a period of five (5) days.

IN WITNESS WHEREOF, I hereunto set my hand and affixed the Official seal of the City of Ashville, AL.

This the 27th day of August, 2008.


Bertha Wilson
Town clerk