

ORDINANCE NO. 1772

AN ORDINANCE TO ALLOW CERTAIN ORDINANCES
OF THE CITY OF PRICHARD TO BE PENALIZED
BY ISSUANCE OF A MUNICIPAL OFFENSE TICKET;
SCHEDULE OF FINES; AUTHORIZATION OF CERTAIN
EMPLOYEES TO ISSUE MUNICIPAL TICKETS

SPONSORED BY: MAYOR JESSE M. NORWOOD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD,
ALABAMA, as follows:

SECTION ONE: MUNICIPAL OFFENSE TICKET.

Violations of the following municipal laws, as may be
amended from time to time, shall be punished by the issuance of
a Municipal Offense Ticket as set out further herein:

ORDINANCES

<u>Number</u>	<u>Adoption Date</u>	<u>Ordinance Name</u>
1712	2/13/90	Litter Control Ordinance
1763	2/16/93	Fire Prevention Code
1762	2/16/93	Southern Standard Building Code
1765	2/16/93	Southern Standard Mechanical Code
1764	2/16/93	Southern Standard Plumbing Code
1766	2/16/93	National Electrical Code
1459	7/19/77	Signs, Writings, Etc., Tending to Disturb the

		Peace, etc., Ordinance
1672	8/18/87	Flood Damage Prevention Ordinance
1756	1/05/93	Historic Preservation Ordinance
633	12/5/55	Junk Yard Ordinance
1551	12/16/80	Junk Dealers Ordinance
1732	4/24/91	Smoking Ordinance
1650	2/04/86	Parking & Fire Lane Ordinance (Municipal Complex)
621	2/07/55	Trucks Carrying Flammable Substances - Parking & Standing Ordinance
1733	4/30/91	Noise Ordinance
928	10/1/62	Juke Box Ordinance
1402	7/01/75	Animal Control Ordinance (as amended by Ord. 1646, 1668 and 1697).
702	6/03/57	Obstruction of Ditches, Waterways and Sewers
1760	2/02/93	Handicapped Parking Ordinance
1736	8/27/91	Street Excavation Ordinance
1770	3/16/93	Burn Permit Ordinance
1771	3/16/93	Disposal of Used Tires Ordinance

SECTION TWO. SCHEDULE OF FINES.

The following Schedule of Fines, which includes court costs, is hereby established by the City of Prichard, Alabama, pursuant to the law of the State of Alabama [Ala. Code Section 11-45-9.1.1 (1975, as amended) and Rule 20 (c) of the Alabama

Rules of Judicial Administration]. If a defendant elects to plead guilty before a magistrate to a first time violation of any of the listed municipal laws, the fine, which includes court costs, established in said Schedule of Fines shall apply in uncontested municipal court cases. However, a defendant in lieu of appearing before a magistrate may sign a guilty plea and waiver of trial provisions on the Municipal Offense Ticket and deliver the amount of the fine and costs to the Clerk of the Municipal Court, or merely mail the correct amount pursuant to this Ordinance to the clerk of the Municipal Court of the City of Prichard, 216 E. Prichard Avenue, Prichard, Alabama:

<u>NUMBER</u>	<u>ORDINANCE NAME</u>	<u>FINE AND COURT COST</u>
1712	Litter Control Ordinance Violations	
	Failure to Dispose of debris Resulting From Construction or Lot Cleaning and Clearing	\$105.00
	Illegal Dumping	\$154.00
	Hauling Loads in Open Truck Without Cover	129.00
	Littering	129.00
	Failure to Keep Trash Out of Sight Until 48 Hours Before Pickup	75.00
	Temporary Sign on Public Property	75.00
	Open Dumpster	75.00
	Failure To Properly Contain- erize Litter, Trash or Garbage	104.00
	Causing Leaves or Grass to	75.00

	Be In The Street	
	Other Litter Ordinance Violations	129.00
1763	Fire Prevention Code Violations	
	Blocked Fire Department Connections	129.00
	Blocked Fire Lanes	129.00
	Blocked Exits	129.00
	Illegal Burning	154.00
	Improper Storage of Combust- ibles or Flammables	154.00
	Overcrowding	75.00
	Accumulated Debris	129.00
	Alarm System	129.00
	Emergency Lights	104.00
	Exit Lights	105.00
	Extinguishing Systems Certifications	129.00
	Portable Fire Extinguishers	129.00
	Smoke Detectors	129.00
	Other Fire Code Violations	129.00
1762	Southern Standard Building Code Violations	154.00
1765	Southern Standard Mechanical Code Violations	154.00
1764	Southern Standard Plumbing Code Violations	154.00
1766	National Electrical Code Violations	154.00
1459	Signs, Writings, Etc.,	129.00

	Tending to Disturb the Peace, etc., Ordinance Violations	
1672	Flood Damage Prevention Ordinance Violations	154.00
1756	Historic Preservation Ordinance Violations	104.00
633	Junk Yard Ordinance Violations	154.00
1551	Junk Dealers Ordinance Violations	154.00
1732	Smoking Ordinance Violations	75.00
1650	Parking & Fire Lane Ordinance (Municipal Complex) Violations	75.00
621	Trucks Carrying Flammable Substances - Parking & Standing Ordinance Violations	154.00
1733	Noise Ordinance Violations	104.00
928	Juke Box Ordinance	104.00
1402	Animal Control Ordinance (as amended by Ord. 1646, 1668 and 1697), Violations	104.00
702	Obstruction of Ditches, Waterways and Sewers Ordinance Violations	154.00
1760	Handicapped Parking Ordinance	155.50
1736	Street Excavation Ordinance	155.50
1770	Burn Permit Ordinance	
	Illegal Residential Burning	104.00
	Illegal Contractor Burning	155.50
	Illegal Yard and Lot Burning	155.50
	Illegal Commercial Burning	155.50

SECTION 3. AUTHORIZATION OF CERTAIN CITY EMPLOYEES TO
ISSUE MUNICIPAL OFFENSE TICKET. (A) When any officer,
inspector, investigator, auditor, or other employee of the City
of Prichard, designated by an ordinance, or appointment by the
Mayor, as an enforcement officer finds any violation or
violations of any provision of any municipal law which he is
authorized and required to enforce, said City employee may
issue, on forms provided by the City, a City of Prichard
Municipal Offense Ticket and deliver it to the person in
violation of such municipal law. The Municipal Offense Ticket
shall direct said person to appear in the Municipal Court of the
City of Prichard, Alabama, at a time and on a date stated
therein to answer to the charge or charges for violating such
municipal law, which shall be stated in said Municipal Offense
Ticket. However, in the alternative, if the violation is the
first violation of such municipal law, by the person cited, such
person, in lieu of appearing in Municipal Court pursuant to the
Municipal Offense Ticket, in addition to, either of the
following.

(1) appearing in person before a magistrate,
signing the plea of guilty and waiver of trial
provision on the ticket or on a form provided by the
magistrate and paying the fine and costs, provided,
that the magistrate retains a copy of the ticket or
other such form; or

(2) signing the guilty plea and waiver of trial
provisions on the ticket and mailing the ticket and
the amount of the fine and costs to the clerk of the

court. Remittance by mail of the fine and costs constitutes a guilty plea and waiver of trial, whether or not the guilty plea and waiver of trial provisions on the ticket are signed by the defendant.

Should the amount tendered be insufficient, such money received by the magistrate or clerk shall be considered to be a partial payment of the lawful penalty, applied by the clerk to the fines and costs, and disbursed as required by law. The clerk may give notice of such insufficiency, and a supplemental summons or warrant of arrest shall be issued for the offender's arrest, and a judgment shall be entered by the magistrate of court for the balance of the penalty due.

(B) If any person so cited shall fail to appear in the Municipal Court of the City of Prichard, Alabama, at the time and place stated in any Municipal Offense Ticket duly issued, or to pay the appropriate fine set forth on the Municipal Offense Ticket, as set forth herein, the officer, inspector, investigator, auditor, or other employee of the City issuing such citation, is hereby authorized and directed to swear out a warrant or execute an affidavit or complaint charging such person with a violation of the municipal law, or laws, listed on such Municipal Offense Ticket.

(C) The officers, inspectors, investigators, auditors, or other employees of the City, designated by municipal law as enforcement officers and authorized to issue Municipal Offense Tickets as herein provided, are hereby further authorized to swear out warrants or execute affidavits or complaints charging such person or persons with any violation of municipal law, without first having issued a Municipal Offense Ticket for such violation.

SECTION FOUR. PENALTY.

Any person receiving a second Municipal Offense Ticket for a violation of a municipal law or laws, and anyone failing to appear in Municipal Court, or otherwise settle the matter prior to the date stated on the Municipal Offense Ticket, pursuant to the provisions of this ordinance, shall be punished by a fine of not more than Five Hundred (\$500) Dollars, or by imprisonment in the jail or community service for a period not exceeding six (6) months, or by such fine and imprisonment and/ or community service at the discretion of the Judge, unless otherwise prohibited by State Law.

SECTION SIX. SEVERABILITY.

If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each article, section, sentence, clause, or phrase thereof irrespective of the fact that one or more articles, sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

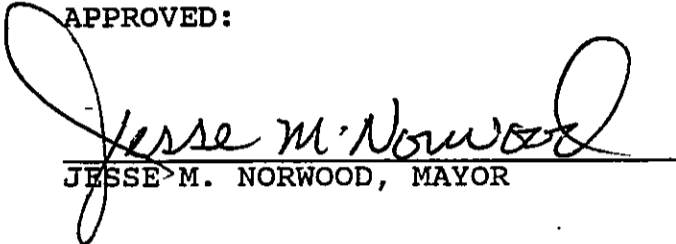
SECTION SEVEN. EFFECT OF ORDINANCE.

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This

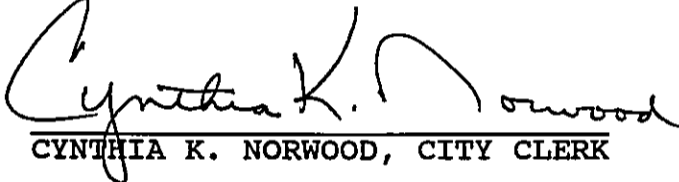
Ordinance applies to property within the city limits and police jurisdiction of the City of Prichard and shall be in full force and effect therein.

ADOPTED THIS 16th day of March, 1993.

APPROVED:


JESSE M. NORWOOD, MAYOR

ATTEST:


CYNTHIA K. NORWOOD, CITY CLERK