

ORDINANCE NO.: _____

**AN ORDINANCE ESTABLISHING A POLICY FOR THE
USE OF MUNICIPAL OWNED VEHICLES IN
THE CITY OF PRICHARD, ALABAMA**

WHEREAS, pursuant to Section § 11-43-56 of the Code of Alabama 1975, the City Council of the City of Prichard, Alabama has management and control of the municipal finances and property of the City of Prichard, except as provided by law;

WHEREAS, the Office of the Attorney General for the State of Alabama, in Opinion No. 95-00095, has opined that vehicles owned by the city are under the management and control of the city council and that said governing body has the duty to promulgate rules and regulations regarding their use.

WHEREAS, the governing body of the City of Prichard, Alabama now desires to provide herein certain rules pertaining to the use of vehicles assigned for use by the City Council of the City of Prichard; and to further express its policy and purpose for the enactment of this ordinance, as follows:

1. To provide uniform rules and regulations governing the use and operation of vehicles used on city business;
2. To establish and continue uniform policy on transportation for officials and employees in the conduct of city business; and
3. To establish a policy to promote fuel efficiency among vehicles owned by the City of Prichard.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF PRICHARD, ALABAMA, as follows**

Section 1. That policies previously adopted by the governing body of the City of Prichard, Alabama or those previously used or employed as a matter of course are hereby repealed in their entirety and, from and after the adoption of this Ordinance, the use of municipal vehicles in the City of Prichard shall be governed by this ordinance.

Section 2. Use of Municipal Vehicles Policy Statement. Municipally owned vehicles are intended to promote the efficient and effective conduct of official municipal business, and therefore, are to be used exclusively to further this purpose.

Section 3. Personal Use. City-owned vehicles are for official use only. Personal use of city-owned vehicles is prohibited, except as provided herein.

Section 4. **Application.** The rules and regulations set forth in this ordinance shall be applicable to the use of city-owned passenger vehicles, patrol cars, and trucks by all city officers, employees and volunteers, including elected and appointed officials and employees. For purposes of this ordinance, "city-owned vehicles" shall include any motor vehicle owned by or under the control of the city and provided for the use of any city official, employee, agent or volunteer in the performance of official duties.

Section 5. **Use of municipal vehicles generally.**

A. Municipally owned vehicles are to be operated only by city officials and employees (a) on official business of the City of Prichard and (b) as authorized to do so by the mayor as hereinafter provided. This paragraph does not authorize or expand the use of municipally owned vehicles in Sections 5, 6 and 7 of this Ordinance.

B. Except as otherwise provided in this Ordinance, utilization of municipal vehicles generally shall be by the authorization of the Mayor as hereinafter provided.

C. Municipally owned vehicles shall not be utilized to transport persons other than city employees except in the line and scope of duty and in connection with city business. Releases shall be obtained from persons who are not city employees to ride in municipal vehicles whenever possible, prior to allowing the same.

D. All municipal vehicles shall be identified as official city vehicles by appropriate markings with the exception of certain law enforcement vehicles as directed by the mayor or request of the chief of police.

E. Drivers shall be prohibited from carrying passengers in city vehicles who are not related to city business. The City Council or the Mayor of the City of Prichard may grant approval, in writing, to carry specified passenger(s) or to use a city vehicle in appropriate circumstances and on a case-by-case basis without amendment to this ordinance.

G. Drivers shall observe all traffic laws at all times.

- i. Any employee receiving a traffic or parking citation while operating a City vehicle shall immediately notify his/her supervisor.
- ii. The City assumes no responsibility or obligation to pay for any citations issued for a moving or parking violation(s). All fines and cost associated with the citation are the responsibility of the employee.

- iii. The City Clerk shall be provided a copy of all citations regarding equipment or safety violations from the employee's supervisor/department head.
- iv. Drivers shall operate vehicles not only in compliance with law, but in compliance with safe driving practices including but not limited to obeying speed limits and using seat belts.
- v. Parking citations issued to a city vehicle shall be the responsibility of the Driver who parked the vehicle.
- vi. Drivers shall operate city vehicles in an ordinary, reasonable manner consistent with the intended use of the vehicle. Except for vehicles engaged in law enforcement work, they shall not be used in activities which may endanger the vehicle.

L. The use of any tobacco product by any driver of a city vehicle is prohibited.

M. The use of alcohol by any driver of a city vehicle is prohibited.

N. The use of a cell phone while driving a vehicle is prohibited, unless it is an emergency or law enforcement vehicle and during an emergency. A hands-free device may be used at any time.

O. The costs of repairing damages to city vehicles resulting from gross negligence, abuse or willful misconduct by the driver having custody of the vehicle shall be recoverable from the driver.

Section 6. Parking and Overnight Retention of Municipal Vehicles.

A. General. When not in use on city business, city vehicles shall at all times be kept at the following designated locations on city property:

- i. All vehicles assigned to the Prichard Police Department shall be parked and kept at Prichard Police Department.
- ii. All vehicles assigned to the Prichard Fire Department shall be kept and parked at Prichard Fire Station nearest to the job assignment of the employee assigned to the vehicle.
- iii. All vehicles assigned to personnel at City Hall and all other vehicles not specifically mentioned herein shall be kept and parked at Prichard City Hall.

B. No person shall operate or have overnight retention of city vehicles except as otherwise provided in this ordinance.

C. The governing body of the City of Prichard, hereby grants overnight retention of municipal vehicles, subject to the provisions of this ordinance, as follows:

- i. The Mayor of the City of Prichard, Alabama;
- ii. The Prichard Police Department:
 - (a) The Chief of Police; and
 - (b) Such persons employed in the Prichard Police Department as the Chief of Police deems necessary for the good and efficient operation of the Police Department.
- iii. The Prichard Fire Department:
 - (a) The Fire Chief; and
 - (b) Such persons employed in the Prichard Fire Department as the Fire Chief deems necessary for the good and efficient operation of the Fire Department.

D. **Parking Overnight Retention.** Municipal vehicles on overnight retention and when not in use or on city business shall be safely and securely parked at the residence of the driver under whose charge the municipal vehicle has been let.

Section 7. Criteria for Overnight Retention; Other Personnel.

A. The City Council or Mayor of the City of Prichard may authorize other personnel to retain municipal vehicles overnight, under the following criteria:

- 1. The driver must respond to emergencies which require immediate attention during off-duty hours for the protection of persons or property specifically requiring the presence of the employee in a supervisory or technical capacity. Such emergencies shall require immediate travel to the emergency scene. An average of at least three emergency calls per month requiring travel shall be documented. This subsection shall not apply to emergency responders utilizing fire apparatus; and

2. The driver's duties are such that the checkout of a city vehicle from a city facility at the start or end of a normal workday would be both impractical and uneconomical due to lost time and increased city transportation costs. In such cases, it shall be determined that the employee's productive working hours would be reduced by travel time if the vehicle were not parked at the residence.

B. Temporary Overnight Retention. Temporary overnight retention shall be permitted:

1. When a driver is working on a special assignment requiring continuous availability of a city vehicle. Such authorization shall only extend over the span of the special assignment.

2. When a driver requires the use of a city vehicle to attend city business and/or a training session in or out of the city, and such assignment is to the benefit of the city.

Section 8. (A) **Vehicles Assigned to the City Council.** There shall be kept in each vehicle assigned to the City Council a Driver's Travel Log to be completed by each driver each time the vehicle is used. The Log shall specify the following:

- i. the name of the Driver using the vehicle;
- ii. the date and time the use begins;
- iii. the destination and business purpose for the use;
- iv. the beginning odometer reading;
- v. the ending odometer reading; and
- vi. the date and time the use ends and the vehicle is returned.

B. **Submission of Travel Log.** The Driver shall be responsible for submitting the Driver's Travel Log to the Council's Secretary at the end of each use. The Driver's Travel Logs shall be kept in the records of the city council for easy review and retrieval. **A driver who fails to record his or her beginning and ending mileage may be responsible for gaps, omissions or errors in recording the mileage of the preceding driver.**

A copy of the travel log from the preceding 30 days shall be placed upon the Agenda of each Planning Session for review by the Council.

C. Reservation for Use of Vehicle – In-Town.

- i. Reservation. A person desiring the use of a vehicle assigned to the City Council for *in-town* use (inside of the city limits and up to 10 miles beyond of the city limits of the City of Prichard) must reserve the use of vehicle at least 24 hours or one (1) business day, before the intended use.
- ii. Consecutive Day Use. No person may reserve the use of a vehicle assigned to the City Council for consecutive days unless the same is approved, in advance, by the Council President, the Pro Tem if the President is unavailable, or the City Council.
- iii. Use of Vehicle to Survey the District. No person may reserve the use of a vehicle assigned to the City Council to survey any council district more than twice monthly. Surveying a council district shall mean use of such vehicle to drive through a council district to assess or evaluate the condition of or projects in a district or to otherwise canvass the condition of a district or the opinions of the residents of a district.
- iv. Return of Vehicle. A vehicle used under this section shall be returned to its place of parking and retention not later than 4:30 p.m., and the keys and Log provided to the Council Secretary or, in his/her absence, to the Office of the City Clerk. In extenuating circumstances, with the prior approval of the Council President or the Pro Tem if the President is unavailable, the vehicle may be returned by 9:00 a.m., of the following day.

D. Reservation for Use of Vehicle – Out-Of-Town.

- i. Reservation. A person desiring the use of a vehicle assigned to the City Council for out-of-town use (more than 10 miles beyond the city limits of the City of Prichard) must reserve the use of the vehicle at least seven (7) days prior to the intended use. In extenuating circumstances, the seven (7) day requirement may be waived by Council President, the Pro Tem if the President is unavailable, or the City Council.
- ii. Reservation Information. The person reserving a vehicle for out-of-town use shall state:
 - (a) the destination and business purpose for the use;
 - (b) number of days the vehicle is expected to be used; and
 - (c) the date the vehicle is expected to be returned.

- iii. Return of Vehicle. A vehicle used under this section shall be returned to its place of parking and retention not later than 4:30 p.m., on the day the user arrives back in town and the keys and Log shall be provided to the Council Secretary or, in his/her absence, to the Office of the City Clerk. In extenuating circumstances, with the prior approval of the Council President or the Pro Tem if the President is unavailable, the vehicle may be returned by 9:00 a.m., of the following day.

E. Fuel Card. A person refueling a vehicle assigned to the City Council with a city issued fuel card shall provide a copy of all fuel receipts from the use of said card to the Director of Finance with a copy attached to the travel log. All vehicles must be refueled at the end of each use prior to parking the vehicle in its designated location.

F. City Logo. Each vehicle assigned to the City Council shall bear the city's logo on the front doors, below the side-view mirrors.

G. Place of Parking and Overnight Retention. All vehicles assigned to the Prichard City Council shall be parked and kept in the city's parking lot adjacent to City Hall.

Section 9. Vehicle Accidents.

- A. In the case of an accident involving any level of damage, the employee driving the City vehicle shall immediately notify his/her supervisor. When the accident involves another vehicle or an injury, the appropriate Law Enforcement Department shall be notified to obtain a full accident report.
- B. All appropriate paperwork must be completed by the Department Head and submitted to the city clerk office for review whenever there is damage to a vehicle or equipment owned by the City within three hours of accident.
- C. If the City employee is determined to be at fault, disciplinary actions will be taken.
- D. The City shall not be responsible for any increase in the employee's automobile insurance premium as a result of an accident or fines.

Section 10. Use of Electronic Devices. Employees shall refrain from operating handheld cellular telephones or any other device that may cause vehicle operator distraction while operating a City vehicle. Employees shall make every attempt to properly park their vehicle or use a hand-free device when using such equipment.

Section 11. **Unauthorized Use.** Every use of a municipal vehicle in violation of the provisions of this Ordinance shall be deemed unauthorized.

Section 12. **Effective Date.** This ordinance shall become effective immediately upon its adoption as required by law.

ADOPTED this the _____ day of _____, 2021.

OSSIA EDWARDS Council President

APPROVED this the _____ day of _____, 2021.

JIMMIE GARDNER, Mayor

ATTEST:

, City Clerk