

STATE OF ALABAMA)
COUNTY OF BLOUNT)
TOWN OF SNEAD)

ORDINANCE 98-14

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

TOWN OF SNEAD SAFE STREETS ORDINANCE

SECTION 1. The City Council of the Town of Snead, Alabama finds and declares all of the following:

1. Driving a motor vehicle on the public streets and highways is a privilege, not a right.
2. Of all drivers involved in fatal accidents, a driver with a suspended license is more likely to be involved in a fatal accident than a properly licensed driver.
3. Alabamians who comply with the law are frequently victims of traffic accidents caused by unlicensed drivers. These innocent victims suffer considerable pain and property loss at the hands of people who flaunt the law.
4. A large number of persons whose driving privilege has been suspended or revoked continue to drive regardless of the law.
5. It is necessary and appropriate to take additional steps to prevent unlicensed drivers from driving. The Town of Snead has a critical interest in enforcing it's traffic laws and in keeping unlicensed drivers from illegally driving . Seizing the vehicles used by unlicensed drivers serves a significant governmental and public interest, namely the protection of the health, safety, and welfare of the citizens of Snead from the harm of unlicensed drivers who are involved in a disproportionate number of traffic incidents, and the avoidance of the associated destruction and damage to lives and property.
6. This ordinance is consistent with the due process requirements of the United States constitution and the holding of the Supreme Court of the United State in Calero-Toledo v. Pearson Yacht Leasing Co.(416 U.S. 663).

SECTION 2. For the purposes of this Ordinance, the following words shall have the following meanings:

1. IMPOUNDING AGENCY. The Town of Snead, Alabama Police Department.
2. LEGAL OWNER. A lienholder, person with a security interest in a motor vehicle, a lessor of a motor vehicle, assignee of the lessor, or the person who is the registered owner of the motor vehicle.

SECTION 3. (A) Notwithstanding any other provisions of law, and except as otherwise provided in this section, a motor vehicle is subject to impoundment as a nuisance if it is driven on a highway

or other public roadway in the Town limits or police jurisdiction of Snead, Alabama and any of the following conditions exist:

1. The motor vehicle is driven by a person whose license or license privilege is suspended or revoked at the time he or she was stopped for having been previously convicted of driving under the influence of alcohol or controlled substance, including but not limited to, being adjudicated delinquent or a youthful offender based on a DUI related offense as defined in Section 32-5A-191 of the Code of Alabama 1975.

(b)

1. If a driver is unable to produce a valid driver license on the demand of the law enforcement officer, the vehicle shall be impounded regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding the vehicle, a law enforcement officer shall 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 law enforcement officer. A notation of the officer's attempt to verify that the driver is properly licensed shall be noted on the arrest report. The driver and occupants of the vehicle will be transported to a place of safety by the impounding officer and a pull in report made with a full inventory of items in the vehicle.

2. A law enforcement officer shall not impound a vehicle pursuant to this Ordinance if the license of the driver expired within the preceding 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 and has a valid license, the vehicle shall not be impounded and towed.

4. If there is a medical necessity jeopardizing life or limb, the law enforcement officer may elect not to impound the vehicle.

SECTION 4. A vehicle impounded by the Snead Police Department pursuant to section 3 (a) 1 or (b) 1 shall be released if:

- A. The registered owner or his/her representative appears at the Snead Police Department or a representative with written notarized authorization from the registered owner appears, and presents a valid driver license, a copy of the title, tag receipt, or notarized bill of sale, and a copy of the written authorization, if applicable, to be copied by the Police Department.

- B. If the registered owner does not have a valid driver license he/she may bring someone with them who has a verified valid license and the vehicle may be released without written notarized permission.

- C. Any owner of a vehicle who suffers any loss due to the impoundment of any vehicle who suffers any loss due to the impoundment of any vehicle Pursuant to this Ordinance may recover the amount of the loss from the unlicensed, suspended, or revoked driver.

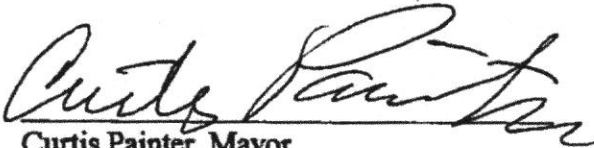
SECTION 5. The person redeeming the vehicle at the wrecker lot will be responsible for paying the set towing and storage fee. vehicle.

SECTION 6. Any vehicle impounded that is not redeemed pursuant to this Ordinance within 60 days may be sold by the wrecker company for fees owed according to State Law.

SECTION 7. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

SECTION 8. This Ordinance shall become effective immediately upon its adoption and publication as required by law.

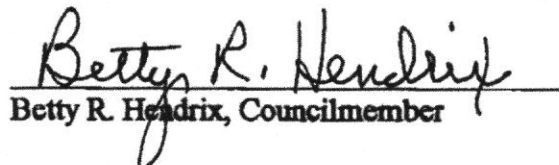
ADOPTED AND APPROVED on this 27 day of July, 1998.


Curtis Painter, Mayor

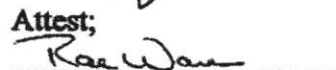

Jim Klein, Councilmember

Joanne Light, Councilmember

Mike Painter, Councilmember


Betty R. Hendrix, Councilmember


Phillip McHard, Councilmember

Attest;

Rae Ware, Town Clerk