

ORDINANCE # 061002

AN ORDINANCE TO ADOPT STATE OFFENSES AND TRAFFIC VIOLATIONS BY REFERENCE

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

Section 1. State misdemeanors.

Any person or corporation committing an offense within the corporate limits of the Town of Wilsonville, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the Town of Wilsonville, Alabama.

Section 2. State violations.

Any person or corporation committing an offense within the corporate limits of the Town of Wilsonville, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty of an offense against the Town of Wilsonville, Alabama.

Section 3. Other state offenses.

Any person or corporation committing an offense within the corporate limits of the Town of Wilsonville, Alabama, or within the police jurisdiction thereof, an offense as defined by Section 13A-1-2 of the Alabama Criminal Code, as it now exists or as hereafter amended, which offense is not declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a felony, misdemeanor, or violation, shall be guilty of an offense against the Town of Wilsonville, Alabama.

Section 4. State motor vehicle offenses.

Any person or corporation committing an offense within the corporate limits of the Town of Wilsonville, Alabama, or within the police jurisdiction thereof, an offense as defined by Section 32-5A-8, Code of Alabama 1975, as amended, as it now exists or as hereafter amended, which offense is declared by said section to be a misdemeanor, shall be guilty of an offense against the Town of Wilsonville, Alabama.

Section 5. Penalties for offenses other than motor vehicle offenses.

(a) Any person found to be in violation of Sections 1, 2 or 3 of this ordinance shall, upon conviction, be punished by a fine of not less than \$1 nor more than \$500, except where otherwise provided by Section 7 of this ordinance or by state law for the violation of municipal offenses,

and/or may be imprisoned or sentenced to hard labor for the town for a period not to exceed six months, at the discretion of the court trying the case.

(b) Any corporation found to be in violation of Sections 1, 2 or 3 of this ordinance shall, upon conviction, be punished by a fine of not less than \$1 nor more than \$500, except where otherwise provided by state law for the violation of municipal offenses, at the discretion of the court trying the case.

Section 6. Penalties for motor vehicle offenses.

(a) First offense

(1) Any person found to be in violation of Section 4 of this ordinance shall, upon first conviction thereof, be punished by a fine of not less than \$1 nor more than \$100, except where otherwise provided by Section 7 of this ordinance or by state law for the violation of municipal offenses, or may be imprisoned for a period not to exceed ten days, at the discretion of the court trying the case.

(2) Any corporation found to be in violation of Section 4 of this ordinance shall, upon first conviction thereof, be punished by a fine of not less than \$1 nor more than \$100, except where otherwise provided by state law for the violation of municipal offenses, at the discretion of the court trying the case.

(b) Second offense

(1) Any person found to be in violation of Section 4 of this ordinance shall, upon conviction of a second offense committed within one year after the date of the first offense, be punished by a fine of not less than \$1 nor more than \$200, except where otherwise provided by Section 7 of this ordinance or by state law for the violation of municipal offenses, and/or may be imprisoned for a period not to exceed thirty days, at the discretion of the court trying the case.

(2) Any corporation found to be in violation of Section 4 of this ordinance shall, upon conviction of a second offense committed within one year after the date of the first offense, be punished by a fine of not less than \$1 nor more than \$200, except where otherwise provided by state law for the violation of municipal offenses, at the discretion of the court trying the case.

(c) Third and subsequent offenses

(1) Any person found to be in violation of Section 4 of this ordinance shall, upon conviction of a third or subsequent offense committed within one year after the date of the first offense, be punished by a fine of not less than \$1 nor more than \$500, except where otherwise provided by Section 7 of this ordinance or by state law for the violation of municipal offenses, and/or may be imprisoned for a period not to exceed three months, at the discretion of the court trying the case.

(2) Any corporation found to be in violation of Section 4 of this ordinance shall, upon conviction of a third or subsequent offense committed within one year after the date

of the first offense, be punished by a fine of not less than \$1 nor more than \$500, except where otherwise provided by state law for the violation of municipal offenses, at the discretion of the court trying the case.

Section 7. Penalties for driving under the influence.

Any person found to be in violation of this ordinance for the commission of an offense as defined in Section 32-5A-191, Code of Alabama 1975, as amended, shall, upon conviction, be punished in accordance with the provisions of said section.

Section 8. Repealer.

Any ordinance heretofore adopted by the town council of the Town of Wilsonville, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

Section 9. Severability.

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 10. Effective date.

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

ADOPTED AND APPROVED THIS THE 2 DAY OF October, 2006.

Attest:

Kay M. Ray
Town Clerk

Rosemary C. Limach
Mayor