



ORDINANCE 2019-11

ORDINANCE ADOPTING SCHEDULE OF MINIMUM FINES

WHEREAS, the City Council (the "Council") of the City of Semmes, Alabama (the "City") has adopted an ordinance establishing and organizing the City's municipal court; and,

WHEREAS, the Council desires, pursuant to Rule 20(C) of the Alabama Rules of Judicial Administration, to adopt a schedule of recommended minimum fines to be imposed by the Court Clerk/Magistrate in the event persons charged with violating any city ordinance(s) in which a criminal penalty or fine may be imposed wish to enter a plea of guilty prior to a trial taking place.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEMMES, ALABAMA, AS FOLLOWS:

Sec. 1 – The Schedule of Fines set forth by the Alabama Supreme Court set forth in Exhibit B of Rule 20 of the Alabama Rules of Judicial Administration is, pursuant to the authority granted to municipalities said Rule, rejected in its entirety.

Sec. 2 – In lieu of the Schedule of Fines referenced in Section 1 of this Ordinance, the following Schedule of Fines for municipal ordinance violation cases in the City of Semmes and its police jurisdiction is hereby adopted, to-wit:

<u>Ord. No.</u>	<u>Description</u>	<u>Fine/Pre-Trial Guilty Plea</u>
2011-14	Fuel License Tax	\$50.00+ full compliance with ordinance and payment of ordinance penalties, or else must see Judge.
2012-136	Site Debris/Hurricane Protection	\$100.00
2012-137	Tobacco Use	\$25.00

2012-138	Business License	\$50.00+license obtained or else must see Judge.
2015-02	ROW	\$100.00
2015-03	Dog Tethering	\$25.00
2015-04	Tree Ordinance	\$150.00
2017-16	Park Rules	\$25.00
2018-03	Flood Ordinance	\$100.00
2018-126	Nuisance Ordinance	\$100.00
2018-127	Noise Ordinance	\$100.00
2019-01	Civil Emergency Ordinance	\$100.00

Sec. 3 – The aforesaid Schedule of Fines shall be in addition to any and all court costs that may be imposed under applicable law or ordinance.

Sec. 4 – The aforesaid Schedule of Fines shall only be applicable to first offenses. All other cases must be adjudicated by a Municipal Judge of the City of Semmes.

Sec. 5 – The aforesaid Schedule of Fines shall in no way impede or restrict the ability of the Judges of the Municipal Court to impose, waive or suspend fines and other penalties and/or jail time in accordance with their judicial powers.

Sec. 6 – The aforesaid schedule expressly excludes any state laws that may be adopted as municipal ordinance violations, and the Municipal Court is respectfully requested to impose such fines as it sees fit and appropriate and may be allowable by law in such cases.

Sec. 7 – Upon the codification of city ordinances, authority is hereby granted to reassign the section numbers of this ordinance as may be found to be appropriate at such time, this ordinance to remain in full force in effect under such newly assigned number(s) as though assigned herein.

Sec. 8 – This ordinance shall become effective within the city limits and police jurisdiction of the city upon publication pursuant to applicable law.

Sec. 9 – This ordinance shall supersede and repeal all prior City Council resolutions adopting a schedule of minimum fines.

Sec. 10 – If any article, section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

Adopted and approved this 19th day of February, 2019.



David Baker- Mayor

Attest:

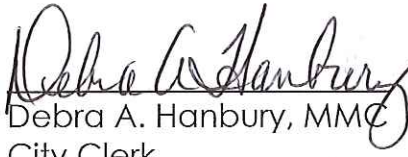

Debbie A. Hanbury – City Clerk

City of Semmes, Alabama, Certificate of Publication.

This is to certify that the Ordinance No 2019-11, City of Semmes, Alabama, was published by posting on at least three (3) bulletin boards in the City on

February 21, 2019

- 1) City Hall
- 2) Hickory Pit Too
- 3) Public Works Facility


Debra A. Hanbury, MMC
City Clerk