



CITY OF OWENS CROSS ROADS ORDINANCE NO. 24-003

Establishing and Creating the Traffic Safety Education Program

AN ORDINANCE TO ESTABLISH AND CREATE THE TRAFFIC SAFETY EDUCATION PROGRAM FOR THE MUNICIPAL COURT OF THE CITY OF OWENS CROSS ROADS, ALABAMA

WHEREAS, the Legislature of the State of Alabama enacted Title 12-14-1(a), *Code of Alabama, 1975*, which authorizes municipalities to establish a Municipal Court; and

WHEREAS, Title 12-14-2, *Code of Alabama, 1975*, provides that:

“(a) The municipality shall provide appropriate facilities and necessary supportive personnel for the municipal court and may provide for probations services, clerks, and municipal employees designated as magistrates.

(b) Municipalities shall furnish prosecutorial services in municipal courts and in appeals from such judgments and orders.”; and

WHEREAS, Title 12-14-13, *Code of Alabama, 1975*, provides that:

“(a) Municipal courts may suspend execution of sentence and place a defendant on probation for varying periods of time, not to exceed two years...

(d) The court shall determine and may, at any time, modify the conditions of probations and may require the probationer to comply with the following or any other conditions... (9) To attend defensive driving schools, alcohol countermeasure programs or courses where available and support his dependents to the best of his ability.”; and

WHEREAS, the City Council of the City of Owens Cross Roads, Alabama, pursuant to the above legal authority, enacted Ordinance 89-1 on March 8, 1989, which established the Municipal Court for the City of Owens Cross Roads, Alabama; and

WHEREAS, the City of Owens Cross Roads, Alabama, desires to establish and create a traffic safety education program as described in Title 12-14-13 (d)(9), *Code of Alabama, 1975*.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF OWENS CROSS ROADS, ALABAMA, THAT THE CODE OF ORDINANCES FOR THE CITY OF OWENS CROSS ROADS BE AMENDED AND INCLUDE THE FOLLOWING ORDINANCE:

OWENS CROSS ROADS CITY COUNCIL
ORDINANCE NO. 24-003
TRAFFIC SAFETY EDUCATION PROGRAM

Section 1. DEFINITIONS

As used in this article, the following words and terms shall have the meanings ascribed by this action:

City: The City of Owens Cross Roads, Alabama

Traffic Safety Education Program: means a course that educates the public regarding defensive driving and obeying traffic laws. Instructors shall be certified by The National Safety Council. Certifications must be current.

Person: means any natural person

Police Officer: a duly sworn police officer of the Owens Cross Roads Police Department

Section 2. TRAFFIC SAFETY EDUCATION PROGRAM

- (a) There is hereby established a traffic safety educational program which shall be under the supervision of the Clerk of Municipal Court following guidelines set by the Municipal Court Judge. Each person attending the seminar shall be charged not more than one hundred fifty dollars (\$150.00) for registration. Such fees are to be assessed by the judge of municipal court as appropriate, unless the same is waived by the municipal judge or by the clerk of municipal court in such cases where the individual is being referred by an outside agency.
- (b) The clerk of municipal court shall be responsible for scheduling of classes, instructors and facilitators and setting reasonable fees for the payment of the instructors and facilitators. The clerk of municipal court shall adopt rules and regulations for the operation of the established educational programs, criteria for acceptance and completion, and established fees for the program. These rules and regulations, policy and procedures, and fee list shall be readily available for public inspection.
- (c) If, for any reason, a defendant needs to reschedule or cancel their attendance, a penalty of \$35.00 shall be charged in addition to the registration fees.

Section 3. COLLECTION AND DISBURSEMENT OF FEES

All monies collected as a result of the operation of the Traffic Safety Education Program, in the form of registration fees, shall be maintained in a separate bank account. The collection and use of these monies shall be under the supervision of the clerk of municipal court and shall be disbursed as follows:

- (a) an amount equivalent to fifty percent (50%) per individual participant to be retained in the Traffic Safety Education Program to be used for the purpose of providing traffic safety education; and
- (b) an amount equivalent to five percent (5%) per individual participant to the City's General Fund; and
- (c) an amount equivalent to ten percent (10%) per individual participant to the City's General Fund to be used specifically for training and education of the police officers; and

- (d) an amount equivalent to ten percent (10%) per individual participant to the City's Judicial Training Fund; and
- (e) an amount equivalent to fifteen percent (15%) per individual participant to the Municipal Court Corrections Fund; and
- (f) an amount equivalent to five percent (5%) to the Police Equipment fund; and
- (g) an amount equivalent to five percent (5%) to the Municipal Court Equipment fund.

Section 4: SEVERABILITY

If any portion of this Ordinance shall be held unconstitutional, invalid, or unenforceable, such holding shall not affect the remaining portions of this Ordinance nor render the remaining portions of this Ordinance invalid, and to that end the provisions hereof are declared to be severable.

Section 5: EFFECTIVE DATE

The provisions of the Ordinance shall become effective immediately upon its passage and approval by the Mayor and the City Council and upon publication of this Ordinance as required by law.

ADOPTED AND APPROVED THIS 12th DAY OF MARCH, 2024.



Tony K. Craig, Mayor



ATTEST: Christie D. Eason, City Clerk

City of Owens Cross Roads, Alabama, certificate of publication.
This is to certify that Ordinance No. 24-003, City of Owens Cross Roads, Alabama, was published by posting on the City website, and on FIVE (5) bulletin boards within the City.

