

ORDINANCE NO. 2011-02

AN ORDINANCE AUTHORIZING AUTOMATED PHOTOGRAPHIC  
ENFORCEMENT OF TRAFFIC VIOLATIONS IN THE  
CITY OF CENTER POINT, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTER  
POINT, ALABAMA, as follows:

ARTICLE I

TRAFFIC SIGNAL ENFORCEMENT

SECTION 1.1 Findings

The City Council of the City of Center Point, Alabama makes the following findings as the basis for the undertakings on its part herein contained:

(a) The City Council finds that there has been a high incidence of drivers disregarding or "running" red lights and stop signs at street intersections;

(b) The City Council finds that red light and stop sign running endangers motor vehicle operators and pedestrians alike by decreasing the efficiency of traffic control and traffic flow efforts and by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayers;

(c) The City Council finds a reduction in the running of red lights and stop signs through a program utilizing photographic evidence and enforcement through the imposition of civil penalties will help promote and protect the health, safety, and welfare of the citizens of the City of Center Point, Alabama; and

(d) Act Number 2011-580, duly enacted by the Legislature of Alabama, and signed by the Governor, grants to the City of Center Point, Alabama the authority to establish a program of enforcement of red light and stop sign running by the use of photographic evidence and the imposition of civil penalties.

SECTION 1.2 Definitions

For purposes of this Article, the following definitions shall apply:

**"City Council"** means the governing body of the City of Center Point, Alabama.

**"Department"** means the Jefferson County Sheriff's Department, its successor, or an authorized representative of the City as appointed by the Mayor.

**“Director”** means the Jefferson County Sheriff or his designee.

**“Intersection”** means the place or area where two or more streets intersect.

**“Owner”** means the owner of a motor vehicle as shown on the motor vehicle registration records of the Alabama Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country.

**“Photographic Red Light Traffic Signal Enforcement System”** means a system that:

(1) Consists of a still camera system and full motion video camera system (30 frames per second or greater) installed to work in conjunction with an electrically operated traffic-control signal.

(2) Is capable of producing at least three separate recorded images:

a. Showing the rear of a vehicle prior to entering the Intersection on a red signal;

b. Showing the license plate from the rear of the vehicle and, as necessary to determine ownership, any license plate from the front of the vehicle; and

c. Showing the rear of the vehicle, in or through the Intersection with the red signal visible, that is not operated in compliance with the red-displays of the traffic-control signal.

(3) All images must be synchronized to a single time source and provide the elapsed time between the first, second and third photographs or digital images specified in subsection (2) above.

**“Photographic Stop Sign Traffic Enforcement System”** means a system that:

(1) Consists of a still camera system and full motion video camera system (30 frames per second or greater).

(2) Is capable of producing at least two separate recorded images:

a. Showing the rear of a vehicle prior to entering the Intersection; and

b. Showing the license plate from the rear of the vehicle and, as necessary to determine ownership, any license plate from the front of the vehicle.

**“Recorded Image”** means an image recorded by a Photographic Red Light Traffic Signal Enforcement System or Photographic Stop Sign Traffic Enforcement System depicting

the rear and, as necessary, the front of a motor vehicle that is automatically recorded as a photograph or digital image.

**“System Location”** means the approach to an Intersection where a Photographic Red Light Traffic Signal Enforcement System or Photographic Stop Sign Traffic Enforcement System is directed and in operation.

**“Traffic Control Signal”** means a traffic control device displaying alternating red, amber, and green lights directing traffic when to stop at or proceed through an Intersection.

**“Stop Sign”** means a fixed sign of the type authorized the Alabama Department of Transportation which requires a vehicle to come to a complete stop before entering the Intersection.

### **SECTION 1.3 Imposition of Civil Penalty for Violations to be Enforced by Photographic Traffic Signal and Stop Sign Enforcement System**

(a) The Owner of a motor vehicle is liable for a civil penalty of one hundred dollars (\$100.00) if the motor vehicle proceeds into an Intersection at a System Location when the Traffic Control Signal for that motor vehicle's direction of travel is emitting a steady red signal, unless the vehicle stops and makes a legal right turn on red where such a turn is not prohibited, or proceeds into an Intersection controlled by a Stop Sign without having come to a complete stop prior to proceeding into the Intersection.

(b) An Owner who fails to timely pay a civil penalty shall be subject to an additional late payment penalty of twenty five dollars (\$25.00) in addition to the original violation penalty.

### **SECTION 1.4 Enforcement; Procedures**

(a) The Department is responsible for the enforcement and administration of this Article.

(b) The actions which can be used to enforce the payment of this civil penalty and related fees may consist of but not be limited to immobilization of vehicles (booting), reporting the unpaid or delinquent debt to collection agencies/credit reporting agencies, or initiating actions through the small claims court, or any combination thereof.

(c) In order to impose a civil penalty under this Article, the Department shall mail a notice of violation to the Owner of the motor vehicle liable for the civil penalty at the address shown on the vehicle registration records of the Alabama Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country not later than the 14th calendar day, inclusive of legal holidays and weekends, after the date the violation is alleged to have occurred.

(d) A notice of violation issued under this Article shall contain the following:

- (1) A description of the violation alleged;
- (2) The date, time, and location of the violation;
- (3) A copy of a Recorded Image of the vehicle involved in the violation;
- (4) The amount of the civil penalty to be imposed for the violation;
- (5) The date by which the civil penalty must be paid;
- (6) A statement that the person named in the notice of violation may pay the civil penalty in lieu of appearing at an administrative adjudication hearing;
- (7) Information informing the person named in the notice of violation:
  - a. Of the right to contest the imposition of the civil penalty in an administrative adjudication hearing;
  - b. Of the manner and time in which to contest the imposition of the civil penalty; and
  - c. That failure to pay the civil penalty or to contest liability is a waiver of the right to appeal at an administrative adjudication hearing pursuant to this ordinance.
  - d. That if a person is found liable after an administrative adjudication hearing or requests an administrative adjudication hearing and fails to appear at the time and place of the hearing then they shall pay the fine amount plus any late fee in addition to a thirty dollar (\$30.00) administrative adjudication hearing fee and that if the person is found not liable at the administrative adjudication hearing, the thirty dollar (\$30.00) administrative adjudication hearing fee will not be assessed and any penalty and/or fee paid related to that citation shall be refunded.
- (8) A statement that a Recorded Image is evidence in a proceeding for the imposition of a civil penalty;
- (9) A statement indicating failure to pay the civil penalty within the time allowed shall result in the imposition of an additional late penalty of twenty five dollars (\$25.00) for each violation; and
- (10) Any other information deemed necessary by the Department.

(e) A notice of violation under this Article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of violation is mailed.

(f) Once an Intersection has been equipped with either a Photographic Red Light Traffic Signal Enforcement System or Photographic Stop Sign Traffic Enforcement System, the City Council shall adopt by resolution a date for the Department to begin issuing civil citations. Prior to this established date, the Department shall issue warning notices of the alleged violations as part of an education or public notification effort and display easily readable signage that cameras are present on stop signs, red lights, and in speeding zones.

### **SECTION 1.5            Administrative Adjudication Hearing**

(a) A person who receives a notice of violation may contest the imposition of the civil penalty by a request in writing for an administrative adjudication of the civil penalty within 30 calendar days, inclusive of weekends and legal holidays, after receipt of the notice of violation. Upon receipt of a timely request, the Department shall notify the person of the date and time of the administrative adjudication hearing.

(b) Administrative adjudications of violations of Section 1.3 shall be conducted by a Hearing Officer appointed by the Mayor. In conducting administrative adjudications of violations of Section 1.3, the hearing officer shall have the powers and duties conferred by Act Number 2011-580 of the Legislature of Alabama.

(c) Failure to pay a civil penalty or to contest liability in a timely manner is a waiver of the right to appeal under this ordinance.

(d) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.

(e) In an administrative adjudication hearing, the issues of liability must be proved at the hearing by the City by a preponderance of the evidence. The reliability of the system used to produce the Recorded Image of the violation may be attested to in an administrative adjudication hearing by affidavit of an officer of the Department or a representative of any contractor engaged by the City. An affidavit from a sworn law enforcement officer or from the Department that alleges a violation based on an inspection of the pertinent Recorded Image, is admissible in a proceeding under this Article and is evidence of the facts contained in the affidavit.

(f) A person who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall pay the fine amount plus any late fee in addition to a thirty dollar (\$30.00) administrative adjudication hearing fee. If the person is found not liable at the administrative adjudication hearing, the thirty dollar (\$30.00) administrative adjudication hearing fee will not be assessed and any penalty and/or fee paid related to that citation shall be refunded.

(g) It shall be an affirmative defense to the imposition of civil liability under this Article, to be proven by a preponderance of the evidence, that:

(1) The traffic-control signal was not in proper position and sufficiently legible to an ordinarily observant person.

(2) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer.

(3) The operator of the motor vehicle violated the instructions of the traffic-control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle.

(4) The motor vehicle was being operated as an authorized emergency vehicle under Sections 32-5A-7 and 32-5-213 of the *Code of Alabama* 1975, and the operator was acting in compliance with applicable Alabama law.

(5) The motor vehicle was being operated by a person other than the Owner of the vehicle without the effective consent of the Owner.

(6) The license plate depicted in the Recorded Image of the violation was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued.

(7) The presence of ice, snow, unusual amounts of rain or other unusually hazardous road conditions existed that would make compliance with this Article more dangerous under the circumstances than non-compliance.

(8) The person who received the notice of violation was not the Owner of the motor vehicle at the time of the violation.

(9) At the time of the violation the motor vehicle was a stolen vehicle or the license plate displayed on the motor vehicle was a stolen plate, which must include proof acceptable to the hearing officer that the theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.

(h) Notwithstanding anything in this Article to the contrary, a person who fails to pay the amount of a civil penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:

(1) The person files an affidavit with the hearing officer stating the date on which the person received the notice of violation mailed to the person; and

(2) The person files a request for an administrative hearing within 30 days from the date of receipt of the notice of violation, as stated in the affidavit.

(i) The decision of the hearing officer shall be the final decision by the City. A person or persons aggrieved by a decision may file a petition for judicial review to the District Court of Jefferson County, Alabama within 30 days after the date of entry of the decision. The District

Court shall conduct the appeal in the case in the same manner as the Court hears a small claims civil action.

**SECTION 1.6            Order of Hearing Officer**

(a) The hearing officer at any administrative adjudication hearing under this Article shall issue an order stating:

(1) Whether the person charged with the violation is liable for the violation; and

(2) The amount of any civil penalty, late penalty, and administrative adjudication hearing cost assessed against the person.

(b) The orders issued under subsection (a) may be filed with the office of the hearing officer. The hearing officer shall keep the orders in a separate index and file. The orders may be recorded using microfilm, microfiche, or other electronic data storage techniques.

**SECTION 1.7            Effect of Liability; Exclusion of Civil Remedy**

(a) The imposition of a civil penalty under this Article shall not be considered a criminal conviction.

(b) A civil penalty may not be imposed under this Article upon the Owner of a motor vehicle if the operator of the vehicle was arrested or was issued a citation and notice to appear by a law or public safety officer as a violation of Title 32 of the *Code of Alabama* 1975, if such violation was captured by the system.

(c) The City Attorney of the City is authorized to file suit to enforce collection of unpaid fines or related fees and penalties, or both, imposed under this Article by lawful means to secure such payments.

**ARTICLE II**

**VEHICLE SPEED ENFORCEMENT**

**SECTION 2.1            Findings**

The City Council of the City of Center Point, Alabama makes the following findings as the basis for the undertakings on its part herein contained:

(a) The City Council finds that there has been a high incidence of drivers disregarding speed limits on streets and at street intersections;

(b) The City Council finds exceeding the speed limit endangers vehicle operators and pedestrians alike by decreasing the efficiency of traffic control and homogeneous traffic flow and by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayers;

(c) The City Council finds a reduction in the number of drivers exceeding speed limits through a program utilizing photographic evidence and enforcement through the imposition of civil penalties will help promote and protect the health, safety, and welfare of the citizens of the City; and

(d) Act Number 2011-580 duly enacted by the Legislature of Alabama and signed by the Governor, grants to the City the authority to establish a program of enforcement of traffic speed regulations by the use of photographic evidence and the imposition of civil penalties.

## **SECTION 2.2        Definitions**

For purposes of this Article, the following definitions shall apply:

***“City Council”*** means the governing body of the City of Center Point, Alabama.

***“Department”*** means the Jefferson County Sheriff’s Department, its successor, or an authorized representative of the City as appointed by the Mayor.

***“Director”*** means the Jefferson County Sheriff or his designee.

***“Intersection”*** means the place or area where two or more streets intersect.

***“Owner”*** shall mean the owner of a vehicle as shown on the vehicle registration records of the Alabama Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country.

***“Photographic Vehicle Speed Enforcement System”*** shall mean a system:

(1) Consisting of a mobile or fixed electronic speed enforcement system, or both, which is certified and in compliance with the Federal Communications Commission, or its successor.

(2) Which is capable of producing at least two recorded images depicting the license plate attached to the rear and, as necessary to determine ownership, the front of a vehicle being operated at a speed in excess of the Speed Limit.

***“Recorded Image”*** means an image recorded by the Photographic Vehicle Speed Enforcement System depicting the rear and, as necessary, the front of a vehicle which is automatically recorded on a photograph or digital image, which also depicts the recorded speed, date, location, and time of the recorded image.

***“Speed Limit”*** means the established maximum speed limit on a given roadway prescribed by applicable law.



**“System Location”** means the approach to an Intersection toward which a Photographic Vehicle Speed Enforcement System is directed and in operation or a segment of roadway on which a Vehicle Speed Enforcement System is in operation.

**SECTION 2.3 Imposition of Civil Penalty for Violations to be Enforced by a Photographic Vehicle Speed Enforcement System**

(a) The Owner of a vehicle is liable for a civil penalty as shown in the following table if the vehicle is traveling at a speed in miles per hour (mph) greater than the Speed Limit as shown in the following table at a System Location. The following civil penalties shall apply to the Owner when captured by the system where the vehicle was recorded as traveling at the following speeds over the Speed Limit:

TABLE INSET:

Speed Over Speed Limit	Civil Penalty
5 through 10 mph	\$50
Greater than 10 through 15 mph	\$100
Greater than 15 through 20 mph	\$125
Greater than 20 mph	\$150

(b) The Civil Penalty for “Speed Over Speed Limit” as stated in the above Table shall double for violations of this ordinance when that violation occurs and was electronically recorded within a segment of the roadway or Intersection designated with signage or signals as a School Zone during school hours, and an hour before and after school hours, when school is in session.

(d) An Owner who fails to timely pay a civil penalty shall be subject to an additional late payment penalty of twenty five dollars (\$25.00) in addition to the original violation penalty.

**SECTION 2.4 Enforcement; Procedures**

(a) The Department is responsible for the enforcement and administration of this Article.

(b) The actions which can be used to enforce the payment of this civil penalty and related fees may consist of but not be limited to immobilization of vehicles (booting), reporting unpaid or delinquent debt to collection agencies and credit reporting agencies, or initiating actions through the small claims court.

(c) In order to impose a civil penalty under this Article, the Department shall mail a notice of violation to the Owner of the vehicle liable for the civil penalty at the address shown on the vehicle registration records of the Alabama Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country not later than the

30th calendar day, inclusive of weekends and legal holidays, after the date the violation is alleged to have occurred.

- (d) A notice of violation issued under this Article shall contain the following:
  - (1) A description of the violation alleged;
  - (2) The date, time, and location of the violation;
  - (3) A copy of a Recorded Image of the vehicle involved in the violation;
  - (4) The amount of the civil penalty to be imposed for the violation;
  - (5) The date by which the civil penalty must be paid;
  - (6) A statement that the person named in the notice of violation may pay the civil penalty in lieu of appearing at an administrative adjudication hearing;
  - (7) Information informing the person named in the notice of violation:
    - a. Of the right to contest the imposition of the civil penalty in an administrative adjudication hearing;
    - b. Of the manner and time in which to contest the imposition of the civil penalty; and
    - c. That failure to pay the civil penalty or to contest liability is a waiver of the right to appeal at an administrative adjudication hearing pursuant to this ordinance; and
    - d. That if a person is found liable after an administrative adjudication hearing or requests an administrative adjudication hearing and fails to appear at the time and place of the hearing then they shall pay the fine amount plus any late fee in addition to a thirty dollar (\$30.00) administrative adjudication hearing fee and that if the person is found not liable at the administrative adjudication hearing, the thirty dollar (\$30.00) administrative adjudication hearing fee will not be assessed and any penalty and/or fee paid related to that citation shall be refunded.
  - (8) A statement that a Recorded Image is evidence in a proceeding for the imposition of a civil penalty;
  - (9) A statement indicating failure to pay the civil penalty within the time allowed shall result in the imposition of an additional late penalty of twenty five dollars (\$25.00) for each violation; and

(10) Any other information deemed necessary by the Department.

(d) A notice of violation under this Article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of violation is mailed.

(e) Once a Photographic Vehicle Speed Enforcement System has been installed or becomes operational, or both, the City Council shall adopt by resolution a date for the Department to begin issuing civil citations. Prior to this established date, the Department shall issue warning notices of the alleged violations as part of an education/public notification effort and display easily readable signage that cameras are present on stop signs, red lights, and in speeding zones.

## **SECTION 2.5            Administrative Adjudication Hearing**

(a) A person who receives a notice of violation may contest the imposition of the civil penalty by a request in writing for an administrative adjudication of the civil penalty within 30 calendar days, inclusive of weekends and legal holidays, after receipt of the notice of violation. Upon receipt of a timely request, the Department shall notify the person of the date and time of the administrative adjudication hearing.

(b) Administrative adjudications of violations of Section 2.3 shall be conducted by a Hearing Officer appointed by the Mayor. In conducting administrative adjudications of violations of Section 2.3, the hearing officer shall have the powers and duties conferred by Act Number 2011-580 of the Legislature of Alabama.

(c) Failure to pay a civil penalty or to contest liability in a timely manner is a waiver of the right to appeal under this ordinance.

(d) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.

(e) In an administrative adjudication hearing, the issues of liability must be proved at the hearing by the City by a preponderance of the evidence. The reliability of the system used to produce the Recorded Image of the violation may be attested to in an administrative adjudication hearing by affidavit of an officer of the Department or a representative of any contractor engaged by the City. An affidavit from a sworn law enforcement officer or from the Department that alleges a violation based on an inspection of the pertinent Recorded Image, is admissible in a proceeding under this Article and is evidence of the facts contained in the affidavit.

(f) A person who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall pay the fine amount plus any late fee in addition to a thirty dollar (\$30.00) administrative adjudication hearing fee. If the person is found not liable at the administrative adjudication hearing, the thirty dollar (\$30.00) administrative adjudication hearing fee will not be assessed and any penalty and/or fee paid related to that citation shall be refunded.

(g) It shall be an affirmative defense to the imposition of civil liability under this Article, to be proven by a preponderance of the evidence, that:

(1) The operator of the vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer.

(2) The operator of the vehicle violated the Speed Limit so as to move out of the way of an immediately approaching authorized emergency vehicle.

(3) The vehicle was being operated as an authorized emergency vehicle under Sections 32-5A-7 and 32-5-213 of the *Code of Alabama* 1975, and the operator was acting in compliance with applicable Alabama law.

(4) At the time of the violation, the vehicle was in the care, custody or control of another person where the Owner furnishes a truthful affidavit which identifies the name and mailing address of the person or entity who leased, rented or otherwise had the care, custody and control of the vehicle at the time of the violation. Responsibility for the violation under this section shall be transferred to the person identified in the affidavit.

(5) The person who received the notice of violation was not the Owner of the vehicle at the time of the violation.

(6) At the time of the violation the vehicle was a stolen vehicle or the license plate displayed on the vehicle was a stolen plate, which must include proof acceptable to the hearing officer that the theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.

(h) Notwithstanding anything in this Article to the contrary, a person who fails to pay the amount of a civil penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:

(1) The person files an affidavit with the hearing officer stating the date on which the person received the notice of violation mailed to the person; and

(2) The person files a request for an administrative hearing within 30 days from the date of receipt of the notice of violation, as stated in the affidavit.

(i) The decision of the hearing officer shall be the final decision by the City. A person or persons aggrieved by a decision may file a petition for judicial review to the District Court of Jefferson County, Alabama within 30 days after the date of entry of the decision. The District Court shall conduct the appeal in the case in the same manner as the Court hears a small claims civil action.

**SECTION 2.6            Order of Hearing Officer**

(a) The hearing officer at any administrative adjudication hearing under this Article shall issue an order stating:

(1) Whether the person charged with the violation is liable for the violation; and

(2) The amount of any civil penalty, late penalty, and administrative adjudication hearing cost assessed against the person.

(b) The orders issued under subsection (a) may be filed with the office of the hearing officer. The hearing officer shall keep the orders in a separate index and file. The orders may be recorded using microfilm, microfiche, or other electronic data storage techniques.

**SECTION 2.7            Effect of liability; Exclusion of Civil Remedy**

(a) The imposition of a civil penalty under this Article shall not be considered a criminal conviction.

(b) A civil penalty may not be imposed under this Article upon the Owner of a vehicle if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law or public safety officer as a violation of Title 32 of the *Code of Alabama* 1975, if such violation was captured by the system.

(c) The City Attorney is authorized to file suit to enforce collection of unpaid fines or related fees and penalties, or both, imposed under this Article by lawful means to secure such payments.

**ARTICLE III**

**PROVISIONS GENERALLY APPLICABLE TO ORDINANCE**

**SECTION 3.1            Traffic Safety Fund**

The penalties, fines, and fees collected from the imposition of civil liability under this Ordinance shall be deposited into the Center Point Traffic Safety Fund Account established by the City Council. Funds deposited into this traffic safety fund shall be expended first for the costs of the system for payment to the vendor/operator of the system, public relations, and general implementation of the program. The remaining funds shall be used for the following purposes, including, but not limited to, traffic or pedestrian public safety programs, Intersection safety improvements, driver education, police officers dedicated to traffic safety, or projects or programs subject to the joint written determination by the Mayor of the City and the Director, but only if such expenditures are public safety related.

**SECTION 3.2 Court Costs**

Court costs collected pursuant to violations of this Ordinance shall be distributed in the same manner as prescribed by law for the distribution of municipal court costs for misdemeanor violations. An additional fee of ten dollars (\$10.00) shall be collected by the Jefferson County District Court in connection with notices issues under this Ordinance to be paid to the Alabama Criminal Justice Information Center and deposited in the State Treasury to the credit of the Criminal Justice Information System Automation Fund as compensation for record keeping and transaction processing with respect to violation notices issued under this act.

**SECTION 3.3 Minimum Qualifications for Contractor**

The Department may enforce and administer this Ordinance, or any parts thereof, through a contractor selected in accordance with applicable law. If the Department uses a contractor for any portion of the enforcement or administration of this Ordinance, then the contractor shall meet the following minimum criteria:

- (1) The contractor selected by the Department must be able to demonstrate three years of continuous operations of similar digital photo enforcement programs in jurisdictions in the United States;
- (2) Must have three years of audited financials that show acceptable profitability;
- (3) Must have sufficient financial resources to perform the contract or provide the services; and
- (4) Must be able to provide a performance bond comparable to the scope of the photo enforcement program.

**SECTION 3.4 Effect of Headings**

The article and section headings herein are for convenience only and shall not affect the construction hereof.

**SECTION 3.5 Repealer**

All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Center Point, Alabama, which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

**SECTION 3.6 Severability**

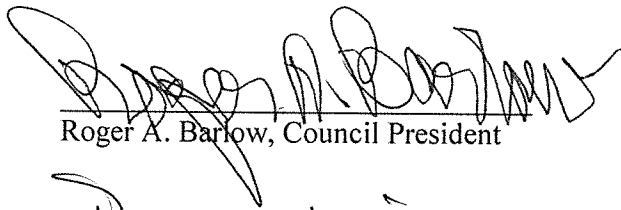
If any section, sentence, paragraph, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed without such

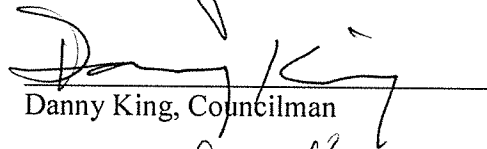
unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance shall be deemed and held to be valid as if such parts had not been included therein.

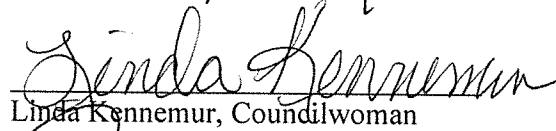
**SECTION 3.7      Effective Date**

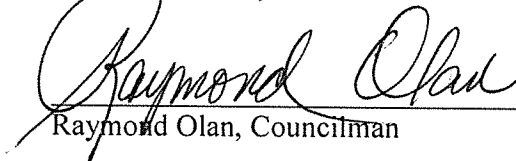
Upon adoption by the City Council of the City of Center Point, approval by the Mayor, and after publication or posting as required by law, this ordinance shall take effect and be in force on September 9, 2011.

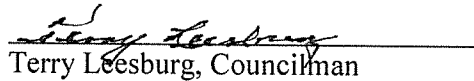
ADOPTED this 11<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Roger A. Barlow, Council President

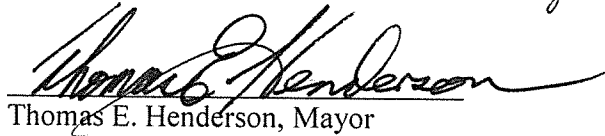
  
\_\_\_\_\_  
Danny King, Councilman

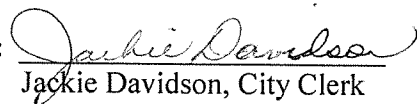
  
\_\_\_\_\_  
Linda Kennemur, Councilwoman

  
\_\_\_\_\_  
Raymond Olan, Councilman

  
\_\_\_\_\_  
Terry Leesburg, Councilman

APPROVED this 12<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Thomas E. Henderson, Mayor

ATTESTED:   
\_\_\_\_\_  
Jackie Davidson, City Clerk