

ORDINANCE NO. 2015-05

AN ORDINANCE AUTHORIZING AUTOMATED TRAFFIC CAMERA
ENFORCEMENT 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

FINDINGS

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 and violating posted speed limits;

(b) The City Council finds that exceeding the speed limit and running red lights and stop signs 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) Studies have found that automated traffic camera enforcement is a highly accurate method for detecting violations of traffic control regulations and signage and is very effective in reducing the number of traffic violations and decreasing the number of traffic accidents, deaths, and injuries;

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

(e) Act Number 2013-228, 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 traffic speed regulations, running red lights and stop signs by the use of photographic evidence and the imposition of civil penalties.

ARTICLE II

DEFINITIONS; RULES OF CONSTRUCTION; AUTOMATIC CONFORMITY TO LAW

Section 2.1 Definitions

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

“**Act**” means Alabama Act No. 2013-228 known as the “Center Point Automated Traffic Safety Act”.

“**Administrative Hearing Officer**” means the appointee of the Mayor of the City authorized by the Act and under Section 6.1 of this ordinance.

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

“**Fine**” means the monetary amount assessed by the City pursuant to this ordinance and authorized by the Act for a determination of civil liability for a Traffic Signal Violation, Stop Sign Violation, or Speeding Violation, which may include administrative hearing costs associated with the infraction.

“**Civil Violation**” means a violation of the provisions of this ordinance authorized by the Act, the penalty for which shall be the payment of a fine, the enforceability of which will not be otherwise permissible.

“**Owner**” means the owner of a motor vehicle as shown on the motor vehicle registration records of the Alabama Department of Revenue or the analogous department or agency of another state or nation. The term shall not include motor vehicles displaying dealer license plates, in which event “owner” shall mean the person to whom the vehicle is assigned for use; nor shall the term include the owner of any stolen motor vehicle, in which event “owner” shall mean the person who is guilty of stealing the motor vehicle.

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

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

(b) Is capable of producing at least two separate Recorded Images:

(1) An image of the rear of a vehicle prior to entering the intersection; and

(2) An image of the rear of the vehicle showing the license plate.

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

(a) 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.

(b) Is capable of producing at least three separate Recorded Images:

(1) An image of the rear of a vehicle prior to entering the intersection on a red signal;

(2) An image of the rear of the vehicle showing the license plate; and

(3) An image of the rear of the vehicle in or through the intersection when the red signal is visible.

(c) 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 paragraph (b).

“Photographic Vehicle Speed Enforcement System” means a system that:

(a) Has a mobile or fixed electronic speed enforcement system, or both, which is certified and in compliance with the FCC; and

(b) Is capable of producing two Recorded Images at least one depicting the license plate attached to the rear of a vehicle being operated at a speed in excess of the Speed Limit.

“Recorded Image” means an image recorded by the system depicting the rear 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 law.

“Speeding Violation” means any violation of a motor vehicle at a speed that exceeds the legal maximum Speed Limits set forth in or adopted pursuant to Article 8, Chapter 5A, Title 32, Sections 32-5A-170 to 32-5A-178, inclusive, *Code of Alabama 1975*; provided, however, that Speed Limits set by action of the Center Point City Council, if any, shall supersede the limits set in Article 8, Chapter 5A, Title 32, Sections 32-5A-170 to 32-5A-178, inclusive, *Code of Alabama 1975*. A speeding violation shall be a Civil Violation as defined in the Act.

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

“Stop Sign Violation” means any violation of Section 32-5A-112, *Code of Alabama 1975*, or of any combination thereof, wherein a vehicle proceeds into an intersection after failing to stop at a clearly marked stop line. A stop sign violation shall be a civil violation as defined in the Act.

“Traffic Control Signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed as defined in Section 32-1-1.1, *Code of Alabama 1975*.

“Traffic Signal Violation” means any violation of Section 32-5A-31, Section 32-5A-32, or Section 32-5A-35, *Code of Alabama 1975*, or of any combination thereof, wherein a vehicle proceeds into a signalized intersection at a time while the traffic-control signal for that vehicle’s lane of travel is emitting a steady red signal. A traffic signal violation shall be a Civil Violation as defined in the Act.

“Trained Technician” means a sworn law enforcement officer or a person certified by the Alabama Peace Officers' Standards and Training Commission (APOSTC), employed or contracted by the City, who has received instruction and training in the proper use of the Photographic Traffic Signal Enforcement System, a Photographic Stop Sign Enforcement System, or a Photographic Vehicle Speed Enforcement System to be used by the City, the City’s traffic engineer or their designee.

Section 2.2 Rule of Plain Meaning

Unless this ordinance or any federal, state or local law, rule or regulation requires a particular meaning for any word, term or provision not expressly defined, all other words, terms and provisions shall be interpreted and construed in accordance with the rule of plain meaning.

Section 2.3 Automatic Conformity to Federal and State Law

To the extent this ordinance may conflict with any valid superseding federal or state law, it shall automatically conform to such federal or state law.

ARTICLE III

FINES AND FEES FOR VIOLATIONS

Section 3.1 Civil Violation for Traffic Signal Violation

The Owner of a motor vehicle captured by a Photographic Traffic Signal Enforcement System in the act of a Traffic Signal Violation shall be liable for a civil Fine of \$110.

Section 3.2 Civil Violation for Stop Sign Signal Violation

The Owner of a motor vehicle captured by a Photographic Stop Sign Enforcement System in the act of a Stop Sign Violation shall be liable for a civil Fine of \$110.

Section 3.3 Civil Violation for Speeding Violation

(a) The Owner of a motor vehicle captured by Photographic Vehicle Speed Enforcement System in the act of a Speeding Violation shall be liable for a civil Fine for traveling at the following rates of speed over the Speed Limit as shown in the table below:

Speed Over Speed Limit	Civil Penalty
5 through 10 mph	\$60
Greater than 10 through 15 mph	\$110
Greater than 15 through 20 mph	\$135
Greater than 20 mph	\$160

(b) The fines stated above for Speeding Violations shall double for violations of this Act if that violation occurs and was electronically recorded within a segment of the roadway or intersection designated with signage or signals as a school zone only during school hours when school is in session and one hour before and after school hours.

Section 3.4 No Abatement of Fines

As provided in the Act, whenever payment of a Fine is owed to the City, the amount of the fine as set by ordinance may not be increased, decreased, or abated by the City Clerk's office, and the liability may be satisfied only by payment.

Section 3.5 Payment to Alabama Law Enforcement Agency

The first ten dollars (\$10) of each Fine authorized by this Act and collected by the City or its designee shall be paid to the Alabama Law Enforcement Agency, successor to the Alabama Criminal Justice Information Center, as compensation for record keeping with respect to violation notices issued under this Act.

Section 3.6 Late Fee

An Owner who fails to pay a Fine within forty (40) days after the date the notice of violation is mailed to the Owner shall be subject to an additional late fee of twenty-five dollars (\$25) in addition to the original Fine.

Section 3.7 Administrative Hearing Costs

Administrative hearing costs shall be assessed only in contested cases. A person who is found liable after an administrative hearing or who requests an administrative hearing, as provided in Article VI, 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) administrative hearing fee. If the person is found not liable at the administrative hearing, the thirty dollar (\$30) administrative hearing fee will not be assessed or any fine and fee paid related to that citation shall be refunded.

Section 3.8 Cause of Action for Fine

As provided in Section 15 of the Act, any person against whom a determination of liability for a Civil Violation is made pursuant to this ordinance, and who actually pays the fine imposed thereby shall have a cause of action against any person who may be shown to have been operating the vehicle recorded at the time of the violation.

ARTICLE IV

ENFORCEMENT PROCEDURES

Section 4.1 Enforcement Locations

The Public Safety Director may place Photographic Traffic Signal Enforcement Systems, Photographic Stop Sign Enforcement Systems, and Photographic Vehicle Speed Enforcement Systems at locations within the City without notice of the specific location and may change locations without public notice.

Section 4.2 Posting Signs at Enforcement Locations

The City or its designee shall post a sign or signs at each intersection at which a Photographic Traffic Signal Enforcement System or Photographic Stop Sign Enforcement System is located informing motorists that such devices are in operation at the intersection. The City or its designee shall post a sign or signs along each roadway or street at which a Photographic Vehicle Speed Enforcement System is located informing motorists that such a device is in operation.

Section 4.3 Lessor Liability

No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for a Photographic Stop Sign Traffic Enforcement System, Photographic Vehicle Speed Enforcement System, or Photographic Traffic Signal Enforcement System violation involving such motor vehicle during the period of the lease; provided that upon request of the City or its designee received within (60) days after the violation occurred, the lessor provides within (30) days after such receipt the name and address of the lessee. The drivers license number of the lessee may be subsequently individually requested by the City or its designee if needed for enforcement of this ordinance. Upon the provision of information by the lessor pursuant to this subsection, the City or its designee may issue the notice of violation to the lessee of the vehicle in the same manner it would issue a violation to an owner pursuant to Article V of this ordinance, except that the notice will be sent no later than 30 days after receiving the lessee's information from the lessor. The lessee may be held liable for the violation in the same manner that an owner may be held liable pursuant hereto.

Section 4.4 Discretion of Trained Technician

It shall be within the discretion of the Trained Technician to determine which of the recorded Traffic Signal Violations, Stop Sign Violations and Speeding Violations are enforced based upon the quality and legibility of the Recorded Image.

Section 4.5 Clarity of Image for Evidence

In the event the evidence produced by a Photographic Traffic Signal Enforcement System, a Photographic Stop Sign Enforcement System or a Photographic Vehicle Speed Enforcement System does not produce an image of the license plate with sufficient clarity for a Trained Technician to determine the identity of the Owner, and if the identity cannot otherwise be reliably established, then no notice of violation may be issued pursuant to this ordinance and the Act. If, however, a notice of violation is issued, to the degree constitutionally allowed, those issues related to the identity of the vehicle or its Owner shall affect the weight to be accorded the evidence and shall not affect its admissibility.

Section 4.6 Placement and Timing of Traffic Control Devices

The placement of control devices and timing of yellow lights and red light clearance intervals shall conform to the most recent edition of the Traffic Engineering Handbook. It shall be presumed that such devices and timing are in compliance with this section unless the contrary is shown by a preponderance of the evidence.

Section 4.7 Recovery of Fine from Vehicle Operator

Any person against whom a determination of liability for a Civil Violation is made pursuant to this ordinance, and who actually pays the fine imposed thereby shall have a cause of action against any person who may be shown to have been operating the vehicle as provided in Section 15 of the Act.

Section 4.7 Compensation of Trained Technician

Under no circumstances shall the salary or other compensation of the Trained Technician be related to the number of notices of violation issued or amount of Fines collected.

ARTICLE V

NOTICE OF VIOLATION

Section 5.1 Mailing Notice of Violation

The City or its designee shall mail a notice of violation by U.S. mail to the Owner of the motor vehicle which is recorded by the Photographic Traffic Signal Enforcement System, Photographic Stop Sign Enforcement System, or Photographic Vehicle Speed Enforcement System while committing a Traffic Signal Violation, Stop Sign Violation, or Speeding Violation. The notice shall be sent not later than the 30th day after the date the Traffic Signal Violation, Stop Sign Violation, or Speeding Violation is recorded to:

(1) The Owner's address as shown on the registration records of the Alabama Department of Revenue; or

(2) If the vehicle is registered in another state or country, to the Owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Alabama Department of Revenue.

Section 5.2 Content of Notice of Violation

A notice of violation issued under this ordinance and the Act shall contain the following:

- (1) Description of the violation;
- (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 Fine to be imposed for the violation;
- (5) The date by which the Fine must be paid;
- (6) A statement that the person named in the notice of violation may pay the Fine in lieu of appearing at an administrative hearing;
- (7) Information that informs the person named in the notice of violation;
 - i. Of the right to contest the imposition of the Fine in an administrative hearing;
 - ii. Of the manner and time in which to contest the imposition of the Fine;
 - iii. That failure to pay the Fine or to contest liability is an admission of liability;
- (8) A statement that a Recorded Image is evidence in a proceeding for the imposition of a Fine;
- (9) A statement that failure to pay the Fine within forty (40) days after the date the notice of violation is mailed to the Owner shall result in the imposition of a late fee of twenty-five dollars (\$25);
- (10) Information for a person named in the notice of violation to review images and video of the violation and to pay the Fine on the internet; and
- (11) Any other information deemed necessary by the City or its designee.

Section 5.3 Presumption that Notice of Violation Received

A notice of violation under this ordinance and the Act is presumed to have been received on the 10th day after the date the notice of violation is placed in the United States mail.

Section 5.4 Payment of Fine

The Fine imposed shall be paid within 30 days of the 10th day after the date the notice of violation is mailed.

ARTICLE VI

ADJUDICATIVE HEARING

Section 6.1 Appointment of Administrative Hearing Officer

Pursuant to the Act, the Mayor shall appoint an Administrative Hearing Officer vested with the power and jurisdiction to conduct administrative hearings of Civil Violations provided for in the Act and this ordinance.

Section 6.2 Request for Adjudicative Hearing

A person who receives a notice of violation may contest the imposition of the fine by submitting a request for an administrative hearing of the Civil Violation, in writing, within 15 days of the 10th day after the date the notice of violation is mailed. Upon receipt of a timely request, the City or its designee shall notify the person of the date and time of the administrative hearing by U.S. mail. The Fine shall not be collected if, after a hearing, the Administrative Hearing Officer appointed by the Mayor enters a finding of no liability.

Section 6.3 Failure to Pay

Failure to pay a Fine or to contest liability in a timely manner is an admission of liability in the full amount of the Fine assessed in the notice of violation.

Section 6.4 Burden of Proof

If an administrative hearing is requested, the City shall have the burden of proving the Traffic Signal Violation, Stop Sign Violation, or Speeding Violation by a preponderance of the evidence. The reliability of the Photographic Traffic Signal Enforcement System or Photographic Stop Sign Enforcement System used to produce the recorded image of the violation may be attested to by affidavit of a Trained Technician. An affidavit of a Trained Technician that alleges a violation based on an inspection of the pertinent recorded image is admissible in a proceeding under the Act and this ordinance and is evidence of the facts contained in the affidavit.

**Section 6.5 Admissibility of Photographic Evidence and Notice of Violation;
Clarity of Photographic Evidence; Other Matters of Evidence**

The notice of violation, the recorded and reproduced images of the Traffic Signal Violation, Stop Sign Violation, or Speeding Violation, regardless of the media on which they are recorded, accompanied by a certification of authenticity of a Trained Technician, and evidence of ownership of a vehicle as shown by copies or summaries of official records shall be admissible into evidence without foundation unless the Administrative Hearing Officer finds there is an indication of

untrustworthiness, in which case the City shall be given a reasonable opportunity to lay an evidentiary foundation. All other matters of evidence and procedure not specifically addressed in the Act shall be subject to the rules of evidence and the rules of procedure as they apply in the small claims courts of Alabama.

Section 6.6 Person Found Liable; Failure to Appear

A person who is found liable for the Civil Violation after an administrative hearing or who requests a hearing and thereafter fails to appear at the time and place of the hearing is liable for administrative hearing costs and fees set out in Article III in addition to the amount of the Fine assessed for the violation. A person who is found liable for a Civil Violation after an administrative hearing shall pay the fine and costs within 10 days of the hearing.

Section 6.7 Affirmative Defenses

(a) It shall be an affirmative defense to the imposition of Civil Liability under this ordinance and the Act, to be proven by a preponderance of the evidence, that:

(1) The Traffic Control Signal was not in proper position and sufficiently visible to an ordinarily observant person.

(2) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a police 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 that the operator was acting in compliance with those chapters.

(5) The motor vehicle was stolen or 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 ordinance and the Act more dangerous under the circumstances than noncompliance.

(8) There was no sign installed as required by the ordinance and the Act near the location at which the violation allegedly occurred warning that a Photographic Traffic Signal Enforcement System, Photographic Stop Sign Enforcement System, or Photographic Vehicle Speed Enforcement System was being used.

(b) To demonstrate that at the time of the violation the motor vehicle was a stolen vehicle or the license plate displayed on the motor vehicle was stolen a plate, the Owner must submit proof acceptable to the hearing officer that the theft of the vehicle or license plate, prior to the time of the violation, had been timely reported to the appropriate law enforcement agency.

Section 6.8 Late Request for Adjudicative Hearing

Notwithstanding anything in this ordinance to the contrary, a person who fails to pay the amount of a Fine or to contest liability in a timely manner is entitled to an administrative hearing on the violation if:

(1) The person files an affidavit with the Administrative Hearing Officer stating the date on which the person received the notice of violation that was mailed to the person, if not received by the 10th day after same is mailed as set out in Section 5.1.

(2) Within 15 days of the date of actual receipt, the person requests an administrative hearing.

Section 6.9 Order of Administrative Hearing Officer

(a) Following an administrative hearing, the Administrative Hearing Officer shall issue an order stating:

(1) Whether the person charged with the Civil Violation is liable for the violation.

(2) If the person is found to be liable, the amount of the Fine assessed against the person, along with the fees and costs provided for herein.

(b) As provided in the Act the orders issued under this section may be filed in any office of the Judge of Probate in any County in Alabama, and shall operate as a judicial lien in the same manner and with the same weight and effect as any other civil judgment filed therein.

ARTICLE VII

APPEAL TO CIRCUIT COURT

Section 7.1 Appeal to Circuit Court after Administrative Hearing

A person who is found liable after an administrative hearing may challenge that finding of Civil Liability in the Jefferson County Circuit Court, by filing a petition for judicial review with the Jefferson County Circuit Court as provided in Section 8 of the Act. The petition for judicial review must be filed not later than the 14th day after the date on which the Administrative Hearing Officer entered the finding of Civil Liability. The filing of a petition for judicial review shall stay the enforcement of the Fine. After a petition for judicial review has been filed, Civil Liability will be determined by the Circuit Court by trial de novo pursuant to the Act and the jurisdiction granted in Section 12-11-30(6), *Code of Alabama 1975*.

ARTICLE VIII

NO CRIMINAL PENALTY; SIMULTANEOUS CRIMINAL VIOLATION

Section 8.1 No Criminal Penalty

Fines pursuant to this ordinance shall be exclusively civil in nature and shall not be a criminal violation, or reported as such, for any purpose under Federal or State law. No person may be arrested or incarcerated for nonpayment of a Fine or late fee. No record of an adjudication of Civil Violation made under this ordinance and the Act shall be listed, entered, or reported on any criminal record or driving record, whether the record is maintained by the City or an outside agency. An adjudication of Civil Violation provided for in this ordinance and the Act shall not be considered a conviction for any purpose, shall not be used to increase or enhance punishment for any subsequent offense of a criminal nature, shall not be considered a moving violation, and shall not be used by any insurance company to determine or affect premiums or rates. The fact that a person is held liable or responsible for a Fine for a Traffic Signal Violation, Stop Sign Violation or Speeding Violation shall not be used as evidence that the person was guilty of negligence or other culpable conduct, and as evidence in any other proceedings if it is or becomes admissible under the rules of evidence applicable therein.

Section 8.2 Simultaneous Criminal Violation

No Fine may be imposed and no adjudication of liability for a Civil Violation may be made under this ordinance and the Act if the operator of the vehicle was arrested or was issued a citation and notice to appear by a sworn police officer for a criminal violation of any portion of Article 2, Chapter 5A, Title 32, including, but not limited to, Sections 32-5A-31, 32-5A-34, and 32-5A-35, *Code of Alabama 1975*, or any other municipal ordinance which embraces and incorporates the statutes contained in that article, and which occurred simultaneously with and under the same set of circumstances which were recorded by the Photographic Traffic Signal Enforcement System, the Photographic Stop Sign Enforcement System, or the Photographic Vehicle Speed Enforcement System.

ARTICLE IX

STATISTICAL DATA

Section 9.1 Reporting of Statistical Data

(a) The City shall keep statistical data regarding the effectiveness of Photographic Traffic Signal Enforcement Systems or Photographic Stop Sign Enforcement Systems in reducing traffic-control device violations and intersectional collisions and shall communicate the data on an annual basis to the Alabama Department of Transportation and the Alabama Law Enforcement Agency.

(b) The City shall keep statistical data regarding the effectiveness of automated Photographic Vehicle Speeding Enforcement Systems in reducing speeding violations and

collisions and shall communicate the data on an annual basis to the Alabama Department of Transportation and the Alabama Law Enforcement Agency.

ARTICLE X

VENDOR OPERATION OF SYSTEM

Section 10.1 Minimum Qualifications for Vendor

The City may contract with a vendor to perform services authorized by this ordinance and the Act. If the City uses a vendor for any portion of the enforcement or administration of this ordinance, then the contractor shall meet the following minimum criteria:

(1) The vendor selected by the City must be able to demonstrate three years of continuous operations of similar Automated Traffic Camera 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 acceptable to the City and comparable to the scope of the Automated Traffic Camera Enforcement program.

(5) Agree to comply with such other requirements as may be set forth in any Request for Proposals solicited by the City.

ARTICLE XI

MISCELLANEOUS

Section 11.1 No Invocation of Administrative Procedure Act

Nothing in this ordinance and the Act shall be construed as invoking the provisions of the Alabama Administrative Procedures Act, Sections 41-22-1 et seq., *Code of Alabama 1975*.

Section 11.2 Effect of Headings

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

Section 11.3 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.

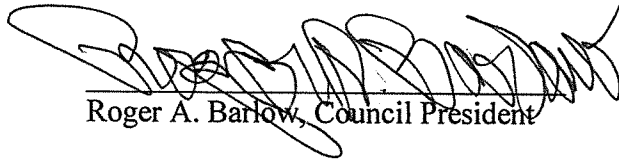
Section 11.4 Severability

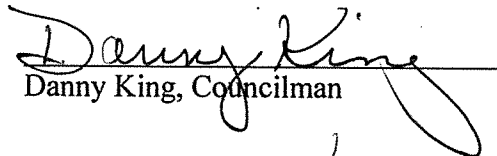
If any section, sentence, paragraph, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed without such unconstitutional,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

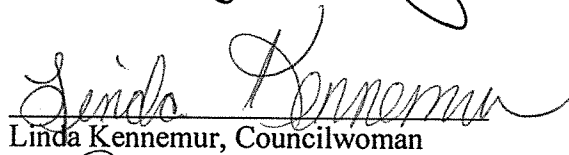
Section 11.5 Effective Date

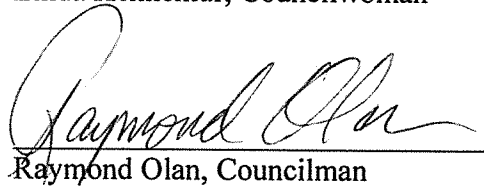
This ordinance shall become effective immediately upon its adoption and approval by the Mayor and City Council of the City and posting as required by Alabama law.

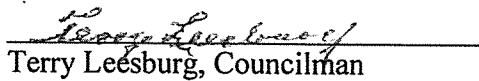
ADOPTED this 22 day of October, 2015.


Roger A. Barlow, Council President

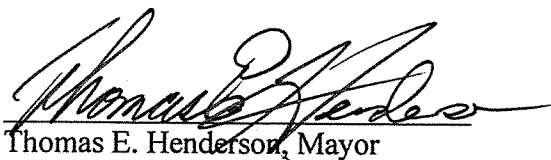

Danny King, Councilman

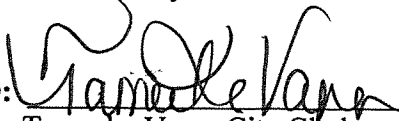

Linda Kennemur, Councilwoman


Raymond Olan, Councilman


Terry Leesburg, Councilman

APPROVED this 22 day of October, 2015.


Thomas E. Henderson, Mayor

ATTESTED: 
Tameeka Vann, City Clerk