

ORDINANCE NO. 2024-277

AN ORDINANCE TO AMEND THE MUNICIPAL SCHEDULE OF FINES

WHEREAS, the State of Alabama has enacted two new statutes to the Code of Alabama which has thereby replaced Code of Alabama §32-5A-350 –Handheld texting with Code of Alabama §32-5A-350.1-Operation of vehicle in distracted manner under criminal offenses, and

WHEREAS, prior to the adoption of this Ordinance, the Mayor and City Council have heard from a number of citizens complaining about these matters; and

WHEREAS, the City Council desires to adopt an ordinance that incorporates this new offense set forth in the Code of Alabama; and

WHEREAS, the City is authorized by § 11-45-1 of the *Code of Alabama*, among other laws, to adopt ordinances to provide for the public health, prosperity, order, comfort, and convenience of the inhabitants of the City;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA, as follows:

Section 1. In addition to other remedies, authorized enforcement officers of the City may issue a Traffic offense citation for violations of this ordinance for Distracted Driving. The City hereby repeals the Schedule of Fines of the Madison City Code, Appendix B(a)(1) Traffic offenses, for “Using a Wireless Communication Device while driving” and replaces said violation with a violation for Distracted Driving as set forth by Code of Alabama §32-5A-350.1. The City hereby Amends the Schedule of Fines of the Madison City Code, Appendix B(a)(1) Traffic Offenses, to assess a fine of \$50 for a first offense of Distracted Driving, \$100 for a second offense and \$150 for a third offense. There are no court costs assessed with said offense. The City hereby adopts and incorporates by reference the definition of said offense as set forth in the Code of Alabama §32-5A-350.1.

Section 2. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 3. No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

Section 4. That this ordinance shall become effective immediately upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2024.

Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

*Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama*

APPROVED this ____ day of _____, 2024.

*Paul Finley, Mayor
City of Madison, Alabama*