

ORDINANCE NO. 2023-261

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 created two new criminal offenses, namely Smoking and/or Vaping in a Motor Vehicle when a Child under 14 is Present (Act 2023-93) and Individual under 21 in Possession of Psychoactive Cannabinoids (Act 2023-169); 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 these new offenses 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 Smoking and/or Vaping in a Motor Vehicle while a Child is Present. The City hereby amends the Schedule of Fines of the Madison City Code, Appendix B(a)(1) Traffic offenses, to add a new line for Smoking and/or Vaping in a Motor Vehicle When a Child is Present, with a fine not exceeding \$100.00 per offense. The City hereby adopts and incorporates by reference the definition of said offense as set forth in the Code of Alabama.

Section 2. In addition to other remedies, authorized enforcement officers of the City may issue a non-traffic offense citation for violations of this ordinance for Possession of Psychoactive Cannabinoids by an Individual under 21 years of age. The City hereby amends the Schedule of Fines of the Madison City Code, Appendix B(a)(4) Non-traffic offenses, to add a new line for the Possession of Psychoactive Cannabinoids by an Individual under 21 years of age, with a fine of no less than \$50 and no more than \$200 per offense and a fine of \$400 for a third or subsequent offense. The City hereby adopts and incorporates by reference the definition of said offense as set forth in the Code of Alabama.

Section 3. 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 4. No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

Section 5. That this ordinance shall become effective immediately upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

*Ranae Bartless, Council President
City of Madison, Alabama*

ATTEST:

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

APPROVED this ____ day of _____, 2023.

*Paul Finley, Mayor
City of Madison, Alabama*