

ORDINANCE 05-06-14-B

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF ENTERPRISE, ALABAMA AS FOLLOWS:

AN ORDINANCE ADOPTING THE USE OF THE ALABAMA UNIFORM NON-TRAFFIC CITATION AND COMPLAINT (UNTCC), ADOPTING THE EXTENDED SCHEDULE OF FINES IN THE ALABAMA RULES OF JUDICIAL ADMINISTRATION AND ESTABLISHING A LOCAL SCHEDULE OF OFFENSES FOR USE WITH THE UNTCC.

WHEREAS, the City Council finds it in the best interest of efficient procedures for the processing of non-traffic offenses to allow for an alternative, in certain instances for certain offenses, to the taking individuals into custody for nonviolent offenses or violations which may appropriately be charged by the use of the Uniform Non-Traffic Citation and Complaint (UNTCC), adopted by the Alabama Supreme Court; and,

WHEREAS, the City Council desires to adopt a set of uniform procedures which may allow for the acceptance of guilty pleas by the Magistrates of the City with or without the individual/business entity being required to make a court appearance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA, AS FOLLOWS:

- (a) Use of Uniform Non-Traffic Citation and Complaint (UNTCC) - The Uniform Non-Traffic Citation and Complaint (UNTCC), may be used for all of the offenses listed on the extended and local schedule of fines set forth in this section. In addition, the UNTCC shall be a sufficient charging instrument for the initiation of all prosecutions of municipal ordinance violations within the City of Enterprise, Alabama listed on the schedules set out or referenced herein. Any properly issued UNTCC shall be accepted for filing and disposition in the municipal court of the City of Enterprise.
- (b) Form of complaint - The form and content of the UNTCC shall be as prescribed by the State of Alabama as found in Rule 20, Alabama Rules of Judicial Administration, Appendix A, as may from time to time be amended.
- (c) Authority to issue UNTCC - Every law enforcement officer or other authorized official of the city charged with the responsibility of enforcing any ordinance is hereby authorized to issue the UNTCC as form set forth in Section 11-45-9.1 Code of Alabama, the Alabama Rules of Judicial Administration, the Alabama Supreme Court's extended schedule of fines, as each shall from time to time be amended, as well as for the offenses set forth in the local schedule of fines in this section, for which the municipal court has jurisdiction. However, such shall not be used for offenses pertaining to the use or consumption of alcoholic beverages or any controlled substance, which is connected with a violent act, that requires restitution to a victim of a crime or those offenses listed in Rule 20 (D), Alabama Rules of Judicial Administration. Also, the UNTCC procedures stated herein are not meant to exclusively govern procedures for the violations/offenses referenced below and are instead only implemented as an alternative to existing procedures which may be available related to said violations/offenses.
- (d) The processing and disposition of the UNTCC by the Enterprise Municipal Court shall be consistent with the procedures set forth in the Alabama Rules of Judicial Administration with court costs being taxed for each offense in amounts established by the State of Alabama, the Alabama Supreme Court and the City of Enterprise.
- (e) The City Council hereby adopts the extended schedule of fines established by the Alabama Supreme Court as published in Rule 20, Alabama Rules of Judicial Administration, Appendix B. The Schedule shall apply in municipal ordinance violation cases, misdemeanors or cases charging the violation of a rule or regulation promulgated by a state agency or department and incorporated in municipal ordinances where the defendant elects to plead guilty before a magistrate or violation listed in the schedule and where the Enterprise Municipal Court has jurisdiction.
- (f) The City Council hereby adopts the following schedule of fines for minor ordinance violations and misdemeanors which are not published elsewhere in the Code of Ordinances and which are not set out in the Extended Schedule published by the Alabama Supreme Court but which will nonetheless assist the municipal court and the municipal magistrate in the administration of justice within the City.

CITY OF ENTERPRISE
SCHEDULE OF FINES

Code Section	Offenses*	Fine*
5-4	Animal baiting, attacking, provoking, etc.	\$500.00
5-21	Barking or Howling Dogs	\$100.00
5-22	Dogs Running at Large	\$100.00
5-23	Dogs - Leash Required	\$100.00
5-24	Dogs - Enclosure or Retention Required	\$100.00
5-25	Dogs - Rabies Inoculation Required	\$100.00
5-30	Vicious or Dangerous Dogs Specifically	\$250.00
10-3	Discharge of Fireworks Prohibited	\$50.00
10-7	Outside Burning Prohibited	\$50.00
11-7	Excessive or Unreasonable Noise	\$50.00
11-10	Public, Common Nuisances	\$100.00
11-20	Sanitation of Premises	\$100.00
11-21	Depositing Refuse on the Property of Another	\$100.00
11-22	Depositing Refuse in Watercourses	\$100.00
11-31	Abandoned Vehicle	\$100.00
11-32	Leaving non-operable Vehicle on Street	\$100.00
11-33	Wrecked Vehicles on Private Property	\$100.00
11-39.1	Motor Vehicles, Maintaining Nuisance	\$100.00
11-51	Growth of Weeds, Declaration of Nuisance	\$50.00
11-52	Keeping Sidewalks Clear	\$50.00
11-60	Unlawful to Maintain Nuisance	\$50.00
14-102	Felon Registration Card Required	\$50.00
19-19	Driving Through Funeral Procession	\$100.00

*Second and subsequent offenses shall require a court appearance and the municipal judge shall be authorized to institute penalties (fines, imprisonment, etc.) up to the maximum allowed by law.

(g) The provisions of this Ordinance are severable. If any section, subsection or provision shall be declared to be invalid or unconstitutional by judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any other section, subsection or provision of this Ordinance.

(h) Any existing rule, regulation or portion of any ordinance or resolution related to criminal procedures or standard operating procedures for the Enterprise Municipal Court which is expressly in conflict with the foregoing procedures is hereby repealed. Otherwise, as noted above, since the procedures set forth herein are meant to supplement or provide an alternative to existing procedures, it is not intended for the procedures herein to exclusively govern existing procedures for violations of applicable law and ordinances.

(i) This Ordinance shall take effect upon its approval by the City Council, or upon its otherwise becoming law, but shall nevertheless be published as required by law.

Adopted this 20th day of May, 2014.

COUNCIL:

[Signature]
Council President Tommy Johnson, Jr.
District #2

[Signature]
Council Member William E. Cooper
District #1

[Signature]
Council Member Kirk Donaldson
District #3

[Signature]
Council Member Wallace "Al" Miller, Jr.
District #4

[Signature]
Council Member Rhett Marques
District #5

ATTEST:

[Signature]
Steven W. Hicks
City Clerk/Treasurer

Transmitted to the Mayor this 21st Day of May, 2014.

[Signature]
Steven W. Hicks
City Clerk/Treasurer

ACTION OF THE MAYOR:

Approved this 22 day of May, 2014

[Signature]
Kenneth W. Boswell
Mayor

ATTEST:

[Signature]
Steven W. Hicks
City Clerk/Treasurer