

Misdemeanor # 003

Felony # 003

AN ORDINANCE

BE IT ORDAINED BY THE CITY (TOWN) COUNCIL OF THE CITY (TOWN) OF Vincent, ALABAMA, AS FOLLOWS:

Section 1. Any person or corporation committing an offense within the corporate limits of the City (Town) of Vincent, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the City (Town) of Vincent, Alabama.

Section 2. Any person or corporation committing an offense within the corporate limits of the City (Town) of Vincent, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty of an offense against the City (Town) of Vincent, Alabama.

Section 3. Any person or corporation committing within the corporate limits of the City (Town) of Vincent, Alabama, or within the police jurisdiction thereof, an offense as defined by Section 13A-1-2 of the Alabama Criminal Code, which offense is not declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the City (Town) of Vincent, Alabama.

Section 4. Any person found to be in violation of Sections One (1), Two (2) or Three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the city (town) for a period not exceeding six (6) months, at the discretion of the Court trying the case, unless otherwise provided by Section 5 of this ordinance. Any corporation found to be in violation of Sections One (1), Two (2) or Three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), at the discretion of the Court trying the case.

Section 5. Any person found to be in violation of Section 32-5A-191, Code of Alabama, 1975, as amended, shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) and/or may be imprisoned or sentenced to hard labor for not more than one year.

Section 6. Any ordinance heretofore adopted by the City (Town) Council of the City (Town) of Vincent, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

Section 7. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 8. This ordinance shall become effective on 8/16/83.

ADOPTED AND APPROVED THIS THE 16 DAY OF August, 1983

Don Jones  
Presiding Officer

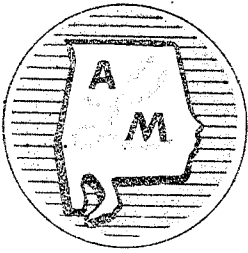
ATTEST:

Trucees E Spates  
City Clerk

FIRST OFFENSE:	\$450.00	
SECOND "	600.00	and 30 days in jail
THIRD "	800.00	and 60 days in jail

PRESIDENT:  
ROBERT E. MCGUKIN  
MAYOR, CULLMAN

EXECUTIVE DIRECTOR:  
JOHN P. WATKINS  
MONTGOMERY



# Alabama League of Municipalities

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535 ADAMS AVENUE  
TELEPHONES 262-2566 AND 263-1042

Serving Alabama's Home-Town Governments and Home-Town Officials

August 5, 1983

## MEMORANDUM

TO: All Municipal Clerks

FROM: League Headquarters

SUBJECT: New DUI Law

IMMEDIATE ACTION SUGGESTED

Governor Wallace signed H. 264 (the new DUI law) at 2:45 P.M. on Friday, July 29, 1983. This law became effective immediately and will govern all offenses committed subsequent to its passage. The law has been assigned Act No. 83-620 by the Secretary of State. A copy of the new law has been forwarded to all municipal judges by the Administrative Office of Courts.

The new law specifically amends Section 11-45-9, Code of Alabama 1975, which sets out the penalties which can be assessed by municipal courts, so as to authorize municipal courts to hand out increased penalties for DUI cases.

Since municipalities have adopted ordinances making all State misdemeanors offenses against the municipality, including DUI offenses, the League feels that municipalities should adopt a new ordinance on this subject to conform with the provisions of Act 83-620.

A sample ordinance to be used by municipalities in adopting State laws by reference is printed on the back of this memorandum for use by your governing body.

If we can answer any questions on this matter, please feel free to contact us at League headquarters.

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TOWN OF VINCENT, ALABAMA  
MISDEMEANOR # 003  
FELONY # 003  
AN ORDINANCE

BE IT ORDAINED BY THE TOWN OF VINCENT, ALABAMA AS FOLLOWS:

Section 1. Any person or corporation committing an offense within the corporate limits of the Town of Vincent, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the Town of Vincent, Alabama.

Section 2. Any person or corporation committing an offense within the corporate limits of the Town of Vincent, Alabama or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty if an offense against the Town of Vincent, Alabama.

Section 3. Any person or corporation committing within the corporate limits of the Town of Vincent, Alabama or within the police jurisdiction thereof, an offense as defined by SECTION 13A-1-2 of the Alabama Criminal Code, which offense is not declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the Town of Vincent, Alabama.

Section 4. Any person found to be in violation of Sections One (1) Two (2) or three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) not more than Five Hundred Dollars (\$500.00) and/ or may be imprisoned or sentenced to hard labor for the Town of Vincent for a period not exceeding six (6) months at the discretion of the Court trying the case, unless otherwise provided by Section 5 of this ordinance. Any corporation found to be in violation of Sections one (1), Two (2) or hree (3) of this ordinance shall, upon conviction be furnished by a fine of not less than one dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00 ), at the discretion of the Court trying the case.

Section 5. Any person found to be in violation of Section 32-5A-191, Code of Alabama 1975 as amended, shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) and/or may be imprisoned or sentenced to hard labor for not more than one year.

Section 6. Any ordinance heretofore adopted by the Town of Vincent's Council, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

Section 7. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remained of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 8. This ordinance shall become effective on August 16, 1983.

ADOPTED AND APPROVED THIS THE 16th. DAY OF AUGUST 1983.

  
CLERK

  
MAYOR

Thereupon Councilman Clinkscales seconded the motion for immediate consideration of said ordinance and the following vote was recorded:

Mayor	Don Greene	Voted	"Aye"
Councilman	D. L. Spates	"	"Aye"
"	Nolen Clinkscales	"	"Aye"
"	Wallace Denty	"	"Aye"
"	Vestula Thompson	"	"Aye"

Nays-----None

Thereupon Councilman Denty moved the adoption of said ordinance which motion was seconded by Councilperson Vestula Thompson and when submitted to a vote resulted as follows:

Mayor	Don Greene	voted	"Aye"
Councilman	D. L. Spates	"	"Aye"
"	Nolen Clinkscales	"	"Aye"
"	Wallace Denty	"	"Aye"
"	Vestula Thompson	"	"Aye"

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Nays-----None

Thereupon Mayor Greene declared said Ordinance passed it having received unanimese consent of those present for immediate consideration and passage.

There being no further business to come before the Council it was by motion adjourned.

Frances Spates  
Clerk

Don Greene  
Mayor

CLERK'S CERTIFICATE

I, Frances E. Spates, Clerk of the Town of Vincent, Alabama, do hereby certify that I have posted a copy of the foregoing Ordinance in the following places within the Town of Vincent, Alabama, The Town Hall, The Gas Board Building and the Vincent Post Office

Done this the 16 day of Aug. 1983/

Frances Spates