

**ORDINANCE #09-04-06A**

**AMENDMENT TO SECTION 7 OF ORDINANCE #91-4-15**

To Amend Section Seven of an Amendatory Ordinance "It shall be unlawful for any person to park or leave standing any motor vehicle upon any portion of any public or private parking lot open to the public which has been marked for use by handicap persons pursuant to ANSE A 117.1 (1980) standards, without, at the time, displaying upon said vehicle a distinctive license plate decal or special identification placard displaying the international symbol of access issued by a Judge of Probate, License Commissioner, or other licensing authority pursuant to the Code of Alabama, 1975, Section 32-6-231, et.seq. Or issued by the duly authorized authority of another state having a reciprocal agreement with the State of Alabama pursuant to the Code of Alabama, 1975, Section 32-6-234.," adopted month, day, year.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BAY, ALABAMA:

**First:** That Section Two of an Amendatory Ordinance "It shall be unlawful for any person to park or leave standing any motor vehicle upon any portion of any public or private parking lot open to the public which has been marked for use by handicap persons pursuant to ANSE A 117.1 (1980) standards, without, at the time, displaying upon said vehicle a distinctive license plate decal or special identification placard displaying the international symbol of access issued by a Judge of Probate, License Commissioner, or other licensing authority pursuant to the Code of Alabama, 1975, Section 32-6-231, et.seq. Or issued by the duly authorized authority of another state having a reciprocal agreement with the State of Alabama pursuant to the Code of Alabama, 1975, Section 32-6-234.," adopted month, day, year., be and the same hereby is, amended, so as to read as follows:

"Section 7.

"(a) It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard as provided in Alabama Code Section 32-6-231, to park a motor vehicle in a parking place designated for individuals with disabilities at any place of public accommodation, any business or legal entity engaged in interstate commerce or which is subject to any federal or state laws requiring access by persons with disabilities, any amusement or resort or any other place to which the general public is invited or solicited, even though located on private property, and upon conviction, notwithstanding any other penalty provision which may be authorized or employed, shall be fined a minimum of fifty dollars (\$50) for the first offense, a minimum of two hundred dollars (\$200) for the second offense, and a minimum of five hundred dollars (\$500) for the third or any subsequent offense. In addition, for the second or any subsequent offense under this section, the person shall be ordered by the court to perform a minimum of 40 hours of either of the following forms of community service:

- (1) Community service for a nonprofit organization that serves the disabled community or serves persons who have a disabling disease.
  - (2) Any other community service that may sensitize the persons to the needs and obstacles faced daily by persons who have disabilities.
- (b) Any authorized municipal, county, or state law enforcement officer may go on private property to enforce this section.

(c) This section may be enforced by any law enforcement officer who has successfully complied with the minimum standards for police officers as set forth in Section 36-21-46, including, but not limited to, municipal law enforcement officers, sheriffs, deputy sheriffs, and Alabama State Troopers.

(d) Any sign designating a handicapped parking place shall contain on the sign or attached to the sign the amount of the fine for a parking violation on the first offense pursuant to subsection (a).

(e) If the law enforcement officer who issues the special access parking or disability parking violation is employed by a local law enforcement agency, 50 percent of the fines collected pursuant to this section shall be paid to the municipal or county general fund for the use of the law enforcement agency by whom the arresting officer is employed, with the remainder to be remitted to the State Treasury, to be deposited in a separate fund to be distributed 50 percent to the Administrative Office of Courts, to be expended for support of the trial courts and 50 percent to the Department of Mental Health and Mental Retardation, to be expended for the Individual and Family Support Program for persons with developmental disabilities. If the law enforcement officer who issues the special access parking or disability access parking violation is employed by a state law enforcement agency, the fines collected pursuant to this section shall be remitted to the State Treasury, to be deposited in a separate fund to be distributed 50 percent to the law enforcement agency by whom the arresting officer is employed, 25 percent to the Administrative Office of Courts, to be expended for support of the trial courts and 25 percent to the Department of Mental Health and Mental Retardation, to be expended for the Individual and Family Support Program for persons with developmental disabilities. All funds deposited to a separate fund in the State Treasury pursuant to this subsection to be expended by the Department of Mental Health and Mental Retardation, the Administrative Office of Courts and state law enforcement agencies shall be appropriated by the Legislature, for the purposes stated in this subsection.. The expenditure of said sums so appropriated shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41. No monies deposited to this fund shall revert to the State General Fund at the end of any fiscal year. Prior to the release of any monies to the Individual and Family Support Program, such expenditures shall first be approved by the Commissioner of the Department of Mental Health and Mental Retardation.

(f) This section shall be held in pari materia with all other provisions of law related to illegal special access parking or disability access parking violations and all laws or parts of laws which conflict with this section are repealed."

**Second:** That this Amendatory Ordinance shall be effective on and after the day of , 2009.

ADOPTED THIS DAY OF \_\_, 2009.

Bobby Forsythe

Mayor

Janice B. Falcomb

City Clerk

