

ORDINANCE NO. 2024-10-21-01

**AN ORDINANCE TO ALLOW CITY OF ASHLAND, AL MAGISTRATES THE
AUTHORITY TO DISMISS EQUIPMENT VIOLATIONS IN ACCORDANCE WITH
ALABAMA RULES OF JUDICIAL PROCEDURE, RULE 18**

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

SECTION 1. TITLE

This ordinance shall be known and may be cited as the "Ashland Magistrate Equipment Violation Dismissal Authority Ordinance."

SECTION 2. PURPOSE

The purpose of this ordinance is to grant the City of Ashland magistrates the authority to dismiss equipment violations in accordance with Alabama Rules of Judicial Procedure, Rule 18, thereby promoting efficiency in the administration of justice and reducing the burden on the court system for minor infractions that have been remedied.

SECTION 3. AUTHORITY

The Alabama Rules of Judicial Procedure, Rule 18 Section (B) (2) (1) gives Magistrates in Municipal Court the authority to dismiss equipment violations where a municipal ordinance allows and where a Law Enforcement Officer signs the UTTC verifying the equipment has been replaced.

SECTION 4. DEFINITIONS

A. "Equipment violation" means any violation related to the equipment or physical condition of a vehicle, as defined by the City of Ashland Municipal Code or the Alabama Code.

B. "Magistrate" means a judicial officer appointed by the City of Ashland to perform duties as prescribed by law and the Alabama Rules of Judicial Administration.

SECTION 5. GRANT OF AUTHORITY

A. City of Ashland magistrates are hereby granted the authority to dismiss equipment violations in accordance with Alabama Rules of Judicial Procedure, Rule 18.

B. This authority shall be exercised at the discretion of the magistrate, taking into consideration the nature of the violation, evidence of remediation, and any other relevant factors.

SECTION 6. PROCEDURES

A. Upon presentation of satisfactory evidence that an equipment violation has been remedied, a magistrate may dismiss the citation without requiring a court appearance.

B. The magistrate shall document the reason for dismissal and maintain records of all dismissals in accordance with applicable record-keeping requirements.

SECTION 7. LIMITATIONS

A. This ordinance applies only to equipment violations and does not extend to other types of offenses.

B. The authority granted herein shall be exercised in compliance with all applicable state laws, local ordinances, and judicial rules.

SECTION 8. EFFECTIVE DATE

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHLAND, AL: in accordance with Alabama Rules of Judicial Procedure, Rule 18 Section (B) (2) (1) the City of Ashland, AL authorizes Magistrate in the Ashland Municipal Court to dismiss equipment violations, where a Law Enforcement Officer signs the UTTC verifying the equipment has been replaced.

This ordinance shall become effective immediately

ADOPTED AND APPROVED on this _____ day of _____, 2024.

CITY OF ASHLAND, ALABAMA

LARRY J. FETNER, its Mayor

ATTEST:

CHELSEY WYNN- CITY CLERK