

**ORDINANCE NUMBER 2019-08-06**

**AN ORDINANCE TO ESTABLISH STANDARD OPERATING PROCEDURES FOR  
MOTOR VEHICLE IMPOUNDMENT AND TOWING OF VEHICLES AND TO  
ESTABLISH ADMINISTRATIVE FEES TO THE TOWN OF NEWTON FOR TOWING  
OF VEHICLES**

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

**Section 1.** There are hereby established Standard Operating Procedures for vehicle impoundment by police officers of the Town of Newton.

(A) All motor vehicles impounded by a police officer will have a Vehicle Impoundment Report that includes:

1. The date the vehicle was impounded;
2. The location from which the vehicle was impounded;
3. The location where the vehicle is stored;
4. A description of the vehicle;
5. An inventory of the vehicle; and
6. Condition of the vehicle.

(B) Reasons for Impoundment by a Police Officer;

1. Abandoned on a street or highway within the Town for a period of 72 hours consecutively.
2. Leaving wrecked or non-operating vehicles on the street.
3. When a vehicle has been left unattended on or adjacent to any public street or highway and it is determined by the police officer that the vehicle constitutes a hazard to traffic upon the street or highway.
4. Vehicle has been stolen or taken without consent of the owner.
5. Vehicle impounded as part of a major crime scene.
6. Vehicle seized in conjunction with a narcotics arrest.
7. When the person driving or is in control of such a vehicle is arrested.
8. When the person driving has a revoked or suspended license.
9. When the vehicle being operated has been determined to be uninsured or the driver of the vehicle has been cited for an insurance violation under Alabama State law.

(C) Location of Storage of Impounded Vehicles

1. Wrecker operator's place of business.
2. Town Impound Lot.
3. Other Law Enforcement Facility.

**Section 2.** There is hereby established an administrative fee to be paid to the Town of Newton for motor vehicles towed upon directions from a police officer of the Town. The fee shall be categorized into two tiers, based on circumstances that initiated the reason for the tow, as follows:

(A) Tier I: Towing as a result of a drug arrest, a DUI arrest, fleeing from law enforcement whether on foot or after exiting said vehicle, vehicle was involved in commission of felony crime. The fee shall be \$250.00 payable as herein set forth.

(B) Tier II: Towing as a result of an arrest for driving revoked, suspended, denied or cancelled, driving without first obtaining a license, insurance violation, any circumstance that would place other persons in threat of injury that was discovered as a result of a traffic stop. The fee shall be \$150.00 payable as herein set forth.

**Section 3.** The owner of the towed vehicle or any person or entity having the right of possession shall pay to the Town the required administrative fee before the vehicle will be released.

**Section 4.** The driver or owner shall be made aware of a tow and reason for the tow by the police officer, if either is available. A receipt will be supplied to the driver or owner if present. If not present, a receipt can be obtained at a later time from the Newton Police Department. The receipt will contain the name and phone number of the towing company and the location where the vehicle will be impounded. Thereafter, the receipt should be taken to the Town Hall where the administration fee shall be paid and payment receipt obtained.

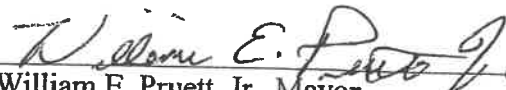
**Section 5.** Once the administrative fee has been paid to the Town of Newton; the owner can proceed to the towing company to obtain release of the vehicle. The owner will be required to have proof of ownership, a licensed driver, proof of insurance and funds to pay towing company for tow and storage if storage fees apply. All towing and storage companies must receive a paid receipt for the Town's administrative fee prior to release of the vehicle. Failure to receive such a receipt prior to release may result in removal of the towing and storage company(s) from the Town's wrecker rotation.

**Section 6.** This ordinance is adopted pursuant to the police powers delegated to municipal governments in this state. Therefore, this ordinance shall be applicable to the Town Limits and its Police Jurisdiction.

**Section 7.** Severability, Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof.

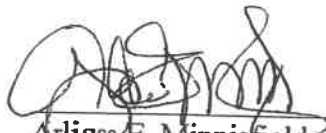
**Section 8.** This ordinance shall become effective immediately upon its adoption and legal publication.

Section 9. ADOPTED and APPROVED this 3<sup>rd</sup> day of September, 2019.

  
William E. Pruett, Jr., Mayor

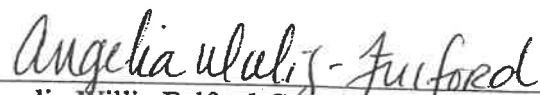
ATTEST:

  
Edward Woodard -Councilman-District 1

  
Arlissa E. Minniefield  
Municipal Clerk

  
Anna Glover-Councilwoman-District 2  
~~Sherolyn Sidebottom~~

  
Jeffery Jordan-Councilman-District 3

  
Angela Willis-Fulford-Councilwoman-District 4

  
Robert Creamer-Councilman-District 5