

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - ALABAMA

Glass v. City of Montgomery

Supreme Court of Alabama - February 11, 2022 - So.3d - 2022 WL 414392

Motorist disputing civil citation for allegedly running a red light challenged the constitutionality of municipal ordinance and a corresponding local act that authorized automated photographic enforcement of traffic-light violations within municipality's corporate limits.

The Circuit Court determined that ordinance and local act were constitutional. Motorist appealed.

The Supreme Court held that:

- Local act did not violate Alabama Constitution's prohibition on local law in any case that was provided for by a general law;
- Local act did not violate Alabama Constitution's prohibition on the legislature authorizing any municipal corporation to pass any laws inconsistent with the general laws of the State; and
- Local act did not violate Alabama Constitution's prohibition on local laws fixing the punishment of a crime.

Local act that authorized automated photographic enforcement of traffic-light violations within municipality's corporate limits did not violate Alabama Constitution's prohibition on local law in any case that was provided for by a general law; although the local law did address a case that was provided for by a general law, the local law passed constitutional muster under the "demonstrated local need" exception to the constitutional provision, given the city's need to protect the safety of the traveling public.

Local act that authorized automated photographic enforcement of traffic-light violations within municipality's corporate limits did not violate Alabama Constitution's prohibition on the legislature authorizing any municipal corporation to pass any laws inconsistent with the general laws of the State; despite argument that act and corresponding municipal ordinance effectively decriminalized the criminal offense of running a red light by making the offense a civil violation, act and ordinance provided that no civil penalty could be imposed if the vehicle operator was cited for a criminal violation of the traffic code, and the Alabama Constitution empowered the legislature to create both a criminal violation and a civil violation for the same act.

Local act that authorized automated photographic enforcement of traffic-light violations within municipality's corporate limits did not violate Alabama Constitution's prohibition on local laws fixing the punishment of a crime; Act exclusively provided for civil violations and civil penalties.