

ORDINANCE NO. 1172

AN ORDINANCE ESTABLISHING THE CITY OF FAIRFIELD TRAFFIC CALMING PROGRAM; PROVIDING FOR THE EVALUATION, APPROVAL, DESIGN, INSTALLATION, MAINTENANCE, ALTERATION, AND REMOVAL OF TRAFFIC CALMING DEVICES UPON MUNICIPAL STREETS AND RIGHTS-OF-WAY; ESTABLISHING CRITERIA AND PROCEDURES FOR CITIZEN REQUESTS; PROVIDING FOR ENGINEERING REVIEW, PUBLIC SAFETY REVIEW, AND CITY COUNCIL APPROVAL; PROVIDING FOR MUNICIPAL LIABILITY PROTECTIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

PREAMBLE AND LEGISLATIVE AUTHORITY

WHEREAS, the City Council of the City of Fairfield is vested with the management and control of the City's municipal streets, public rights-of-way, public ways, finances, and municipal property pursuant to **Section 11-43-56**, Code of Alabama 1975, together with the authority granted by Sections **11-45-1**, **11-45-8**, and other applicable provisions of the Constitution and laws of the State of Alabama to adopt ordinances necessary to protect the public health, safety, and welfare; and

WHEREAS, the City Council recognizes that municipal streets are among the City's most valuable public assets and must be managed in a manner that promotes safe, efficient, and orderly travel while balancing the needs of motorists, pedestrians, bicyclists, emergency responders, public transportation providers, businesses, and residential neighborhoods; and

WHEREAS, the City Council finds that excessive vehicle speeds, unsafe traffic conditions, and cut-through traffic on certain residential and neighborhood streets may adversely affect public safety, neighborhood livability, pedestrian mobility, emergency response, and the overall quality of life within the City of Fairfield; and

WHEREAS, the City Council further finds that appropriately designed and professionally evaluated traffic calming measures, when based upon accepted engineering principles and implemented through a fair, objective, and transparent process, may improve public safety, reduce excessive vehicle speeds, discourage undesirable cut-through traffic, and enhance neighborhood character while preserving the efficient operation of the City's transportation system; and

WHEREAS, the City Council recognizes that decisions concerning traffic calming devices require the balancing of numerous competing governmental interests, including public safety, engineering standards, emergency response, traffic operations, accessibility, utility infrastructure, fiscal responsibility, and the efficient allocation of municipal resources; and

WHEREAS, the City Council desires to establish a comprehensive Traffic Calming Program that provides uniform procedures for the submission, review, evaluation, approval, installation, maintenance, modification, and removal of traffic calming devices utilizing accepted engineering principles, meaningful public participation, and sound municipal decision-making; and

WHEREAS, the City Council further finds that adoption of this Ordinance will promote consistency, transparency, accountability, and fairness in the administration of traffic calming requests while preserving the legislative discretion of the City Council and the governmental immunities afforded to municipalities under Alabama law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, ALABAMA, AS FOLLOWS:

ARTICLE I

LEGISLATIVE FINDINGS, INTENT, AUTHORITY, AND PURPOSE

Section 1.01. Legislative Findings.

The City Council hereby adopts and incorporates the foregoing Preamble and Legislative Authority as though fully set forth herein and further makes the following legislative findings:

- A. The regulation of traffic upon municipal streets is a legitimate governmental function undertaken for the protection of the public health, safety, and welfare.
- B. Excessive vehicle speeds and unsafe traffic conditions may create unreasonable risks to motorists, pedestrians, bicyclists, school children, emergency responders, adjoining property owners, and the traveling public.
- C. Traffic calming measures should be considered only after objective evaluation utilizing accepted engineering principles together with consideration of emergency response, roadway operations, neighborhood characteristics, public input, available funding, and the overall public interest.
- D. Traffic calming devices constitute only one component of an effective traffic management program and should be considered together with traffic enforcement, roadway design, signage, education, and other appropriate transportation improvements.
- E. Because requests for traffic calming devices frequently involve competing public interests and limited municipal resources, a uniform and transparent decision-making process is necessary to ensure fairness, consistency, accountability, and sound governmental administration.
- F. The City Council finds that establishing a comprehensive Traffic Calming Program serves a valid municipal purpose and promotes the orderly administration of requests for traffic calming improvements throughout the City of Fairfield.

Section 1.02. Legislative Intent.

It is the intent of the City Council that this Ordinance establish a fair, objective, transparent, and engineering-based process for evaluating requests for traffic calming devices while preserving the legislative authority and governmental discretion of the City.

The City Council intends that all decisions made pursuant to this Ordinance shall be based upon accepted engineering principles, public safety considerations, operational impacts, neighborhood participation, fiscal responsibility, and the overall public interest.

Nothing contained in this Ordinance shall be construed to require the City of Fairfield to install, maintain, modify, replace, or remove any traffic calming device upon any municipal street or public right-of-way.

The City Council expressly reserves the legislative discretion to approve, deny, defer, modify, prioritize, or condition any request based upon the totality of the circumstances, including engineering recommendations, emergency response considerations, traffic operations, available funding, utility conflicts, roadway characteristics, public safety, and any other legitimate governmental consideration.

Nothing contained herein shall be interpreted to create a vested right, property right, entitlement, contractual right, special duty, or private cause of action against the City of Fairfield, its elected officials, officers, employees, agents, consultants, or representatives arising from any action or decision taken pursuant to this Ordinance.

Section 1.03. Statutory Authority.

This Ordinance is adopted pursuant to the Constitution and laws of the State of Alabama, including the City's general police powers and the authority granted to municipalities to regulate the use of municipal streets, public rights-of-way, and transportation infrastructure for the protection of the public health, safety, and welfare.

Section 1.04. Purpose.

The purposes of this Ordinance are to:

1. Promote the safe and efficient movement of traffic upon municipal streets.
2. Improve neighborhood safety and quality of life through appropriate traffic calming measures.
3. Establish a comprehensive Traffic Calming Program utilizing accepted engineering principles and objective evaluation criteria.
4. Provide a uniform procedure for citizen requests and municipal review.
5. Ensure that all traffic calming decisions are supported by engineering analysis, public safety review, and appropriate governmental oversight.
6. Encourage meaningful public participation while preserving the legislative authority of the City Council.
7. Promote consistency, transparency, accountability, and fairness in municipal decision-making.
8. Protect the City of Fairfield by preserving all governmental immunities, legislative discretion, and legal defenses available under Alabama law.
9. Provide the City Council, Mayor, Public Works Department, Police Department, Fire Department, and the City Engineer or other qualified engineering consultant with a coordinated framework for administering the City's Traffic Calming Program.

ARTICLE II

DEFINITIONS

Section 2.01. Purpose.

The definitions contained in this Article shall govern the interpretation and administration of this Ordinance unless the context clearly indicates otherwise. Words and phrases not specifically defined herein shall be given their ordinary meaning or the meaning assigned by applicable Alabama law or generally accepted engineering practice.

Section 2.02. Definitions.

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

A. Applicant.

The individual, neighborhood association, homeowners' association, or other authorized representative submitting a request for consideration of traffic calming measures pursuant to this Ordinance.

B. City.

The City of Fairfield, Alabama.

C. City Council.

The duly elected governing body of the City of Fairfield.

D. City Engineer.

The City Engineer or any qualified professional engineer or engineering consultant retained by the City to perform engineering services relating to this Ordinance.

E. Impact Area.

The geographic area determined by the City Engineer or qualified engineering consultant to be directly affected by the proposed installation, modification, or removal of a traffic calming device. The determination of the Impact Area shall be based upon accepted engineering principles, traffic patterns, roadway characteristics, and other relevant factors.

F. Local Street.

A municipal street whose primary function is to provide direct access to residential or adjoining properties rather than to accommodate significant through traffic.

G. Collector Street.

A municipal street intended to collect traffic from local streets and convey traffic to arterial roadways while also providing access to adjacent properties.

H. Qualified Engineering Consultant.

A professional engineer licensed to practice in the State of Alabama, or an engineering firm retained by the City possessing demonstrated experience in transportation engineering, roadway design, or traffic engineering.

I. Traffic Calming Device.

Any physical or geometric roadway improvement designed to reduce vehicle speeds, discourage cut-through traffic, improve pedestrian safety, or otherwise enhance traffic operations, including but not limited to speed humps, speed tables, speed cushions, raised crosswalks, chicanes, traffic circles, curb extensions, median islands, or other traffic calming measures approved by the City.

J. Traffic Calming Program.

The comprehensive municipal program established by this Ordinance for the evaluation, approval, installation, maintenance, modification, and removal of traffic calming devices within the City of Fairfield.

K. Traffic Calming Study.

An engineering evaluation conducted by or under the supervision of the City Engineer or a qualified engineering consultant to determine whether traffic calming measures are appropriate at a particular location. Such study may include, as applicable, traffic volumes, vehicle speeds, crash history, roadway geometry, emergency response considerations, pedestrian activity, roadway classification, utility conflicts, drainage conditions, and any other engineering or operational factor deemed relevant.

L. Traffic Calming Standards.

The engineering criteria, administrative procedures, technical specifications, and design standards adopted by the City pursuant to this Ordinance, including the current editions of the Manual on Uniform Traffic Control Devices (MUTCD), applicable Federal Highway Administration (FHWA) guidance, Institute of Transportation Engineers (ITE) recommended practices, and other generally accepted engineering standards.

M. Public Safety Departments.

Collectively, the Fairfield Police Department, Fairfield Fire Department, Public Works Department, and any other municipal department designated by the Mayor to review requests submitted under this Ordinance.

N. Public Right-of-Way.

Any street, roadway, alley, easement, sidewalk, or other public way owned, maintained, controlled, or accepted for maintenance by the City of Fairfield.

O. Traffic Management Measures.

Non-structural methods utilized to improve traffic safety, including enforcement, pavement markings, signage, education, striping modifications, signal timing, or other operational improvements that may be considered as alternatives or supplements to traffic calming devices.

Section 2.03. Rules of Construction.

Unless otherwise expressly provided:

1. Words importing the singular shall include the plural, and words importing the plural shall include the singular.
2. Words importing one gender shall include all genders.
3. The use of the term "shall" denotes a mandatory requirement unless the context clearly indicates otherwise.
4. The use of the term "may" denotes discretion.
5. References to engineering standards shall mean the most current editions adopted or recognized by the City at the time of review.
6. Headings and captions are provided for convenience only and shall not affect the interpretation of this Ordinance.

ARTICLE III

TRAFFIC CALMING PROGRAM ADMINISTRATION

Section 3.01. Establishment of the Traffic Calming Program.

There is hereby established the **City of Fairfield Traffic Calming Program** ("Program"), which shall provide a uniform process for the evaluation, review, approval, installation, maintenance, modification, and removal of traffic calming devices upon municipal streets and public rights-of-way.

The Program is established to promote public safety, improve neighborhood traffic conditions, encourage meaningful citizen participation, and ensure that traffic calming decisions are based upon accepted engineering principles, sound governmental administration, and the overall public interest.

The Program shall be administered in accordance with this Ordinance and all applicable provisions of federal, state, and local law.

Section 3.02. Administrative Responsibility.

The Mayor shall have overall administrative responsibility for implementation of this Ordinance and may designate the Public Works Department or another appropriate municipal department to coordinate the daily administration of the Program.

Administrative responsibilities may include:

- A. Receiving and processing applications.
- B. Coordinating engineering studies.
- C. Scheduling departmental reviews.
- D. Maintaining program records.
- E. Coordinating public notifications.
- F. Monitoring installed traffic calming devices.
- G. Performing other duties necessary to administer this Ordinance.

Section 3.03. Engineering Review.

All engineering evaluations required by this Ordinance shall be performed by or under the supervision of the City Engineer or another qualified engineering consultant retained by the City.

Engineering recommendations shall be based upon generally accepted engineering principles and may consider, among other factors:

1. Roadway classification.
2. Traffic volume.
3. Vehicle operating speeds.
4. Crash history.
5. Roadway geometry.
6. Sight distance.
7. Drainage.
8. Utility conflicts.
9. Pedestrian activity.
10. School routes.
11. Emergency response routes.
12. Transit operations.
13. Other engineering or operational considerations deemed relevant.

Engineering recommendations shall be advisory and shall not bind the City Council.

Section 3.04. Departmental Review.

Before any request is submitted to the City Council for consideration, the following departments shall have an opportunity to review and comment upon the proposed traffic calming measure:

- A. Public Works Department.
- B. Police Department.
- C. Fire Department.
- D. The City Engineer or qualified engineering consultant.
- E. Any other department or governmental agency deemed appropriate by the Mayor.

Each department may submit written comments or recommendations concerning operational impacts, public safety, emergency response, maintenance considerations, utility conflicts, or other matters within its expertise.

Section 3.05. Engineering Standards.

Traffic calming devices approved pursuant to this Ordinance shall be evaluated, designed, and installed in substantial compliance with the most current editions of the following, as applicable:

- A. Manual on Uniform Traffic Control Devices (MUTCD);
- B. Federal Highway Administration (FHWA) guidance;
- C. Institute of Transportation Engineers (ITE) recommended practices;
- D. American Association of State Highway and Transportation Officials (AASHTO) guidance, where applicable;
- E. Any engineering standards adopted by the City that are consistent with accepted professional practice.

Nothing contained herein shall require strict adherence to any particular publication where the City Engineer or qualified engineering consultant determines that an alternative design better serves the public interest and remains consistent with accepted engineering practice.

Section 3.06. Program Records.

The City shall maintain records of all applications, engineering studies, departmental recommendations, petitions, Council actions, and other documents generated pursuant to this Ordinance.

Such records shall constitute the official administrative record supporting any decision made under this Ordinance and shall be maintained in accordance with applicable records retention requirements.

Section 3.07. Administrative Procedures.

The Mayor or the Mayor's designee may adopt administrative procedures, application forms, engineering review forms, inspection reports, maintenance schedules, and other documents necessary to implement this Ordinance, provided that such procedures are consistent with this Ordinance and applicable law.

Administrative procedures adopted pursuant to this Section shall not amend, modify, or supersede any provision of this Ordinance.

Section 3.08. Construction of Administrative Authority.

Nothing contained in this Article shall be construed to limit the legislative authority of the City Council to approve, deny, modify, defer, prioritize, or otherwise act upon any request submitted pursuant to this Ordinance.

Likewise, nothing contained herein shall prohibit the City Council from initiating traffic calming projects upon its own motion when deemed necessary to protect the public health, safety, or welfare.

ARTICLE IV

APPLICATIONS, TRAFFIC CALMING STUDIES, AND PETITION PROCESS

Section 4.01. Requests for Traffic Calming Measures.

Any resident, property owner, neighborhood association, homeowners' association, elected official, municipal department, or the City Council may request consideration of traffic calming measures upon a municipal street.

Nothing contained herein shall prohibit the City Council or the Mayor from initiating traffic calming projects when deemed necessary to protect the public health, safety, or welfare.

Section 4.02. Application.

Requests shall be submitted upon forms approved by the City and shall include, at a minimum:

- A. The name, address, telephone number, and electronic mail address of the applicant;
- B. Identification of the street or roadway segment for which traffic calming is requested;
- C. A description of the traffic conditions giving rise to the request;
- D. Any available supporting information, photographs, or documentation;
- E. Such additional information as may reasonably be required by the City.

Submission of an application shall not obligate the City to conduct an engineering study or approve the requested improvement.

Section 4.03. Preliminary Administrative Review.

Upon receipt of an application, the designated municipal department shall conduct a preliminary review to determine whether:

- 1. The application is complete;
- 2. The roadway is under the jurisdiction of the City;
- 3. The request falls within the scope of this Ordinance;

4. Sufficient information has been submitted to proceed.

Incomplete applications may be returned to the applicant for correction.

Section 4.04. Traffic Calming Study.

If the application satisfies the preliminary administrative review, the City Engineer or qualified engineering consultant may conduct or authorize a Traffic Calming Study.

The study may include:

- A. Vehicle speed data;
- B. Traffic volume;
- C. Crash history;
- D. Roadway geometry;
- E. Sight distance;
- F. Drainage;
- G. Utility conflicts;
- H. School zones and pedestrian activity;
- I. Emergency response routes;
- J. Transit operations;
- K. Existing traffic control devices;
- L. Any additional engineering or operational factors deemed appropriate.

The completion of a Traffic Calming Study shall not constitute a recommendation for installation of a traffic calming device.

Section 4.05. Eligibility Determination.

Following completion of the Traffic Calming Study, the City Engineer or qualified engineering consultant shall determine whether the request is appropriate for further consideration.

If the request is determined not to be appropriate, the applicant shall be notified in writing, together with a brief explanation of the determination.

Nothing contained herein shall prohibit the applicant from submitting a subsequent request based upon materially changed conditions.

Section 4.06. Petition Requirement.

When the City Engineer or qualified engineering consultant determines that a proposed traffic calming measure warrants further consideration, the applicant shall obtain signatures from not less than seventy-five percent (75%) of the owners of record, occupants, or registered voters, as determined by the City, within the designated Impact Area.

The Impact Area shall be determined by the City Engineer or qualified engineering consultant using accepted engineering principles.

The City Clerk shall verify petition sufficiency prior to further consideration.

The City Council may waive the petition requirement when the proposed improvement is initiated by the City for reasons of public safety, emergency conditions, school safety, roadway reconstruction, or other legitimate governmental purpose.

Section 4.07. Public Notice.

Following verification of the petition, the City shall provide notice of the proposed traffic calming request.

Notice may be provided by one or more of the following methods:

- A. Posting upon the City's official website;
- B. Written notice to affected property owners;
- C. Posting upon the affected street;
- D. Any additional method reasonably calculated to provide notice.

Failure of any individual to receive notice shall not invalidate proceedings conducted pursuant to this Ordinance.

Section 4.08. Referral for Departmental Review.

Following completion of the Traffic Calming Study and verification of any required petition, the request shall be referred for review by the departments identified in Article III.

Each department may submit written comments or recommendations for consideration by the City Council.

Section 4.09. Administrative Record.

The application, engineering study, petition, departmental comments, correspondence, notices, and all other materials relating to the request shall constitute the administrative record and shall be maintained by the City.

The administrative record shall accompany the matter when presented to the City Council.

Section 4.10. Time Guidelines.

The time periods contained within this Article are intended to promote efficient administration and are directory rather than mandatory.

Failure of the City to complete any administrative action within a specified time shall not require approval of any request nor create any liability on the part of the City.

ARTICLE V

CITY COUNCIL REVIEW, PUBLIC HEARING, AND APPROVAL

Section 5.01. Presentation to the City Council.

Upon completion of the administrative review process set forth in this Ordinance, the Mayor or the Mayor's designee shall transmit the administrative record to the City Clerk for placement on the agenda of a regular or special meeting of the City Council.

The administrative record shall include, at a minimum:

- A. The application;
- B. The Traffic Calming Study;
- C. Engineering recommendations;
- D. Departmental comments and recommendations;
- E. Verified petition, if required;
- F. Public notice documentation;
- G. Estimated project costs;
- H. Any additional information deemed relevant to the request.

Section 5.02. Public Hearing.

Prior to taking final action upon any request, the City Council may conduct a public hearing to receive comments from affected residents, property owners, businesses, governmental agencies, and other interested persons.

The City Council may establish reasonable rules governing the conduct of the hearing, including reasonable limitations upon the time allotted for presentations.

Failure to conduct a public hearing shall not invalidate Council action when the City Council determines that sufficient public input has otherwise been received or where the request is initiated by the City for public safety purposes.

Section 5.03. Council Consideration.

In evaluating any request submitted pursuant to this Ordinance, the City Council may consider the entire administrative record together with any additional information presented during its deliberations.

Among other relevant considerations, the Council may consider:

- A. Engineering recommendations;
- B. Public safety;
- C. Emergency response capabilities;
- D. Traffic operations;
- E. Crash history;
- F. Pedestrian activity;
- G. School routes;
- H. Neighborhood support;
- I. Public comments;
- J. Fiscal impact;
- K. Availability of funding;
- L. Utility infrastructure;

M. Maintenance obligations;

N. Compatibility with existing transportation facilities;

O. Any other factor reasonably related to the public health, safety, and welfare.

Section 5.04. Legislative Discretion.

Traffic calming decisions are legislative determinations involving the balancing of competing governmental interests.

Accordingly, satisfaction of engineering criteria, completion of a Traffic Calming Study, or compliance with any procedural requirement contained herein shall not require approval of any request.

The City Council expressly reserves the authority to approve, deny, defer, modify, prioritize, phase, or condition any request whenever the Council determines such action to be in the best interests of the City.

Section 5.05. Conditions of Approval.

The City Council may impose such reasonable conditions upon approval as it deems necessary to protect the public health, safety, and welfare, including but not limited to:

A. Modification of project limits;

B. Selection of alternative traffic calming measures;

C. Additional engineering analysis;

D. Utility coordination;

E. Funding participation;

F. Phased construction;

G. Post-installation evaluation;

H. Any other condition reasonably related to the approved project.

Section 5.06. Funding.

Approval of a traffic calming request shall not constitute an appropriation of funds.

Funding may be provided through:

A. Annual municipal appropriations;

B. Capital improvement projects;

C. Federal, state, or local grants;

D. Special appropriations;

E. Contributions authorized by law;

F. Any other lawful funding source approved by the City Council.

The City Council may prioritize approved projects based upon available funding and municipal needs.

Section 5.07. Resolution of Approval.

Following Council approval, the City Council may authorize implementation by resolution or other lawful Council action identifying:

- A. The location of the approved project;
- B. The approved traffic calming measure;
- C. Funding source;
- D. Any conditions imposed by the Council;
- E. Authorization for implementation.

Section 5.08. Effect of Approval.

Approval of a request authorizes the City to proceed with final design, scheduling, and implementation, subject to available funding, completion of all required reviews, utility coordination, procurement requirements, and any conditions imposed by the City Council.

Approval shall not create a contractual right or guarantee that installation will occur by any particular date.

Section 5.09. Reconsideration.

The City Council may reconsider any request upon receipt of materially changed traffic conditions, newly discovered information, significant changes in engineering recommendations, or other circumstances affecting the public interest.

Nothing contained herein shall prohibit the City Council from modifying or rescinding prior approvals before installation when necessary to protect the public health, safety, or welfare.

Section 5.10. Final Legislative Determination.

Unless otherwise provided by law, all actions taken by the City Council pursuant to this Article shall constitute final legislative determinations of the City.

Nothing contained herein shall be construed to limit any authority otherwise granted to the City Council under Alabama law.

ARTICLE VI

INSTALLATION, MAINTENANCE, MODIFICATION, AND REMOVAL OF TRAFFIC CALMING DEVICES

Section 6.01. Final Engineering Design.

Following approval by the City Council, the City Engineer or qualified engineering consultant shall prepare or approve the final design for the traffic calming improvement.

All traffic calming devices shall be designed in substantial compliance with the most current editions of the Manual on Uniform Traffic Control Devices (MUTCD), applicable Federal Highway Administration (FHWA) guidance, Institute of Transportation Engineers (ITE) recommended practices, and other generally accepted engineering standards adopted or recognized by the City.

Nothing contained herein shall prohibit the City Engineer or qualified engineering consultant from recommending alternative designs where appropriate to address unique roadway conditions or promote public safety.

Section 6.02. Utility Coordination.

Prior to construction, the City shall coordinate, as appropriate, with affected public utilities, governmental agencies, and other entities having facilities within the project area.

Where necessary, utility relocations, adjustments, or protective measures shall be completed before installation.

Section 6.03. Construction and Installation.

Traffic calming devices shall be installed by the City or by qualified contractors authorized by the City.

Construction shall be performed in accordance with approved engineering plans and applicable safety standards.

The City may inspect construction at any time to ensure compliance with approved plans and specifications.

Section 6.04. Inspection and Acceptance.

Upon completion of construction, the City Engineer or qualified engineering consultant and the Public Works Department shall inspect the project.

If the project substantially complies with approved plans and engineering standards, the project may be accepted for municipal maintenance.

The City may require correction of deficiencies prior to acceptance.

Section 6.05. Maintenance.

Unless otherwise provided by written agreement, the City shall be responsible for routine maintenance of traffic calming devices installed pursuant to this Ordinance, subject to the availability of appropriated funds.

Routine maintenance may include:

- A. Pavement repairs;
- B. Pavement markings;
- C. Traffic control signs;
- D. Reflective devices;
- E. Landscaping associated with traffic calming improvements;
- F. Other maintenance reasonably necessary to preserve the safe operation of the improvement.

Nothing contained herein shall obligate the City to perform maintenance according to any particular schedule.

Section 6.06. Periodic Evaluation.

The City may periodically evaluate installed traffic calming devices to determine their continuing effectiveness.

Such evaluation may include:

1. Traffic speeds;
2. Traffic volumes;
3. Crash history;

4. Emergency response impacts;
5. Maintenance requirements;
6. Neighborhood feedback;
7. Other operational considerations.

The results of any evaluation may be considered by the City Council in determining whether modification or removal is appropriate.

Section 6.07. Modification.

The City Council may authorize modification of an existing traffic calming device whenever:

- A. Traffic conditions materially change;
- B. Engineering recommendations support modification;
- C. Public safety considerations warrant modification;
- D. Emergency response operations are adversely affected;
- E. Utility improvements require modification;
- F. Other legitimate governmental interests justify such action.

Minor maintenance adjustments that do not materially alter the function of the device may be authorized administratively by the Mayor or the Mayor's designee.

Section 6.08. Removal.

The City Council may authorize removal of a traffic calming device whenever the Council determines that removal serves the public health, safety, or welfare.

Among other factors, the Council may consider:

- A. Engineering recommendations;
- B. Changed traffic conditions;
- C. Emergency response concerns;
- D. Roadway reconstruction;
- E. Utility projects;
- F. Excessive maintenance requirements;
- G. Public safety considerations;
- H. Any other relevant governmental interest.

Removal of a traffic calming device shall not require a new petition.

Section 6.09. Emergency Removal or Temporary Suspension.

Notwithstanding any other provision of this Ordinance, the Mayor, Police Chief, Fire Chief, Public Works Director, or City Engineer may temporarily remove, suspend, barricade, modify, or otherwise restrict the use of any traffic calming device when necessary to:

- A. Protect public safety;
- B. Facilitate emergency response;

C. Accommodate roadway construction or utility work;

D. Address unforeseen roadway hazards;

E. Protect municipal infrastructure.

Emergency actions taken pursuant to this Section shall be reported to the City Council at its next regular meeting.

Section 6.10. No Continuing Obligation.

The installation of any traffic calming device pursuant to this Ordinance shall not create a continuing obligation upon the City to maintain, replace, reconstruct, upgrade, or remove such device except as determined by the City in the exercise of its lawful governmental discretion and subject to the availability of appropriated funds.

Nothing contained herein shall limit the City's authority to modify transportation facilities in furtherance of the public health, safety, and welfare.

ARTICLE VII

MUNICIPAL LIABILITY, GOVERNMENTAL DISCRETION, AND LEGAL PROTECTIONS

Section 7.01. Governmental Function.

The City Council hereby finds and declares that the administration of the City of Fairfield Traffic Calming Program constitutes the exercise of the City's governmental functions and police powers for the protection of the public health, safety, and welfare.

All actions taken pursuant to this Ordinance are intended to promote public safety and improve the operation of the City's transportation system while balancing competing governmental interests.

Section 7.02. Legislative and Governmental Discretion.

The City Council expressly declares that all decisions made pursuant to this Ordinance, including but not limited to the evaluation, prioritization, approval, denial, modification, funding, installation, maintenance, or removal of traffic calming devices, involve discretionary governmental and legislative decision-making.

Nothing contained in this Ordinance shall be construed to limit or impair the legislative discretion of the City Council or the lawful administrative discretion of municipal officials acting within the scope of their authority.

Section 7.03. No Mandatory Duty.

Nothing contained in this Ordinance shall be construed to impose a mandatory duty upon the City of Fairfield to:

A. Conduct a Traffic Calming Study;

B. Approve or deny any application within any specified period of time;

C. Install any traffic calming device;

D. Maintain, repair, replace, reconstruct, inspect, or remove any traffic calming device according to any particular schedule;

E. Continue any traffic calming program or improvement indefinitely; or

F. Appropriate funds for any traffic calming project.

The City retains the authority to determine the timing, manner, extent, and priority of all traffic calming activities consistent with applicable law and available resources.

Section 7.04. No Private Right or Cause of Action.

This Ordinance is adopted solely for the purpose of promoting the public health, safety, and welfare.

Nothing contained herein shall be interpreted or construed to:

- A. Create a property right, vested right, contractual right, or entitlement;
- B. Create a special duty owed by the City to any individual or class of individuals beyond those duties otherwise imposed by applicable law;
- C. Create an independent cause of action against the City, its elected officials, officers, employees, agents, consultants, or contractors; or
- D. Expand or diminish any right, remedy, defense, or immunity otherwise recognized under Alabama law.

Section 7.05. Engineering Recommendations.

Engineering studies, traffic analyses, departmental reviews, and professional recommendations prepared pursuant to this Ordinance are advisory in nature.

The City Council may accept, reject, modify, or assign such weight to those recommendations as it deems appropriate in exercising its legislative judgment.

Nothing contained herein shall require the City Council to adopt the recommendation of the City Engineer or qualified engineering consultant.

Section 7.06. Compliance with Engineering Standards.

Traffic calming improvements shall be designed in substantial compliance with accepted engineering practices as determined by the City Engineer or qualified engineering consultant.

Reference to engineering publications, including the Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration (FHWA) guidance, Institute of Transportation Engineers (ITE) recommended practices, or similar publications, is intended solely to guide administrative decision-making and engineering design.

Nothing contained in this Ordinance shall be construed to establish an independent standard of civil liability or to create a private cause of action based solely upon alleged noncompliance with any engineering publication or guidance document.

Section 7.07. Reliance.

No person shall be entitled to rely upon the existence, absence, condition, approval, denial, installation, maintenance, modification, or removal of any traffic calming device as creating a guarantee of roadway safety or as creating any legal duty beyond those imposed by applicable law.

The City does not warrant that the installation of any traffic calming device will eliminate traffic hazards, prevent accidents, or ensure the safety of any roadway.

Section 7.08. Preservation of Existing Legal Defenses.

Nothing contained in this Ordinance shall be construed as a waiver of any defense, limitation, protection, or immunity otherwise available to the City, its elected officials, officers, employees, or agents under the Constitution or laws of the State of Alabama.

Section 7.09. Liberal Construction.

This Ordinance shall be liberally construed to accomplish its stated public purposes while preserving the legislative discretion of the City Council and the lawful authority of municipal officials responsible for its administration.

In the event of any ambiguity, this Ordinance shall be interpreted in a manner that best promotes the public health, safety, and welfare consistent with applicable law.

ARTICLE VIII

MISCELLANEOUS, IMPLEMENTATION, AND EFFECTIVE DATE

Section 8.01. Appeals.

Except as otherwise provided by law, decisions of the City Council made pursuant to this Ordinance shall constitute final legislative determinations.

Nothing contained herein shall be construed to create an administrative appeal beyond that otherwise required by Alabama law.

Nothing contained herein shall limit any judicial review otherwise authorized by applicable law.

Section 8.02. Administrative Implementation.

The Mayor, City Clerk, Public Works Department, Police Department, Fire Department, City Engineer, or qualified engineering consultant are hereby authorized to take such administrative actions as are reasonably necessary to implement this Ordinance.

Such actions may include:

- A. Preparation of application forms;
- B. Engineering review forms;
- C. Inspection reports;
- D. Administrative procedures;
- E. Recordkeeping procedures;
- F. Project tracking documents;
- G. Public information materials;
- H. Other documents necessary for efficient administration.

Administrative procedures adopted pursuant to this Section shall remain consistent with this Ordinance and shall not amend or supersede any legislative provision contained herein.

Section 8.03. Coordination with Other Laws.

Nothing contained in this Ordinance shall be interpreted to conflict with federal law, Alabama law, or any valid regulation governing public streets, traffic control devices, public safety, accessibility, or transportation engineering.

In the event of a conflict, applicable federal or state law shall control.

Section 8.04. Existing Traffic Calming Devices.

Traffic calming devices lawfully installed prior to the effective date of this Ordinance shall remain valid.

The City may inspect, maintain, modify, or remove existing traffic calming devices in accordance with this Ordinance whenever determined appropriate by the City Council.

Section 8.05. Codification.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Fairfield.

The sections of this Ordinance may be renumbered or relettered by the codifier as necessary to accomplish codification, and the word "Ordinance" may be changed to "Chapter," "Article," "Section," or other appropriate designation without affecting the substance hereof.

Section 8.06. Severability.

Should any section, subsection, sentence, clause, phrase, or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more provisions may subsequently be declared invalid.

Section 8.07. Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent of such conflict.

Nothing contained herein shall be construed to repeal any ordinance not directly inconsistent with this Ordinance.

Section 8.08. Effective Date.

This Ordinance shall become effective immediately upon its adoption, authentication, recording, publication, and codification as required by applicable law.

Section 8.09. Authority to Correct Scrivener's Errors.

The Mayor, City Clerk, and City Attorney are authorized to make non-substantive corrections, including typographical, grammatical, formatting, numbering, citation, and cross-reference corrections, prior to codification, provided such corrections do not alter the substantive intent of the City Council.

Section 8.10. Legislative Intent Regarding Interpretation.

This Ordinance shall be interpreted and administered so as to promote the public health, safety, and welfare while preserving the legislative discretion of the City Council, the lawful authority of municipal officials, accepted engineering principles, and the governmental protections recognized under Alabama law. The provisions of this Ordinance shall be liberally construed to accomplish its public purposes.

This Ordinance shall become effective upon its adoption and publication as required by law pursuant to **Code of Alabama § 11-45-8**.

ADOPTED AND APPROVED this ____ day of _____, **2026**.

Herman Carnes, Jr., Mayor

ATTEST:

Yvette Reynolds, City Clerk