

1 HB12  
2 125482-1  
3 By Representative Williams (J)  
4 RFD: County and Municipal Government  
5 First Read: 01-MAR-11  
6 PFD: 02/22/2011

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to municipalities; to amend Section 11-45-8  
14 of the Code of Alabama 1975, relating to the publishing of an  
15 ordinance after passage by the municipal governing body, to  
16 further provide for the publication by certain municipalities  
17 of a notice of the substance of an ordinance relating to  
18 planning or zoning or the licensing of businesses in a  
19 newspaper under certain conditions.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 11-45-8 of the Code of Alabama  
22 1975, is amended to read as follows:

23 "§11-45-8.

24 "(a) All ordinances shall as soon as practicable  
25 after their passage be recorded in a book kept for that  
26 purpose and be authenticated by the signature of the clerk.

1           "(b) (1) All ordinances of a general or permanent  
2 nature, except as provided in subdivision (2) and in  
3 subsection (d) of this section, shall be published in some  
4 newspaper of general circulation published in the  
5 municipality, but if no such newspaper is published in the  
6 municipality such ordinances may be published by posting  
7 ~~copies thereof~~ a copy of the ordinance in three public places  
8 within the municipality, one of which shall be at ~~the post~~  
9 ~~office or~~ the mayor's office in ~~such~~ the city or town. In the  
10 event there is no newspaper published in the municipality and  
11 there is a newspaper published in the county in which the  
12 municipality is located having general circulation in the  
13 municipality, at the option of the governing body of such  
14 municipality the ordinance may be published in ~~such~~ that  
15 newspaper. In towns having a population of less than 2,000  
16 inhabitants as shown by the 1950 federal census, the governing  
17 body of such town shall have the option of publication of the  
18 ordinance by posting as above provided or in a newspaper  
19 published in the town or in the county having a general  
20 circulation in the town.

21           "(2) All ordinances of a general and permanent  
22 nature relating to planning or zoning or the licensing of  
23 businesses, as an alternative to the publishing requirements  
24 of subdivision (1), may be published in a synopsis form in  
25 some newspaper of general circulation published in the  
26 municipality provided that the synopsis, at a minimum,  
27 includes the following information:

1           "a. A summary of the purpose and effect of the  
2 ordinance.

3           "b. If the ordinance relates to planning or zoning,  
4 a general description of the property or properties affected  
5 by the ordinance including the common name by which the  
6 property or properties are known and the substance of the  
7 ordinance.

8           "c. If the ordinance relates to the licensing of  
9 businesses, the categories of businesses affected by the  
10 ordinance and the substance of the ordinance.

11           "d. The date upon which the ordinance was passed  
12 and, if different from the date of publication, the effective  
13 date of the ordinance.

14           "e. A statement that a copy of the full ordinance  
15 may be obtained from the office of the city or town clerk  
16 during normal business hours.

17           "(3) When the ordinance or notice of the substance  
18 of an ordinance is published in the newspaper it shall take  
19 effect from and after the time it shall first appear therein,  
20 and when published by posting it shall take effect five days  
21 thereafter. When an ordinance is published by posting, the  
22 municipality shall take reasonable steps to maintain the  
23 posting for not less than 30 days. In addition, if the  
24 municipality maintains an Internet website, the municipality,  
25 at a minimum, shall include a copy of the ordinance or notice  
26 of the substance of an ordinance on its website for 30 days.

1           "(4) Immediately following the record of any  
2 ordinance, the clerk shall append a certificate stating  
3 therein the time and manner of publication, which certificate  
4 shall be presumptive of the facts stated therein.

5           "(5) All ordinances granting a franchise shall be  
6 published at the expense of the party or parties to whom the  
7 franchise is granted.

8           "(c) Ordinances may adopt by reference thereto,  
9 without setting the same out at length in the ordinance,  
10 rules, and regulations which have been printed as a code in  
11 book or pamphlet form for any of the following:

12           "(1) The construction, erection, alteration, or  
13 improvement of buildings7.

14           "(2) Installation of plumbing or plumbing fixtures7.

15           "(3) Installation of electric wiring or lighting  
16 fixtures7.

17           "(4) Installation of gas or gas fixtures7.

18           "(5) Fire prevention7.

19           "(6) Health and sanitation7.

20           "(7) Milk and milk products7.

21           "(8) Parks7.

22           "(9) Airports7.

23           "(10) Waterworks and sewers7.

24           "(11) Traffic7.

25           "(12) Mechanical7.

26           "(13) Swimming pools7.

27           "(14) Housing7.

1           "(15) Standard code for elimination and repair of  
2 unsafe buildings;~~and.~~

3           "(16) Other like codes.

4           If, before adopting ~~such~~ the code in book or pamphlet form,  
5 the governing body of the city or town shall by resolution  
6 hold a public hearing of which there shall be at least 15  
7 days' notice of the time, place, and purpose of ~~such~~ the  
8 hearing by publication of the resolution once a week for two  
9 successive weeks or by posting notices of ~~such~~ the hearing for  
10 ~~such~~ the length of time, as the case may be, under subsection  
11 (b) of this section, ~~such~~ the resolution shall provide that  
12 not less than three copies of ~~such~~ the code shall be filed for  
13 not less than 15 days prior to the holding of the public  
14 meeting for use and examination by the public in the office of  
15 the city or town clerk.

16           "Amendments to such rules or regulations adopted as  
17 a code thereafter shall be adopted by ordinances published as  
18 provided in subsection (b) of this section.

19           "(d) The following shall not be deemed ordinances of  
20 a general or permanent nature requiring publication:

21           "(1) Ordinances authorizing or ratifying contracts  
22 with public utilities for utility services for a specified  
23 term.

24           "(2) Ordinances authorizing the issuance or sale or  
25 security of bonds, debentures, notes, warrants and other  
26 obligations, whether full faith and credit obligations or

1 payable from general revenues or special taxes or from  
2 revenues of a utility or other property of a municipality.

3 "(e) The provisions of this section shall not apply  
4 to the adoption of a code for the revision and codification of  
5 the ordinances of a municipality and the adoption of such code  
6 by ordinances as provided in Section 11-45-7."

7 Section 2. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.