

1 SB20
2 125482-2
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 01/31/2011

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 11-45-8 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§11-45-8.

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

25 "(b) (1) All ordinances of a general or permanent
26 nature, except as provided in subdivision (2) and in
27 subsection (d) of this section, shall be published in some

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

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

25 "a. A summary of the purpose and effect of the
26 ordinance.

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

6 "c. If the ordinance relates to the licensing of
7 businesses or the granting of a franchise, the categories of
8 businesses affected by the ordinance and the substance of the
9 ordinance.

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

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

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

26 "(4) Immediately following the record of any
27 ordinance, the clerk shall append a certificate stating

1 therein the time and manner of publication, which certificate
2 shall be presumptive of the facts stated therein.

3 "(5) All ordinances or notices of the substance of
4 an ordinance granting a franchise shall be published at the
5 expense of the party or parties to whom the franchise is
6 granted.

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

11 "(1) The construction, erection, alteration, or
12 improvement of buildings;

13 "(2) Installation of plumbing or plumbing fixtures;

14 "(3) Installation of electric wiring or lighting
15 fixtures;

16 "(4) Installation of gas or gas fixtures;

17 "(5) Fire prevention;

18 "(6) Health and sanitation;

19 "(7) Milk and milk products;

20 "(8) Parks;

21 "(9) Airports;

22 "(10) Waterworks and sewers;

23 "(11) Traffic;

24 "(12) Mechanical;

25 "(13) Swimming pools;

26 "(14) Housing;

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.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 01-MAR-11

Read for the second time and placed on the calen-
dar 1 amendment..... 09-MAR-11

Read for the third time and passed as amended 27-APR-11

Yeas 32
Nays 0

Patrick Harris
Secretary