

1 SB20
2 125482-7
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 01/31/2011

1 SB20

2
3
4 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 11-45-8 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§11-45-8.

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

19 "(b) (1) All ordinances of a general or permanent
20 nature, except as provided in subdivision (2) and in
21 subsection (d) of this section, shall be published in some
22 newspaper of general circulation published in the
23 municipality, but if no such newspaper is published in the
24 municipality such ordinances may be published by posting a
25 copy of the ordinance in three public places within the

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

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

20 " a. A summary of the purpose and effect of the
21 ordinance.

22 "b. If the ordinance relates to planning or zoning,
23 a general description of the property or properties affected
24 by the ordinance including the common name by which the

1 property or properties are known and the substance of the
2 ordinance.

3 "c. If the ordinance relates to the licensing of
4 businesses or the granting of a franchise, the categories of
5 businesses affected by the ordinance and the substance of the
6 ordinance.

7 "d. The date upon which the ordinance was passed
8 and, if different from the date of publication, the effective
9 date of the ordinance.

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

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

23 "(4) Immediately following the record of any
24 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.

1 "(14) Housing.

2 "(15) Standard code for elimination and repair of
3 unsafe buildings

4 "(16) Other like codes.

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

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

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

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

1 "(2) Ordinances authorizing the issuance or sale or
2 security of bonds, debentures, notes, warrants and other
3 obligations, whether full faith and credit obligations or
4 payable from general revenues or special taxes or from
5 revenues of a utility or other property of a municipality.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB20
Senate 27-APR-11
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 02-JUN-11

By: Senator Ward