

AN ORDINANCE No. 408

BE IT ORDAINED BY THE CITY (TOWN) COUNCIL OF THE CITY (TOWN) OF
Hamilton, ALABAMA, AS FOLLOWS:

Section 1. Any person or corporation committing an offense within the corporate limits of the City (Town) of Hamilton, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the City (Town) of Hamilton, Alabama.

Section 2. Any person or corporation committing an offense within the corporate limits of the City (Town) of Hamilton, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty of an offense against the City (Town) of Hamilton, Alabama.

Section 3. Any person or corporation committing within the corporate limits of the City (Town) of Hamilton, Alabama, or within the police jurisdiction thereof, an offense as defined by Section 13A-1-2 of the Alabama Criminal Code, which offense is not declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the City (Town) of Hamilton, Alabama.

Section 4. Any person found to be in violation of Sections One (1), Two (2) or Three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the city (town) for a period not exceeding six (6) months, at the discretion of the Court trying the case. Any corporation found to be in violation of Sections One (1), Two (2) or Three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), at the discretion of the Court trying the case.

Section 5. All ordinances heretofore adopted by the City (Town) Council of the City (Town) of Hamilton, Alabama, which declared all State misdemeanors to be municipal offenses are hereby expressly repealed.

Section 6. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 7. This ordinance shall become effective on January 1, 1980.

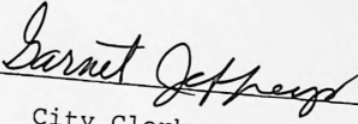
ADOPTED AND APPROVED THIS THE 17 DAY OF December, 19 79.

Murphy C. Ballard
Presiding Officer

ATTEST:
Dorothy Williams
City Clerk

STATE OF ALABAMA
COUNTY OF MARION
CITY OF HAMILTON

I, Garnet Jeffreys, City Clerk in and for said City of Hamilton, Alabama, hereby certify that the foregoing Ordinance No. 408 was duly published in the JOURNAL-RECORD on Thursday, January 3, 1980.



City Clerk

SEAL

PRESIDENT:
H. A. ALEXANDER
MAYOR, MOULTON



Alabama League of Municipalities

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Serving Alabama's Home-Town Governments and Home-Town Officials

December 11, 1979

IMPORTANT - ACTION RECOMMENDED

TO: All Mayors, Clerks, Municipal Judges and Municipal Attorneys
FROM: League Headquarters *JW*
SUBJECT: Alabama Criminal Code
ENCLOSURE: Sample Ordinance (on reverse side)

The State Legislature adopted a body of law known as the "Alabama Criminal Code" during the 1977 Regular Session. Following the passage of several amendments to the substance of the law and several bills to delay the effective date, the new Criminal Code will become effective on January 1, 1980. Since our cities and towns have the authority to adopt ordinances with criminal penalties, it has become necessary for our municipalities to adopt an ordinance conforming to the provisions of the new Alabama Criminal Code.

The new Alabama Criminal Code has been codified as Title 13A of the Alabama Code of 1975, as amended. Many criminal statutes found in the State Code were repealed by the Act which adopted the Criminal Code and have been covered by new sections in the Criminal Code. Other statutes have been transferred into Title 13A. The remaining criminal laws have been untouched.

In the past crimes in this State were basically defined as being either felonies or misdemeanors. All municipalities were empowered to adopt a single ordinance making all State misdemeanors violations of municipal law by reference. The new Criminal Code has classified offenses as felonies, misdemeanors and violations. In addition, any offense found in the Code of Alabama which is not expressly designated as either a felony, misdemeanor or violation is an unclassified offense. It is the opinion of the League that our municipalities may legally adopt a single ordinance making all misdemeanors, violations and unclassified offenses crimes against the municipality. A sample ordinance for this purpose is provided on the reverse of this letter. This ordinance should be adopted prior to January 1, 1980.

A complete listing of the offenses included within each classification of offenses will be provided in the January 1980 Alabama Municipal Journal.

Copies of the Criminal Code accompany each set of the Code of Alabama of 1975, as amended by the 1977 Blue Pamphlet entitled, "Alabama Criminal Code," and the 1979 Pocket Supplement to this pamphlet. Single copies of Title 13A may be purchased from Mr. Bob Harris, 200 South Lawrence Street, Montgomery, AL 36104. The cost is \$12.50 per copy.