

**ORDINANCE 05-06-14-C**

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF ENTERPRISE, ALABAMA AS FOLLOWS:

AN ORDINANCE MODIFYING ORDINANCE 1-22-85-B (as codified in Sections 1-8 and 14-1 of the current Enterprise Code of Ordinances) TO INCREASE THE PENALTY FOR CERTAIN ENUMERATED OFFENSES IN ACCORDANCE WITH SECTION 11-45-9, CODE OF ALABAMA 1975, AND FOR OTHER PURPOSES.

WHEREAS, the City Council finds it in the best interest of its citizenry to stay up-to-date with applicable law as proscribed by the Alabama Legislature relating to offenses for which the Enterprise Municipal Court has jurisdiction; and,

WHEREAS, the City Council desires to meet that best interest and to that end and extent desires to modify Ordinance 1-22-85-B (Sections 1-8 and 14-1 of the Enterprise Code of Ordinances) to reflect the application of said law as such relates to offenses for which the Enterprise Municipal Court has jurisdiction;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA, AS FOLLOWS:

(a) Ordinance No. 1-22-85-B (codified in Section 1-8 and Section 14-1 of the current Enterprise Code of Ordinances) of the City of Enterprise is amended to include the following paragraph after Section 3 of said Ordinance but before Section 4 of said Ordinance, such that the Ordinance shall read as follows:

Section 1. (Section 14-1(a) of the Code of Ordinances). Any person or corporation committing an offense within the corporate limits of the City of Enterprise, 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 of Enterprise, Alabama.

Section 2. (Section 14-1(b) of the Code of Ordinances). Any person or corporation committing an offense within the corporate limits of the City of Enterprise, 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 of Enterprise, Alabama.

Section 3 (Section 14-1(c) of the Code of Ordinances). Any person or corporation committing within the corporate limits of the City of Enterprise, 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 of Enterprise, Alabama.

Section 3a. (Section 1-8(b.1) and Section 14-1(d) of the Code of Ordinances). Any person found to be in violation of this ordinance, where the offense is a misdemeanor listed in subsection (d) of Section 11-45-9 of the Code of Alabama, shall be punished by a fine of not more than \$1000, except where otherwise provided by state law for the violation of municipal offenses, and/or may be imprisoned or sentenced to hard labor for the city for a period not exceeding six months, at the discretion of the court trying the case. Further, the municipal court is authorized to impose the maximum penalties as authorized by Alabama law for offenses and violations which may be imposed by the municipal court.

Section 4. (Section 1-8(b) of the Code of Ordinances). Any person found to be in violation of Section One (1), Two (2) or Three (3) of this Ordinance shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the City of Enterprise for a period not exceeding six (6) months at the discretion of the Court trying the case, unless otherwise provided by Section 5 of this Ordinance. 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. Notwithstanding the foregoing, this Section is not intended to limit the authority of the municipal court to impose penalties as set forth in Section 3a above.

Section 5. (Section 1-8© of the Code of Ordinances). Any person found to be in violation of Section 32-5A-191, Code of Alabama, 1975, as amended, shall, upon conviction, be punished by a fine or not more than Five Thousand Dollars (\$5,000.00) and/or may be imprisoned or sentenced to hard labor for not more than one year.

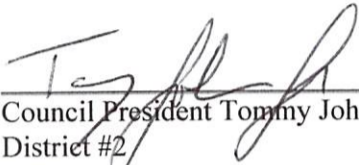
Section 6. An ordinance, rule, regulation, procedure or portion thereof, heretofore adopted by the City Council of the City of Enterprise, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

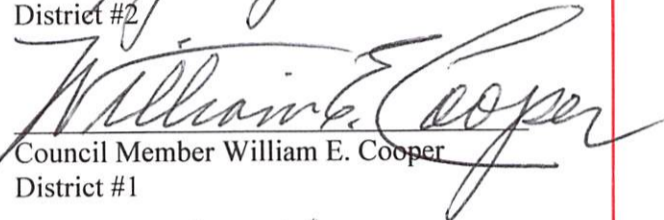
Section 7. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

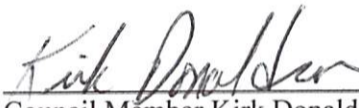
Section 8. This Ordinance shall become effective upon adoption and advertisement as required by law.

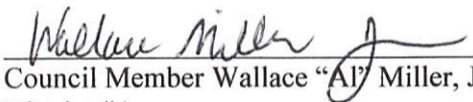
Adopted this 20<sup>th</sup> day of May, 2014.

COUNCIL:

  
Council President Tommy Johnson, Jr.  
District #2


  
Council Member William E. Cooper  
District #1

  
Council Member Kirk Donaldson  
District #3

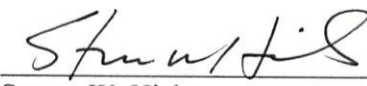
  
Council Member Wallace "Al" Miller, Jr.  
District #4

  
Council Member Rhett Marques  
District #5

ATTEST:

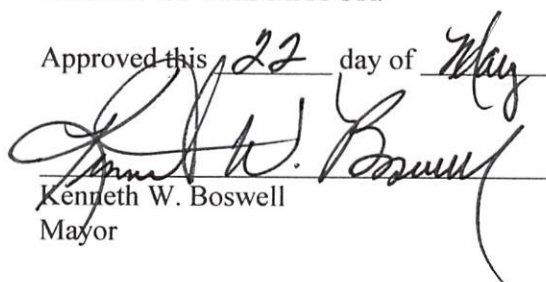
  
Steven W. Hicks  
City Clerk/Treasurer

Transmitted to the Mayor this 22 day of May, 2014.

  
Steven W. Hicks  
City Clerk/Treasurer

ACTION OF THE MAYOR:

Approved this 22 day of May, 2014.

  
Kenneth W. Boswell  
Mayor