



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 3/13/2025

File ID: 2025-205

Department: Legal

Subject:

Type of Action: Introduction

Introduction of an Ordinance to amend Chapter 2 of the Code of Ordinances of the City of Huntsville, Alabama to add Article XIII concerning control of access to city-owned, controlled and leased premises.

Ordinance No.

Finance Information:

Account Number: N/A

City Cost Amount: N/A

Total Cost: N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

District: District 1 District 2 District 3 District 4 District 5

Additional Comments: N/A

ORDINANCE NO. 25 - _____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. Chapter 2 of the Code of Ordinances of the City of Huntsville, Alabama, is hereby amended to add the following Article XIII:

ARTICLE XIII. – CONTROL OF ACCESS TO CITY OWNED, CONTROLLED AND LEASED PREMISES

Sec. 2-2160. Definitions; purpose.

(a) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the following definitions, except where the context clearly indicates a different meaning:

Access areas mean, collectively, controlled areas, open meeting areas, public meeting areas, private work areas, and restricted areas.

City administrator. When the term “city administrator” is used in this article it means the city administrator of the city and his designees, which include those to whom he has delegated or assigned some or all of his authority under this article.

Controlled areas mean areas of public facilities where access is open to members of the public for the conduct of municipal or other authorized business.

Member of the public means an individual who is a part of the general population, or the public at large. The term also includes members of the media. The term does not include city officials, officers, or employees; law enforcement personnel in the performance of their duties; or members of city boards, commissions, committees, or other city agencies while performing their duties.

Open meeting areas mean areas of public facilities where meetings subject to the Alabama Open Meetings Act are being conducted.

Private work areas mean individual offices, work stations, or work spaces of city officials, officers, or employees.

Protected information means private information, whether oral or written, of a private person or a city official, officer, or employee, which is protected from disclosure by applicable law, including, but not limited to, confidential tax information, protected employee records, protected health information, social security numbers, and proprietary information, and in which the person to whom it belongs has a reasonable expectation of privacy.

Public facilities mean city owned, controlled, or leased premises, or portions thereof, dedicated, designed, or intended for specific uses related to the business, governmental functions, and operations of the city, and that do not include public places that are characterized as traditional public forums, nor are they considered to be designated public forums.

Public meeting areas mean areas of public facilities where meetings that are not subject to the Alabama Open Meetings Act are being conducted by a city official, officer, or employee for a specific purpose for the benefit of the general public, or a portion thereof.

Record. The term “to record”, or its derivations, mean the capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.

Restricted areas mean areas of public facilities where access is closed to members of the general public because of the nature of the facility, the nature of the area, or the work or activity being performed or conducted therein, or for the safety or privacy of persons or property.

(b) *Purpose.*

(1) The purpose of this article is to, within constitutional bounds, provide for the control of access to public facilities, and information and persons contained therein, by members of the public through view-point neutral, reasonable restrictions in order to: (i) protect the safety and security of persons and property, (ii) promote the orderly and efficient administration of city business, (iii) accommodate use by members of the public consistent with the purpose of the public facilities, (iv) prevent disruption of city operations, (v) prevent interference with city officials, officers, and employees in the performance of their duties, (vi) protect the privacy of persons, which includes crime victims, and (vii) prevent the unauthorized access to confidential or otherwise protected information, including from incidental disclosure.

(2) This article is not intended to control access to a public place, as that term is defined in section 23-201 of this Code, characterized as a traditional public forum or a designated public forum in accordance with chapter 23, article VI of this Code governing organized events.

(3) This article is not intended to control access to public facilities by city officials, officers, or employees; law enforcement personnel in the performance of their duties; or members of city boards, commissions, committees, or other city agencies while performing their duties.

(4) Access to public facilities that are venues primarily used for the arts, entertainment, or sporting events, or that are recreation, community, learning, or senior centers, that are open to members of the public, or portions thereof, are not controlled by this article, but by specific policies governing those venues.

(5) Access to the courtrooms of municipal judges, and associated offices, or portions thereof, shall be as prescribed by the presiding municipal court judge.

(6) The inspection and copying of a public record of the city pursuant to applicable state law is not governed by this article.

Sec. 2-2161. Administration of access to public facilities.

(a) Unless otherwise provided for by this article or by any other law, contract, or policy of the city, the city administrator is authorized to oversee, manage, and control public access to public facilities by members of the public consistent with this article. The city administrator is also authorized to delegate such authority on a facility by facility, or case by case, basis to his designees, including, but not necessarily limited to, his subordinates, other city officers or employees, or law enforcement or security personnel of the city. The city administrator's authority to oversee, manage, and control public access to public facilities by members of the public does not extend to those facilities which are under the control, whether by contract or by law, of other persons.

(b) The city administrator is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he deems necessary or appropriate to distinguish between the types of access areas defined herein, including, but not limited to, the use of physical barriers and signage. The city administrator shall also have the authority to develop and implement procedures to regulate and control public access within public facilities to accomplish the purposes of this article.

Sec. 2-2162. Public facilities are non-public forums or limited public forums.

(a) *Non-public forums.* For purpose of public access, both physically and to information contained therein, all public facilities regulated under this article are non-public forums for constitutional purposes, except as provided by subsection (b) below.

(b) *Limited public forums.* For the purpose of public access, both physically and to information contained therein, the following public facilities regulated under this article are limited public forums for constitutional purposes as follows:

(1) Open meeting areas during the conduct of a meeting which is subject to the Alabama Open Meetings Act are limited public forums for the purpose for which the meetings are convened.

(2) Public meeting areas during the conduct of the meeting are limited public forums for the purpose for which the meetings are convened.

Sec. 2-2163. Access to enter.

(a) *Access to enter.* License or privilege to enter and remain in a public facility by a member of the public shall be by permission in accordance with subsection (b)

of this section. Permission may be rescinded verbally or in writing by the city administrator.

(b) *Permission to access.* Permission to access a public facility shall be as follows:

(1) *Restricted areas.* Members of the public are not allowed to enter restricted areas without the express written permission of the city administrator if the city administrator determines that access is appropriate under the circumstances in order to conduct city business. It is a violation of this article for any member of the public to knowingly enter or remain in a restricted area without the permission of the city administrator, or if the permission has been expressly rescinded.

(2) *Private work areas.* Members of the public are not allowed to enter private work areas without the express permission of the city official, officer, or employee of the particular private work area. It is a violation of this article for any member of the public to knowingly enter or remain in a private work area without the permission of the particular city official, officer, or employee of the particular private work area, or if the permission has been expressly rescinded.

(3) *Controlled areas.* Permission to access controlled areas by members of the public shall be in accordance with the access policy of the particular public facility in which the controlled area is located, which may include, but not necessarily be limited to, weapons detection, sign in upon entry, escorted access, or key-card access. It is a violation of this article for any member of the public to knowingly enter or remain in a controlled area without the proper permission, or if the permission has been expressly rescinded.

(4) *Open meeting areas; public meeting areas.* Permission to access open meeting areas or public meeting areas by members of the public shall be in accordance with the access policy of the particular public facility in which such areas are located. Where there is no prescribed access policy then permission to enter such areas shall be deemed to be automatically given, unless rescinded. It is a violation of this article for any member of the public to knowingly enter or remain in an open meeting area or a public meeting area without the proper permission, or if the permission has been expressly rescinded.

Sec. 2-2164. Access to information; recording.

(a) It shall be a violation of this article for a member of the public to knowingly record, or attempt to record, within any public facility except as follows:

(1) In accordance with the Alabama Open Meetings Act, a meeting of a governmental body in an open meeting area, except while the meeting is in executive session, may be openly recorded by any person in attendance by means of a tape recorder or any other means of sonic, photographic, or video reproduction provided the recording does not disrupt the conduct of the meeting. The governmental body may adopt reasonable rules for the implementation of this subsection (1).

(2) Public meetings which are being conducted by a city official, officer, or employee, for a specific purpose for the benefit of members of the public, or a portion thereof, in a public meeting area may, with the permission of the city

official, officer, or employee conducting the meeting, be openly recorded by any person in attendance by means of a tape recorder or any other means of sonic, photographic, or video reproduction provided the recording does not disrupt the conduct of the meeting.

(3) A member of the public may openly record within that portion of a public facility that is a lobby generally open to members of the public unless that person is advised not to: (i) by posted signage, (ii) by the city administrator if the act of recording unreasonably interferes with access to or use of the lobby by other members of the public, (iii) by the city administrator if the act of recording unreasonably interferes with the conduct of city business, or (iii) by a person being recorded if that person asks not to be recorded. The public lobby does not include any room, elevator, rest area, kitchen, waiting room, or corridor accessible by members of the public that is beyond a lobby entrance of the public facility.

(4) A member of the public may openly record his or her private meeting with one or more city officials, officers, or employees, provided that all attendees of the meeting consent to being recorded.

(5) Except in the case of members of the city council, media requests for appointments to interview city officials, officers, or employees, shall be made through the city's communications department. Persons who have been requested to grant interviews to the media have the right to decline to be interviewed or recorded.

(b) Notwithstanding anything to the contrary contained in this section, it is a violation of this article for a member of the public to knowingly record protected information of another.

Sec. 2-2165. Enforcement.

(a) *Penalties.* The general penalty provisions of section 1-7 of this Code shall apply to a violation of this article.

(b) *Trespass.* A member of the public who violates a provision of this article is interfering with governmental operations and no longer has the license or privilege to remain in the public facility. The city administrator is hereby authorized on behalf of the city to request that person to immediately cease the offending conduct and, if the person fails to comply with the request, to order that person not to enter or remain in the public facility. Entering or remaining in the public facility after being ordered not to do so may subject the person to prosecution for criminal trespass pursuant to section 13A-7-4 of the Code of Ala. 1975.

Section 2. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 3. This Ordinance shall become effective upon its adoption and publication.

ADOPTED this the _____ day of _____, 2025.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2025.

Mayor of the City of
Huntsville, Alabama