



2016-005

STATE OF ALABAMA
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Honorable E. Lee McCarty, III
Mayor, Town of Wilsonville
Post Office Box 70
Wilsonville, Alabama 35186

Municipalities – Municipal
Ordinances – Police Powers –
Sheriffs – Contracts – Mutual Aid
Agreements – Shelby County

The Sheriff of Shelby County and his
or her deputies may enforce
municipal ordinances of the Town of
Wilsonville (“Town”) provided the
contract between the Town and
Sheriff provides for such
enforcement.

Dear Mayor McCarty:

This opinion of the Attorney General is issued in response to your
request on behalf of the Town of Wilsonville.

QUESTION

May a Shelby County deputy sheriff
contracted to provide law enforcement services
for the Town enforce municipal ordinances?

FACTS AND ANALYSIS

The Town does not employ a municipal police force. Rather, the
Town contracts with the Shelby County Sheriff’s Department for police
services within the police jurisdiction. *See, generally,* opinion to
Honorable E. Lee McCarty, III, Mayor, Town of Wilsonville, dated
October 9, 2013, A.G. No. 2014-008. A question has arisen regarding the

authority of a deputy sheriff acting under such contract to enforce municipal ordinances, particularly those ordinances that do not have a state law counterpart.

In a previous opinion to Honorable Wayne Teal, this Office stated that “a sheriff has no authority to enforce municipal ordinances within a municipality.” Opinion to Honorable Wayne Teal, Chairman, Elmore County Commission, dated July 28, 1998, A.G. No 98-00188. Shortly after the release of the *Teal* opinion, however, the Legislature enacted sections 11-102-1 through 11-102-8 of the Code of Alabama, which provide for the contracting between counties and municipalities to jointly “exercise any power or service that state or local law authorizes each of the contracting entities to exercise individually.” ALA. CODE § 11-102-1 (2008). This Office has determined that section 11-102-2 of the Code permits a municipality to contract with another municipality to perform policing duties within its jurisdiction. Opinion to Honorable Terry Clark, Mayor, City of East Brewton, dated April 8, 2013, A.G. No. 2013-041.

Additionally, the Legislature has also enacted Act 2004-255, relating only to Shelby County, permitting the contracting of police services by a municipality with the Sheriff of Shelby County. 2004 Ala. Acts No. 2004-255, 348.

Section 2 of Act 2004-255 states as follows:

On and after the effective date of this act, any municipality within Shelby County may contract for police services with the sheriff of the county. ***The contract may include the enforcement*** by the sheriff and his or her duly commissioned deputies ***of all laws*** within the corporate limits and police jurisdiction of the municipality ***including municipal ordinances*** and the arrest or citation of any offenders as if the sheriff and his or her deputies were duly constituted police officers of the municipality.

Id. (emphasis added).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove*

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Properties, Inc., 796 So. 2d 331, 333-34 (Ala. 2000). Based upon the plain language of Act 2004-255, the Sheriff of Shelby County and his or her deputies may enforce municipal ordinances provided the contract between the Town and Sheriff provides for such enforcement.

CONCLUSION

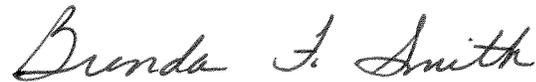
The Sheriff of Shelby County and his or her deputies may enforce municipal ordinances of the Town of Wilsonville provided the contract between the Town and Sheriff provides for such enforcement.

I hope this opinion answers your question. If this Office can be of further assistance, please contact me.

Sincerely,

LUTHER STRANGE
Attorney General

By:



BRENDA F. SMITH
Chief, Opinions Division

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