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3 SENATE GOVERNMENTAL AFFAIRS COMMITTEE SUBSTITUTE FOR SB23
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8 SYNOPSIS: Under existing law, the police jurisdiction
9 of a municipality having a population of 6,000
10 persons or more extends for three miles from the
11 corporate limits and the police jurisdiction of a
12 municipality having less than 6,000 persons extends
13 for one and one half miles from the corporate
14 limits.

15 This bill would provide that the police
16 jurisdiction of a municipality on the effective
17 date of this act would not be extended after the
18 effective date of this act.

19 Under existing law, the planning
20 jurisdiction of a municipality, including the
21 approval of subdivisions, extends for five miles
22 from the corporate limits.

23 This bill would limit the jurisdiction of a
24 municipal planning commission to the corporate
25 limits of a municipality or to the police
26 jurisdiction of the municipality if the

1 municipality provides specific services in the
2 police jurisdiction.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to municipalities; to amend Section
9 11-40-10 of the Code of Alabama 1975, to limit the police
10 jurisdiction of a municipality to territory in the police
11 jurisdiction of the municipality on the effective date of this
12 act; to amend Section 11-52-30 of the Code of Alabama 1975, to
13 provide that the jurisdiction of any municipal planning
14 commission would only include all land in the corporate limits
15 of the municipality or the police jurisdiction under certain
16 conditions; and to further provide for the authority of
17 municipalities to levy taxes and fees in the police
18 jurisdiction and for the audit of the expenditure of the
19 funds.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 11-40-10 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§11-40-10.

24 "(a) (1) The police jurisdiction in municipalities
25 having 6,000 or more inhabitants shall cover all adjoining
26 territory within three miles of the corporate limits, and in
27 municipalities having less than 6,000 inhabitants and in

1 towns, the police jurisdiction shall extend also to the
2 adjoining territory within a mile and a half of the corporate
3 limits of the municipality or town.

4 "(2) Notwithstanding any other provisions of this
5 section, the police jurisdiction of a municipality outside of
6 the corporate limits of the municipality shall not extend
7 beyond the police jurisdiction of the municipality on the
8 effective date of the act adding this subdivision.

9 ~~"(2)~~ (3) After May 12, 2016, and in addition to any
10 other requirements of this section, any extension of the
11 police jurisdiction of any municipality as otherwise provided
12 in subdivision (1) shall not be effective beyond the corporate
13 boundaries of the municipality without an affirmative vote of
14 the municipal governing body. Notwithstanding the foregoing,
15 this subdivision shall not affect the boundaries of the police
16 jurisdiction of a municipality existing on May 12, 2016.

17 ~~"(3)~~ (4) Any municipality which has a three mile
18 police jurisdiction pursuant to subdivision (1) may reduce its
19 police jurisdiction to a mile and a half by ordinance of the
20 municipality, which shall take effect on the first day of
21 January following its adoption on or before the preceding
22 first day of October. Once a municipality has adopted an
23 ordinance to reduce its police jurisdiction to a mile and
24 one-half, that ordinance cannot amended, altered or repealed
25 except by local law.

26 "(b) Ordinances of a city or town enforcing police
27 or sanitary regulations and prescribing fines and penalties

1 for violations thereof shall have force and effect in the
2 limits of the city or town and on any property or
3 rights-of-way belonging to the city or town. In order for an
4 ordinance adopted after September 1, 2015, to have force and
5 effect in a police jurisdiction of a municipality or town, the
6 municipal governing body shall provide a 30-day notice that
7 the ordinance shall be effective in the police jurisdiction.
8 The notice given shall be the same as required for adoption of
9 an ordinance under Section 11-45-8. Additionally, if available
10 at no cost to the municipality, the notice shall be submitted
11 to the Atlas Alabama state website or any successor
12 state-operated website providing information to businesses. No
13 ordinance adopted after September 1, 2015, may be enforced
14 against an individual or entity in the police jurisdiction
15 affected by the ordinance until and unless the municipality
16 has complied with the notice requirements provided for in this
17 section.

18 "(c) The police jurisdiction of any municipality
19 which pursuant to this section extends to include part of any
20 island which has water immediately offshore adjacent to the
21 boundary of the State of Florida, upon approval of the council
22 of the municipality, shall extend to include the entire island
23 including the water adjacent to the island extending to the
24 existing police jurisdiction of the municipality and extending
25 to the Florida state boundary where applicable.

26 "(d) Any alterations to a police jurisdiction based
27 upon the annexation or deannexation of property after

1 September 1, 2015, and prior to the effective date of the act
2 adding this language, shall take effect on the first day of
3 January ~~and shall take effect for any annexation or~~
4 ~~deannexation which was finalized on or before the preceding~~
5 ~~first day of October~~ thereafter. No later than the first day
6 of January in each year, a map showing the boundaries of the
7 municipal limits and police jurisdiction of the municipality
8 shall be submitted to, if available at no cost to the
9 municipality, the Atlas Alabama state website or any successor
10 state-operated website providing information to businesses. No
11 ordinance, license, permit, or tax levy may be enforced
12 against an individual or entity included in the alteration of
13 the police jurisdiction unless the municipality has complied
14 with the notice requirements provided for in this section.

15 "(e) The annexation of property by general or local
16 law ~~may~~ shall not extend the police jurisdiction of a
17 municipality ~~except as expressly provided in general or local~~
18 ~~law. Any extension of a police jurisdiction expressly provided~~
19 ~~for in general or local law is subject to subsection (d) and~~
20 ~~(f) and shall take effect only on the next January 1 following~~
21 ~~the annexation by general or local law~~ after the effective
22 date of the act adding this language.

23 "(f) When any noncontiguous property has been
24 annexed or is annexed into a municipality, the municipal
25 governing body shall not exercise any jurisdiction or
26 authority in any portion of the police jurisdiction extended

1 as a result of the annexation, notwithstanding any other law
2 to the contrary."

3 Section 2. Section 11-52-30 of the Code of Alabama
4 1975, is amended to read as follows:

5 "§11-52-30.

6 "(a) Except as otherwise provided herein, the
7 territorial jurisdiction of any municipal planning commission
8 shall only include all land located in the corporate limits of
9 the municipality and all land lying within ~~five miles of the~~
10 ~~corporate limits of the municipality~~ the police jurisdiction
11 of the municipality if the municipality is levying any tax or
12 business license taxes, or both, in the police jurisdiction
13 and providing specific services in the police jurisdiction on
14 the effective date of the act adding this language and not
15 located in any other municipality; except that, in the case of
16 any nonmunicipal land lying within ~~five miles~~ the planning
17 jurisdiction as described above of more than one municipality
18 having a municipal planning commission, the jurisdiction of
19 each municipal planning commission shall terminate at a
20 boundary line equidistant from the respective corporate limits
21 of such municipalities. Any alterations of a municipal
22 planning commission based upon annexation or deannexation of
23 property within the corporate limits of a municipality shall
24 occur once a year on the first day of January and shall take
25 effect for any annexations which were finalized on or before
26 the preceding first day of October. ~~In all counties having a~~
27 ~~population of 600,000 or more according to the 1950 federal~~

1 ~~census or any succeeding decennial federal census, the county~~
2 ~~planning and zoning commission shall be invested with the~~
3 ~~authority, except and unless the municipality or~~
4 ~~municipalities in question are actively exercising zoning~~
5 ~~jurisdiction and control within the police or five mile~~
6 ~~jurisdiction or, in the case of a municipality subsequently~~
7 ~~incorporated, within 180 days from the date of its~~
8 ~~incorporation; provided, further, Provided, that in all~~
9 counties having a population of 600,000 or more inhabitants
10 according to the 1950 federal census or any succeeding
11 decennial federal census, the county commission of the county
12 may establish minimum specifications and regulations governing
13 the lay-out, grading, and paving of all streets, avenues, and
14 alleys and the construction or installation of all water,
15 sewer, or drainage pipes or lines in any subdivision lying
16 wholly or partly in areas outside the corporate limits of any
17 municipality in the counties and relating to subdivisions
18 lying within the corporate limits of any municipality in the
19 counties which has declined or failed to exercise zoning
20 jurisdiction and control as provided in this section.

21 ~~"(b) A municipal planning commission, by resolution~~
22 ~~properly adopted no later than the first day of October of any~~
23 ~~year, may provide that, effective on the first day of January,~~
24 ~~the territorial jurisdiction of the municipal planning~~
25 ~~commission shall include all land lying within a radius less~~
26 ~~than the five miles permitted by this section. The resolution~~
27 ~~shall establish the territory within which the municipal~~

1 ~~planning commission will exercise jurisdiction to a boundary~~
2 ~~line equidistant from the corporate limits of the~~
3 ~~municipality, except, that in the case of any nonmunicipal~~
4 ~~land lying within the territorial jurisdiction of more than~~
5 ~~one municipality with a municipal planning commission~~
6 ~~exercising jurisdiction outside the municipal corporate~~
7 ~~limits, the jurisdiction of each municipal planning commission~~
8 ~~shall terminate at a boundary line equidistant from the~~
9 ~~respective corporate limits of each municipality. A copy of~~
10 ~~the resolution altering the territorial jurisdiction shall be~~
11 ~~forwarded to the county commission within five days of~~
12 ~~adoption. Additionally, nothing in this subsection shall be~~
13 ~~construed to alter the provisions of Article 5 of Chapter 49,~~
14 ~~which require a municipality to assume responsibility for~~
15 ~~roads annexed into the municipality under certain~~
16 ~~circumstances.~~

17 "(c)(b) If a county commission has not adopted
18 subdivision regulations pursuant to Chapter 24, the municipal
19 planning commission shall have sole jurisdiction for the
20 regulation and enforcement of the development of subdivisions
21 within the territorial jurisdiction of the municipal planning
22 commission.

23 "(c)(1) If a county commission has adopted
24 subdivision regulations pursuant to Chapter 24, those
25 subdivision regulations shall apply to the development of
26 subdivisions within the territorial jurisdiction of a
27 municipal planning commission outside the corporate limits of

1 a municipality and shall be regulated and enforced by the
2 county commission in the same manner and to the same extent as
3 other subdivision development governed by the county's
4 subdivision regulations. Notwithstanding the foregoing, a
5 county commission and the municipal planning commission may
6 enter into a written agreement providing that the municipal
7 planning commission shall be responsible for the regulation
8 and enforcement of the development of subdivisions within the
9 territorial jurisdiction of the municipal planning commission
10 under the terms and conditions of the agreement. In order to
11 be effective, the agreement shall be approved by a resolution
12 adopted by the county commission, the municipal governing
13 body, and the municipal planning commission of the
14 municipality, respectively.

15 "(2)a. In those counties in which the county
16 commission has adopted subdivision regulations pursuant to
17 Chapter 24 and the municipal planning commission has been
18 unsuccessful in reaching an agreement to exercise its
19 jurisdiction as provided in subdivision (1), the governing
20 body of the municipality and the municipal planning commission
21 may override the county's enforcement of the regulation of
22 subdivisions within the planning jurisdiction by ~~fully~~
23 ~~complying with all of the following requirements:~~ adopting
24 resolutions expressing intent to exercise jurisdiction over
25 the construction of subdivisions and employing or contracting
26 with a licensed professional engineer who shall notify the
27 county commission of the initiation of subdivisions and

1 conduct inspections and certify compliance regarding
2 subdivision construction.

3 ~~"a. The municipal governing body and the municipal~~
4 ~~planning commission shall each adopt separate resolutions~~
5 ~~expressing intent to exercise jurisdiction over the~~
6 ~~construction of subdivisions initiated after the effective~~
7 ~~date of the resolutions, despite the county commission's~~
8 ~~objections to the exercise of that authority.~~

9 ~~"b. The municipal planning commission shall at all~~
10 ~~times thereafter employ or contract with a licensed~~
11 ~~professional engineer who shall notify the county commission~~
12 ~~of the initiation of subdivisions; conduct inspections of the~~
13 ~~construction of the subdivision; and shall certify, in~~
14 ~~writing, the compliance with the subdivision regulations~~
15 ~~governing the development of the subdivision.~~

16 ~~"c. The county commission shall retain the authority~~
17 ~~to require a performance and maintenance bond from the~~
18 ~~developer, consistent with the requirements for the bonds in~~
19 ~~the county subdivision regulations, which shall be payable to~~
20 ~~the county.~~

21 "b. Upon exercise of jurisdiction by the municipal
22 planning commission under this subdivision, the county
23 commission may not accept any roads or bridges within the
24 subdivision for county maintenance unless the county engineer
25 certifies to the county commission that the road or bridge
26 meets the minimum road and bridge standards of the county.
27 This paragraph does not apply to any roads or bridges which

1 the county has accepted for maintenance prior to October 1,
2 2012.

3 ~~"d. c.~~ The county commission may continue to require
4 a performance and maintenance bond from the developer payable
5 to the county and shall retain the authority to may execute on
6 the bond to make necessary improvements to the public roads
7 and drainage structures of the subdivision while it remains in
8 the unincorporated area of the county.

9 ~~"e. d.~~ The municipal governing body and the
10 municipal planning commission ~~exercising the authority granted~~
11 ~~in this subsection may thereafter~~ may withdraw their exercise
12 of jurisdiction over future subdivisions located outside the
13 corporate limits of the municipality after not less than six
14 months' notice to the county commission. After withdrawal, the
15 municipal planning commission of the municipality may not
16 reinstate the authority granted in this subsection for 24
17 months after the effective date of its withdrawal.

18 ~~"(d) If a county commission has not adopted~~
19 ~~subdivision regulations pursuant to Chapter 24, the municipal~~
20 ~~planning commission shall have sole jurisdiction for the~~
21 ~~regulation and enforcement of the development of subdivisions~~
22 ~~within the territorial jurisdiction of the municipal planning~~
23 ~~commission.~~

24 ~~"(e) If the municipal planning commission accepts~~
25 ~~responsibility for the development of a subdivision within its~~
26 ~~territorial jurisdiction as provided in subsection (c), the~~
27 ~~county commission shall not accept any roads or bridges within~~

1 ~~the subdivision for county maintenance unless the county~~
2 ~~engineer certifies to the county commission that the road or~~
3 ~~bridge meets the minimum road and bridge standards of the~~
4 ~~county. This section shall not apply to any roads or bridges~~
5 ~~which the county has accepted for maintenance prior to October~~
6 ~~1, 2012.~~

7 "~~(f)~~ (d) If the county commission is responsible for
8 the regulation and enforcement of a subdivision development
9 within the territorial jurisdiction of a municipal planning
10 commission outside the corporate limits of a municipality, the
11 recording of any map or plat related to the subdivision shall
12 be governed by Chapter 24.

13 "~~(g)~~ (e) If the municipal planning commission is
14 responsible for the regulation and enforcement of a
15 subdivision development within the territorial jurisdiction of
16 the municipal planning commission outside the corporate limits
17 of the municipality, no map or plat of any subdivision shall
18 be recorded, and no property shall be sold referenced to the
19 map or plat, until and unless it has been first submitted to
20 and approved by the municipal planning commission, pursuant to
21 Section 11-52-32 and its adopted procedures, and then
22 certified by the county engineer or his or her designee as
23 follows within 30 days of being submitted to the county
24 engineer: "The undersigned, as County Engineer of the County
25 of _____ of Alabama, hereby certifies on this _____ day
26 of _____, 20____, that the _____ Planning Commission

1 approved the within plat for the recording of same in the
2 Probate Office of _____ County, Alabama."

3 ~~"(h)~~ (f) Approval by the county engineer pursuant to
4 this subsection shall not constitute approval in lieu of or on
5 behalf of any municipality with respect to subdivision
6 development regulated and enforced by the municipal planning
7 commission, wherein all maps or plats must be first submitted
8 to and approved by the municipal planning commission or other
9 appropriate municipal agency exercising jurisdiction over the
10 subdivision.

11 ~~"(i)~~ (g) Nothing in this section shall be
12 interpreted as allowing a municipal planning commission or a
13 municipality to exercise the power of eminent domain outside
14 of its corporate limits.

15 ~~"(j)~~ (h) Nothing in this section shall be
16 interpreted as allowing a municipal planning commission or a
17 municipality to levy taxes or fees outside of its corporate
18 limits.

19 ~~"(k) Nothing in this section shall limit or impair~~
20 ~~the authority of a~~ (i) A municipality ~~to~~ shall not regulate
21 the construction of buildings within the police jurisdiction
22 of the municipality, including, but not limited to, the
23 issuing of building permits, the inspection of building
24 construction, and the enforcement of building codes after the
25 effective date of the act adding this language.

26 ~~"(l)~~ (j) Nothing in this section shall be construed
27 to grant the county commission or county engineer the

1 authority to regulate subdivision development or approve maps
2 or plats for any developments within the corporate limits of a
3 municipality."

4 Section 3. (a) After the effective date of this act,
5 no additional sales and use tax pursuant to Section 11-51-206
6 of the Code of Alabama 1975, business license tax pursuant to
7 Section 11-51-91, Code of Alabama 1975, or other municipal
8 taxes or fees may be levied in the police jurisdiction of a
9 municipality, unless the taxes and fees were levied prior to
10 the effective date of this act, any other law to the contrary
11 notwithstanding.

12 (b) (1) After the effective date of this act, any
13 taxes or fees levied in the police jurisdiction of a
14 municipality shall be specially audited for compliance to
15 assure that the funds collected from the taxes or fees were
16 expended in the police jurisdiction of the municipality as
17 required by law. The municipality shall provide a copy of the
18 audit report to the Department of Examiners of Public Accounts
19 within 14 days of receipt of the report. Notwithstanding any
20 other provision of law, the expenditure of the funds from the
21 taxes or fees after the effective date of this act shall
22 include only the direct expenditure of funds in the police
23 jurisdiction and not the expenditure of funds for any indirect
24 or administrative expenses.

25 (2) If an audit completed under subdivision (1)
26 includes findings of noncompliance with existing law, the
27 municipality shall have 12 months to correct the issues of

1 noncompliance. If the municipality does not correct the
2 noncompliance within that time, the municipality may not
3 collect any taxes or fees in the police jurisdiction of the
4 municipality until completion of an audit finding the
5 municipality in compliance.

6 Section 4. This act shall be effective immediately,
7 following its passage and approval by the Governor, or its
8 otherwise becoming law.