

1 HB337
2 195234-4
3 By Representative Ingram
4 RFD: County and Municipal Government
5 First Read: 03-APR-19

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8 SYNOPSIS: This bill would authorize any municipality
9 in this state incorporated after 1990 to exercise
10 zoning authority in the police jurisdiction of the
11 municipality if the municipality is located in a
12 county in which another municipality in the county
13 has zoning authority in its police jurisdiction.
14

15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To provide for the zoning authority of
20 municipalities in this state incorporated after 1990 located
21 in a county in which another municipality in the county has
22 zoning authority in its police jurisdiction.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall apply to all
25 municipalities in this state incorporated after 1990 which are
26 located in a county in which another municipality in that
27 county has zoning authority in its police jurisdiction.

1 Section 2. (a) Any municipality in this state
2 incorporated after 1990, which is located in a county in which
3 another municipality in that county has zoning authority in
4 its police jurisdiction, may divide the territory within its
5 police jurisdiction into business, industrial, and residential
6 zones or districts and, at its option, may provide the kind,
7 character, and use of structures and improvements that may be
8 erected or made within the several zones or districts
9 established and, from time to time, may rearrange or alter the
10 boundaries of the zones or districts and may also adopt
11 ordinances as are necessary to implement and administer this
12 act. It is the intent of this act to grant any municipality to
13 which this act applies full zoning authority within its police
14 jurisdiction to the same extent as the municipality exercises
15 that authority within its corporate limits.

16 (b) This act shall not affect the right of the owner
17 or owners of property located within the police jurisdiction
18 of a municipality to which this act applies to continue to use
19 the property as it is being used on the date of the enactment
20 of any zoning ordinance applicable to the property until the
21 owner or owners of the property seek to change the use of the
22 property.

23 Section 3. In the event the police jurisdiction of
24 any municipality to which this act applies overlaps with the
25 police jurisdiction of another municipality in the county that
26 has zoning authority in its police jurisdiction, the governing
27 body of each municipality may exercise the zoning authority in

1 the overlapping portions of its police jurisdiction to a
2 boundary which is equidistant from the respective corporate
3 limits of each municipality that has an overlapping police
4 jurisdiction. Nothing in this section prevents neighboring
5 municipalities from entering into cooperative agreements as to
6 which municipality will exercise zoning authority in the areas
7 of overlapping police jurisdiction.

8 Section 4. Notwithstanding the provisions of Section
9 3, in the overlapping areas of the police jurisdiction of the
10 municipalities, each municipality may object to a zoning
11 decision of the other municipality in the overlapping areas.
12 In that case, the objecting municipality shall notify the
13 other municipality of its objection and the zoning dispute
14 shall be resolved by a panel consisting of the mayors of the
15 two municipalities and the chair of the county commission of
16 the county where the property involved in the zoning dispute
17 is located.

18 Section 5. Any zoning authority authorized pursuant
19 to this act shall be undertaken in accordance with Chapter 52
20 of Title 11, Code of Alabama 1975.

21 Section 6. The provisions of this act are severable.
22 If any part of the act is declared invalid or
23 unconstitutional, such declaration shall not affect the part
24 which remains.

25 Section 7. All laws or parts of laws which conflict
26 with this act are repealed.

1 Section 8. This act shall become effective
2 immediately upon its passage and approval by the Governor, or
3 upon its otherwise becoming a law.