SB152

208739-2

By Senator Melson (N & P)

RFD: Local Legislation

First Read: 02-FEB-21
With Notice and Proof

ENROLLED, An Act,

Relating to Lauderdale County; to provide for public and nonpublic forums; and to authorize the requirement of a permit and fee under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this section, the following terms shall have the following meanings:

(1) DESIGNATED PUBLIC FORUM. Public property that is not by tradition a forum for expressive activity, which a municipality has opened, temporarily or otherwise, for use by the general public as a place for expressive activity.

(2) EXPRESSIVE ACTIVITY. All forms of non-commercial expression that are protected by the First Amendment to the U.S. Constitution, including peaceful assemblies, speeches, protests, picketing, leafleting, circulating petitions, distributing literature, and similar expressive communications and activities.

(3) LIMITED PUBLIC FORUM. A designated public forum that is limited for use by certain types of groups or for
discussion of certain subjects, or limited in another manner, but not limited based on viewpoint.

(4) MUNICIPALITY. A municipality that is located wholly or partially within Lauderdale County.

(5) NONPUBLIC FORUM. Public property that is not by tradition or designation a forum for public communication.

(6) PUBLIC FORUM. A place which by tradition or by government designation has been devoted to expressive activity. The term includes, but is not limited to, public streets, parks, and sidewalks.

(b)(1) A municipality, by ordinance, may classify the territory within its corporate limits into public or nonpublic forums and, from time to time, may rearrange or alter the division of the public and nonpublic forums as necessary.

(2) Each municipality, from time to time, may classify territory, which would otherwise be classified as a nonpublic forum, as a designated public forum or limited public forum; provided, restrictions on speech within the designated area must be reasonable and viewpoint-neutral.

(c) Within a public forum, a municipality may enforce reasonable regulations that apply to all speech which are content-neutral with regard to time, place, and manner of expression.
(d) Territory within a municipality that is classified as a nonpublic forum may not be used by the general public as a forum for expressive activity except as provided in subdivision (b)(2).

(e) A municipality may require a person to obtain a permit for the use of a public forum under any of the following conditions:

(1) The use of the forum will require blocking traffic or the closure of a public street.

(2) The use of the forum will require the use of a sound amplifying device.

(3) The use of the forum will involve more than a certain number of individuals participating, as established by the municipality by ordinance.

(4) The use of the forum will create other traffic control or public safety issues requiring the presence of law enforcement officers or other municipal officials.

(f) A municipality may require an applicant for a permit issued under subsection (e) to pay an application fee. The application fee may consist of any or all of the following:

(1) A security deposit for the actual cost of clean up.

(2) A charge to cover the actual cost of the use of law enforcement officers.
(3) A charge to cover any other actual administrative cost incurred by the municipality.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB152
Senate 16-MAR-21
I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 13-APR-21

By: Senator Melson