

1 SB152
2 208739-2
3 By Senator Melson (N & P)
4 RFD: Local Legislation
5 First Read: 02-FEB-21

1 SB152

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4 With Notice and Proof

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6 ENROLLED, An Act,

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

23 (3) LIMITED PUBLIC FORUM. A designated public forum
24 that is limited for use by certain types of groups or for

1 discussion of certain subjects, or limited in another manner,
2 but not limited based on viewpoint.

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

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

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

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

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

21 (c) Within a public forum, a municipality may
22 enforce reasonable regulations that apply to all speech which
23 are content-neutral with regard to time, place, and manner of
24 expression.

1 (d) Territory within a municipality that is
2 classified as a nonpublic forum may not be used by the general
3 public as a forum for expressive activity except as provided
4 in subdivision (b) (2).

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

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

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

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

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

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

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

24 (2) A charge to cover the actual cost of the use of
25 law enforcement officers.

1 (3) A charge to cover any other actual
2 administrative cost incurred by the municipality.

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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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