

1 HB133
2 173425-1
3 By Representative Johnson (R)
4 RFD: County and Municipal Government
5 First Read: 09-FEB-16

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8 SYNOPSIS: Under existing law, the police jurisdiction
9 of a municipality having a population of less than
10 6,000 extends for one and one-half miles and the
11 police jurisdiction of a municipality over 6,000 in
12 population extends for three miles.

13 This bill would provide that the police
14 jurisdiction of all municipalities would be set at
15 one and one-half miles from the corporate limits.
16 The bill would authorize the extension of the
17 police jurisdiction of a municipality by local law
18 to not more than three miles from the corporate
19 limits if the municipality has a full-time police
20 force and a full-time, paid fire department whose
21 services will be provided to all individuals within
22 the extended police jurisdiction. The bill would
23 also further provide that ordinances, taxes, or
24 regulations in effect on the effective date of this
25 act may remain in effect until July 1, 2017, but,
26 absent enactment of a local law pursuant to this
27 act prior to July 1, 2017, would thereafter be

1 repealed within any territory extending beyond one
2 and one-half miles from the corporate limits.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 11-40-10, Code of Alabama 1975, as
9 amended by Act 2015-361, 2015 Regular Session, relating to the
10 police jurisdiction of municipalities; to set police
11 jurisdiction of all municipalities effective immediately; to
12 authorize the extension of the police jurisdiction of a
13 municipality to not more than three miles of its corporate
14 limits by local law if the municipality has and maintains a
15 full-time police department and a full-time, paid fire
16 department providing services to all individuals and entities
17 within the police jurisdiction; to provide that any ordinance,
18 tax, or regulation in effect on the effective date of this act
19 may remain in effect in the territory within the three miles
20 of the corporate limits of the municipality or town until July
21 1, 2017, but shall be repealed on July 1, 2017, within any
22 territory extending beyond one and one-half miles of the
23 corporate limits of the municipality absent a local law
24 enacted pursuant to this act.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 11-40-10, Code of Alabama 1975,
2 as amended by Act 2015-361, 2015 Regular Session, is amended
3 to read as follows:

4 "§11-40-10.

5 "(a) ~~The~~ After the effective date of the act adding
6 this amendatory language, the police jurisdiction in
7 municipalities having 6,000 or more inhabitants a municipality
8 shall cover all adjoining territory within three miles of the
9 corporate limits, and in municipalities having less than 6,000
10 inhabitants and in towns, the police jurisdiction shall extend
11 also to the adjoining territory within a mile and a half one
12 and one-half miles of the corporate limits of the municipality
13 or town. Notwithstanding the foregoing, any ordinance, tax, or
14 regulation being enforced on the effective date of the act
15 adding this amendatory language in the territory which extends
16 beyond one and one-half miles of the corporate limits of the
17 municipality as those limits exist on that date may remain in
18 effect until July 1, 2017, but, absent enactment of a local
19 law enacted pursuant to subsection (g) prior to July 1, 2017,
20 shall thereafter be repealed by operation of law within any
21 territory extending beyond one and one-half miles of the
22 corporate limits of the municipality.

23 "(b) Ordinances of a ~~city or town~~ municipality
24 enforcing police or sanitary regulations and prescribing fines
25 and penalties for violations thereof shall have force and
26 effect in the limits of the ~~city or town~~ municipality and on
27 any property or rights-of-way belonging to the city or town.

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

15 "(c) The police jurisdiction of any municipality
16 which pursuant to this section extends to include part of any
17 island which has water immediately offshore adjacent to the
18 boundary of the State of Florida, upon approval of the council
19 of the municipality, shall extend to include the entire island
20 including the water adjacent to the island extending to the
21 existing police jurisdiction of the municipality as it exists
22 on the effective date of the act adding this amendatory
23 language and extending to the Florida state boundary where
24 applicable.

25 "(d) Any alterations to a police jurisdiction based
26 upon the annexation or deannexation of property after
27 September 1, 2015, shall take effect the first day of January

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

13 "(e) The annexation of property by general or local
14 law may not extend the police jurisdiction of a municipality
15 except as expressly provided in general or local law. Any
16 extension of a police jurisdiction expressly provided for in
17 general or local law is subject to ~~subsection~~ subsections (d)
18 and (g) and shall take effect only on the next January 1
19 following the annexation or police jurisdiction extension
20 created by general or local law.

21 "(f) When any noncontiguous property has been
22 annexed or is annexed into a municipality, the municipal
23 governing body by resolution may elect not to exercise any
24 jurisdiction or authority, including the assessment of any
25 tax, in any portion of the police jurisdiction extended as a
26 result of the annexation, notwithstanding any other law to the
27 contrary.

1 "(g) Following the effective date of the act adding
2 this subsection, the police jurisdiction of a municipality may
3 be extended beyond the limits established in subsection (a) to
4 cover all adjoining territory within not more than three miles
5 of the corporate limits only if authorized pursuant to a local
6 law enacted after the effective date of the act adding this
7 subsection and if all of the following conditions are met:

8 "(1) The municipality has maintained and continues
9 to maintain a full-time police force whose services shall be
10 provided to all individuals and entities within the extended
11 police jurisdiction.

12 "(2) The municipality has maintained and continues
13 to maintain a full-time and paid fire department whose
14 services shall be provided to all individuals and entities
15 within the extended police jurisdiction.

16 "(3) The local law expressly provides that the
17 municipality may only levy taxes or enact ordinances or
18 regulations within the police jurisdiction as long as the
19 municipality maintains both a full-time police force and a
20 full-time and paid fire department as required herein.

21 "(h) All existing laws or parts of laws in conflict
22 with this section, as amended by the act adding this
23 subsection, including any local laws in conflict with this
24 section, are repealed."

25 Section 2. All laws or parts of laws which conflict
26 with this act are repealed.

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