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3 SUBSTITUTE FOR SB107, AS SUBSTITUTED
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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 may extend for three miles from the
11 corporate limits and the police jurisdiction of a
12 municipality having less than 6,000 persons may
13 extend for a mile and a half from the corporate
14 limits.

15 This bill would provide that the police
16 jurisdiction outside the corporate limits of a
17 municipality shall not extend beyond the police
18 jurisdiction as of January 1, 2021. The bill would
19 provide a method for a municipality to eliminate or
20 reduce its police jurisdiction outside the
21 municipality by any half-mile increment and may
22 reduce or eliminate services in its police
23 jurisdiction.

24 This bill would provide that a municipality
25 having a population of less than 6,000 persons
26 according to the 2010 federal decennial census but
27 more than 6,000 according to the 2020 federal

1 decennial census may extend its police jurisdiction
2 to three miles within 180 days of the release of
3 the 2020 census results.

4 This bill would provide that municipal
5 ordinances enforcing police and sanitary
6 regulations would have effect in the corporate
7 limits and on rights-of-way and property owned by
8 the municipality, and municipal ordinances
9 enforcing state misdemeanors would have effect in
10 the entirety of a municipality's corporate limits
11 and police jurisdiction.

12 This bill would require a municipality in
13 any county regulating the construction of buildings
14 and enforcing code within the municipality's police
15 jurisdiction outside the corporate limits to cease
16 that regulation in that territory within 24 months
17 of receipt of notice or within 24 months of county
18 assuming regulation, except as provided by
19 agreement between the municipality and the county,
20 and would set conditions for municipal fees for
21 building inspections.

22 Under existing law, the planning
23 jurisdiction of a municipality, including the
24 approval of subdivisions, extends for five miles
25 from the corporate limits.

26 This bill would limit the planning
27 jurisdiction of a municipal planning commission to

1 the police jurisdiction of a municipality as of
2 January 1, 2021, as it relates to subdivision
3 planning, and would limit the other authorities of
4 a municipality relating to zoning to within the
5 corporate limits, except under certain conditions.
6 The bill would provide that, on January 1, 2023,
7 the radius of the planning jurisdiction of each
8 municipality outside the corporate limits shall be
9 one and a half miles, unless extended to three
10 miles by local law. The bill would provide a method
11 for a county commission and a municipality to enter
12 into an agreement on the regulation of
13 subdivisions.

14 This bill would also provide for the annual
15 reporting by each municipality collecting revenue
16 outside its corporate limits to the Department of
17 Examiners of Public Accounts, including the
18 reporting of revenues and expenditures outside its
19 corporate limits, and would provide a method by
20 which the Legislative Committee on Public Accounts
21 may request an audit by the Department of Examiners
22 of Public Accounts.

23 This bill would also make nonsubstantive,
24 technical revisions to update the existing code
25 language to current style.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to municipalities; to amend Section
5 11-40-10, Code of Alabama 1975, to limit the police
6 jurisdiction of a municipality to the territory of the police
7 jurisdiction of the municipality on the effective date of this
8 act; to provide for the reduction or elimination by a
9 municipality of its police jurisdiction; to limit municipal
10 authority for the enforcement of certain ordinances in the
11 police jurisdiction; to further provide for and limit the
12 authority of a municipality to enforce building codes within
13 its police jurisdiction; to amend Section 11-52-30, Code of
14 Alabama 1975, to reduce the planning jurisdiction of a
15 municipality; to clarify that a municipality may only regulate
16 subdivisions within its planning jurisdiction; and to provide
17 for certain exemptions from subdivision regulation by a
18 municipality in its planning jurisdiction; to amend Section
19 11-51-91, Code of Alabama 1975, to further provide for the
20 reporting and auditing of revenue collected within the
21 municipal police jurisdiction; and to make nonsubstantive,
22 technical revisions to update the existing code language to
23 current style.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 11-40-10, Code of Alabama 1975,
26 is amended to read as follows:

27 "§11-40-10.

1 "~~(a) (1) The~~ Except as otherwise provided in this
2 section, the police jurisdiction in municipalities having
3 6,000 or more inhabitants shall cover all adjoining territory
4 within three miles of the corporate limits, and in
5 municipalities having less than 6,000 inhabitants ~~and in~~
6 ~~towns,~~ the police jurisdiction shall ~~extend also to the~~ cover
7 all adjoining territory within a mile and a half of the
8 corporate limits of the municipality ~~or town.~~

9 "~~(2) 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 "(2) a. Except as provided in paragraph b.,
18 notwithstanding any other provisions of this section, the
19 police jurisdiction of a municipality outside of the corporate
20 limits of the municipality shall not extend beyond the police
21 jurisdiction of the municipality on January 1, 2021. The
22 annexation of property by general or local law shall not
23 extend the area of a police jurisdiction of a municipality
24 after January 1, 2021, except to include that property annexed
25 into the corporate limits.

26 "b. Notwithstanding paragraph a., the governing body
27 of a municipality having less than 6,000 inhabitants according

1 to the 2010 federal decennial census which has 6,000 or more
2 inhabitants according to the 2020 federal decennial census,
3 not later than 180 days following the final release of the
4 2020 federal decennial census population data by the United
5 States Census Bureau, may extend its police jurisdiction to
6 include all territory within three miles of the corporate
7 limits upon adoption of an ordinance.

8 "(3)a. Any municipality ~~which has a three mile~~
9 ~~police jurisdiction pursuant to subdivision (1),~~ by ordinance,
10 may eliminate or reduce its police jurisdiction to a mile and
11 a half by ordinance of the outside the corporate limits of the
12 municipality by any number of half-mile increments, which
13 shall take effect on the first day of January following its
14 adoption on or before the preceding first day of October. A
15 municipality eliminating or reducing its police jurisdiction
16 outside the corporate limits shall send written notice to the
17 county commission no later than 30 days following the adoption
18 of the ordinance. A municipality shall cease to levy any
19 licenses or fees under Section 11-51-91 or any other taxes,
20 licenses, or fees, except for those relating to the regulation
21 of subdivisions, within the area removed from the police
22 jurisdiction. ~~Once a municipality has adopted an ordinance to~~
23 ~~reduce its police jurisdiction to a mile and one-half, that~~ A
24 municipality may reduce its police jurisdiction pursuant to
25 this paragraph no more than once during any 24 month period.
26 An ordinance adopted under this paragraph cannot otherwise be
27 amended, altered, or repealed, except by local law.

1 "b. Any municipality, by ordinance, may cease to
2 provide any service to its police jurisdiction outside its
3 corporate limits, which shall take effect on the first day of
4 January following its adoption on or before the preceding
5 first day of October. A municipality ceasing to provide a
6 service in its police jurisdiction outside its corporate
7 limits shall send written notice to the county commission no
8 later than 30 days following the adoption of the ordinance. A
9 municipality may adopt an ordinance pursuant to this paragraph
10 no more than once during any 24 month period. An ordinance
11 adopted under this paragraph cannot otherwise be amended,
12 altered, or repealed.

13 "(b) (1) a. Ordinances of a ~~city or town~~ municipality
14 enforcing police or sanitary regulations and prescribing fines
15 and penalties for violations thereof shall have force and
16 effect only in the corporate limits of the ~~city or town~~
17 municipality and on any property or rights-of-way belonging to
18 the municipality ~~or town~~, and on any drinking water reservoir
19 owned by the municipality and on any property adjoining that
20 reservoir.

21 "b. Ordinances of a municipality prescribing fines
22 and penalties for violations thereof which are state
23 misdemeanors adopted as municipal ordinance violations shall
24 have force and effect in the police jurisdiction of the
25 municipality.

26 "(2) a. Except as provided in paragraph b., a
27 municipality enforcing ordinances regulating the construction

1 of buildings in the area of its police jurisdiction outside
2 the corporate limits on January 1, 2021, including the
3 issuance of building permits, inspection of construction, and
4 enforcement of building codes, may continue to adopt and
5 enforce ordinances regulating the construction of buildings
6 within the area of its police jurisdiction outside the
7 corporate limits.

8 "b.1. In any county where the county commission is
9 enforcing ordinances regulating the construction of buildings
10 in the area of a municipality's police jurisdiction outside
11 the corporate limits of the municipality, the municipality
12 shall discontinue enforcing any ordinance regulating the
13 construction of buildings within that area no later than 24
14 months after the receipt of written notice by the municipal
15 governing body from the county commission detailing that the
16 county commission is enforcing those ordinances, except as
17 provided by agreement adopted under subparagraph 2.

18 "2. The county and the municipality may enter into
19 an agreement for the municipality to regulate by ordinance the
20 construction of buildings in the area of the municipality's
21 police jurisdiction outside its corporate limits upon adoption
22 of an ordinance by the municipal governing body and a
23 resolution by the county commission. The county or the
24 municipality may waive this agreement upon adoption of an
25 ordinance by the municipal governing body or a resolution by
26 the county commission; provided, that the waiver shall take
27 effect 24 months after receipt of written notice by the

1 non-waiving body from the waiving body detailing the adoption
2 of the ordinance or resolution.

3 "c. A municipality may not collect a fee for a
4 building permit unless the municipality conducts a building
5 inspection. The cost of the fee for any building permit shall
6 be reasonably related to the cost of providing building code
7 enforcement and inspection services, and revenue from the fees
8 shall be used for building code enforcement and inspection
9 services and not for general revenue purposes.

10 "(3) In order for an ordinance adopted after
11 September 1, 2015, the effective date of the act adding this
12 amendatory language to have force and effect in a police
13 jurisdiction of a municipality or town, the municipal
14 governing body shall provide a 30-day notice that the
15 ordinance shall be effective in the police jurisdiction. The
16 notice given shall be the same as required for adoption of an
17 ordinance under Section 11-45-8. Additionally, if available at
18 no cost to the municipality, the notice shall be submitted to
19 the ~~Atlas Alabama state website or any successor~~
20 state-operated website providing information to businesses as
21 directed by the Department of Revenue. No ordinance adopted
22 after September 1, 2015, may be enforced against an individual
23 or entity in the police jurisdiction affected by the ordinance
24 until and unless the municipality has complied with the notice
25 requirements provided for in this section.

26 "(c) (1) Notwithstanding any provision of this
27 section to the contrary, the ~~The~~ police jurisdiction of any

1 municipality which pursuant to this section extends to include
2 part of any island which has water immediately offshore
3 adjacent to the boundary of the State of Florida, upon
4 approval of the council of the municipality, shall extend to
5 include the entire island including the water adjacent to the
6 island extending to the existing police jurisdiction of the
7 municipality and extending to the Florida state boundary where
8 applicable.

9 "(2) Nothing in this section shall prohibit or
10 restrict a municipality from exercising authority within
11 existing rights-of-way, in any public waterway immediately
12 adjacent to territory within its corporate limits, on any
13 uninhabited island which lies directly across a public
14 waterway from territory within the corporate limits and would
15 be contiguous with that territory except for the intervention
16 of that public waterway, or on any public land or beach within
17 its police jurisdiction. For purposes of this subdivision,
18 "uninhabited island" means any land surrounded by water which
19 has no residential or commercial buildings on it.

20 ~~"(d) Any alterations to a police jurisdiction based~~
21 ~~upon the annexation or deannexation of property after~~
22 ~~September 1, 2015, shall take effect the first day of January~~
23 ~~and shall take effect for any annexation or deannexation which~~
24 ~~was finalized on or before the preceding first day of October.~~
25 ~~No later than the first day of January in each year, a map~~
26 ~~showing the boundaries of the municipal limits and police~~
27 ~~jurisdiction of the municipality shall be submitted to, if~~

1 ~~available at no cost to the municipality, the Atlas Alabama~~
2 ~~state website or any successor state-operated website~~
3 ~~providing information to businesses. No ordinance, license,~~
4 ~~permit, or tax levy may be enforced against an individual or~~
5 ~~entity included in the alteration of the police jurisdiction~~
6 ~~unless the municipality has complied with the notice~~
7 ~~requirements provided for in this section.~~

8 ~~"(e) The annexation of property by general or local~~
9 ~~law may not extend the police jurisdiction of a municipality~~
10 ~~except as expressly provided in general or local law. Any~~
11 ~~extension of a police jurisdiction expressly provided for in~~
12 ~~general or local law is subject to subsection (d) and (f) and~~
13 ~~shall take effect only on the next January 1 following the~~
14 ~~annexation by general or local law.~~

15 ~~"(f) (d) When any noncontiguous property has been~~
16 ~~annexed or is annexed into a municipality, the municipal~~
17 ~~governing body shall not exercise any jurisdiction or~~
18 ~~authority in any portion of the police jurisdiction that was~~
19 ~~extended beyond the corporate limits as a result of the~~
20 ~~annexation, notwithstanding any other law to the contrary.~~

21 ~~"(e) In no event shall a municipality, its officers,~~
22 ~~agents, contractors, subcontractors, or employees be liable~~
23 ~~for a reduction or elimination of the municipal police~~
24 ~~jurisdiction or the reduction or elimination of any service~~
25 ~~provided within the police jurisdiction, including, but not~~
26 ~~limited to, any equitable relief or indirect, incidental,~~
27 ~~special, punitive, exemplary, or consequential damages~~

1 whatsoever arising in any manner as a result of the
2 elimination of the police jurisdiction."

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

5 "§11-52-30.

6 "(a) (1) Except as otherwise provided herein, the
7 ~~territorial~~ planning jurisdiction of any municipal planning
8 commission shall include all land located in the corporate
9 limits of the municipality and all land lying within ~~five~~
10 ~~miles of the corporate limits of the municipality and not~~
11 ~~located in any other municipality~~ the police jurisdiction of
12 the municipality on January 1, 2021.

13 "(2) Notwithstanding subdivision (1), beginning
14 January 1, 2023, the planning jurisdiction of any municipal
15 planning commission shall include all land located in the
16 corporate limits of the municipality and all land not located
17 in any other municipality within a mile and a half outside the
18 corporate limits, unless extended by local law enacted after
19 January 1, 2023, to include all land not located in any other
20 municipality within three miles outside the corporate limits;
21 except that, in the case of any nonmunicipal land lying within
22 ~~five miles~~ the planning jurisdiction of more than one
23 municipality having a municipal planning commission, the
24 jurisdiction of each municipal planning commission shall
25 terminate at a boundary line equidistant from the respective
26 corporate limits of ~~such~~ the municipalities.

1 "(3) Any alterations of a municipal planning
2 ~~commission~~ jurisdiction based upon annexation or deannexation
3 of property within the corporate limits of a municipality
4 shall occur once a year on the first day of January and shall
5 take effect for any annexations which were finalized on or
6 before the preceding first day of October.

7 "(b) (1) Except as otherwise provided by law on the
8 effective date of the act adding this amendatory language,
9 nothing in this section shall be interpreted as allowing the
10 municipal planning commission of a municipality to exercise
11 any authority outside the corporate limits of the municipality
12 other than the regulation of subdivisions.

13 "(2) Within a municipal planning jurisdiction
14 outside of the corporate limits of the municipality, municipal
15 subdivision regulations shall not be applied to any
16 transaction resulting in the direct sale, deed, or transfer of
17 land by the owner to any individual who may be eligible to
18 inherit that land from the owner under Article 3 of Chapter 8
19 of Title 43, relating to intestate succession. Notwithstanding
20 the foregoing, any transaction resulting in the direct sale,
21 deed, or transfer of that land occurring within 24 months of
22 the excepted transfer shall be subject to municipal
23 subdivision regulations.

24 "(c) In all counties having a population of 600,000
25 or more according to the 1950 federal census or any succeeding
26 decennial federal census, the county planning and zoning
27 commission shall be invested with the authority to zone

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

22 ~~"(b)~~ (d) A municipal planning commission, by
23 resolution properly adopted no later than the first day of
24 October of any year, may ~~provide that~~ reduce the radius of its
25 planning jurisdiction, effective on the first day of the
26 following January, ~~the territorial jurisdiction of the~~
27 ~~municipal planning commission shall include all land lying~~

1 ~~within a radius less than the five miles permitted by this~~
2 ~~section. The resolution shall establish the territory within~~
3 ~~which the municipal planning commission will exercise~~
4 ~~jurisdiction to a boundary line equidistant from the corporate~~
5 ~~limits of the municipality, except, that in the case of any~~
6 ~~nonmunicipal land lying within the territorial jurisdiction of~~
7 ~~more than one municipality with a municipal planning~~
8 ~~commission exercising jurisdiction outside the municipal~~
9 ~~corporate limits, the jurisdiction of each municipal planning~~
10 ~~commission shall terminate at a boundary line equidistant from~~
11 ~~the respective corporate limits of each municipality. The~~
12 ~~municipal planning commission shall cease to levy any charges~~
13 ~~or fees relating to subdivision planning within the area~~
14 ~~removed from the planning jurisdiction.~~ A copy of the
15 resolution altering the ~~territorial~~ planning jurisdiction
16 shall be forwarded to the county commission within five days
17 of adoption. Additionally, nothing in this subsection shall be
18 construed to alter the provisions of Article 5 of Chapter 49,
19 which require a municipality to assume responsibility for
20 roads annexed into the municipality under certain
21 circumstances.

22 ~~"(c) (1)~~ (e) (1) a. If a county commission has adopted
23 subdivision regulations pursuant to Chapter 24, those
24 subdivision regulations shall apply to the development of
25 subdivisions within the ~~territorial~~ planning jurisdiction of a
26 municipal planning commission outside the corporate limits of
27 a municipality and shall be regulated and enforced by the

1 county commission in the same manner and to the same extent as
2 other subdivision development governed by the county's
3 subdivision regulations.

4 "b.1. Notwithstanding ~~the foregoing, a paragraph a.,~~
5 the county commission and the municipal planning commission
6 may enter into a written agreement providing that the
7 municipal planning commission shall be responsible for the
8 regulation and enforcement of the development of subdivisions
9 within the ~~territorial~~ planning jurisdiction of the municipal
10 planning commission under the terms and conditions of the
11 agreement.

12 "2. In order to be effective, the agreement shall be
13 approved by a resolution adopted by the county commission, an
14 ordinance adopted by the municipal governing body, and a
15 resolution adopted by the municipal planning commission of the
16 municipality, ~~respectively.~~

17 "(2)a. In those counties in which the county
18 commission has adopted subdivision regulations pursuant to
19 Chapter 24 and the municipal planning commission has been
20 unsuccessful in reaching an agreement to exercise its
21 jurisdiction as provided in subdivision (1), ~~the governing~~
22 ~~body of the municipality and the municipal planning commission~~
23 ~~may override the county's enforcement of the regulation of~~
24 ~~subdivisions within the planning jurisdiction by fully~~
25 ~~complying with all of the following requirements:~~

26 "a. ~~The municipal governing body and the municipal~~
27 ~~planning commission shall each adopt separate resolutions~~

1 ~~expressing intent to exercise jurisdiction over the~~
2 ~~construction of subdivisions initiated after the effective~~
3 ~~date of the resolutions, despite the county commission's~~
4 ~~objections to the exercise of that authority.~~

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

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

17 ~~"d. The county commission shall retain the authority~~
18 ~~to execute on the bond to make necessary improvements to the~~
19 ~~public roads and drainage structures of the subdivision while~~
20 ~~it remains in the unincorporated area of the county.~~

21 ~~"e. The municipal governing body and the municipal~~
22 ~~planning commission exercising the authority granted in this~~
23 ~~subsection may thereafter withdraw their exercise of~~
24 ~~jurisdiction over future subdivisions located outside the~~
25 ~~corporate limits of the municipality after not less than six~~
26 ~~months' notice to the county commission. After withdrawal, the~~
27 ~~municipal planning commission of the municipality may not~~

1 ~~reinstate the authority granted in this subsection for 24~~
2 ~~months after the effective date of its withdrawal~~ the
3 municipal planning commission shall discontinue the regulation
4 of subdivisions outside of its corporate limits and shall
5 cease levying any charges or fees relating to subdivision
6 regulation within the planning jurisdiction, no later than 24
7 months after receipt of written notice by the municipal
8 planning commission from the county commission detailing that
9 the county commission has adopted subdivision regulations.

10 "b. The county commission, by resolution, may
11 withdraw jurisdiction over future subdivisions located in the
12 municipal planning jurisdiction, effective six months after
13 receipt of written notice by the municipal planning commission
14 from the county commission detailing the adoption of the
15 resolution.

16 "c. After withdrawal by the county commission, the
17 municipal planning commission may resume subdivision
18 regulation and the levying of related charges or fees within
19 its planning jurisdiction outside the corporate limits.

20 "d. The county commission, no sooner than 24 months
21 following withdrawal, may adopt a resolution to reinstate
22 subdivision regulation in the municipal planning jurisdiction,
23 effective six months after receipt of written notice by the
24 municipal planning commission from the county commission
25 detailing the adoption of the resolution. The municipal
26 planning commission shall then discontinue the regulation of
27 subdivisions outside of its corporate limits and shall cease

1 levying any charges or fees relating to subdivision
2 regulation.

3 "~~(d)~~(f) If a county commission has not adopted
4 subdivision regulations pursuant to Chapter 24, the municipal
5 planning commission shall have sole jurisdiction for the
6 regulation and enforcement of the development of subdivisions
7 within the ~~territorial~~ planning jurisdiction of the municipal
8 planning commission.

9 "(g) Subject to subdivision (b) (2) and subsection
10 (e), and unless otherwise provided for by an agreement between
11 a county and a municipality adopted pursuant to this section,
12 if any portion of a proposed subdivision is located within a
13 municipal planning jurisdiction as provided in this section,
14 the subdivision regulations of the municipal planning
15 commission shall apply to the proposed subdivision.

16 "(h) Any subdivision issued approval by a
17 municipality on or before the effective date of this act or
18 while a municipal planning commission is regulating that
19 subdivision pursuant to subsection (e) shall not require
20 separate approval by the county commission; provided, that the
21 plans were prepared and accepted to standards meeting or
22 exceeding those required by the county commission.

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

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

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

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

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

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

13 "~~(j)~~ (n) Nothing in this section shall be interpreted
14 as allowing a municipal planning commission or a municipality
15 to levy taxes or fees in its planning jurisdiction outside of
16 its corporate limits, except for those fees relating to the
17 regulation of subdivisions.

18 "~~(k)~~ (o) Nothing in this section shall limit or
19 impair the authority of a municipality to regulate the
20 construction of buildings within the police jurisdiction of
21 the municipality, ~~including, but not limited to, the issuing~~
22 ~~of building permits, the inspection of building construction,~~
23 ~~and the enforcement of building codes~~ as provided in Section
24 11-40-10.

25 "~~(l)~~ (p) Nothing in this section shall be construed
26 to grant the county commission or county engineer the
27 authority to regulate subdivision development or approve maps

1 or plats for any developments within the corporate limits of a
2 municipality."

3 Section 3. Section 11-51-91, Code of Alabama 1975,
4 is amended to read as follows:

5 "§11-51-91.

6 "(a) Any municipality ~~may adopt~~ with an ordinance in
7 effect on January 1, 2021 to fix and collect licenses for any
8 business, trade, or profession done within the police
9 jurisdiction of the municipality but outside the corporate
10 limits thereof may continue to do so after the effective date
11 of this act; provided, that the amount of the licenses shall
12 not be more than one half the amount charged and collected as
13 a license for like business, trade, or profession done within
14 the corporate limits of the municipality, fees and penalties
15 excluded; and provided further, that the total amount of the
16 licenses outside the corporate limits shall not be in an
17 amount greater than the cost of services provided by the
18 municipality within the police jurisdiction outside the
19 corporate limits. All licenses adopted pursuant to this
20 section shall be assessed to all businesses, trades, or
21 professionals within the police jurisdiction. ~~No license~~
22 ~~adopted after September 1, 2015, in the police jurisdiction~~
23 ~~shall take effect until a 30-day notice has been given of the~~
24 ~~adoption of the ordinance; provided, however, that no license~~
25 ~~may be imposed under this section in an expanded police~~
26 ~~jurisdiction until the police jurisdiction expansion is~~
27 ~~effective under subsection (d) of Section 11-40-10. The notice~~

1 ~~given shall be the same as required for adoption of an~~
2 ~~ordinance under Section 11-45-8. Additionally, if available at~~
3 ~~no cost to the municipality, the 30-day notice shall be~~
4 ~~submitted to the Atlas Alabama state website or any successor~~
5 ~~state-operated website providing information to businesses. No~~
6 ~~ordinance adopted after September 1, 2015, may be enforced~~
7 ~~against an individual or entity affected by the ordinance~~
8 ~~unless the municipality has complied with the notice~~
9 ~~requirement provided in this section.~~

10 "(b) No calculation shall be required to be made by
11 the municipal officials or license officer for the cost of
12 services to any particular business or classification of
13 businesses within the police jurisdiction so long as the total
14 amount of revenues from the licenses collected in the police
15 jurisdiction is not an amount greater than the cost of
16 services provided by the municipality to the police
17 jurisdiction.

18 "(c) (1) On or before December 31, 2021, any
19 municipality collecting license revenue or other taxes and
20 fees within its police jurisdiction outside the corporate
21 limits shall notify the Department of Examiners of Public
22 Accounts that it collects license revenue and other taxes and
23 fees in its police jurisdiction outside the corporate limits.
24 Beginning March 1, 2022, Each each municipality collecting
25 license revenue and other taxes or fees within its police
26 jurisdiction outside the corporate limits shall prepare an
27 annual report which shall include an accounting of all license

1 revenues and other taxes or fees collected in the police
2 jurisdiction outside the corporate limits during the previous
3 fiscal year ~~expanded after September 1, 2015,~~ and provide a
4 list of the services provided by the municipality and a list
5 of providers within the police jurisdiction outside the
6 corporate limits. If the municipality provides police or fire
7 protection within the police jurisdiction, the report shall
8 include the following information:

9 "a. The total annual budget for each police
10 department and fire department within the municipal corporate
11 limits.

12 "b. The total number of calls responded to by each
13 police or fire department within the municipal corporate
14 limits and the total number of calls responded to by each
15 police or fire department within the police jurisdiction. For
16 the police department, the number should include the number of
17 calls responded to as well as the number of citations and
18 arrests made.

19 "(2) A copy of the annual report, which shall be
20 completed ~~within 90 days of the close of~~ by March 1 for the
21 previous fiscal year, shall be forwarded to the Department of
22 Examiners of Public Accounts and shall be made available to
23 the public.

24 "(3) If a municipality fails to file a report as
25 provided in subdivision (1) within 12 months of the report
26 being due, the municipality may not collect any further

1 license revenue or any other taxes or fees in the police
2 jurisdiction outside the corporate limits.

3 "(4) The Department of Examiners of Public Accounts
4 shall provide written notice to the Department of Revenue of
5 any municipality prevented from the further collection of
6 license revenue or other taxes or fees as provided in
7 subdivision (3), within 30 days of the expiration of the time
8 period provided for in subdivision (3).

9 "(5) The Legislative Committee on Public Accounts,
10 by majority vote, shall have the authority to direct the
11 Examiners of Public Accounts to perform an audit of any
12 municipality collecting revenue in its police jurisdiction
13 outside the corporate limits. A municipality shall not be
14 responsible for the cost of the audit so directed unless it is
15 determined by the Examiners of Public Accounts that a
16 municipality is not in compliance with the requirements of
17 subsections (a) and (b).

18 ~~(c)~~(d) When the place at which any business, trade,
19 or profession is done or carried on is within the police
20 jurisdiction of two or more municipalities which levy the
21 licenses thereon authorized by this section, the licenses
22 shall be paid to, issued, and collected by that municipality
23 only whose boundary measured to the nearest point thereof is
24 closest to the business, trade, or profession. This section
25 shall not have the effect of repealing or modifying the
26 limitations in this article relating to railroad, express
27 companies, sleeping car companies, telegraph companies,

1 telephone companies, and public utilities and insurance
2 companies and their agents. This section shall be given a
3 liberal construction to effectuate its purpose and meaning."

4 Section 4. This act shall not affect any public or
5 private contracts, or any mutual aid agreements between law
6 enforcement, fire service, public safety, or emergency service
7 agencies.

8 Section 5. This act shall become effective 90 days
9 following its passage and approval by the Governor, or its
10 otherwise becoming law.