

1 SB278
2 208735-1
3 By Senator Melson (N & P)
4 RFD: Local Legislation
5 First Read: 02-MAR-21

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Limestone County; to provide for public
14 and nonpublic forums; and to authorize the requirement of a
15 permit and fee under certain conditions.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

23 (2) EXPRESSIVE ACTIVITY. All forms of non-commercial
24 expression that are protected by the First Amendment to the
25 U.S. Constitution, including peaceful assemblies, speeches,
26 protests, picketing, leafleting, circulating petitions,

1 distributing literature, and similar expressive communications
2 and activities.

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

7 (4) MUNICIPALITY. A municipality that is located
8 wholly or partially within Limestone County.

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

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

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

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

25 (c) Within a public forum, a municipality may
26 enforce reasonable regulations that apply to all speech which

1 are content-neutral with regard to time, place, and manner of
2 expression.

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

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

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

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

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

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

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

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

26 (2) A charge to cover the actual cost of the use of
27 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.