

1 SB218
2 173549-1
3 By Senator Ward
4 RFD: County and Municipal Government
5 First Read: 11-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: This bill would provide that the police
9 jurisdiction of the municipality would not be
10 extended to include additional territory after the
11 effective date of this act without an affirmative
12 vote of the city council.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to municipalities; to amend Section
19 11-40-10 of the Code of Alabama 1975, as amended by Act
20 2015-361, 2015 Regular Session, to provide prospectively that
21 the police jurisdiction of municipalities would not extend
22 beyond the corporate boundaries of the municipality without an
23 affirmative vote of the municipal governing body.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 11-40-10 of the Code of Alabama
26 1975, as amended by Act 2015-361, 2015 Regular Session, is
27 amended to read as follows:

1 "§11-40-10.

2 "(a) (1) The police jurisdiction in municipalities
3 having 6,000 or more inhabitants shall cover all adjoining
4 territory 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
7 adjoining territory within a mile and a half of the corporate
8 limits of the municipality or town.

9 "(2) After the effective date of the act adding this
10 subdivision and in addition to any other requirements of this
11 section, any extension of the police jurisdiction of any
12 municipality as otherwise provided in subdivision (1) shall
13 not be effective beyond the corporate boundaries of the
14 municipality without an affirmative vote of the municipal
15 governing body. Notwithstanding the foregoing, this
16 subdivision shall not affect the boundaries of the police
17 jurisdiction of a municipality existing on the effective date
18 of the act adding this subdivision.

19 "(b) Ordinances of a city or town enforcing police
20 or sanitary regulations and prescribing fines and penalties
21 for violations thereof shall have force and effect in the
22 limits of the city or town and on any property or
23 rights-of-way belonging to the city or town. In order for an
24 ordinance adopted after September 1, 2015, to have force and
25 effect in a police jurisdiction of a municipality or town, the
26 municipal governing body shall provide a 30-day notice that
27 the ordinance shall be effective in the police jurisdiction.

1 The notice given shall be the same as required for adoption of
2 an ordinance under Section 11-45-8. Additionally, if available
3 at no cost to the municipality, the notice shall be submitted
4 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 in the police jurisdiction
8 affected by the ordinance until and unless the municipality
9 has complied with the notice requirements provided for in this
10 section.

11 "(c) The police jurisdiction of any municipality
12 which pursuant to this section extends to include part of any
13 island which has water immediately offshore adjacent to the
14 boundary of the State of Florida, upon approval of the council
15 of the municipality, shall extend to include the entire island
16 including the water adjacent to the island extending to the
17 existing police jurisdiction of the municipality and extending
18 to the Florida state boundary where applicable.

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

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

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

14 "(f) When any noncontiguous property has been
15 annexed or is annexed into a municipality, the municipal
16 governing body by resolution may elect not to exercise any
17 jurisdiction or authority, including the assessment of any
18 tax, in any portion of the police jurisdiction extended as a
19 result of the annexation, notwithstanding any other law to the
20 contrary."

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