

Changes to Municipal Powers

Hon. Chris Elliott
District 32, Alabama Senate

“Taxation without representation is tyranny.”

- James Otis of Massachusetts in response to The Stamp Act of 1765

Impact of Act 2021-297

Police Jurisdictions

Building Inspection and Permits

Subdivision Regulations

Collection and Use of Fees

Police Jurisdictions

The police jurisdiction of a municipality outside of the corporate limits of the municipality **shall not extend beyond the police jurisdiction of the municipality on January 1, 2021.**

The annexation of property by general or local law shall not extend the area of a police jurisdiction of a municipality after January 1, 2021, except to include that property annexed into the corporate limits.

Window for Growing Municipalities

The governing body of a municipality having less than 6,000 inhabitants according to the 2010 federal decennial census which has 6,000 or more inhabitants according to the 2020 federal decennial census, not later than 180 days following the final release of the 2020 federal decennial census population data by the United States Census Bureau, **may extend its police jurisdiction to include all territory within three miles of the corporate limits upon adoption of an ordinance.**

Reducing Police Jurisdictions

A municipality eliminating or reducing its police jurisdiction outside the corporate limits **shall send written notice to the county commission no later than 30 days following the adoption of the ordinance.**

A municipality shall cease to levy any licenses or fees under Section 11-51-91 or any other taxes, licenses, or fees, except for those relating to the regulation of subdivisions, within the area removed from the police jurisdiction

Building Codes

A municipality enforcing ordinances regulating the construction of buildings in the area of its police jurisdiction outside the corporate limits on January 1, 2021, including the issuance of building permits, inspection of construction, and enforcement of building codes, **may continue to adopt and enforce ordinances regulating the construction of buildings within the area of its police jurisdiction outside the corporate limits.**



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Building Codes

In any county where the county commission is enforcing ordinances regulating the construction of buildings in the area of a municipality's police jurisdiction outside the corporate limits of the municipality, **the municipality shall discontinue enforcing any ordinance regulating the construction of buildings within that area no later than 24 months** after the receipt of written notice by the municipal governing body from the county commission detailing that the county commission is enforcing those ordinances, except as provided by agreement adopted under subparagraph 2.



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Building Codes

The county and the municipality **may enter into an agreement** for the municipality to regulate by ordinance the construction of buildings in the area of the municipality's police jurisdiction outside its corporate limits upon adoption of an ordinance by the municipal governing body and a resolution by the county commission. The county or the municipality may waive this agreement upon adoption of an ordinance by the municipal governing body or a resolution by the county commission; provided, that the waiver shall take effect 24 months after receipt of written notice by the non-waiving body from the waiving body detailing the adoption of the ordinance or resolution.

Subdivision Regulation

Planning Commission powers restricted only to subdivision regulations effective January 1, 2021.

Beginning January 1, 2023, the planning jurisdiction of any municipal planning commission shall include all land located in the corporate limits of the municipality and all land not located in any other municipality **within a mile and a half outside the corporate limits, unless extended by local law enacted after January 1, 2023, to include all land not located in any other municipality within three miles outside the corporate limits**

Subdivision Regulation

Municipal subdivisions now include a statutory exemption for land transferred between family members. This exemption is effective immediately but does not apply to county subdivision regulations.

Jefferson County Exception

In all counties having a population of 600,000 or more according to the 1950 federal census or any succeeding decennial federal census. the county planning and zoning commission shall be invested with the authority to zone property outside of municipal corporate limits, except where that authority has previously been provided to a municipality by general or local law on or before the effective date of the act adding this amendatory language

Municipal Subdivision - Withdrawal

A municipal planning commission, by resolution properly adopted no later than the first day of October of any year, may, reduce the radius of its planning jurisdiction, effective on the first day of the following January.

The municipal planning commission shall cease to levy any charges or fees relating to subdivision planning within the area removed from the planning jurisdiction.

County Subdivision Authority

The municipal Planning commission shall discontinue the regulation of subdivisions **outside of its corporate limits** and shall cease levying any charges or fees relating to subdivision regulation within the planning jurisdiction, **no later than 24 months after receipt of written notice by the municipal planning commission from the county commission detailing that the county commission has adopted subdivision regulations.**

The **county commission, by resolution, may withdraw jurisdiction over future subdivisions located in the municipal planning jurisdiction**, effective six months after receipt of written notice by the municipal planning commission from the county commission detailing the adoption of the resolution.

County Subdivision Withdrawal

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

The **county commission, no sooner than 24 months following withdrawal, may adopt a resolution to reinstate subdivision regulation in the municipal planning jurisdiction**, effective six months after receipt of written notice by the municipal planning commission from the county commission detailing the adoption of the resolution. The municipal planning commission shall then discontinue the regulation of subdivisions outside of its corporate limits and shall cease levying any charges or fees relating to subdivision regulation.

Transitional Provision

If a Proposed subdivision is located within a municipal planning jurisdiction, the subdivision regulations of the municipal planning commission shall apply to the proposed subdivision unless the municipality and county agree otherwise.

Any subdivision issued approval by a municipality on or before the effective date of the act or while a municipal planning commission is regulation that subdivision **shall not require separate approval by the county commission**; provided, that the plans were prepared and accepted to standards meeting or exceeding those required by the county commission.

Fee Reviewal Accountability

On or before December 31, 2021, any municipality collecting license revenue or other taxes and fees within its police jurisdiction outside the corporate limits shall notify the Department of Examiners of Public Accounts that it collects license revenue and other taxes and fees in its police jurisdiction outside the corporate limits.

Beginning March 1, 2022, each municipality collecting license revenue and other taxes or fees within its police jurisdiction outside the corporate limits shall prepare an annual report which shall include an accounting of all license revenues and other taxes or fees collected in the police jurisdiction outside the corporate limits during the previous fiscal year and provide a list of the services provided by the municipality and a list of providers within the police jurisdiction outside the corporate limits.

Fee Reviewal Accountability

If the municipality provides police or fire protection within the police jurisdiction, the report shall include the following information:

- The total annual budget for each police department and fire department within the municipal corporate limits.
- The total number of calls responded to by each police or fire department within the municipal corporate limits and the total number of calls responded to by each police or fire department within the police jurisdiction. For the police department, the number should include the number of calls responded to as well as the number of citations and arrests made.

Fee Reviewal Approval

If a municipality fails to file a report within 12 months of the report being due, the municipality may not collect any further license revenue or any other taxes or fees in the police jurisdiction outside the corporate limits.

Fee Reviewal Approval

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

Fee Reviewal Approval

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



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