

ACT No. 2006-592

1 SB465  
2 78731-2  
3 By Senator Poole (N & P)  
4 RFD: Local Legislation No. 1  
5 First Read: 23-FEB-06



1 SB465

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Tuscaloosa County; to amend Section 14  
8 of Act 97-665 of the 1997 Regular Session (Acts 1997, p.  
9 1278), relating to the establishment of fire districts for the  
10 purpose of preventing fires or for fire protection and certain  
11 other public service, to further provide for the procedure for  
12 the enlargement of a district.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 14 of Act 97-665 of the 1997  
15 Regular Session (Acts 1997, p. 1278) is amended to read as  
16 follows:

17 "Section 14. (a) A district may be enlarged or  
18 contracted in accordance with the terms of this section,  
19 except that no area lying within a municipality at the time of  
20 the enlargement shall be brought within the district unless  
21 the municipality adopts a resolution to be included in the  
22 district. Furthermore, if any property that is proposed for  
23 addition to a district is located within the police  
24 jurisdiction of a municipality, the mayor of that municipality

1 shall receive prior written notification thereof at least  
2 thirty (30) days before the election.

3 "(b) Property contiguous to a district may be  
4 included in that district either by the unanimous request of  
5 all owners of the property or by election. In either event,  
6 inclusion is subject to the approval by a majority vote of the  
7 board of directors of that district at a regular meeting of  
8 the board.

9 "Where the request for inclusion is made in writing  
10 to the district board at least thirty (30) days before a  
11 regular meeting and the request is signed by all owners of the  
12 property proposed for inclusion, approving of every service  
13 charge or fee in effect in the district at that time, the  
14 property may be included in the district by the majority vote  
15 of the board of directors of the district at the next regular  
16 meeting. Where less than all of the owners of such property  
17 request inclusion into the district and approval of such  
18 service charges or fees, such area shall not be brought within  
19 a district by enlargement unless the majority of the votes  
20 cast at the election provided for, below, approve the  
21 inclusion of the area within the district and also approve  
22 every service charge or fee in effect within district at the  
23 time of election.

24 "The term "proposed area," as used in this  
25 subsection (b), means an area which is proposed by at least

1 one (1), but less than all, of the owners thereof to be  
2 brought into the district by enlargement of the district. When  
3 the board of a district determines that the inclusion of a  
4 proposed area within the district would be in the best  
5 interests of the district and the inhabitants of the proposed  
6 area, the board shall file with the office of the judge of  
7 probate a petition requesting that there be an election at  
8 which there shall be submitted to the qualified electors  
9 residing within the proposed area the question of whether the  
10 proposed area shall be included within the district and also  
11 the question of whether every service charge or fee in effect  
12 within the district at the time of the election is approved.  
13 Upon the petition being filed, the judge of probate shall  
14 order an election to be held within the time herein provided,  
15 at which election the qualified electors residing within the  
16 proposed area shall vote on the question of the proposed  
17 enlargement. Unless the majority of votes cast at the election  
18 to enlarge the district vote in the affirmative on the  
19 question of enlargement, the proposed area shall not be  
20 included within the district. Upon the officers canvassing the  
21 returns of the election certifying that a majority of votes  
22 cast was in favor of the inclusion of the proposed area in the  
23 district, the proposed area shall become a part of the  
24 district and shall begin being assessed a service charge or  
25 fee in the same manner as other property in the district.

1           "(c) A district may be contracted as hereinafter  
2 provided upon the written request to the board from the owner  
3 of property seeking withdrawal from the district or by an  
4 annexing municipality. No property shall be permitted to  
5 withdraw from a district unless the district is paid in  
6 advance, by the property owner and/or the annexing  
7 municipality as they may agree, a withdrawal fee equal to five  
8 (5) times the service charge or fee assessed to such property  
9 for the previous year. For property being withdrawn for  
10 annexation, upon receipt of such withdrawal fee by the  
11 district, the president of such district shall, within thirty  
12 (30) days or by the last business day of the district's  
13 assessment year, whichever is shorter, notify the tax assessor  
14 and tax collector for the county, or such other party that may  
15 be assessing and collecting the fire district's service  
16 charges or fees, of such withdrawal and request that the fire  
17 district service charge or fee for such property be  
18 immediately deleted from the ad valorem tax records or other  
19 fire district fee assessment records for such property. For  
20 property requesting withdrawal for any reason other than  
21 annexation, such withdrawal request shall, in addition to  
22 payment of the withdrawal fee, be made in writing to the  
23 district board at least sixty (60) days prior to an annual  
24 meeting and shall be subject to the approval by majority vote  
25 of the members at that annual meeting. The property owner

1 withdrawing from the district shall pay the entire service  
2 charge or fee for the tax year of withdrawal without proration  
3 separate and apart from the withdrawal fee.

4 "Thereafter, no service charge or fee shall be  
5 charged against such property unless subsequently brought back  
6 into the district."

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

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*Lucy Baxley*

President and Presiding Officer of the Senate

*Ray H. Hunt*

Speaker of the House of Representatives

SB465

Senate 30-MAR-06

I hereby certify that the within Act originated in and passed the Senate.

McDowell Lee  
Secretary

House of Representatives  
Passed: 17-APR-06

By: Senator Poole

APPROVED *April 26, 2006*

TIME *11:50 a.m.*

*Bob Riley*  
GOVERNOR

Alabama Secretary Of State

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