

1 HB206  
2 164185-4  
3 By Representative Bracy (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 10-MAR-15

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ENROLLED, An Act,

Relating to Mobile County; to authorize the Mobile County Commission to create a North Mobile County Volunteer Fire Department Board to review and evaluate the delivery of volunteer fire services to property owners within the unincorporated area in Mobile County Commission District 1 and any incorporated area in the district served by a volunteer fire department; to authorize the Mobile County Commission to assess and implement a fire protection and suppression plan and service fee on certain owners of dwellings and commercial buildings in Mobile County Commission District 1; to provide for certain exemptions and collection of the service fee; and to provide for the distribution of funds derived from the service fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply to Mobile County.

Section 2. For the purposes of this act, the following words shall have the following meanings:

(1) COMMERCIAL BUILDING. Any building, structure, or other improvement to real property used or expected to be used for commercial or business purposes including rental property. The term does not include a school, church, senior citizens facility, or utility distribution or transmission poles or

1 towers, utility substations, or any building used primarily  
2 for fire or emergency services.

3 (2) DWELLING. Any building, structure, or other  
4 improvement to real property used or expected to be used as a  
5 dwelling or residence for one or more human beings, including,  
6 but not limited to, any of the following:

7 a. A building, structure, or improvement assessed,  
8 for the purposes of state and county ad valorem taxation, as  
9 Class III single-family owner-occupied residential property.

10 b. A duplex or an apartment building.

11 c. Residential property used to generate rental  
12 income.

13 d. Any manufactured home or house or travel trailer  
14 used or expected to be used as a dwelling or residence for one  
15 or more human beings. A building, structure, or other  
16 improvement shall be classified as a "dwelling" for purposes  
17 of this act notwithstanding the following:

18 1. That it is wholly or partially vacant or  
19 uninhabited at any time during the year for which a fire  
20 protection service fee with respect thereto is to be levied.

21 2. That it is also used or expected to be used  
22 simultaneously for a purpose, whether or not commercial in  
23 nature, other than as a dwelling or residence.

1           (3) VOLUNTEER FIRE DEPARTMENT. An organized group of  
2 area residents who meet the requirements of Section 9-3-17,  
3 Code of Alabama 1975.

4           Section 3. (a) The Mobile County Commission may  
5 create a North Mobile County Volunteer Fire Department Board,  
6 hereinafter referred to as the "board."

7           (b) The jurisdiction of the board pursuant to this  
8 act shall be all unincorporated area in Mobile County  
9 Commission District 1 and any incorporated area in the  
10 district served by a volunteer fire department.

11           (c) The board shall be composed of five members who  
12 are qualified electors in the unincorporated area in Mobile  
13 County Commission District 1 or any incorporated area in the  
14 district served by a volunteer fire department and property  
15 owners subject to the service fee provided in this act. All  
16 members shall serve without compensation, and no member shall  
17 be a county officer or employee.

18           (d) The Mobile County Commission shall appoint the  
19 members of the board as follows: Three members shall be  
20 members of a volunteer fire department; one member shall be a  
21 representative or employee of a public water supplier; and one  
22 member shall be a member of the general public. The members of  
23 the board shall elect a chair for conducting business.  
24 Meetings of the board shall be held on call of the chair and  
25 at other times as the board may determine.

1           Section 4. The board shall review and evaluate the  
2 delivery of volunteer fire services to owners of dwellings and  
3 commercial buildings within the unincorporated area in Mobile  
4 County Commission District 1 and any incorporated area in the  
5 district served by a volunteer fire department. The board  
6 shall study and evaluate fire suppression, emergency  
7 communication and dispatch, water supply and facilities, and  
8 the adequacy of fire protection within the district. The board  
9 shall also review and collect data regarding a reasonable  
10 service fee for funding fire protection, suppression, and  
11 emergency dispatch. The board shall report its findings to the  
12 Mobile County Commission no later than August 1, 2015.  
13 Thereafter, the board shall continue to serve in an advisory  
14 capacity as long as needed by the Mobile County Commission.

15           Section 5. Upon receiving the report from the board,  
16 the Mobile County Commission shall adopt all rules necessary  
17 to provide for and facilitate the adequacy of fire protection  
18 services in Mobile County Commission District 1. The county  
19 commission may impose a service fee not to exceed fifty  
20 dollars (\$50), on the owner or owners of any dwelling or  
21 commercial building in any unincorporated area in Mobile  
22 County Commission District 1 or any incorporated area in the  
23 district served by a volunteer fire department.

24           Section 6. The fire protection and suppression  
25 service fee shall be effective October 1, 2015, and shall be

1 billed and collected annually by the Mobile County Revenue  
2 Commissioner at the same time and in the same manner as the ad  
3 valorem tax bill of the state. In the event a service fee  
4 payable to a volunteer fire department district is assessed  
5 and paid on the property where the dwelling or commercial  
6 building is located, a credit against the service fee shall be  
7 given the owner for any amount assessed for a volunteer fire  
8 department district. No service fee shall be levied or  
9 collected on any commercial building on a governmental  
10 dedicated industrial park or on any commercial building owned  
11 by or on property where the business provides its own  
12 established fire protection department. The Mobile County  
13 Commission and the board shall provide to the Mobile County  
14 Revenue Commissioner the appropriate information for the  
15 billing and collection of the service fee.

16 Section 7. The proceeds of the service fee levied  
17 shall be paid into the Mobile County General Fund. The Mobile  
18 County Commission may retain two percent of the funds to cover  
19 the cost of administration of the program and also an  
20 additional two percent shall be held by the county commission  
21 in a segregated account for future unexpected expenses of the  
22 volunteer fire departments covered under this act.

23 Section 8. The remaining proceeds from this act  
24 shall be distributed among the volunteer fire departments  
25 serving residents in Mobile County Commission District 1 and

1 which have written contracts with the Mobile County  
2 Commission. The funds may only be expended for fire  
3 protection, emergency medical services, training, supplies and  
4 equipment, and to purchase insurance including liability  
5 insurance to insure coverage of acts or omissions which are  
6 directly related to the functions of a fire department which  
7 are committed by a fire department and the personnel of a  
8 volunteer fire department. The funds may not be expended for  
9 food, drink, social activities, fund-raising activities, or  
10 salaries for the volunteer fire department. After receiving  
11 the funds, the fire departments shall keep accurate records to  
12 verify that the funds were properly expended.

13 Section 9. If the Mobile County Commission finds or  
14 determines that funds provided by this act have been  
15 improperly expended by an eligible fire volunteer department,  
16 the department shall return all funds improperly expended and  
17 in addition thereto shall pay a penalty equal to 10 percent of  
18 all improperly expended funds. At the discretion of the Mobile  
19 County Commission, any volunteer fire department that fails to  
20 comply with this act may be deemed to have forfeited its right  
21 to receive any funds generated by this act.

22 Section 10. If the Mobile County Commission finds or  
23 determines that the funds provided by this act, after the  
24 deductions for administrative costs and investment, exceed the  
25 financial needs of the eligible volunteer fire departments,

1 the Mobile County Commission may invest any excess funds for  
2 future expenses or use those funds for other fire suppression  
3 or protection service programs located within Mobile County  
4 Commission District 1.

5 Section 11. Any service fee levied pursuant to this  
6 act shall not be construed as a tax on property. The service  
7 fee shall be levied for the purpose of funding fire protection  
8 and suppression under this act.

9 Section 12. This act shall become effective  
10 immediately following its passage and approval by the  
11 Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 14-APR-15.

Jeff Woodard  
Clerk

Senate

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19-MAY-15

Passed