

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Mobile County; to authorize the Mobile
14 County Commission to create a North Mobile County Volunteer
15 Fire Department Board to review and evaluate the delivery of
16 volunteer fire services to property owners within the
17 unincorporated area in Mobile County Commission District 1 and
18 any incorporated area in the district served by a volunteer
19 fire department; to authorize the Mobile County Commission to
20 assess and implement a fire protection and suppression plan
21 and service fee on certain owners of dwellings and commercial
22 buildings in Mobile County Commission District 1; to provide
23 for certain exemptions and collection of the service fee; and
24 to provide for the distribution of funds derived from the
25 service fee.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

5 (1) COMMERCIAL BUILDING. Any building, structure, or
6 other improvement to real property used or expected to be used
7 for commercial or business purposes including rental property.
8 The term does not include a school, church, senior citizens
9 facility, or utility distribution or transmission poles or
10 towers, utility substations, or any building used primarily
11 for fire or emergency services.

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

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

19 b. A duplex or an apartment building.

20 c. Residential property used to generate rental
21 income.

22 d. Any manufactured home or house or travel trailer
23 used or expected to be used as a dwelling or residence for one
24 or more human beings. A building, structure, or other
25 improvement shall be classified as a "dwelling" for purposes
26 of this act notwithstanding the following:

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

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

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

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

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

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

24 (d) The Mobile County Commission shall appoint the
25 members of the board as follows: Three members shall be
26 members of a volunteer fire department; one member shall be a
27 representative or employee of a public water supplier; and one

1 member shall be a member of the general public. The members of
2 the board shall elect a chair for conducting business.
3 Meetings of the board shall be held on call of the chair and
4 at other times as the board may determine.

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

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

1 Section 6. The fire protection and suppression
2 service fee shall be effective October 1, 2015, and shall be
3 billed and collected annually by the Mobile County Revenue
4 Commissioner at the same time and in the same manner as the ad
5 valorem tax bill of the state. In the event a service fee
6 payable to a volunteer fire department district is assessed
7 and paid on the property where the dwelling or commercial
8 building is located, a credit against the service fee shall be
9 given the owner for any amount assessed for a volunteer fire
10 department district. No service fee shall be levied or
11 collected on any commercial building on a governmental
12 dedicated industrial park or on any commercial building owned
13 by or on property where the business provides its own
14 established fire protection department. The Mobile County
15 Commission and the board shall provide to the Mobile County
16 Revenue Commissioner the appropriate information for the
17 billing and collection of the service fee.

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

25 Section 8. The remaining proceeds from this act
26 shall be distributed among the volunteer fire departments
27 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,
26 the Mobile County Commission may invest any excess funds for
27 future expenses or use those funds for other fire suppression

1 or protection service programs located within Mobile County
2 Commission District 1.

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

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