

1 HB557
2 169244-4
3 By Representative Lindsey (N & P)
4 RFD: Local Legislation
5 First Read: 23-APR-15

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2 ENROLLED, An Act,

3 Relating to Cleburne County; to provide for an
4 additional fire protection service fee on certain owners of
5 dwellings, commercial buildings, and agricultural buildings in
6 the county to be collected by the revenue commissioner at the
7 same time as ad valorem taxes; to provide certain exemptions;
8 to provide for collection of the fee; to provide for
9 distribution of the funds to Cleburne County Search and Rescue
10 and to the Cleburne County Association of Volunteer Fire
11 Department, Inc.; to provide for the expenditure of the funds;
12 to provide that failure to pay to fee shall constitute a lien
13 on the property; and to provide for a referendum.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) Pursuant to the authority granted by
16 Amendment 586 of the Constitution of Alabama of 1901, now
17 appearing as Cleburne County, Section 2, Local Amendment of
18 the Official ReCompilation, in addition to all other service
19 fees or taxes now or hereafter provided by law, there shall be
20 levied a fire protection service fee of fifty dollars (\$50)
21 per year on each residence or dwelling, one hundred fifty
22 dollars (\$150) per year on each commercial business at a
23 specified location, and thirty dollars (\$30) per year on each
24 agricultural building in excess of 2,000 square feet.

1 (b) For purposes of this act, a residence or
2 dwelling shall be defined as any building, structure, or other
3 improvement to real property used or expected to be used as a
4 dwelling or residence for one or more human beings, including,
5 but not limited to:

6 (1) Any building, structure, or improvement
7 assessed, for the purposes of state and county ad valorem
8 taxation, as "Class III" single-family owner-occupied
9 residential property.

10 (2) Any mobile home or house trailer used or
11 expected to be used as a dwelling or residence for one or more
12 human beings.

13 (c) Any buildings, structure, or other improvement
14 shall be classified as a dwelling for purposes of this act
15 notwithstanding:

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

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

22 (d) For the purposes of this act, a commercial
23 building shall be defined as any building, structure, or other
24 improvement to real property used or expected to be used for
25 commercial or business purposes including rental or lease

1 property. A duplex or apartment building or other rental
2 residential property is considered a commercial building if
3 used for rental or lease income. The term commercial building
4 shall not apply to any school, church, senior citizen
5 facility, or any building used primarily for volunteer fire
6 services and shall not apply to any building or structure used
7 primarily for agricultural purposes or poultry production by
8 the owner or an employee of an agricultural or poultry
9 business or concern. The terms commercial building, commercial
10 business, or dwelling shall not include any utility
11 distribution or transmission poles or towers or utility
12 substations.

13 (e) The service fee shall not be construed as a tax
14 on property. The service fee shall be levied for the purposes
15 of funding fire protection services under this act.

16 (f) Any person exempt from the payment of ad valorem
17 taxes pursuant to Section 91 of the Constitution of Alabama of
18 1901, any person age 65 or older exempt from paying property
19 tax in Cleburne County in partial or in whole, or anyone,
20 regardless of age, who is exempt due to total and permanent
21 disability or who is blind shall also be exempt from paying
22 the fee levied by this act.

23 (g) Failure to pay the service fee shall constitute
24 a lien of the property.

1 Section 2. (a) The fire protection service fee shall
2 be collected by the revenue commissioner and shall be
3 administered and enforced in the same manner and under the
4 same requirements and laws as are the ad valorem taxes of this
5 state. In the case of mobile homes, the fee shall be
6 collected, administered, and enforced at the same time, in the
7 same manner, and under the same requirements and laws as the
8 annual registration fee for manufactured homes provided in
9 Section 40-12-255, Code of Alabama 1975. The proceeds of the
10 fee shall be paid into a special county fire services fund no
11 later than February 1. Within 30 days of payment into the
12 special fund, the county commission shall transfer fifteen
13 thousand dollars (\$15,000) of the funds to Cleburne County
14 Search and Rescue and the remainder of the funds to the
15 Cleburne County Association of Volunteer Fire Departments,
16 Inc.

17 (b) The proceeds of the service fee shall be used
18 for fire equipment purchases to be determined on a needs basis
19 by the Cleburne County Association of Volunteer Fire
20 Departments, Inc. The equipment shall be purchased by the
21 association and ownership transferred to the volunteer fire
22 department receiving it. Up to ten thousand dollars (\$10,000)
23 per year of the service fee may be expended as determined by
24 the association on training to use the equipment purchased.
25 Should Cleburne County Search and Rescue cease to exist, the

1 portion of the service fee distributed to it shall be
2 distributed to the Cleburne County Association of Volunteer
3 Fire Departments, Inc. The funds may not be expended for food,
4 drink, or social activities, even if the purchase would be in
5 conjunction with training.

6 Section 3. The fire protection service fees levied
7 by this act shall be subject to approval of the qualified
8 electors in Cleburne County in a referendum held at the next
9 primary election following the effective date of this act.

10 Section 4. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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-MAY-15, as amended.

Jeff Woodard
Clerk

Senate

28-MAY-15

Passed