

1 HB340  
2 13569-16  
3 By Representative Hill (N & P)  
4 RFD: Shelby County Legislation  
5 First Read: 23-MAR-1999

ACT No. 99-245



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Enrolled, An Act,

Relating to Shelby County fire prevention and emergency medical service districts; amending Sections 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, and 15 of Act 62 of the 1977 First Special Session (Acts 1977, p. 1483), to provide further for the operation, maintenance, and regulation of fire and emergency medical service districts of Shelby County; to provide further for elections relating to the districts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act applies to Shelby County. The Legislature finds and declares that this act is enacted pursuant to its constitutional authority to provide for the creation, incorporation, organization, operation, administration, and financing of local districts for fire fighting and emergency medical services. The Legislature further finds that the organization of fire fighting and emergency medical service districts has served Shelby County well. Although the Legislature desires to amend Act 62 of the 1977 First Special Session, the Legislature finds that any municipality annexing property in Shelby County and any property owner purchasing property or any real estate developer developing property knew or should have known of the operation of Act 62. Considering the forgoing, the Legislature desires at this time, among other provisions of this act, to provide a procedure for the withdrawal of property from a

1 district for fire fighting and emergency medical services upon  
 2 annexation of the property by a municipality with a municipal  
 3 fire department.

4 Section 2. Sections 3, 4, 5, 6, 7, 10, 11, 12, 13,  
 5 14, and 15 of Act 62 of the 1977 First Special Session (Acts  
 6 1977, p. 1483) are amended to read as follows:

7 "Section 3. Any area situated entirely within the  
 8 county may be established as a district for fighting fires and  
 9 for emergency medical services in the manner hereinafter  
 10 provided for; provided however, no land lying within the  
 11 boundaries of a municipality or an existing fire fighting and  
 12 emergency medical services district organized pursuant to this  
 13 act at the time of the filing of a petition for election shall  
 14 be included in the district.

15 "Section 4. Upon any petition provided for in this  
 16 Section 4 being filed in the office of the judge of probate of  
 17 the county, the judge of probate shall order an election to be  
 18 held in the proposed district on the question, or questions,  
 19 on which the petition requests an election.

20 "The petition shall be signed by at least 100  
 21 persons who are qualified electors residing within the  
 22 boundaries of the proposed district.

23 "The petition shall contain an accurate description  
 24 by metes and bounds of the area which is proposed to be  
 25 established as a district under the provision of the act; and  
 26 the petition shall request the judge of probate to call an

1 election on one or more of the following questions: Shall  
2 there be created for the area a district for fighting fires?  
3 Shall there be created for the area a district for emergency  
4 medical services? Shall there be created for the area a  
5 district for fighting fires and for emergency medical  
6 services?

7 "The petition shall state the name of the proposed  
8 district. The board of trustees of a district may change the  
9 name of a district by filing in the office of the judge of  
10 probate a copy of a resolution changing the name thereof,  
11 which copy shall be certified by the president of the board of  
12 trustees.

13 "The petition for election on the establishment of a  
14 district may be accompanied by a petition for an election on  
15 the question of levying a proposed service charge which last  
16 named petition shall be signed by at least 100 persons who are  
17 qualified electors residing within the boundaries of the  
18 proposed district. A petition for an election on the  
19 establishment of a district shall be deemed to be accompanied  
20 by a petition for an election on the question of levying  
21 proposed service charges, if the request for an election on  
22 the proposed district and the request for an election on the  
23 proposed service charges are combined in a single petition.

24 "The petition shall also name five interim trustees,  
25 who shall all be persons who are qualified electors residing  
26 within the boundaries of the proposed district, to serve as a

1 board of trustees until permanent trustees can be elected in  
2 accordance with the provisions of Section 10 hereof.

3 "Section 5. (a) When a petition for the holding of  
4 any election pursuant to this act is filed with the judge of  
5 probate, the judge of probate shall order the election sought  
6 by the petition to be held on a day not less than 30 days nor  
7 more than 60 days from the date on which the judge of probate  
8 enters the order.

9 "(b) Subsection (a) applies to all elections  
10 provided for by this act except when an election is prohibited  
11 by subsection (c) or other specific provisions are provided by  
12 this act.

13 "(c) Elections pertaining to the establishment of a  
14 district or portion thereof, for the abolition of a district,  
15 or for the merger of two districts shall not be held more than  
16 once every two years.

17 "(d) An election may be held on the modification of  
18 a district to allow a district for fighting fires to also  
19 provide for emergency medical services, or a district for  
20 emergency medical services to also provide for fighting fires,  
21 by resolution of the board of trustees to the judge of  
22 probate. The judge of probate shall call an election as  
23 provided in this section and determine the question to be  
24 placed on the ballot. The election shall be held as otherwise  
25 provided in this act.

1           "(e) An election shall be held on the merger of two  
2 districts by resolution of each board respectively to the  
3 judge of probate in the same manner as for the formation of a  
4 new district except as otherwise provided. The resolution of  
5 the boards shall propose the service charge for the new  
6 combined district and the name of the proposed district. The  
7 judge of probate shall call the election as provided in this  
8 section and shall determine the question to be placed on the  
9 ballot. The election shall be held as otherwise provided in  
10 this act. Any costs of the election shall be paid by the  
11 districts in a manner to be determined by the districts. The  
12 boards of the districts shall continue to function pending the  
13 election. If the vote in each district is in favor of a  
14 merger, the new district shall be formed as a body corporate  
15 effective the first day of the month after the judge of  
16 probate certifies the election results. Each member of the  
17 board of trustees of each district shall serve as interim  
18 trustees of the new board until an election is held pursuant  
19 to Section 10 of this act, which election shall be held within  
20 three months of the formation of the new district.

21           "Section 6. (a) Any election held pursuant to this  
22 act shall be conducted in all respects as provided by the  
23 general election laws except as otherwise provided by this  
24 act. Provided, however, that an official ballot need not be  
25 provided, and that it shall not be necessary for the ballots  
26 to be of any particular size, form, or color.

1           "(b) The judge of probate may designate as many  
2 voting places as may be deemed necessary for the convenience  
3 of the voters, and shall designate the boundaries within which  
4 the voters shall reside to vote at the respective voting  
5 places, and shall appoint the necessary inspectors of  
6 election, clerks, and one returning officer for each voting  
7 place. The inspectors shall manage the election at their  
8 respective voting place.

9           "(1) The inspectors shall, as soon as the polls are  
10 closed, ascertain and certify the results of the election at  
11 their respective voting place to the judge of probate and  
12 deliver the same to the returning officer, who shall at once  
13 return the same to the judge of probate. The judge of probate  
14 shall canvass the return as made by the inspectors and certify  
15 the election and declare the results.

16           "(2) The board of trustees shall certify the voters  
17 list, determine the method and manner of voting, and provide  
18 the ballots and other supplies necessary for proper  
19 implementation of the voting method which the board has  
20 selected.

21           "(3) The board of trustees shall be responsible for  
22 publishing the notice of election and shall pay all costs of  
23 the publication.

24           "(4) The district shall pay all expenses of any  
25 election held pursuant to this act.

1           "Section 7. Notice of any election held under this  
2 act shall be given by publishing for three weeks at least once  
3 a week, on the same day of each week, in a newspaper of  
4 general circulation in the county where the election is to be  
5 held, that on the day fixed for the election the questions to  
6 be then voted on will be submitted to the qualified electors  
7 residing in the district or proposed district.

8           "Section 10. (a) The affairs and business of the  
9 district shall be managed by a board of trustees consisting of  
10 five members who shall be elected by the qualified electors  
11 residing in the district. The current board members on the  
12 effective date of this act elected at the general election in  
13 November 1996, shall serve until October 1, 2000, and the  
14 current board members elected at the general election in  
15 November 1998, shall serve until October 1, 2002, at which  
16 time the new board members elected pursuant to this act shall  
17 take office. The fire districts shall conduct the elections  
18 for board membership on the second Tuesday of September of  
19 every even year, to take office on October 1, of that year and  
20 every four years thereafter.

21           "(b) No person shall be elected to the board unless  
22 he or she is a person who is a registered voter residing  
23 within the boundaries of the district. A person who desires to  
24 run for the board shall file a notice of candidacy for a place  
25 on the board with the judge of probate on or before July 15  
26 preceding the election. The person receiving the highest



1 number of votes for each place shall be the successful  
2 candidate. In the event of a tie vote, the top two candidates  
3 will draw lots in the presence of the judge of probate to  
4 determine the winning candidate. In the event that there is  
5 only one candidate who qualifies to run for a place, the judge  
6 of probate shall certify the election of that candidate to  
7 that place and no election for that place shall be held.

8 "(c) Each term shall be for a term of four years.  
9 Provided, however, that to stagger the terms, Place No. 1 and  
10 Place No. 2 initially shall be elected for a term of two  
11 years, and Places 3, 4, and 5 shall be elected for a term of  
12 four years, in the first election held after an election  
13 providing for the formation of a district created pursuant to  
14 this act. The initial election shall be conducted on the  
15 second Tuesday of September of the first even year after  
16 organization.

17 "(d) In the event of a vacancy on the board of  
18 trustees, the place vacant shall be filled by the majority  
19 vote of the remaining membership of the board of trustees, for  
20 the unexpired term of the vacant position. A vacancy shall  
21 also be deemed to occur in the event there is a place for  
22 which no candidate has been nominated, and the vacancy for the  
23 new term shall be filled as provided for herein, except that  
24 the office holder whose term has expired shall continue to  
25 hold office until the vacancy is filled.

1           "(e) The board of trustees shall elect annually from  
2 its own number a president, a vice president, and a  
3 secretary/treasurer. The members of the board of trustees  
4 shall not be entitled to any compensation for their services  
5 as trustees, but they shall be entitled to reimbursement for  
6 all reasonable expenses incurred by them in the performance of  
7 their duties. A quorum of the board shall consist of three  
8 members and a quorum shall be present in order for the board  
9 to transact business. The board may adopt rules, regulations,  
10 and by-laws to further provide for the operation of the  
11 district.

12           "(f) The board of trustees shall provide for an  
13 annual audit of the district for the fiscal year of the  
14 district by an independent certified public accountant (CPA).  
15 The audit shall be completed within 180 days from the end of  
16 the district's fiscal year. The audit report and financial  
17 statement shall be filed within 30 days of completion in the  
18 office of the judge of probate and shall be available for  
19 public inspection. Compliance with this provision may be  
20 enforced by injunctive relief in the Circuit Court of Shelby  
21 County. A finding of failure of a fire district to comply with  
22 this provision by the court shall result in the assessment of  
23 court costs and attorney's fees to the prevailing parties.

24           "Section 11. (a) The district shall constitute a  
25 public corporation, which shall have the power to do any and  
26 all acts or things necessary and convenient for carrying out

1 the purposes for which it is created, including, but not  
2 limited to: To sue and be sued; To have a seal and alter the  
3 same at pleasure; To acquire, hold, and dispose of property,  
4 real and personal, tangible and intangible, or interests  
5 therein and to pay therefor in cash or on credit, and to  
6 secure and procure payment of all or any part of the purchase  
7 price thereof on the terms and conditions as the board shall  
8 determine; To acquire, own, operate, maintain, and improve a  
9 system or systems; To pledge all or any part of its revenues,  
10 or mortgages, or otherwise encumber, all or any part of its  
11 property for the purpose of securing the payment of the  
12 principal of and interest on any of its obligations; To sell,  
13 lease, mortgage, or otherwise encumber or dispose of all or  
14 any of its property; To contract debts, borrow money, and to  
15 issue or assume the payment of obligations; To levy and  
16 collect service charges, as provided in this act and subject  
17 to limitations prescribed in this act; To negotiate and enter  
18 into contracts with residents of areas outside the district or  
19 with other districts to furnish fire and emergency medical  
20 protection and to charge fees for service; To merge with other  
21 fire districts created pursuant to this act; To employ agents,  
22 servants, and attorneys; and To perform any and all of the  
23 foregoing acts and to do any and all of the foregoing things  
24 under, through, or by means of its own officers, agents, and  
25 employees or by contracts with any person, federal agency, or  
26 municipality.

1           "(b) The property and income of the district, all  
2 bonds issued by the district, the income from bonds,  
3 conveyances by or to the district, and leases, mortgages, and  
4 deeds of trust by or to the district shall be exempt from all  
5 taxation in the State of Alabama, including specifically the  
6 tax imposed by Section 40-21-82 of the Code of Alabama 1975,  
7 as amended. The district shall be exempt from all taxes levied  
8 by the State of Alabama, any county, municipality, or other  
9 political subdivision of the state, including, but without  
10 limitation to, license and excise taxes imposed in respect to  
11 the privilege of engaging in any of the activities in which a  
12 district may engage. The district shall not be obligated to  
13 pay or allow any fees, taxes, or costs to the judge of probate  
14 of any county in respect of its incorporation, the amendment  
15 of its certificate of incorporation, or the recording of any  
16 document.

17           "(c) The fire district shall be the primary  
18 authority having jurisdiction and responsibility in all  
19 emergency incidents occurring within the district and which  
20 are not the responsibility of law enforcement authorities.

21           "(d) The fire chiefs of the districts shall serve as  
22 assistants to the state fire marshal in the same manner as a  
23 chief of a municipal fire department pursuant to Section  
24 36-19-3 of the Code of Alabama 1975.

25           "Section 12. (a) The expense of establishing and  
26 maintaining a district shall be paid for by the proceeds of an

1 annual service charge which shall be levied and collected by  
2 the board in an amount sufficient to pay expenses. The service  
3 charge shall be levied upon and collected from persons and  
4 properties served by the system except boards of education and  
5 county, state, and municipal property shall be exempt. The  
6 charge shall be a personal obligation of the owner of the  
7 property served by the system; and to secure the collection of  
8 the charge, there shall be a lien against the property in  
9 favor of the district, which lien shall be enforceable by sale  
10 thereof in the same manner in which the foreclosure of a  
11 municipal assessment for public improvements is authorized.

12 "(b) A property owner who owns a structure, used  
13 solely as a residence, which at the time of its original  
14 construction was situated on a county line, may avoid the  
15 payment of a service charge which is based upon the presence  
16 of the structure if: (1) at no time between June 14, 1977,  
17 and the effective date of this amendment, was the structure  
18 assessed for taxes in Shelby County; (2) at no time between  
19 June 14, 1977, and the effective date of this amendment, was  
20 any homestead exemption claimed for the structure in reduction  
21 of taxes assessed in Shelby County; (3) the property owner  
22 furnishes proof to the district of an agreement between such  
23 property owner and another district or municipality located in  
24 the county within whose boundaries the remaining portion of  
25 the structure is located, to provide fire fighting and  
26 emergency medical services to the property owner's property so

1 long as the structure is existent; and (4) the property owner  
2 furnishes to the district an irrevocable waiver of liability  
3 absolving the district from any and all liability for failure  
4 to respond to calls for fire fighting or emergency medical  
5 services to any portion of the owner's property contiguous to  
6 the aforesaid structure, and an agreement that any service  
7 charges imposed with respect to future construction on the  
8 property shall constitute a lien upon the entire property  
9 located within the district, including the property upon which  
10 the residence is situated.

11 "(c) Section 12(b) may be applied retroactively in  
12 respect of unpaid service charges if (1) in the opinion of the  
13 board of trustees the waiving of previously imposed service  
14 charges will have no significant impact on the financial  
15 viability of the district, and (2) the district has long term  
16 debt outstanding, the aggregate amount of which is such that  
17 retroactive waiver for all properties covered by Section 12(b)  
18 is no more than one-tenth of one percent (0.1%) of the amount  
19 of the long term debt then outstanding.

20 "(d) The provisions contained in paragraphs (a),  
21 (b), and (c) above shall have retroactive effect to June 14,  
22 1977.

23 "(e) Notwithstanding any other provision of this  
24 act, for property in a district that has been annexed by a  
25 municipality that has a municipal fire department prior to the  
26 effective date of this 1999 amendatory act, no service charge

1 shall be assessed to or against any property or portion  
2 thereof except the payment of a buy-out amount as provided  
3 herein. The owner of the property may pay an amount equal to  
4 six times the amount of dues that the property owner paid to  
5 the fire district for the preceding year in one lump-sum  
6 payment paid within 120 days of the effective date of this  
7 amendatory act. As an alternative to a lump-sum payment, the  
8 property owner may continue to pay to the district the amount  
9 of the annual dues as established in the preceding year. This  
10 amount shall be paid for the next eight years. Upon the sale  
11 of any property subject to this subsection, any remaining  
12 payments due to complete the buy-out provisions shall be paid  
13 to the fire district on or before the transfer of the  
14 property.

15 "(f) As of the effective date of this act for  
16 property annexed prior to the effective date of this act, a  
17 district shall not have responsibility for fire or emergency  
18 medical services in any area in the corporate limits of a  
19 municipality that has a municipal fire department. The  
20 boundaries of the fire district shall be reduced by removal of  
21 those properties located within the corporate limits of the  
22 municipality that has a fire department as of the effective  
23 date of this act. The owners of properties removed from the  
24 fire district pursuant to this subsection shall no longer be  
25 permitted to vote in fire district elections, or to otherwise  
26 participate in the operations of the fire district. Until the

1 property owner has remitted the full amount of the buy-out  
2 payment required by this section, in order to secure the  
3 collection of the payment, the district shall retain all  
4 rights and remedies as provided in subsection (a).

5 "(g) Notwithstanding any other provisions of this  
6 act, the boundaries of the fire district may be decreased by  
7 the removal from the district of property which is annexed  
8 subsequent to the effective date of this act by a municipality  
9 that has a municipal fire department. Prior to the  
10 municipality's annexation of property located within the  
11 boundaries of a fire district, as a condition precedent to any  
12 such annexation, the owner of the property to be annexed into  
13 the municipality shall pay to the fire district an amount  
14 equal to six times the amount of the fire district service  
15 charges assessed against that property for the preceding year.  
16 The payment shall be made in one lump sum, and upon receipt  
17 thereof the fire district shall certify to the municipality  
18 that all fire district service charges for the subject  
19 property have been paid in accordance with this subsection,  
20 thereby satisfying the condition precedent for the  
21 municipality's annexation of the subject property. The fire  
22 district shall have responsibility for fire protection and  
23 emergency medical service until the annexation procedure is  
24 completed. The fire district shall be notified by the  
25 municipality by certified mail that the annexation is complete  
26 on the next business day thereafter.



1           "(h) Within 30 days after the effective date of this  
2 amendatory act, a municipality whose corporate limits include  
3 property located within a fire district as of the effective  
4 date of this amendatory act shall give notice of the buy-out  
5 provisions of this act to all owners of said property by  
6 certified mail and provide a copy of the mailing list to the  
7 respective fire district.

8           "(i) Upon the removal of properties from within the  
9 fire district boundaries pursuant to this section, the fire  
10 district shall immediately be relieved of paying any rent or  
11 other service charges for fire hydrants located within the  
12 boundaries of the property so removed. The district shall be  
13 responsible for paying rent or other fire hydrant charges only  
14 for fire hydrants located within the then existing boundaries  
15 of the district. The municipality shall assume the obligation  
16 of the district with respect to those fire hydrants located  
17 within its municipal boundaries.

18           "Section 13. (a) The original service charge shall  
19 be levied only after the charge has been first approved by a  
20 majority of the votes cast at an election held by the  
21 qualified electors residing within the proposed district.  
22 Thereafter, a district may increase the charge after an  
23 election pursuant to subsection (b) or by action of the board  
24 of trustees without an election on an annual basis by an  
25 amount not to exceed five percent of the preceding year's  
26 service charge.

1           "(b) An election on the question of levying service  
2 charges in a proposed district may be held at the same time  
3 that the election is held on the creation of the district,  
4 provided that the petition for the election on the question of  
5 the service charges accompanies the petition for the election  
6 on the establishment of the proposed district as is provided  
7 for in Section 4 above. An election on the question of service  
8 charges, other than an election coincident to the creation of  
9 the district, may be held upon the board of trustees of a  
10 district submitting to the probate judge a petition for the  
11 election as herein provided. The board of trustees shall file  
12 in the office of the judge of probate a petition to call an  
13 election in the district on the question of whether the  
14 service charges proposed by the trustees shall be levied. This  
15 petition shall state specifically the charges proposed to be  
16 levied. The petition may request that an election be held on  
17 one or more proposed charge classification. Additionally, a  
18 petition submitted by the trustees shall contain a report that  
19 indicates the nature and extent of fire and emergency medical  
20 service that is proposed to be supported by all proposed  
21 service charges in effect if the petition is approved by the  
22 electors; and a certification by the trustees that the service  
23 charges proposed, together with service charges otherwise in  
24 effect, will also provide for the interest and maturities on  
25 all outstanding debt of the district.

1           "(c) Upon the petition being filed with the office  
 2 of the judge of probate, the judge of probate shall order an  
 3 election to be held as provided for by Section 5. Notice of  
 4 the election shall be given as provided for in Section 7.

5           "Section 14. (a) A district may be enlarged by  
 6 consent pursuant to subsection (b) or by petition and  
 7 referendum pursuant to subsection (c), provided, that no area  
 8 lying within a municipality or another fire district at the  
 9 time of the enlargement shall be brought within the district.

10           "(b) Property may be brought within a district by  
 11 consent pursuant to the following:

12           "(1) If the owners of property located and contained  
 13 within an area contiguous to the existing boundary of the  
 14 district shall sign and file a written petition with the board  
 15 of trustees requesting that the property or territory be  
 16 included within the district and accepting every service  
 17 charge in effect within the district at the time of filing the  
 18 petition, and the board of trustees adopts a resolution  
 19 assenting to the inclusion of the property within the  
 20 district, the limits of the district shall be enlarged and  
 21 rearranged so as to embrace and include the property and the  
 22 property or territory shall become a part of the area of the  
 23 district upon the date of recording the resolution and  
 24 petition with the office of the judge of probate.

25           "(2) The petition required by this paragraph shall  
 26 contain an accurate description of the property or territory

1 proposed to be included within the district together with a  
2 map of the territory showing its relationship to the boundary  
3 of the district to which the property is proposed to be  
4 included and the signatures of all the owners of the property  
5 or territory described. It shall be the duty of the board of  
6 trustees to file a description of the property or territory in  
7 the office of the judge of probate.

8 "(c) (1) The term "proposed area," as used in this  
9 subsection, means an area which is proposed to be brought  
10 within a district by enlargement of the district. When the  
11 board of trustees of a district determines that the inclusion  
12 of a proposed area within the district would be to the  
13 advantage of the district and also to the advantage of the  
14 majority of the property owners of the proposed area, the  
15 board of trustees may file in the office of the judge of  
16 probate a petition that there be an election at which there  
17 shall be submitted to the qualified electors residing within  
18 the proposed area: (i) the question of whether the proposed  
19 area shall be included within the district; and (ii) the  
20 question of whether every service charge in effect within the  
21 district at the time of the election is approved.

22 "(2) Upon the petition being filed, except as  
23 provided in subdivision (4) of this subsection (c), the judge  
24 of probate shall, not less than 10 nor more than 15 days from  
25 the date of the filing of the petition, make and enter an  
26 order upon the minutes of the court, directing and ordering an

1 election at which election the qualified electors residing  
2 within the proposed area shall vote on the two foregoing  
3 questions. The election shall be held as provided in Section  
4 5. The district shall give notice of the holding of the  
5 election by publication in a newspaper published within the  
6 county. The notice shall state the day on which the election  
7 will be held and the boundaries within which voters must  
8 reside to vote, and the notice shall give a description of the  
9 proposed area and shall state that a map of the proposed area  
10 is on file in the office of the judge of probate, open to the  
11 inspection of the public. In addition, the fire chief of the  
12 district shall notify by certified mail any volunteer fire  
13 department of the election on enlargement of a district when a  
14 volunteer fire department serves any property in the area  
15 subject to inclusion in a district and shall include a map of  
16 the area proposed to be included.

17 "(3) Each qualified elector who has resided within  
18 the boundaries of the proposed area for three months next  
19 preceding the election may vote at the election, and shall  
20 vote at the voting place or places designated by the judge of  
21 probate.

22 "(4) If within 10 days from the date of the filing  
23 of the petition provided in subdivision (1) of this subsection  
24 (c), each of the property owners in the proposed area appears  
25 before the judge of probate and consents in writing to include  
26 the proposed area within the district and approving every

1 service charge in effect within the district at the time of  
2 the election, then no election shall be held. Upon  
3 determining that each of the property owners in the proposed  
4 area has so consented, the judge of probate shall make and  
5 enter an order on the records of the probate court setting  
6 forth the findings and adjudging and decreeing the boundaries  
7 of the district to be extended so as to embrace the proposed  
8 area described in the petition and designated on the plat or  
9 map attached to the petition and must cause the petition and  
10 map and all orders or decrees or judgments to be recorded in  
11 the records in the probate office, and from the time of the  
12 entry of the order the proposed area shall be a part of and  
13 within the boundaries of the district.

14 "(5) The plat or map filed with the petition shall  
15 show accurately the proposed area to be embraced within the  
16 boundaries of the district, including all subdivisions into  
17 lots, blocks, streets, and alleys within the proposed area, if  
18 any, and an accurate description by metes and bounds of the  
19 boundary of the proposed area, which proposed area shall be  
20 contiguous to the boundary of the district and may extend to  
21 or around the boundary line of any city or town, but is not to  
22 embrace any territory within the corporate limits of any  
23 municipality at the time of filing. No platted or unplatted  
24 territory shall be included within the boundary unless there  
25 are at least two qualified electors residing, according to a  
26 government survey, on each quarter of each quarter section or

1 part thereof of platted or unplatted land who assent thereto  
2 in writing by signing the petition, together with the consent  
3 of the persons, firms, or corporations owning at least 60  
4 percent of the acreage of the platted or unplatted land, the  
5 consent to be indicated by signing the petition. Proof of  
6 residence and qualification as electors of petitioners and of  
7 persons affected shall be made to the judge of probate by  
8 affidavit or otherwise as the judge may direct. When  
9 determining the ownership of the land within the proposed  
10 area, the persons, firms, or corporations assessing the same  
11 for taxation shall be accepted by the judge of probate as  
12 prima facie the owners thereof.

13 "Section 15. Any district created hereunder may be  
14 abolished in the same manner provided for in this Section 15.

15 "Upon the petition for abolition of a district,  
16 conforming to the requirements set forth below being filed  
17 with the judge of probate, he or she shall order an election  
18 on abolition of the district to be held in the district within  
19 the time provided for by Section 5, at which qualified  
20 electors residing within the district shall be entitled to  
21 vote. The petition shall be signed by at least 100 qualified  
22 electors residing in the district. It shall contain a recital  
23 that the district has no long-term capital indebtedness; and  
24 it shall request the probate judge to order an election on  
25 whether the district shall be abolished. Upon the officers'  
26 canvassing the returns of the election certifying that

1 abolition of the district was approved by a majority of the  
2 votes cast at the election, the district shall be abolished."

3 Section 3. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.



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*Robert H. Huff*

Speaker of the House of Representatives

*Gene Winson*

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 08-APR-1999.

Greg Pappas  
Clerk

Senate

11-MAY-1999

Passed

APPROVED 5-25-1999

TIME 10:11 a.m.

*Don Owens*

GOVERNOR

Alabama Secretary of State

Act Num....: 1999-245  
Bill Num...: H-340