

1 SB152  
2 208739-1  
3 By Senator Melson (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-FEB-21

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Lauderdale County; to provide for public  
14 and nonpublic forums; and to authorize the requirement of a  
15 permit and fee under certain conditions.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) As used in this section, the  
18 following terms shall have the following meanings:

19 (1) DESIGNATED PUBLIC FORUM. Public property that is  
20 not by tradition a forum for expressive activity, which a  
21 municipality has opened, temporarily or otherwise, for use by  
22 the general public as a place for expressive activity.

23 (2) EXPRESSIVE ACTIVITY. All forms of non-commercial  
24 expression that are protected by the First Amendment to the  
25 U.S. Constitution, including peaceful assemblies, speeches,  
26 protests, picketing, leafleting, circulating petitions,

1 distributing literature, and similar expressive communications  
2 and activities.

3 (3) LIMITED PUBLIC FORUM. A designated public forum  
4 that is limited for use by certain types of groups or for  
5 discussion of certain subjects, or limited in another manner,  
6 but not limited based on viewpoint.

7 (4) MUNICIPALITY. A municipality that is located  
8 wholly or partially within Lauderdale County.

9 (5) NONPUBLIC FORUM. Public property that is not by  
10 tradition or designation a forum for public communication.

11 (6) PUBLIC FORUM. A place which by tradition or by  
12 government designation has been devoted to expressive  
13 activity. The term includes, but is not limited to, public  
14 streets, parks, and sidewalks.

15 (b) (1) A municipality, by ordinance, may classify  
16 the territory within its corporate limits into public or  
17 nonpublic forums and, from time to time, may rearrange or  
18 alter the division of the public and nonpublic forums as  
19 necessary.

20 (2) Each municipality, from time to time, may  
21 classify territory, which would otherwise be classified as a  
22 nonpublic forum, as a designated public forum or limited  
23 public forum; provided, restrictions on speech within the  
24 designated area must be reasonable and viewpoint-neutral.

25 (c) Within a public forum, a municipality may  
26 enforce reasonable regulations that apply to all speech which

1 are content-neutral with regard to time, place, and manner of  
2 expression.

3 (d) Territory within a municipality that is  
4 classified as a nonpublic forum may not be used by the general  
5 public as a forum for expressive activity except as provided  
6 in subdivision (b) (2).

7 (e) A municipality may require a person to obtain a  
8 permit for the use of a public forum under any of the  
9 following conditions:

10 (1) The use of the forum will require blocking  
11 traffic or the closure of a public street.

12 (2) The use of the forum will require the use of a  
13 sound amplifying device.

14 (3) The use of the forum will involve more than a  
15 certain number of individuals participating, as established by  
16 the municipality by ordinance.

17 (4) The use of the forum will create other traffic  
18 control or public safety issues requiring the presence of law  
19 enforcement officers or other municipal officials.

20 (f) A municipality may require an applicant for a  
21 permit issued under subsection (e) to pay an application fee.  
22 The application fee may consist of any or all of the  
23 following:

24 (1) A security deposit for the actual cost of clean  
25 up.

26 (2) A charge to cover the actual cost of the use of  
27 law enforcement officers.

1                   (3) A charge to cover any other actual  
2 administrative cost incurred by the municipality.

3                   Section 2. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.