

1 SB227
2 127021-1
3 By Senator Dial
4 RFD: Governmental Affairs
5 First Read: 22-MAR-11

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8 SYNOPSIS: Existing law provides for a county
9 commission to have the authority to establish an
10 industrial park.

11 This bill would require a county commission
12 to use the judicial process to enforce the
13 restrictions on the use of land in an industrial
14 park and would further require a county commission
15 to abolish an industrial park or remove a portion
16 of the territory from an industrial park under
17 certain conditions.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 To amend Sections 11-23-4 and 11-23-7 of the Code of
24 Alabama 1975, relating to industrial parks; to require a
25 county commission to use the judicial process to enforce the
26 restrictions on the use of land in an industrial park; and to
27 further require a county commission to abolish an industrial

1 park or remove a portion of the territory from an industrial
2 park under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 11-23-4 and 11-23-7 of the Code
5 of Alabama 1975, are amended to read as follows:

6 "§11-23-4.

7 "Whenever a county commission has designated an
8 industrial park or has made a change of the boundaries of an
9 existing one and has filed certified copies thereof as
10 provided in Section 11-23-3, no facilities shall be thereafter
11 located therein that are not industrial in character or
12 reasonably related thereto; provided, that no construction or
13 installation permits shall be required, but the county
14 commission ~~may~~ shall resort to judicial process to enforce
15 such industrial requirements.

16 "§11-23-7.

17 "The county commission ~~may~~ shall abolish an
18 industrial park or remove a portion of the territory from an
19 industrial park if (1) the industries located therein request
20 the abolishment of the industrial park or the removal of a
21 portion of the territory from an industrial park; or (2) the
22 property or a portion of the property within the industrial
23 park ceases to be used for industrial park purposes. The
24 county commission may abolish an industrial park or remove a
25 portion of the territory from an industrial park only by
26 resolution adopted after not less than one public hearing on
27 the question. The resolution of a county commission to abolish

1 an industrial park or remove a portion of the territory from
2 an industrial park shall be effective 30 days after the
3 resolution is adopted by the county commission; provided, that
4 no resort to the courts is taken challenging such action prior
5 to the expiration of such 30 days by a property owner within
6 the area affected. If such action is taken by a property
7 owner, the resolution of the county commission shall be
8 effective only when a judgment adverse to the property owner
9 has been rendered and is final, executory, and definitive. The
10 results of any final action taken under this section which in
11 any way alters the boundaries of the industrial park shall be
12 filed with the clerk of probate court."

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