

1 HB204
2 149909-5
3 By Representatives Lee, Chesteen, Gaston, Sessions, Merrill,
4 Collins, Clouse, Patterson, Jones, Shiver, Boyd, McCutcheon,
5 Hall, McClurkin, Ison, Nordgren, Henry and Fincher
6 RFD: Agriculture and Forestry
7 First Read: 07-FEB-13

1
2 ENROLLED, An Act,

3 Relating to navigation on the public waters of this
4 state; to prohibit a person from obstructing navigation on
5 public waters without a license or permit and to provide
6 penalties; to provide that obstruction of navigation on public
7 waters would constitute a public nuisance and provide civil
8 enforcement; and in connection therewith would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) Any person who ~~dams up or otherwise~~
16 anchors, moors, or abandons a floating pier, barge, or vessel
17 or sunken or submerged pier, barge, or vessel that obstructs
18 navigation on a public water, as defined in subsection (a) of
19 Section 9-11-80, Code of Alabama 1975, ~~without a lawful~~
20 ~~license or permit, on conviction,~~ shall be fined not less than
21 one hundred dollars (\$100) nor more than one thousand dollars
22 (\$1,000) per day.

23 (b) This section does not apply to public waters
24 used primarily for agricultural, industrial, power generation,
25 public water supply, and sanitation purposes.

1 Section 2. ~~(a) It is a public nuisance to anchor,~~
2 ~~moor, or abandon a floating pier, barge, boat, or vessel in~~
3 ~~such a way as to obstruct or interfere with navigation on a~~
4 ~~public water, as defined in subsection (a) of Section 9-11-80,~~
5 ~~Code of Alabama 1975. The nuisance may be abated by process~~
6 ~~instituted in the name of the state, or by any person whose~~
7 ~~access by public water to his or her property is obstructed or~~
8 ~~impeded. Any person whose access by public water to his or her~~
9 ~~property is obstructed or impeded by the anchoring, mooring,~~
10 ~~or abandonment of any such floating pier, barge, boat, or~~
11 ~~vessel is presumed to have suffered special damage, and may~~
12 ~~also seek injunctive relief to abate the nuisance.~~

13 ~~(b) This section does not apply to public waters~~
14 ~~used primarily for agricultural, industrial, power generation,~~
15 ~~public water supply, and sanitation purposes.~~

16 Section 3. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

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

