

1 HB175
2 155764-1
3 By Representative Laird (N & P)
4 RFD: Local Legislation
5 First Read: 14-JAN-14

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Randolph County; to authorize the county
14 commission to enact a noise ordinance in the areas outside the
15 corporate limits of a municipality; and outside the boundaries
16 of any industrial park designated by the county pursuant to
17 Sections 11-23-1 to 11-23-8, inclusive, of the Code of Alabama
18 1975 and to provide that a violation of the ordinance
19 constitutes a public nuisance subject to civil penalties.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. In Randolph County, the county commission
22 may enact a noise ordinance for the areas outside of the
23 corporate limits of a municipality and outside the boundaries
24 of any industrial park designated by the county pursuant to
25 Sections 11-23-1 to 11-23-8, inclusive, of the Code of Alabama
26 1975, and may provide that a violation of the ordinance
27 constitutes a public nuisance subject to a civil fine of not

1 more than \$250 to be assessed as provided in the ordinance.
2 Any law enforcement officer or constable may issue a citation
3 alleging a violation of the ordinance. The ordinance may
4 provide that the person charged with a violation may pay a
5 civil fine or request, within 30 days of receipt of the
6 citation, a due process hearing before the county commission
7 or its hearing officer on the validity of the citation. An
8 order of the county commission finding a violation and an
9 assessment of a civil fine shall be final within 30 days
10 thereof unless appealed to the Circuit Court in Randolph
11 County based on the administrative record of the hearing. Any
12 fine due and owing shall be considered a debt owed to the
13 Randolph County Commission and shall be enforceable by civil
14 action in the same manner as any other debt. The person owing
15 the fine shall be liable for all costs, including court costs
16 and attorney fees, and all other expenses of litigation if
17 action is taken to collect the fine owed.

18 Section 2. This act shall become effective
19 immediately upon its passage and approval by the Governor, or
20 upon its otherwise becoming a law.