

HB344 ENROLLED



1 XQS6EZ-2
2 By Representative Treadaway
3 RFD: Jefferson County Legislation
4 First Read: 20-Apr-23
5 2023 Regular Session



HB344 Enrolled

1 Enrolled, An Act,

2 To amend Section 2 of Act 634 of the 1951 Regular
3 Session (Acts 1951, p. 1089), as amended by Act 630 of the
4 1967 Regular Session (Acts 1967, p. 1435), relating to zoning
5 regulations of the county commission in the unincorporated
6 area of the county in all counties having a population of
7 400,000 or more according to the 1940 or any succeeding
8 Federal census; and to further provide the remedies and
9 penalties for violations.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 2 of Act 634 of the 1951 Regular
12 Session (Acts 1951, p. 1089), as amended by Act 630 of the
13 1967 Regular Session (Acts 1967, p. 1435) is amended to read
14 as follows:

15 "Section 2. REMEDIES AND PENALTIES.

16 (a) It shall be unlawful to erect, construct,
17 reconstruct, alter, maintain, use, or occupy any building or
18 structure, or to use or occupy any land in violation of any
19 regulation in, or of any provision of, any zoning resolution,
20 or any amendment thereof, enacted or adopted by the governing
21 body of ~~such~~ the county under the authority of this ~~Act~~ act.
22 Any person, firm, or corporation violating any ~~such~~
23 regulation, provision, or amendment, shall be guilty of a
24 ~~misdemeanor, and upon conviction thereof, shall be fined not~~
25 ~~more than One Hundred (\$100.00) Dollars, or imprisoned not~~
26 ~~more than 10 days, or both~~ Class B misdemeanor, as amended.
27 Each and every day during which ~~such~~ illegal erection,
28 construction, reconstruction, alteration, maintenance, use, or



HB344 Enrolled

29 occupancy continues shall be deemed a separate offense.
30 Provided, however, that prior to any criminal prosecution the
31 County Building Commissioner or his or her agent shall give a
32 written notice or citation to the person, firm, or corporation
33 violating any provision of this ~~Act~~ act, stating the rule or
34 regulation being violated and notifying the ~~said~~ person, firm,
35 or corporation to cease and desist ~~such~~ the violation
36 immediately, otherwise ~~said~~ the person will be prosecuted as
37 provided for herein. In case any building or structure is, or
38 is proposed to be, erected, constructed, reconstructed,
39 altered, maintained, used, or occupied or any land is, or is
40 proposed to be, used or occupied in violation of this ~~Act~~ act
41 or of any regulation or provision of any resolution, ~~or~~
42 amendment thereof, ~~enacted~~ or adopted by the governing body of
43 ~~such~~ the county under the authority granted by this ~~Act~~ act,
44 ~~said~~ the Building Commissioner of the county in which ~~such~~ the
45 building, structure, or land is situated, ~~may~~, in addition to
46 other remedies provided by law, may institute injunction,
47 mandamus, abatement, or any other appropriate action or
48 actions, proceeding or proceedings in his or her capacity as
49 ~~such~~ the Building Commissioner ~~(that which is, in his or her~~
50 ~~name as Building Commissioner)~~, to prevent, enjoin, abate, or
51 remove ~~such~~ the unlawful erection, construction,
52 reconstruction, alteration, maintenance, use, or occupancy.
53 (b) The ~~said~~ Building Commissioner may, in his or her
54 capacity as ~~such~~ Building Commissioner ~~(that is, in his name~~
55 ~~as Building Commissioner)~~, intervene in any action, suit, or
56 other proceedings wherein there is involved any violation of



HB344 Enrolled

57 this ~~Act~~ act, or of any regulation or provision of any
58 resolution, or amendment thereof, enacted or adopted by the
59 governing body of ~~such~~ the county under the authority of this
60 ~~Act~~ act. When the Building Commissioner so intervenes
61 ~~hereunder~~, he or she shall be deemed to be, and shall be
62 treated as, an original party to the action, suit, or
63 proceedings. It is the intention of this subsection ~~(b)~~ that
64 any action, suit, or proceedings in which the Building
65 Commissioner intervenes shall proceed the same as if the
66 Building Commissioner had been an original party, ~~in~~ insofar as
67 any statute, act, or rule prohibiting an entire change of
68 parties is concerned. The provisions of this subsection ~~(b)~~
69 shall apply to any action, suit, or proceedings pending at the
70 time of its adoption."

71 Section 2. This act shall become effective immediately
72 following its passage and approval by the Governor, or its
73 otherwise becoming law.



HB344 Enrolled

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Speaker of the House of Representatives

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 18-May-23.

John Treadwell
Clerk

Senate

24-May-23

Passed