

# HB344 INTRODUCED



1 XQS6EZ-1  
2 By Representative Treadaway  
3 RFD: County and Municipal Government  
4 First Read: 20-Apr-23  
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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"Section 2. REMEDIES AND PENALTIES.

(a) It shall be unlawful to erect, construct, reconstruct, alter, maintain, use, or occupy any building or structure, or to use or occupy any land in violation of any regulation in, or of any provision of, any zoning resolution, or any amendment thereof, enacted or adopted by the governing body of ~~such~~ the county under the authority of this ~~Act~~ act. Any person, firm, or corporation violating any ~~such~~ regulation, provision, or amendment, shall be guilty of a



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29 ~~misdeameanor, and upon conviction thereof, shall be fined not~~  
30 ~~more than One Hundred (\$100.00) Dollars, or imprisoned not~~  
31 ~~more than 10 days, or both~~ Class B misdemeanor, as amended.  
32 Each and every day during which ~~such~~ illegal erection,  
33 construction, reconstruction, alteration, maintenance, use, or  
34 occupancy continues shall be deemed a separate offense.  
35 Provided, however, that prior to any criminal prosecution the  
36 County Building Commissioner or his or her agent shall give a  
37 written notice or citation to the person, firm, or corporation  
38 violating any provision of this ~~Act~~ act, stating the rule or  
39 regulation being violated and notifying the ~~said~~ person, firm,  
40 or corporation to cease and desist ~~such~~ the violation  
41 immediately, otherwise ~~said~~ the person will be prosecuted as  
42 provided for herein. In case any building or structure is, or  
43 is proposed to be, erected, constructed, reconstructed,  
44 altered, maintained, used, or occupied or any land is, or is  
45 proposed to be, used or occupied in violation of this ~~Act~~ act  
46 or of any regulation or provision of any resolution, or  
47 amendment thereof, enacted or adopted by the governing body of  
48 ~~such~~ the county under the authority granted by this ~~Act~~ act,  
49 ~~said~~ the Building Commissioner of the county in which ~~such~~ the  
50 building, structure, or land is situated, ~~may,~~ in addition to  
51 other remedies provided by law, may institute injunction,  
52 mandamus, abatement, or any other appropriate action or  
53 actions, proceeding or proceedings in his or her capacity as  
54 ~~such~~ the Building Commissioner ~~(that which is, in his or her~~  
55 ~~name as Building Commissioner)~~, to prevent, enjoin, abate, or  
56 remove ~~such~~ the unlawful erection, construction,



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57 reconstruction, alteration, maintenance, use, or occupancy.

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

76 Section 2. This act shall become effective immediately  
77 following its passage and approval by the Governor, or its  
78 otherwise becoming law.