

**HB104 ENROLLED**



1 HB104  
2 Y53Z6N6-2  
3 By Representative Drummond (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 04-Feb-25  
6 PFD: 30-Jan-25



## HB104 Enrolled

1 Enrolled, An Act,

2  
3 Relating to Class 2 municipalities; to amend Sections  
4 11-67-2, 11-67-3, 11-67-4, 11-67-5, 11-67-6, 11-67-7, 11-67-8,  
5 and 11-67-10, Code of Alabama 1975; to provide that Class 2  
6 municipalities may declare certain abandoned or discarded  
7 debris a nuisance and require its abatement or removal at the  
8 expense of the owner of the property; and to make  
9 nonsubstantive, technical revisions to update the existing  
10 code language to current style.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 11-67-2, 11-67-3, 11-67-4, 11-67-5,  
13 11-67-6, 11-67-7, 11-67-8, and 11-67-10, Code of Alabama 1975,  
14 are amended to read as follows:

15 "§11-67-2

16 (a) The governing body of a Class 2 municipality may  
17 declare either of the following to be a public nuisance and  
18 require its abatement or removal as provided in this  
19 article:~~All weeds~~

20 (1) Any weed growing upon the streets, sidewalks on a  
21 street, sidewalk, or upon private property within Class 2  
22 municipalities of this state, which bear the municipality  
23 that: (i) bears seeds of a wingy or downy nature, which attain  
24 such; (ii) a large growth as grows large enough to become a  
25 fire menace when dry; ~~or which are~~ (iii) is otherwise noxious  
26 or dangerous may be declared to be a public nuisance by the  
27 governing body of any such Class 2 municipalities, and  
28 thereafter abated as hereinafter provided.



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29           (2) Any debris, including furniture, appliances, trash,  
30 garbage, glass, metal, and tires, that is abandoned or  
31 discarded on a street, sidewalk, or private property within  
32 the municipality that: (i) occupies a large area at risk of  
33 becoming a fire menace; (ii) is a breeding ground for pests;  
34 or (iii) is otherwise noxious or dangerous."

35           "§11-67-3

36           ~~Whenever any such weeds are growing upon any street,~~  
37 ~~sidewalk, or private property the governing body of any such~~  
38 ~~Class 2 municipality may, by resolution, declare the same to~~  
39 ~~be a public nuisance and order its abatement~~Any governing body  
40 of a Class 2 municipality desiring to declare weeds or debris  
41 a public nuisance and order its abatement or removal pursuant  
42 to Section 11-67-2 shall do so by resolution. ~~Said~~The  
43 resolution shall refer to the street by the name under which  
44 it ~~the street~~ is commonly known, and describe the property  
45 upon which that the nuisance is on or in front of which said  
46 nuisance exists by giving a legal description thereof and no.  
47 No other description of ~~said~~ the property shall be is  
48 required. Any number of streets, sidewalks, or parcels of  
49 private property, ~~may be included in one and~~ the same  
50 resolution."

51           "§11-67-4

52           (a) After the passage of ~~said~~ a resolution, notice of a  
53 public hearing on the matter shall be given by certified mail,  
54 return receipt requested, mailed 30 days prior to the date of  
55 ~~said~~ the hearing and shall inform the owner of the time, date,  
56 and place of ~~said~~ the hearing and reason therefor. ~~Said~~ The



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57 notice shall be mailed to the owner of ~~said~~ the property as  
58 ~~same~~ it appears of record in the ~~tax assessor's~~ revenue  
59 commissioner's office for Mobile County of the county in which  
60 the Class 2 municipality is located.

61 (b) All notices shall carry a list of names of persons  
62 ~~and/or private contractors who~~ that perform such work and are  
63 registered with the city clerk. ~~Such~~ The names shall not  
64 constitute a recommendation and the failure to include ~~such a~~  
65 the list shall not ~~in no wise~~ affect the operation of this  
66 article.

67 (c) Notice shall also be given by publication in a  
68 newspaper ~~normally read by all segments of the population~~  
69 ~~published in Mobile County~~ of general circulation, in the  
70 county in which the municipality is located, once a week for  
71 two consecutive weeks, or if no newspaper is published in  
72 ~~Mobile County~~ the county, notice shall be given by radio or  
73 television. The first notice shall be published at least 14  
74 days prior to the date of the scheduled hearing.

75 (d) ~~In addition thereto, two~~ Two signs shall be  
76 conspicuously posted on ~~said~~ the property. The wording of ~~said~~  
77 the signs shall not be less than one inch in height and shall  
78 be in substantially the following form:

79 NOTICE TO DESTROY OR REMOVE WEEDS OR DEBRIS

80 Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_,  
81 2\_\_ at \_\_\_ A.M./P.M. in the council chamber, the council of  
82 the City of ~~Mobile~~ \_\_\_\_\_ will consider a resolution regarding  
83 the weeds growing ~~upon~~ or debris located on or in front of the  
84 property on \_\_\_\_\_ Street, in the City of ~~Mobile~~ \_\_\_\_\_, and



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85 ~~more particularly~~ described in ~~said~~ the resolution, a copy of  
86 which is on file in the office of the city clerk; ~~and at that.~~  
87 At the above time and place the council will determine whether  
88 ~~the same constitutes~~ the weeds or debris constitute a public  
89 nuisance which must be abated ~~by the removal of said noxious~~  
90 ~~or dangerous weeds~~ or removed; and, if so, will order the  
91 abatement and removal of ~~said~~ the nuisance, ~~in which case the.~~  
92 The cost of ~~such~~ the abatement and removal shall be assessed  
93 upon the ~~lots and~~ lands from which or in front of which ~~such~~  
94 ~~weeds are~~ the nuisance is abated or removed, and ~~such~~ the cost  
95 will constitute a lien for ~~weed~~ the nuisance abatement or  
96 removal upon ~~such lots or~~ the lands until paid.

97 If no objections are filed with the city clerk at least  
98 five days before the meeting of ~~said~~ the council and unless  
99 ~~such~~ the person appears before the council in person or  
100 through his or her representative to show cause, if any, why  
101 his or her objection should be sustained, it shall be presumed  
102 that the person accepts the notice as fact and waives any  
103 rights he or she may have to contest the abatement or removal  
104 of ~~said weeds~~ the nuisance and the action of the council shall  
105 be final unless good and sufficient cause can be otherwise  
106 shown.

107 Reference is ~~hereby~~ made to ~~said~~ the resolution, on  
108 file in the office of the city clerk, for further particulars.

109 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_.

110 \_\_\_\_\_ Name of city By: \_\_\_\_\_ City Clerk

111 (e) Said The notice shall be posted at least seven days  
112 prior to the time for hearing objections by the governing body



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113 of the municipality."

114 "§11-67-5

115 If objections are filed, at the time stated in ~~said~~ the  
116 notice, the council of the ~~City of Mobile~~ Class 2 municipality  
117 shall hear and consider all evidence, objections, and protest  
118 regarding the proposed abatement or removal of weeds or  
119 debris. The council may continue the hearing from time to  
120 time. Upon the conclusion of ~~said~~ the hearing, the council, by  
121 resolution, shall decide whether a public nuisance exists and,  
122 if so, shall order it to be ~~removed or~~ abated or removed with  
123 respect to any property or part thereof described. The  
124 governing body, by passage of ~~said~~ the resolution, shall be  
125 deemed to have acquired jurisdiction to proceed and either to  
126 perform or have performed the work of ~~removal or~~ abatement or  
127 removal with respect to ~~such~~ the property or part thereof. The  
128 decision of the governing body on the matter shall be deemed  
129 final and conclusive."

130 "§11-67-6

131 (a) After the council passes ~~the~~ a resolution finding  
132 the conditions of ~~the~~ a property to be a nuisance and ordering  
133 its abatement or removal, all employees and ~~duly~~ authorized  
134 agents of the Class 2 municipality ~~are hereby expressly~~  
135 ~~authorized to~~ may enter upon ~~private~~ the property for that  
136 purpose.

137 (b) The city may ~~at its option~~ authorize private  
138 contractors, companies, enterprises, or individuals to abate  
139 and remove ~~said~~ the nuisance. The council, by resolution,  
140 shall designate the contractors, companies, enterprises, or



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141 individuals ~~who~~ that may perform ~~said~~ the work. Those persons  
142 ~~so~~ designated ~~are hereby authorized to~~ may enter ~~upon~~ the  
143 private property for purposes of abating or removing ~~said~~ the  
144 nuisance. For purposes of this article, compliance with the  
145 competitive bid law is not required.

146 (c) Any property owner ~~shall have the right to~~ may have  
147 any ~~such~~ weeds or debris abated or removed at his or her own  
148 expense ~~providing the same,~~ provided it is ~~done~~ abated or  
149 removed prior to the commencing of ~~the~~ work by ~~the~~ employees  
150 or agents of ~~said~~ the municipality ~~to do the same."~~

151 "§11-67-7

152 Each Class 2 municipality shall keep an account of the  
153 cost of abating or removing ~~such~~ a nuisance in front of or on  
154 each separate lot or parcel of land where the work is done by  
155 ~~it~~ the municipality ~~or its employees,~~ or by a duly an  
156 authorized private contractor, company, enterprise, or  
157 individual, and shall ~~render~~ provide an itemized report in  
158 writing to the governing body of the municipality showing the  
159 cost of abating or removing ~~said~~ the nuisance ~~on each separate~~  
160 ~~lot, or in front thereof, or both; provided, that before.~~  
161 Before ~~said~~ the report is submitted to ~~said~~ the governing  
162 body, a copy ~~of the same~~ shall be posted for ~~at least~~ a  
163 minimum of five days prior thereto on or near the chamber door  
164 of ~~said~~ the governing body, ~~together~~ with a notice of the time  
165 when ~~said~~ the report ~~shall~~ will be submitted to the governing  
166 body for confirmation."

167 "§11-67-8

168 At the time fixed for receiving and considering ~~said~~



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169 the report, the governing body shall hear ~~the same~~ report,  
170 together with any objections ~~which may be~~ raised by any of the  
171 property owners liable to be assessed for the work of abating  
172 or removing said the nuisance, and ~~thereupon~~ make ~~such~~  
173 modifications in the report as ~~they deem~~ the governing body  
174 deems necessary, after which by motion or resolution ~~said~~, the  
175 report shall be confirmed. The ~~amounts of the~~ cost for abating  
176 such or removing the nuisance in front of or upon the various  
177 parcels of land mentioned in said report shall hereinafter be  
178 referred to as ~~"weed liens"~~ a nuisance lien, and as ~~thus made~~  
179 ~~and confirmed~~ shall constitute a ~~weed~~ lien on ~~said the~~  
180 property for the amount of ~~such weed liens~~, respectively the  
181 nuisance lien. After confirmation of ~~said the~~ report, a copy  
182 shall be ~~turned over~~ given to the ~~Tax Collector of Mobile~~  
183 County revenue commissioner of the respective county who,  
184 under the "Optional Method of ~~Taxation~~", ~~is charged with the~~  
185 ~~collection of the City of Mobile's~~ Taxation, "collects the  
186 municipal taxes pursuant to ~~Sections 11-51-40 through~~  
187 ~~11-51-74~~; whereupon it shall be the duty of ~~said Mobile County~~  
188 ~~Tax Collector to~~ Division 2 of Article 1 of Chapter 51. The  
189 revenue commissioner of the respective county shall add the  
190 amounts of the respective ~~weed~~ nuisance liens to the next  
191 regular bills for taxes levied against the ~~said~~ respective  
192 lots and parcels of land, ~~and thereafter said~~. The amounts  
193 shall be collected at the same time and in the same manner as  
194 ordinary municipal ad valorem taxes are collected, and shall  
195 be subject to the same penalties and the same procedure under  
196 foreclosure and sale in case of delinquency."





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197 "§11-67-10

198 ~~(a) This section shall apply only in Class 2~~  
199 ~~municipalities.~~

200 ~~(b)~~ (a) The city council in any Class 2 municipality may  
201 adopt procedures for the abatement and removal of repeat  
202 nuisances authorizing the mayor, or his or her designee,  
203 without a resolution of the city council, to take actions as  
204 necessary to abate or remove overgrown ~~grass and weeds~~ or  
205 abandoned or discarded debris on property that has previously  
206 been subject to abatement or removal within the last three  
207 years through the procedures in this ~~chapter~~ article. The  
208 procedures adopted by the city council shall provide for the  
209 sending of a letter to the last known address of the property  
210 owner ~~or owners~~ by regular United States mail not less than 10  
211 days prior to the order to abate or remove the nuisance. The  
212 notice to the owner ~~or owners~~ of the property shall inform the  
213 owner ~~or owners~~ of all of the following:

214 (1) ~~That the~~ The mayor, or his or her designee, has  
215 declared the property to be a nuisance.

216 (2) ~~That the~~ The city has previously abated or removed  
217 a nuisance on the property.

218 (3) ~~That the~~ The reasonable cost of the current  
219 abatement or removal shall be assessed and collected as a  
220 special assessment and lien against the property.

221 (4) ~~That the~~ The property owner ~~or owners~~ may have the  
222 nuisance abated or removed at ~~their~~ his or her own expense  
223 prior to the arrival of the employees, contractors, or  
224 designees assigned by the city to abate or remove the



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225 nuisance."

226 Section 2. This act shall become effective on October

227 1, 2025.



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Speaker of the House of Representatives

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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 25-Feb-25.

John Treadwell  
Clerk

Senate

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**19-Mar-25**

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Passed