

HB104 INTRODUCED



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



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SYNOPSIS:

Under existing law, the governing body of a Class 2 municipality may declare certain weeds to be a nuisance and require its abatement at the expense of the owner of the property.

This bill would authorize the governing body of a Class 2 municipality to declare certain abandoned or discarded debris to be a nuisance and require its abatement or removal at the expense of the owner of the property.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to Class 2 municipalities; to amend Sections 11-67-2, 11-67-3, 11-67-4, 11-67-5, 11-67-6, 11-67-7, 11-67-8, and 11-67-10, Code of Alabama 1975; to provide that Class 2 municipalities may declare certain abandoned or discarded debris a nuisance and require its abatement or removal at the



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29 expense of the owner of the property; and to make
30 nonsubstantive, technical revisions to update the existing
31 code language to current style.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Sections 11-67-2, 11-67-3, 11-67-4, 11-67-5,
34 11-67-6, 11-67-7, 11-67-8, and 11-67-10, Code of Alabama 1975,
35 are amended to read as follows:

36 "§11-67-2

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

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

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

56 "§11-67-3



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57 ~~Whenever any such weeds are growing upon any street,~~
58 ~~sidewalk, or private property the governing body of any such~~
59 ~~Class 2 municipality may, by resolution, declare the same to~~
60 ~~be a public nuisance and order its abatement.~~ Any governing body
61 of a Class 2 municipality desiring to declare weeds or debris
62 a public nuisance and order its abatement or removal pursuant
63 to Section 11-67-2 shall do so by resolution. ~~Said~~ The
64 resolution shall refer to the street by the name under which
65 ~~it~~ the street is commonly known, ~~and~~ and describe the property
66 ~~upon which that the nuisance is on~~ or in front of ~~which said~~
67 ~~nuisance exists~~ by giving a legal description thereof ~~and no.~~
68 No other description of ~~said the~~ the property ~~shall be~~ is
69 required. Any number of streets, sidewalks, or parcels of
70 private property, ~~and~~ may be included in ~~one and~~ the same
71 resolution."

72 "§11-67-4

73 (a) After the passage of ~~said a~~ a resolution, notice of a
74 public hearing on the matter shall be given by certified mail,
75 return receipt requested, mailed 30 days prior to the date of
76 ~~said the~~ the hearing and shall inform the owner of the time, date,
77 and place of ~~said the~~ the hearing and reason therefor. ~~Said The~~
78 notice shall be mailed to the owner of ~~said the~~ the property as
79 ~~same it~~ it appears of record in the ~~tax assessor's~~ revenue
80 commissioner's office ~~for Mobile County~~ of the county in which
81 the Class 2 municipality is located.

82 (b) All notices shall carry a list of names of persons
83 ~~and/or private contractors who~~ that perform such work and are
84 registered with the city clerk. ~~Such The~~ The names shall not



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85 constitute a recommendation and the failure to include ~~such a~~
86 the list shall not ~~in no wise~~ affect the operation of this
87 article.

88 (c) Notice shall also be given by publication in a
89 newspaper ~~normally read by all segments of the population~~
90 ~~published in Mobile County~~ of general circulation, in the
91 county in which the municipality is located, once a week for
92 two consecutive weeks, or if no newspaper is published in
93 ~~Mobile County~~ the county, notice shall be given by radio or
94 television. The first notice shall be published at least 14
95 days prior to the date of the scheduled hearing.

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

100 NOTICE TO DESTROY OR REMOVE WEEDS OR DEBRIS

101 Notice is hereby given that on the ____ day of _____,
102 2__ at ___ A.M./P.M. in the council chamber, the council of
103 the City of ~~Mobile~~ _____ will consider a resolution regarding
104 the weeds growing ~~upon~~ or debris located on or in front of the
105 property on _____ Street, in the City of ~~Mobile~~ _____, and
106 ~~more particularly~~ described in ~~said the~~ resolution, a copy of
107 which is on file in the office of the city clerk; ~~and at that.~~
108 At the above time and place the council will determine whether
109 ~~the same constitutes~~ the weeds or debris constitute a public
110 nuisance which must be abated ~~by the removal of said noxious~~
111 ~~or dangerous weeds~~ or removed; and, if so, will order the
112 abatement and removal of ~~said the~~ nuisance, ~~in which case the.~~



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113 The cost of ~~such~~ the abatement and removal shall be assessed
114 upon the ~~lots and~~ lands from which or in front of which ~~such~~
115 ~~weeds are~~ the nuisance is abated or removed, and ~~such~~ the cost
116 will constitute a lien for ~~weed~~ the nuisance abatement or
117 removal upon ~~such lots or~~ the lands until paid.

118 If no objections are filed with the city clerk at least
119 five days before the meeting of ~~said~~ the council and unless
120 ~~such~~ the person appears before the council in person or
121 through his or her representative to show cause, if any, why
122 his or her objection should be sustained, it shall be presumed
123 that the person accepts the notice as fact and waives any
124 rights he or she may have to contest the abatement or removal
125 of ~~said weeds~~ the nuisance and the action of the council shall
126 be final unless good and sufficient cause can be otherwise
127 shown.

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

130 Dated this _____ day of _____, 2__.

131 _____ Name of city By: _____ City Clerk

132 (e) Said The notice shall be posted at least seven days
133 prior to the time for hearing objections by the governing body
134 of the municipality."

135 "§11-67-5

136 If objections are filed, at the time stated in ~~said~~ the
137 notice, the council of the ~~City of Mobile~~ Class 2 municipality
138 shall hear and consider all evidence, objections, and protest
139 regarding the proposed abatement or removal of weeds or
140 debris. The council may continue the hearing from time to



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141 time. Upon the conclusion of ~~said~~ the hearing, the council, by
142 resolution, shall decide whether a public nuisance exists and,
143 if so, shall order it to be ~~removed or~~ abated or removed with
144 respect to any property or part thereof described. The
145 governing body, by passage of ~~said~~ the resolution, shall be
146 deemed to have acquired jurisdiction to proceed and either to
147 perform or have performed the work of ~~removal or~~ abatement or
148 removal with respect to ~~such~~ the property or part thereof. The
149 decision of the governing body on the matter shall be deemed
150 final and conclusive."

151 "§11-67-6

152 (a) After the council passes ~~the~~ a resolution finding
153 the conditions of ~~the~~ a property to be a nuisance and ordering
154 its abatement or removal, all employees and ~~duly~~ authorized
155 agents of the Class 2 municipality ~~are hereby expressly~~
156 ~~authorized to~~ may enter ~~upon private~~ the property for that
157 purpose.

158 (b) The city may ~~at its option~~ authorize private
159 contractors, companies, enterprises, or individuals to abate
160 and remove ~~said~~ the nuisance. The council, by resolution,
161 shall designate the contractors, companies, enterprises, or
162 individuals ~~who~~ that may perform ~~said~~ the work. Those persons
163 ~~so~~ designated ~~are hereby authorized to~~ may enter ~~upon~~ the
164 private property for purposes of abating or removing ~~said~~ the
165 nuisance. For purposes of this article, , compliance with the
166 competitive bid law is not required.

167 (c) Any property owner ~~shall have the right to~~ may have
168 any ~~such~~ weeds or debris abated or removed at his or her ~~own~~



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169 expense ~~providing the same,~~ provided it is ~~done~~ abated or
170 removed prior to the commencing of ~~the~~ work by ~~the~~ employees
171 or agents of ~~said the~~ municipality ~~to do the same.~~"

172 "§11-67-7

173 Each Class 2 municipality shall keep an account of the
174 cost of abating or removing ~~such a~~ nuisance in front of or on
175 each separate lot or parcel of land where the work is done by
176 ~~it the municipality~~ or ~~its employees, or by a duly an~~
177 authorized private contractor, company, enterprise, or
178 individual, and shall ~~render~~ provide an itemized report in
179 writing to the governing body of the municipality showing the
180 cost of abating or removing ~~said the~~ nuisance ~~on each separate~~
181 ~~lot, or in front thereof, or both; provided, that before.~~
182 ~~Before said the~~ report is submitted to ~~said the~~ governing
183 body, a copy ~~of the same~~ shall be posted for ~~at least a~~ a
184 minimum of five days prior thereto on or near the chamber door
185 of ~~said the~~ governing body, ~~together~~ with a notice of the time
186 when ~~said the~~ report ~~shall will~~ be submitted to the governing
187 body for confirmation."

188 "§11-67-8

189 At the time fixed for receiving and considering ~~said~~
190 the report, the governing body shall hear the ~~same~~ report,
191 together with any objections ~~which may be~~ raised by any of the
192 property owners liable to be assessed for the work of abating
193 or removing ~~said the~~ nuisance, and ~~thereupon~~ make ~~such~~
194 modifications in the report as ~~they deem~~ the governing body
195 deems necessary, after which by motion or resolution ~~said, the~~
196 report shall be confirmed. The ~~amounts of the~~ cost for abating



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197 ~~such or removing the~~ nuisance ~~in front of or upon the various~~
198 ~~parcels of land mentioned in said report~~ shall hereinafter be
199 referred to as ~~"weed liens"~~ a nuisance lien, and ~~as thus made~~
200 ~~and confirmed~~ shall constitute a ~~weed~~ lien on ~~said~~ the
201 property for the amount of ~~such weed liens, respectively~~ the
202 nuisance lien. After confirmation of ~~said~~ the report, a copy
203 shall be ~~turned over~~ given to the ~~Tax Collector of Mobile~~
204 ~~County~~ revenue commissioner of the respective county who,
205 under the "Optional Method of ~~Taxation~~", ~~is charged with the~~
206 ~~collection of the City of Mobile's~~ Taxation," collects the
207 municipal taxes pursuant to ~~Sections 11-51-40 through~~
208 ~~11-51-74; whereupon it shall be the duty of said Mobile County~~
209 ~~Tax Collector to~~ Division 2 of Article 1 of Chapter 51. The
210 revenue commissioner of the respective county shall add the
211 amounts of the respective ~~weed~~ nuisance liens to the next
212 regular bills for taxes levied against the ~~said~~ respective
213 lots and parcels of land, ~~and thereafter said~~. The amounts
214 shall be collected at the same time and in the same manner as
215 ordinary municipal ad valorem taxes are collected, and shall
216 be subject to the same penalties and the same procedure under
217 foreclosure and sale in case of delinquency."

218 "§11-67-10

219 ~~(a) This section shall apply only in Class 2~~
220 ~~municipalities.~~

221 ~~(b)~~ (a) The city council in any Class 2 municipality may
222 adopt procedures for the abatement and removal of repeat
223 nuisances authorizing the mayor, or his or her designee,
224 without a resolution of the city council, to take actions as



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225 necessary to abate or remove overgrown ~~grass and~~ weeds or
226 abandoned or discarded debris on property that has previously
227 been subject to abatement or removal within the last three
228 years through the procedures in this ~~chapter~~ article. The
229 procedures adopted by the city council shall provide for the
230 sending of a letter to the last known address of the property
231 owner ~~or owners~~ by regular United States mail not less than 10
232 days prior to the order to abate or remove the nuisance. The
233 notice to the owner ~~or owners~~ of the property shall inform the
234 owner ~~or owners~~ of all of the following:

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

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

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

242 (4) ~~That the~~ The property owner ~~or owners~~ may have the
243 nuisance abated or removed at ~~their~~ his or her own expense
244 prior to the arrival of the employees, contractors, or
245 designees assigned by the city to abate or remove the
246 nuisance."

247 Section 2. This act shall become effective on October
248 1, 2025.