

# HB497 ENGROSSED



1 HB497  
2 ZQXZNRW-2  
3 By Representative Bedsole (N & P)  
4 RFD: Shelby County Legislation  
5 First Read: 01-Apr-25



## HB497 Engrossed

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the City of Alabaster; to provide for the abatement of plants which become a nuisance under certain conditions; to provide for notice to property owners; to provide for the assessment of costs for abatement; to provide for the collection of costs; and to provide for liens in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Mayor of the City of Alabaster shall designate a city official or employee to serve as the enforcing official for public nuisances related to plants in the city.

(b) The enforcing official may serve written notice upon the owner of any property in the city informing the owner that a nuisance is located on the property and ordering the abatement of the nuisance.

(c) (1) The written notice shall require the owner to complete the abatement of the nuisance within 14 days from service of the notice. Upon finding that the difficulty of the abatement or other unusual factors necessitate additional time, the enforcing official may provide the owner up to 28



## HB497 Engrossed

days from service of the notice to complete the abatement.

(2) The written notice shall notify the owner that, in lieu of completing the abatement within the time stated in the notice, the owner may appear at a hearing before the administrative official to determine whether the conditions on the property constitute a public nuisance that should be abated. The owner shall notify the enforcing official of the owner's intent to appear at the hearing within five days of service of the written notice. The hearing shall take place at least 10 days after service of the written notice.

(3) The written notice shall apprise the owner of the facts of the alleged nuisance, including a description or address of the property that provides reasonable notice of its location; the address of the enforcing official; and the date, time, and place of the hearing before the administrative official.

(d)(1) The enforcing official, on or before the date of service of the written notice on the owner, shall post the written notice in a conspicuous place on the property on which the nuisance is located.

(2) The enforcing official shall serve the owner with the written notice in one of the following methods:

a. By hand delivering it to the owner.

b. By mailing it to the owner at the owner's last known address by first class mail.

c. By leaving it at the owner's residence or place of business with an individual of suitable age and discretion residing or employed at that location.



## HB497 Engrossed

57           d. If the owner is not an individual, by delivering it  
58 to an agent of the owner.

59           (3) Service by first class mail is complete upon  
60 mailing.

61           (e) (1) The enforcing official may rely upon information  
62 appearing on record in the office of the county tax collector,  
63 tax assessor, or revenue commissioner to establish the  
64 identity of an owner of property and to establish the owner's  
65 last known address. Use of this information shall be deemed  
66 conclusive and sufficient proof of the information.

67           (2) The enforcing official may use any additional means  
68 of providing notice that he or she deems appropriate  
69 including, but not limited to, posting notice in one or more  
70 public places within the city or publishing notice in a  
71 newspaper of general circulation in the city.

72           Section 2. (a) The city council shall designate an  
73 individual other than the enforcing official to serve as the  
74 administrative official for the purposes of this act.

75           (b) Upon receipt of an owner's intent to appear at a  
76 hearing, the administrative official shall suspend the order  
77 to abate.

78           (c) The administrative official, upon agreement with  
79 the owner, may reschedule the hearing or continue the hearing  
80 for good cause.

81           (d) A hearing held pursuant to this act shall be open  
82 to the public. Any interested party may present evidence or  
83 testimony. The city shall keep a record of the proceedings as  
84 part of the city's public records.



## HB497 Engrossed

85           (e) Within five days after the conclusion of a hearing,  
86 the administrative official shall render a written decision on  
87 the merits of the proposed abatement. The administrative  
88 official shall deliver the written decision to the owner and  
89 the enforcing official by personal service or by first class  
90 mail.

91           (f) If the administrative official determines that a  
92 nuisance does not exist, the notice to abate is void. The  
93 determination does not bar any subsequent public nuisance  
94 notice at the same property.

95           (g) If the administrative official determines that a  
96 nuisance does exist, the written decision shall inform the  
97 owner that the nuisance must be abated within 14 days from  
98 service of the determination. Upon finding that the difficulty  
99 of the abatement or other unusual factors necessitate  
100 additional time, the administrative official may provide the  
101 owner up to 28 days from service of the determination to  
102 complete the abatement.

103           (h) An owner, within 10 days after receipt of a  
104 determination, may appeal the determination to the circuit  
105 court by filing with the circuit court clerk a notice of  
106 appeal and bond for security of costs in the form and amount  
107 approved by the circuit clerk. Upon receipt of an adequate  
108 notice of appeal and bond, the circuit clerk shall serve a  
109 copy of the notice of appeal on the city clerk and the appeal  
110 shall be docketed in the circuit court and shall be a  
111 preferred case. Upon receipt of the notice, the city clerk  
112 shall file with the circuit clerk a copy of the finding and



## HB497 Engrossed

determination of the administrative official. Any trial shall be held without a jury.

Section 3. (a) If a nuisance is not abated within the time permitted by the enforcing official's non-suspended notice or, following a hearing attended by the owner, within the time permitted by the administrative official's determination, then the city may enter upon the property and abate the nuisance or contract for the abatement of the nuisance. However, if an appeal has been filed pursuant to this act, then the city may not abate the nuisance until the determination or judgment authorizing abatement becomes final as provided by law.

(b) Upon completion of abatement work by or under contract with the city, the enforcing official shall create an itemized list of the city's expenses in abating the nuisance, including, but not limited to, the cost of labor, value of the use of equipment, advertising expenses, postage, administrative expenses, legal expenses, or materials purchased.

(c) The itemized statement and a notice of the time fixed by the city council to consider the assessment of the costs against the property shall be sent by first class mail to the last known address of the owner of the property at least five days before the fixed time.

(d) At the fixed time, the city council shall receive and consider the itemized statement and any objections which may be raised by the owner of the property. The council may modify the statement as necessary. Following all due



## HB497 Engrossed

141 consideration, the council may adopt a resolution assessing  
142 the appropriate costs. The costs stated in the resolution  
143 shall constitute a lien on the property and shall be referred  
144 to as a weed lien on the property.

145 (e) The city council shall provide a copy of any  
146 resolution adopted pursuant to this section to the county  
147 revenue commissioner. The county revenue commissioner shall  
148 add the costs of the weed lien to the next regular bill for  
149 taxes levied against the property subject to the weed lien,  
150 and the costs shall be collected and remitted to the city at  
151 the same time and in the same manner as ordinary municipal ad  
152 valorem taxes are collected and remitted. The weed lien shall  
153 be subject to the same penalties and the same procedure under  
154 foreclosure and sale in the case of delinquency as ordinary  
155 municipal ad valorem taxes. However, in a foreclosure and sale  
156 resulting solely due to a delinquency caused by a weed lien,  
157 the city shall reimburse the county for all costs associated  
158 with the foreclosure and sale unless the costs are collected  
159 at the time of the sale as part of the sale.

160 Section 4. When a weed lien has been filed with the  
161 revenue commissioner against a lot or parcel of land pursuant  
162 to this act, a subsequent redemption of the lot or parcel by a  
163 person authorized to redeem, or a sale of the lot or parcel by  
164 the state, shall include payment of any outstanding weed lien.  
165 Upon full payment of a weed lien as part of a redemption or  
166 sale, the lien shall be extinguished. If a weed lien is not  
167 paid as part of a redemption or sale, it shall remain a valid  
168 and enforceable lien against the property until satisfied.



## HB497 Engrossed

169                   Section 5. This act shall become effective on June 1,  
170    2025.





## HB497 Engrossed

171  
172  
173

### House of Representatives

174 Read for the first time and referred .....01-Apr-25  
175 to the House of Representatives  
176 committee on Shelby County  
177 Legislation  
178  
179 Read for the second time and placed .....08-Apr-25  
180 on the calendar:  
181 1 amendment  
182  
183 Read for the third time and passed .....09-Apr-25  
184 as amended  
185 Yeas 15  
186 Nays 0  
187 Abstains 86  
188  
189  
190 John Treadwell  
191 Clerk  
192