

HB589 INTRODUCED



1 HB589
2 XDQHXZ7-1
3 By Representative Brinyark (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 17-Apr-25



A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to amend Section 45-37-260.02, Code of Alabama 1975, to further provide for the authority of the county building commissioner.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-37-260.02, Code of Alabama 1975, is amended to read as follows:

"§45-37-260.02

(a) The governing body of ~~any~~ the county, in order to protect the public health and welfare of a community, including the conduct of a business, trade, industry, or occupation, or the doing of a thing, where the conduct is not inherently a menace to public health, but is done in such a way that it becomes or is likely to become a menace to public health, may provide for the enforcement of county zoning ~~resolution or~~ resolutions, ~~order and~~ orders, or regulations by means of the withholding of building, use, or occupancy permits and, for that purpose, may establish and fill ~~a~~ the position of county building commissioner, and may fix the compensation attached to that position. The position shall be subject to any merit system or civil service law in effect in



HB589 INTRODUCED

the county. From and after the establishment of the position and the filling of same, it shall be unlawful to erect, construct, reconstruct, alter, move, use, or occupy any building or other structure, or use or occupy any land, without obtaining a proper permit from the county building commissioner, ~~and, the~~ The building commissioner shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, moving, use, or occupancy fully conform to all zoning resolutions ~~or,~~ orders, and regulations then in effect. The county governing body may adopt a reasonable schedule of building, use, and occupancy permit fees to provide for a substantial portion of the cost of operating the office of the county building commissioner.

(b) (1) 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 the county under the authority of this section, including a violation of the health or welfare of a community. Any person, firm, or corporation violating any regulation, provision, or amendment, ~~shall~~ shall be guilty of a Class B misdemeanor. Each ~~and every~~ day during which illegal erection, construction, reconstruction, alteration, maintenance, use, or occupancy continues shall be deemed a separate offense. Provided, however, that prior to any criminal prosecution the county building commissioner or his or her agent shall give a



HB589 INTRODUCED

57 written notice or citation to the person, firm, or corporation
58 violating this section, stating the rule or regulation being
59 violated and notifying the person, firm, or corporation to
60 cease and desist the violation immediately, otherwise the
61 person will be prosecuted as provided for herein. In case any
62 building or structure is, or is proposed to be, erected,
63 constructed, reconstructed, altered, maintained, used, or
64 occupied or any land is, or is proposed to be, used or
65 occupied in violation of this section or of any regulation or
66 provision of any resolution, or amendment thereof, enacted or
67 adopted by the governing body of the county under the
68 authority granted by this section, the building commissioner
69 of the county in which the building, structure, or land is
70 situated, in addition to other remedies provided by law, may
71 institute injunction, mandamus, abatement, or any other
72 appropriate action or ~~actions~~, proceeding ~~or proceedings~~ in
73 his or her capacity as the building commissioner ~~which is, in~~
74 ~~his or her name as building commissioner~~, to prevent, enjoin,
75 abate, or remove the unlawful erection, construction,
76 reconstruction, alteration, maintenance, use, or occupancy
77 deemed to violate the public health and welfare of a
78 community.

79 (2) The building commissioner, in his or her capacity
80 as building commissioner, may intervene in any action, suit,
81 or other proceedings wherein there is involved any violation
82 of this section, or of any regulation or provision of any
83 resolution, or amendment thereof, enacted or adopted by the
84 governing body of the county under the authority of this



HB589 INTRODUCED

85 section, including a violation related to the public health
86 and welfare of a community. When the building commissioner so
87 intervenes, he or she shall be deemed to be, and shall be
88 treated as, an original party to the action, suit, or
89 proceedings. It is the intention of this subdivision that any
90 action, suit, or ~~proceedings~~ proceeding in which the building
91 commissioner intervenes shall proceed the same as if the
92 building commissioner had been an original party insofar as
93 any statute, act, or rule prohibiting an entire change of
94 parties is concerned. This subdivision shall apply to any
95 action, suit, or proceedings pending at the time of its
96 adoption."

97 Section 2. This act shall become effective on October
98 1, 2025.