

## SB234 INTRODUCED



1 SB234  
2 EAE62C9-1  
3 By Senator Jones (N & P)  
4 RFD: Local Legislation  
5 First Read: 18-Mar-25



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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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9 Relating to Cherokee County; to provide for the  
10 permitting, inspection, and operation of off-road vehicle  
11 parks; and to provide fines for violations.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act shall apply only to Cherokee  
14 County.

15 Section 2. For the purposes of this act, the following  
16 terms have the following meanings:

17 (1) ACCESS POINT. Any point along the entire perimeter  
18 of a park or proposed park where the park operator intends for  
19 customers to enter or exit the property by automobile,  
20 regardless of whether the point is constructed or natural.

21 (2) APPROVED ACCESS POINT. Either of the following:

22 a. A location that has previously been approved,  
23 permitted, or grandfathered through the county's driveway or  
24 access management policy and has been previously used to  
25 access the tract.

26 b. A location that has previously been used to access  
27 the tract, if the county does not have a driveway or access  
28 management policy.



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(3) OFF-ROAD VEHICLE. As defined in Section 32-8-2, Code of Alabama 1975, including, but not limited to, all-terrain vehicles, dirt bikes, or off-highway vehicles.

(4) PARK. Any privately-owned location that charges a fee to operate an off-road vehicle at the location and either hosts off-road vehicle races or meets two or more of the following criteria:

- a. Consists of more than 100 acres.
- b. Has collected over 100 separate fees for the operation of off-road vehicles in any calendar month.
- c. Has collected more than two thousand dollars (\$2,000) in fees for the operation of off-road vehicles in any calendar month.

Section 3. (a) Commencing October 1, 2025, no person may operate a park unless the person has a valid permit from the county commission.

(b) As a condition for the issuance of a park permit, the county commission may require a permit fee not to exceed fifty dollars (\$50).

(c) The county commission may not issue or renew a park permit until the person seeking a permit has submitted each of the following:

- (1) A copy of a written contract for emergency services for the proposed park.
- (2) A detailed map of the area which identifies all of the following:
  - a. The location of any tract included in the park.
  - b. Each access point from a public road to each tract.



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c. The physical boundaries of the park.

d. Each riding trail in the park.

e. Each creek, stream, or other water channel in the park.

f. Any areas in the park where off-road vehicle operations are prohibited.

(3) With respect to any access point to the tract, whether the access point is a new or approved access point, including details outlining how each access point will be accomplished while maintaining the normal drainage features on each public road.

(4) The expected routes upon public roads for travel to and from the park related to operations of the park.

(5) The estimated acreage of each tract.

(6) The estimated date that access to any public roads will commence.

(7) The name, address, and daytime telephone number of the person that operates the park and the contact information for an individual who shall act as agent for the operator.

(8) The name and address for the liability insurance carrier of the person that operates the park, if applicable.

(9) Copies of any other certifications or approvals necessary for the park to operate any other commercial activity taking place on park property but not related to off-road vehicles, including, but not limited to, certifications or approvals from the Department of Public Health, the Department of Environmental Management, or the Alabama State Law Enforcement Agency.



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(d) The county commission may not consider a park permit application before the proposed park has been inspected by the county license inspector or his or her designee. Following the inspection, the county license inspector or his or her designee shall certify to the commission whether the proposed park has satisfied the requirements of this section. If the proposed park satisfies the requirements, the commission shall approve the park. If the county license inspector determines that the proposed park is deficient in any regard, the inspector shall detail the deficiency to the commission and recommend that the application be denied. The inspector shall send a copy of any recommendation or deficiency report to the applicant.

(e) The county commission may charge a reasonable inspection fee, payable by the operator of the proposed park.

(f) The county commission may establish reasonable operating hours for parks.

(g) A permit is not required under this section for a location using off-road vehicles solely for agricultural purposes.

(h) A permit issued pursuant to this section does authorize any off-road vehicle to cross or drive on any public road.

(i) The county and the county commission shall be immune from any claims of negligence made by a third party regarding the operating of any park.

Section 4. (a)(1) The county commission may provide that a person who operates a park without a valid permit in



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violation of Section 3(a) is subject to a civil fine of not more than five thousand dollars (\$5,000) and that a person operating a park outside of the hours established by the commission pursuant to Section 3(f) is subject to a civil fine of not more than five hundred dollars (\$500).

(2) Any law enforcement officer may issue a citation alleging a violation of any provision of this act.

(3) A person charged with a violation may pay the civil fine or request, within 30 days of receipt of the citation, a due process hearing before the county commission or its hearing officer on the validity of the citation. An order of the county commission finding a violation and an assessment of a civil fine shall be final within 30 days of the finding unless appealed to the Circuit Court in Cherokee County based on the administrative record of the hearing.

(4) Any civil fine due and owing shall be considered a debt owed to the county commission and shall be enforceable by civil action in the same manner as any other debt. The person owing the fine shall be liable for all costs, including court costs and attorney fees, and all other expenses of litigation if civil action is taken to collect the fine owed. All fines collected shall be payable to the county and deposited in the county's road and bridge fund.

(b) The county commission may enjoin a person from operating a park by a civil action for the injunction brought in a court of competent jurisdiction in the county.

Section 5. (a) Any person operating a park shall follow the best management practices established by the Alabama



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141 Forestry Commission as they pertain to forested watersheds,  
142 including, but not limited to, the use of creeks, streams, and  
143 water channels, and shall be subject to inspection.

144 (b) The county commission may contract with the State  
145 Forester to provide inspectors to investigate compliance with  
146 this section.

147 (c) The county commission may charge a reasonable  
148 inspection fee, payable by the owner of the park.

149 Section 6. This act shall become effective on June 1,  
150 2025.