

HB498 ENROLLED



1 HB498
2 SLD4377-2
3 By Representative Bracy (N & P)
4 RFD: Mobile County Legislation
5 First Read: 24-Feb-26



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1 Enrolled, An Act,

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3 Relating to the City of Prichard located in Mobile
4 County; to provide for the abatement of repeat overgrown grass
5 and weed nuisances; to provide for abandoned debris on private
6 property to be declared a public nuisance under certain
7 circumstances; to provide for the abatement and removal of
8 inoperable motor vehicles as public nuisances from private
9 property; to provide the procedures for the declaration of a
10 public nuisance; to provide for the collection by the
11 municipality of the costs through the addition of the costs to
12 ad valorem taxes and for enforcement by the county tax
13 collecting official; and to provide for liens on the property
14 under certain conditions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. For the purposes of this act, the following
17 terms have the following meanings:

18 (1) ADMINISTRATIVE OFFICIAL. An individual designated
19 by the city to hear appeals for the purposes of this act. The
20 official may not be the same individual as the enforcing
21 official.

22 (2) ENFORCING OFFICIAL. The municipal official or
23 employee designated by the city to carry out the city's
24 requirements under this act.

25 (3) TAX COLLECTING OFFICIAL. The Mobile County Revenue
26 Commissioner.

27 Section 2. The Prichard City Council may declare any of
28 the following to be a public nuisance and require its



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29 abatement or removal:

30 (1) Any weed growing on a street, sidewalk, or private
31 property within the city which:

32 a. Bears seed of a wingy or downy nature;

33 b. Grows large enough to become a fire menace when dry;

34 or

35 c. Is otherwise noxious or dangerous.

36 (2) Any debris, including furniture, appliances, trash,
37 garbage, glass, metal, or tires, which is abandoned or
38 discarded on a street, sidewalk, or private property within
39 the city which:

40 a. Occupies a large area at risk of becoming a fire
41 menace;

42 b. Is a breeding ground for pests; or

43 c. Is otherwise noxious or dangerous.

44 (3)a. Any motor vehicle, trailer, recreational vehicle,
45 camper, or semitrailer that has remained on private property
46 and in view of the general public for 30 days or any greater
47 time period fixed by the city council and is inoperable.

48 b. Any motor vehicle, trailer, recreational vehicle,
49 camper, or semitrailer shall be inoperable if one of the
50 vehicle's mechanical components including the engine,
51 transmission, drive train, or wheels are missing or are
52 otherwise not functional.

53 c. An inoperable motor vehicle, trailer, recreational
54 vehicle, camper, or semitrailer may not be deemed a nuisance
55 under any of the following circumstances:

56 1. The motor vehicle has been rendered temporarily



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57 incapable of being driven under its own motor power in order
58 to perform ordinary service or repair operations.

59 2. The motor vehicle is on the premises of a place of
60 business engaged in the wrecking or junking of motor vehicles.

61 3. The motor vehicle is on the premises of a place of
62 business engaged in the storage and sale of damaged or
63 theft-recovered vehicles for insurers.

64 4. The motor vehicle is kept in an enclosed building
65 completely shielded from the view of individuals on the
66 adjoining properties.

67 Section 3. (a) (1) If the city council, or another city
68 employee designated by the city council, determines that a
69 nuisance under Section 2 exists, the enforcing official shall
70 order the owner of the property on which the nuisance is
71 located to abate the condition.

72 (2) The enforcing official shall give the owner written
73 notice in-person or by first class U.S. mail. The notice shall
74 state the facts of the alleged nuisance and require the
75 condition to be abated within the time stated in the notice or
76 the owner to request a hearing before the administrative
77 official to determine whether there has been a violation.

78 (3) The notice shall be sent to the person who was the
79 last person assessed for the payment of ad valorem tax on the
80 property where the nuisance is situated, according to county
81 records. If the person no longer owns the property, the
82 individual shall promptly notify the enforcing official of the
83 change in ownership.

84 (4) The enforcing official shall post a copy of the



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85 notice in a conspicuous place on the property.

86 (5) The notice shall inform the owner to complete the
87 abatement of the nuisance within 10 days after the date of
88 notice. The enforcing official may stipulate additional time,
89 up to 28 days, to abate the nuisance.

90 (b) (1) A property owner, within five days after the
91 notice is posted, may request a hearing before the
92 administrative official to appeal the determination of the
93 enforcing official.

94 (2) During the hearing, any interested party may
95 present evidence and testimony. The hearing shall be open to
96 the public, and a record of the proceedings shall be kept as a
97 part of the public records of the city.

98 (3) The administrative official shall render a written
99 decision on the merits of the proposed abatement within five
100 days after the conclusion of the hearing. The enforcing
101 official shall notify the owner in-person or by first class
102 U.S. mail of the determination of the administrative official.

103 (4)a. If the administrative official determines that a
104 nuisance exists and should be abated, the written
105 determination of the administrative official shall inform the
106 owner of the requirement to complete the ordered abatement
107 within 10 days after the administrative official's decision,
108 or an additional amount of time not to exceed 28 days.

109 b. If the administrative official determines that a
110 nuisance does not exist, then the enforcing official's notice
111 to abate the nuisance is void. A determination that there is
112 no nuisance shall not preclude a subsequent notice concerning



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113 the same property.

114 Section 4. (a) Any individual aggrieved by a decision
115 of the administrative official at a hearing pursuant to
116 Section 3, within 10 days after the hearing, may appeal to the
117 Circuit Court of Mobile County upon filing a notice of appeal
118 and bond for security of costs with the clerk of the court.
119 Upon the filing of the notice of appeal and approval of the
120 bond, the clerk of the court shall serve a copy of the notice
121 of appeal on the municipal clerk and the appeal shall be
122 docketed in the circuit court as a preferred case.

123 (b) The clerk of the city, upon receipt of the notice,
124 shall file with the clerk of the court a copy of the record,
125 findings, and determination of the administrative official in
126 its proceedings.

127 (c) The circuit court shall not hear or accept any
128 further evidence outside of the evidence provided in
129 subsection (b). The review shall be conducted by the court
130 without a jury. The findings of the administrative official,
131 if supported by substantial evidence, shall be conclusive on
132 appeal. If the court finds that the determination of the
133 administrative official was unlawful under this act, the court
134 may vacate or modify the determination.

135 Section 5. (a) If the owner fails, neglects, or refuses
136 to abate the nuisance within the time period required pursuant
137 to Section 3, the city council may authorize city employees or
138 contractors to enter upon the property and abate the nuisance.
139 If a person has appealed the determination of the
140 administrative official pursuant to Section 4, the city may



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141 not authorize employees or contractors to abate the nuisance
142 until a final determination or judgment is made by the circuit
143 court.

144 (b) Upon completion of the abatement work by city
145 employees or contractors, the enforcing official shall compute
146 the expenses of the city for the abatement of the nuisance,
147 including the cost of labor, value of the use of equipment,
148 advertising expenses, postage, administrative expenses, legal
149 expense, and materials purchased. The enforcement officer
150 shall deliver by first class U.S. mail an itemized statement
151 of the expenses to the last known address of the owner of the
152 property. This notice shall be sent at least five days before
153 the city council considers the assessment of the cost against
154 the property at the hearing pursuant to subsection (c).

155 (c) The city council shall establish a time for a
156 hearing regarding the itemized statement created pursuant to
157 subsection (b). The city council shall receive and consider
158 the itemized statement during the hearing together with any
159 objections raised by the owner of the property. The city
160 council may make modifications to the statement as deemed
161 necessary and may pass a resolution to assess the cost to the
162 owner. The cost stated in the resolution shall constitute a
163 lien on the property and shall be referred to as a nuisance
164 lien on the property. A nuisance lien established pursuant to
165 this act is subject to and subordinate to any mortgage or
166 security interest recorded before the recordation of the
167 nuisance lien.

168 (d) The city council shall provide a copy of the



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169 resolution to the county tax collecting official. The county
170 tax collecting official shall add the costs of the nuisance
171 lien to the next regular bill for taxes levied against the
172 property subject to the nuisance lien, and the costs shall be
173 collected and remitted to the city at the same time and in the
174 same manner as ordinary municipal ad valorem taxes are
175 collected. The nuisance lien should be subject to the same
176 penalties and the same procedure under foreclosure and sale,
177 if delinquent, as ad valorem taxes. If foreclosure and sale is
178 due to a nuisance lien, the city shall reimburse the county
179 tax collecting official for all costs associated with the
180 foreclosure and sale unless costs are collected at the time of
181 sale.

182 (e) The municipal clerk may also file a certified copy
183 of the resolution showing the nuisance lien with the office of
184 the judge of probate.

185 Section 6. When a nuisance lien is made against a lot
186 or parcel of land, a subsequent redemption by a person
187 authorized to redeem or sale of the lot or parcel by the state
188 shall not operate to discharge, or in any manner affect, the
189 nuisance lien of the city. A redemptioner or purchaser of any
190 lot or parcel of land upon which a nuisance lien has been made
191 shall take the lot or parcel subject to the nuisance lien,
192 regardless of if the redemption or purchase was before or
193 after a sale to the state for the nonpayment of taxes.

194 Section 7. Upon payment of the nuisance lien, the city
195 clerk shall notify the county tax collecting official and may
196 file a notice of satisfaction of the nuisance lien in the

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197 records of the probate court.

198 Section 8. This act shall become effective on June 1,

199 2026.



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Speaker of the House of Representatives

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 31-Mar-26.

John Treadwell
Clerk

Senate **02-Apr-26**

Passed