

HB498 INTRODUCED



1 HB498
2 SLD4377-1
3 By Representative Bracy (N & P)
4 RFD: Mobile County Legislation
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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(2) ENFORCING OFFICIAL. The municipal official or



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29 employee designated by the city to carry out the city's
30 requirements under this act.

31 (3) TAX COLLECTING OFFICIAL. The Mobile County Revenue
32 Commissioner.

33 Section 2. The Prichard City Council may declare any of
34 the following to be a public nuisance and require its
35 abatement or removal:

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

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

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

40 or

41 c. Is otherwise noxious or dangerous.

42 (2) Any debris, including furniture, appliances, trash,
43 garbage, glass, metal, or tires, which is abandoned or
44 discarded on a street, sidewalk, or private property within
45 the city which:

46 a. Occupies a large area at risk of becoming a fire
47 menace;

48 b. Is a breeding ground for pests; or

49 c. Is otherwise noxious or dangerous.

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

54 b. Any motor vehicle, trailer, recreational vehicle,
55 camper, or semitrailer shall be inoperable if one of the
56 vehicle's mechanical components including the engine,



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57 transmission, drive train, or wheels are missing or are
58 otherwise not functional.

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

62 1. The motor vehicle has been rendered temporarily
63 incapable of being driven under its own motor power in order
64 to perform ordinary service or repair operations.

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

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

70 4. The motor vehicle is kept in an enclosed building
71 completely shielded from the view of individuals on the
72 adjoining properties.

73 Section 3. (a) (1) If the city council, or another city
74 employee designated by the city council, determines that a
75 nuisance under Section 2 exists, the enforcing official shall
76 order the owner of the property on which the nuisance is
77 located to abate the condition.

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

84 (3) The notice shall be sent to the person who was the



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85 last person assessed for the payment of ad valorem tax on the
86 property where the nuisance is situated, according to county
87 records. If the person no longer owns the property, the
88 individual shall promptly notify the enforcing official of the
89 change in ownership.

90 (4) The enforcing official shall post a copy of the
91 notice in a conspicuous place on the property.

92 (5) The notice shall inform the owner to complete the
93 abatement of the nuisance within 10 days after the date of
94 notice. The enforcing official may stipulate additional time,
95 up to 28 days, to abate the nuisance.

96 (b) (1) A property owner, within five days after the
97 notice is posted, may request a hearing before the
98 administrative official to appeal the determination of the
99 enforcing official.

100 (2) During the hearing, any interested party may
101 present evidence and testimony. The hearing shall be open to
102 the public, and a record of the proceedings shall be kept as a
103 part of the public records of the city.

104 (3) The administrative official shall render a written
105 decision on the merits of the proposed abatement within five
106 days after the conclusion of the hearing. The enforcing
107 official shall notify the owner in-person or by first class
108 U.S. mail of the determination of the administrative official.

109 (4)a. If the administrative official determines that a
110 nuisance exists and should be abated, the written
111 determination of the administrative official shall inform the
112 owner of the requirement to complete the ordered abatement



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113 within 10 days after the administrative official's decision,
114 or an additional amount of time not to exceed 28 days.

115 b. If the administrative official determines that a
116 nuisance does not exist, then the enforcing official's notice
117 to abate the nuisance is void. A determination that there is
118 no nuisance shall not preclude a subsequent notice concerning
119 the same property.

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

129 (b) The clerk of the city, upon receipt of the notice,
130 shall file with the clerk of the court a copy of the record,
131 findings, and determination of the administrative official in
132 its proceedings.

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



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141 Section 5. (a) If the owner fails, neglects, or refuses
142 to abate the nuisance within the time period required pursuant
143 to Section 3, the city council may authorize city employees or
144 contractors to enter upon the property and abate the nuisance.
145 If a person has appealed the determination of the
146 administrative official pursuant to Section 4, the city may
147 not authorize employees or contractors to abate the nuisance
148 until a final determination or judgment is made by the circuit
149 court.

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

161 (c) The city council shall establish a time for a
162 hearing regarding the itemized statement created pursuant to
163 subsection (b). The city council shall receive and consider
164 the itemized statement during the hearing together with any
165 objections raised by the owner of the property. The city
166 council may make modifications to the statement as deemed
167 necessary and may pass a resolution to assess the cost to the
168 owner. The cost stated in the resolution shall constitute a



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169 lien on the property and shall be referred to as a nuisance
170 lien on the property. A nuisance lien established pursuant to
171 this act is subject to and subordinate to any mortgage or
172 security interest recorded before the recordation of the
173 nuisance lien.

174 (d) The city council shall provide a copy of the
175 resolution to the county tax collecting official. The county
176 tax collecting official shall add the costs of the nuisance
177 lien to the next regular bill for taxes levied against the
178 property subject to the nuisance lien, and the costs shall be
179 collected and remitted to the city at the same time and in the
180 same manner as ordinary municipal ad valorem taxes are
181 collected. The nuisance lien should be subject to the same
182 penalties and the same procedure under foreclosure and sale,
183 if delinquent, as ad valorem taxes. If foreclosure and sale is
184 due to a nuisance lien, the city shall reimburse the county
185 tax collecting official for all costs associated with the
186 foreclosure and sale unless costs are collected at the time of
187 sale.

188 (e) The municipal clerk may also file a certified copy
189 of the resolution showing the nuisance lien with the office of
190 the judge of probate.

191 Section 6. When a nuisance lien is made against a lot
192 or parcel of land, a subsequent redemption by a person
193 authorized to redeem or sale of the lot or parcel by the state
194 shall not operate to discharge, or in any manner affect, the
195 nuisance lien of the city. A redemptioner or purchaser of any
196 lot or parcel of land upon which a nuisance lien has been made



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197 shall take the lot or parcel subject to the nuisance lien,
198 regardless of if the redemption or purchase was before or
199 after a sale to the state for the nonpayment of taxes.

200 Section 7. Upon payment of the nuisance lien, the city
201 clerk shall notify the county tax collecting official and may
202 file a notice of satisfaction of the nuisance lien in the
203 records of the probate court.

204 Section 8. This act shall become effective on June 1,
205 2026.