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# Limited Self-Governance Act

- Senate Bill 129 signed into law after passing both House and Senate
  - Is not effective in any county until approved by local referendum
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# Limited Self-Governance Act

- Vote will only be by those residing in unincorporated areas
  - Referendum cannot take place until at least June of 2006
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# Limited Self-Governance Act

- The local referendum is held ONLY in the unincorporated portion of the county
  - ONLY those residents in the unincorporated area of the county may vote on the question
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# Limited Self-Governance Act

- Election is called:
    - By resolution of the county commission
    - By petition of 10 percent of the qualified voters from the unincorporated area
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# Limited Self-Governance Act

- Election can only be during primary, regular or special election held for another purpose
  - The ballot question is “whether the powers authorized under the act shall be effective in the county”
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# Limited Self-Governance Act

- Separate vote is NOT taken on each one of the powers granted in the act
  - Election in each county can only be held once every 48 months
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# Limited Self-Governance Act

- The county commission or citizens signing a petition may also call an election repealing the application of the act, no sooner than 48 months after the initial approval is granted.
  - Otherwise the election is held under general Alabama election laws
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# Limited Self-Governance Act

- After an affirmative vote, the county is authorized to exercise the powers outlined in the act in order to provide for or control:

“its property and affairs”

“public welfare, health and safety”

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# Limited Self-Governance Act

- Powers for the protection of “welfare, health and safety” are restricted to:
    - “abatement of weeds”
    - control of “litter” or “rubbish”
    - control of “animals and animal nuisances”
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# Limited Self-Governance Act

- Powers for the protection of “welfare, health and safety” are restricted to:
    - “junkyard control”
    - “abatement of noise, unsanitary sewage or pollution”
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# Limited Self-Governance Act

- The Act includes references to Alabama code sections that include definitions of weeds, animal nuisances, litter, rubbish and other terms
  - Act specifically says powers cannot be exercised inside a city unless the city authorizes the county to act on its behalf
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# Limited Self-Governance Act

- Powers in the Act cannot be used to:
    - Raise or levy taxes
    - Establish Planning and Zoning
    - Regulate utilities, railroads, landfills or other companies regulated by a number of named agencies
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# Limited Self-Governance Act

- Powers in the Act cannot be used to:
    - Regulate the state's court system, cities, schools or pari-mutuel betting
    - Regulate civil or private law or expend public money on private property
    - Violate property rights
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# Limited Self-Governance Act

- Powers in the Act cannot be used to:
    - Regulate a farm operation that is not determined to be a nuisance by other sections of Alabama law
    - Regulate a properly permitted mining operations
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# Limited Self-Governance Act

- Implementation of Powers:
    - Commission adopts “ordinances” to implement the act
    - Commission publishes notice of the proposed ordinances before vote
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# Limited Self-Governance Act

- Implementation of Powers:
  - Ordinances must include a provision that those cited for violating the ordinances be notified that they can appeal to the commission



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# Limited Self-Governance Act

- Implementation of Powers:
  - Ordinance Power may be used to establish “administrative fees” that do not exceed the cost of implementation and enforcement of the ordinances



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# Limited Self-Governance Act

- Implementation of Powers:
    - Assessments and fees for services can only be charged if the services are provided to the person or the property
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# Limited Self-Governance Act

- Implementation of Powers:
    - County Commission may “establish and enforce administrative and civil penalties, including fines” for the enforcement of its ordinances
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# Limited Self-Governance Act

- Implementation of Powers:
    - Fines capped at \$150 per day, not to exceed a total of \$5,000
    - All fines and penalties must be paid into the county general fund and earmarked for administration of the program
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