

Self Governance in Alabama

The legislation, as passed by the Alabama Legislature, only deals with nuisance abatement in the unincorporated portion of a county and only in the following defined areas:

- Weeds
- junkyards
- litter and rubbish
- noise
- pollution
- unsanitary sewage
- animal control

I THOUGHT "HOME RULE" INCLUDED TAXING AUTHORITY

This legislation does not include any authority in the two areas usually associated with the term "home rule". This bill does not grant any authority to levy taxes or to establish a planning and zoning program. These statements are actually in the bill in two different places, just to make sure!

WHAT HAPPENS NOW?

1. The commission has the authority to hold a referendum on the application of the act. The vote can also be called by a petition of the citizens. Only those citizens in the unincorporated area can sign the petition and only those unincorporated residents can vote on the matter.
2. If the referendum passes, the commission will then enter into a process of adopting "ordinances" to implement the act. The ordinances must be advertised and subject to public hearings and must include provisions for notice to those accused of violating the ordinances and an appeals process to the county commission BEFORE the matter goes to any court of law.
3. Following this process, the commission will take steps to respond to any nuisances under the subject areas listed above. The act references existing statutory definitions of nuisance, weed, junkyard, litter, and rubbish in order to reduce confusion and disagreement.

WHERE DOES THE COMMISSION HAVE AUTHORITY TO TAKE ACTION?

The legislation specifically prohibits the county from taking any actions inside a city's limits. The concept behind the bill is that only voters in the unincorporated area should vote and the commission should only exercise the powers in the unincorporated areas.

IS THERE PROTECTION FOR FARMS, CITIES, INDUSTRY?

The list of actions the commission cannot take is actually much longer than the list of powers that can be exercised. This ensures that the commission cannot take actions against:

- Any business activity that is regulated by:
 - Alabama Public Service Commission
 - Alabama Department of Environment Management
 - Department of Agriculture and Industries

- Any action affecting:
 - Public schools
 - Courts
 - Gambling
 - Municipalities
 - "Private or civil relationships"
 - Utilities
 - Existing agricultural, manufacturing, or industrial operations
 - Property Rights
 - Mining operations

WHAT ABOUT THE FEES?

The commission cannot charge a fee that is more than the "actual" cost of providing a service. It also clearly states that the fee cannot be charged against a property or person to which the service is not made available.

WHAT ABOUT THE FINES?

Fines are limited to \$150 per violation. The ordinance section also provides for notice to all those who are violating an ordinance and an opportunity for those affected to appeal to the commission.

WHAT IF THE VOTERS AREN'T HAPPY?

The bill provides a process for the voters to sign a petition to call a vote on repealing the powers.