

Counties get ¹⁹⁰⁹ 'lite home rule,' if voters approve

Riley is expected to sign legislation soon.

By Andy Powell
Times Staff Writer

Limited home rule for counties in Alabama — dubbed "lite home rule" — was passed by the Alabama Legislature during its recently completed session but any additional authority the counties might gain will still have to be approved by voters.

The bill, called the Limited Self Governance Act, is expected to be signed soon by Gov. Bob Riley.

It gives counties the authority to provide for the "public welfare, health and safety" in several areas, including weed abatement, litter rubbish, trash control, junkyard control, public water and sewer or public water and sewer systems, noise abatement and animal control.

But the bill specifically prohibits counties from having the authority to raise revenue or from implementing zoning regulations.

However, to gain additional authority a referendum must be held in conjunction with a scheduled election or if there is a special election on another issue.

According to the legislation, the referendum can be called by the County Commission or if a petition requesting an election is signed by 10 percent of the registered voters in the unincorporated areas of a county is submitted to the probate judge.

The vote would only be by people living in unincorporated areas.

The bill also prohibits commissioners whose district has less than 10 percent of its population living in an unincorporated area from voting on whether or not to call a referendum.

Etowah County Chief Executive Officer Harry Still III said he would be talking with the commission about the bill but that areas of interest for the county likely would include weed control, nuisance abatement and junkyard control.

In nuisance abatement, if there is a dilapidated structure that is a health or safety hazard, the commission could hire someone to clean up the site and then put a lien on the property so if it was ever sold, the county could get its money back.

Still said junkyard abatement and weed abatement are two areas that affect a number of people.

The county is already involved in some of the areas, such as litter control and public transportation.

Still, who is a supporter of home rule for counties, said the bill is "very, very limited home rule."

In preparing a strategic plan for the county, he said, the

COUNTIES continued on A3

Counties

Continued from A1

areas where the commission can gain authority would be considered.

Still said he still has some questions about the bill and that the commission will likely have a number of meetings to discuss the areas in which it would want to seek more authority.

It could cost the county more money to enforce regulations in some areas, according to Still.

The commission may impose

fines that may not exceed \$150 per offense.

Buddy Sharpless, executive director of the Association of County Commissioners of Alabama, said the association is studying the legislation that passed and likely will prepare some suggested wording on how counties might want to begin implementing the legislation.

Sharpless said the bill is a far cry from complete home rule, which some counties have wanted, that is similar to the powers enjoyed by cities. Commissions must get a local act passed by the Legislature giving

them additional authority in specific areas.

He described the legislation that was approved as "maybe two slices out of a whole loaf."

Sharpless said the association tried to steer away from calling it "home rule" for counties and described it as health and safety legislation. One member enjoyed calling the legislation "lite home rule."

"Basically all it is is nuisance abatement," Sharpless said.

The legislation also includes exceptions of areas where the county will not have any additional author-

ity. County commissions, even if granted the authority in a referendum, cannot act in areas controlled by the Public Safety Commission or the Alabama Department of Environment Management.

Other exceptions are the areas controlled by Department of Agriculture and Industries, the court system, public school systems, gambling, property in city limits, regulation over water, sewer, electricity, gas or telecommunications, manufacturing or industrial plants or farming operations.

"When you think about it, you get

pretty narrow," Sharpless said.

For example, the commission could pass regulations that deal with lots in a rural subdivision that are overgrown that could be a breeding ground for snakes. Sharpless said commissions could also pass regulations banning "white goods cemeteries" — lots where old refrigerators, washing machines or freezers are kept, which could be a public nuisance. Counties also could pass noise ordinances.

Sharpless said the legislation is a "little door opening," and that perhaps in the future county commis-

sions could get additional power from the Legislature.

He indicated the new authority could help in counties that are seeing growth in rural areas. People living in rural areas will complain to the commission about nuisances and ask the commission to do something.

"As the rubs pop up, that's where you'll see it being addressed," Sharpless said, "particularly in growth areas where the population is jumping out into the unincorporated areas and they want some urban-type services."