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Five counties use law to control nuisances

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MONTGOMERY -- Five Alabama counties are making the first use of a home rule law that allows them to exercise new controls over litter, weeds, junkyards and dangerous animals.

During the primary election June 6, voters in Mobile, Autauga, Dallas, Jackson and Marshall counties approved limited home rule for their counties.

So far, identical votes are scheduled for Escambia, Bibb and DeKalb counties in the general election on Nov. 7, the *Press-Register* reported Tuesday.

The success of the votes June 6 is significant because giving more authority to counties is always part of the debate when the Legislature discusses rewriting Alabama's constitution.

"The rhetoric has always been that county governments can't be given any more power," said Sonny Brasfield, spokesman for the Association of County Commissions of Alabama.

Brasfield's group worked with Gov. Bob Riley and the Legislature in 2005 to pass a law that allows a county commission to get limited home rule so that it doesn't have to go to the Legislature for authority to address every issue.

The new law gives counties authority to control nuisances such as noise, unsanitary sewage, litter, overgrown weeds, junkyards and animals outside of cities. They can't address property taxes or zoning.

A county commission can't use the new powers unless it votes to put the issue on the ballot and voters in unincorporated areas of the county approve it in a referendum.

The primary election was the first chance for counties to make use of the 2005 law.

The next step after the public referendum is for a county to enact ordinances. That involves advertising the proposals and holding public hearings. The commissioners don't have to consider ordinances on every provision in the law.

Autauga County Commissioner Michael Morgan said the new authority is needed to address real-life situations, including one person who started raising hogs in his back yard and another who turned his lawn into a junkyard.

Unlike counties, cities don't have to go to the Legislature to address many issues involving health and safety because the constitution does not place the same restrictions on them that counties have, Brasfield said.
