

1 HB340  
2 156027-1  
3 By Representatives McMillan and Williams (D)  
4 RFD: County and Municipal Government  
5 First Read: 22-JAN-14

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8 SYNOPSIS: Under existing general law, all  
9 municipalities may abate overgrown grass or weeds  
10 as a nuisance and the cost of the abatement may be  
11 assessed against the property as a weed lien. The  
12 procedures generally provide for notice on the  
13 property and notice to the owner. Thereafter, the  
14 owner may request a hearing before the council and  
15 the council is required to approve the abatement.

16 This bill would authorize municipalities by  
17 ordinance to adopt alternate procedures to declare  
18 overgrown grass or weeds to be a public nuisance  
19 and abated after a previous abatement procedure  
20 under the existing law for the same property has  
21 been followed. Thereafter, the costs may be  
22 assessed against the property in the same manner as  
23 provided above.

24 The bill would also provide exceptions.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

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3 Relating to municipalities; authorizing  
4 municipalities to adopt alternate procedures to abate  
5 overgrown grass and weeds as a public nuisance and abated  
6 after a previous abatement procedure under the existing law  
7 for the same property has been followed; providing for the  
8 assessment of the costs of abatement as a weed lien; and to  
9 provide exceptions under certain conditions.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. (a) In the case of any overgrown grass or  
12 weeds which may be abated pursuant to Article 2, commencing at  
13 Section 11-67-20, of this chapter, or Article 4, commencing at  
14 Section 11-67-60, of Chapter 67 of Title 11 of the Code of  
15 Alabama 1975, a municipality may adopt procedures different  
16 from the procedures provided in Article 2 or Article 4 to  
17 declare overgrown grass or weeds to be a public nuisance and  
18 abated pursuant to the procedures provided in the ordinance  
19 which will apply only if overgrown grass or weeds have been  
20 previously declared to be a public nuisance, abated, a lien  
21 has been filed on the same property pursuant to Article 2 or  
22 Article 4.

23 (b) After the abatement of any overgrown grass or  
24 weeds pursuant to the procedures provided in the ordinance  
25 adopted pursuant to this section, the reasonable costs of  
26 abatement shall be assessed and collected as a weed lien in  
27 the same manner as provided in Section 11-67-66. The

1 municipality may assess the reasonable costs authorized  
2 against any lot or lots or parcel or parcels of land purchased  
3 by the State of Alabama or any purchaser at any sale for the  
4 nonpayment of taxes, and where an assessment is made against a  
5 lot or lots or parcel or parcels of land, a subsequent  
6 redemption thereof by a person authorized to redeem or the  
7 sale thereof by the state shall not operate to discharge, or  
8 in any manner affect the lien of the municipality for the  
9 assessment. A person redeeming the property or purchaser at a  
10 sale by the state of any lot or lots or parcel or parcels of  
11 land upon which an assessment has been levied, whether prior  
12 to or subsequent to a sale to the state or purchaser for the  
13 nonpayment of taxes, shall take the same subject to the  
14 assessment.

15 (c) This section shall not apply to any Class 7  
16 municipality or any other municipality which has adopted  
17 alternate procedures for the abatement of overgrown grass or  
18 weeds prior to the effective date of this act pursuant to a  
19 law in effect prior to the effective date of this act.

20 Section 2. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law.