1    SB295

2    190399-1

3    By Senators Holtzclaw, Orr, Melson and Livingston

4    (Constitutional Amendment)

5    RFD: Local Legislation, Madison County

6    First Read: 08-FEB-18

1    190399-1:n:02/05/2018:AHP/tj LSA2018-360

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8    SYNOPSIS:         This bill would propose a local amendment to

9                     the Constitution of Alabama of 1901, relating to

10                     Madison County and the areas outside of the

11                     corporate limits of any municipality, to authorize

12                     the Madison County Commission to adopt and enforce

13                     ordinances or resolutions to limit and restrict

14                     noise levels and public nuisances caused by

15                     excessive noise levels, and would authorize

16                     criminal penalties.

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18                             A BILL

19                          TO BE ENTITLED

20                             AN ACT

21

22           Proposing an amendment to the Constitution of

23    Alabama of 1901, relating only to the areas of Madison County

24    outside of the corporate limits of any municipality, to

25    authorize the Madison County Commission to adopt and enforce

26    ordinances or resolutions to limit and restrict noise levels

1    and public nuisances caused by excessive noise levels; and to

2    authorize criminal penalties for violations.

3    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4        Section 1. The following amendment to the

5    Constitution of Alabama of 1901, is proposed and shall become

6    valid as a part of the Constitution when all requirements of

7    this act are fulfilled:

8                    PROPOSED AMENDMENT

9        (a) This amendment shall apply only to portions of

10   Madison County outside the corporate limits of any

11   municipality.

12       (b) The purpose of this amendment is to protect and

13   to provide for the health, safety, and welfare of the citizens

14   of Madison County, and to promote commerce, property

15   enjoyment, quality of life, and quality of the environment by

16   authorizing the Madison County Commission to adopt, amend, and

17   enforce ordinances or resolutions to limit noise levels and to

18   regulate public nuisances caused by noise levels in order to

19   minimize the exposure of its citizens to the physiological and

20   psychological dangers of excess noise.

21       (c) The Madison County Commission may adopt and

22   amend ordinances or resolutions applicable in the

23   unincorporated areas of Madison County to prohibit excessive

24   noise; to regulate, limit, and control noise levels; to

25   control public nuisances caused by excessive noise levels; and

26   to provide criminal penalties for violations. These ordinances

27   and resolutions shall be enforceable in any court of competent

1    jurisdiction within the county. Notwithstanding the foregoing,

 2    no ordinance or resolution may be adopted to restrict noise

 3    produced in the ordinary course of business by industrial

 4    manufacturing, or farming facilities or activities.

 5            (d) The Madison County Commission may provide

 6    criminal penalties for violation of the ordinance or

 7    resolution adopted pursuant to this amendment not to exceed

 8    the penalties for a Class C misdemeanor.

 9            Section 2. An election upon the proposed amendment

10    shall be held in accordance with Sections 284 and 284.01 of

11    the Constitution of Alabama of 1901, now appearing as Sections

12    284 and 284.01 of the Official Recompilation of the

13    Constitution of Alabama of 1901, as amended, and the election

14    laws of this state.

15            Section 3. The appropriate election official shall

16    assign a ballot number for the proposed constitutional

17    amendment on the election ballot and shall set forth the

18    following description of the substance or subject matter of

19    the proposed constitutional amendment:

20            "Relating to Madison County and the areas outside

21    the corporate limits of any municipality, proposing an

22    amendment to the Constitution of Alabama of 1901, to authorize

23    the county commission to adopt ordinances or resolutions to

24    prohibit excess noise, to regulate, limit, and control excess

25    noise levels, and to control public nuisance caused by excess

26    noise levels in the unincorporated areas of Madison County and

1    to authorize penalties not to exceed the penalties for a Class

2    C misdemeanor."

3            "Proposed by Act _____."

4            This description shall be followed by the following

5    language:

6            "Yes ( )  No ( )."