

1 HB206
2 196523-2
3 By Representative Lawrence (N & P)
4 RFD: Local Legislation
5 First Read: 19-MAR-19

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Lowndes County; to authorize the county
14 commission to require properties to connect to public sanitary
15 sewerage systems where available; and where a public sewerage
16 system is not available, to authorize the county commission,
17 through the county health department, to require properties to
18 connect to private disposal systems conforming to the rules of
19 the State Board of Health.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) (1) The Lowndes County Commission may
22 compel the connection of existing positive outlets, privies,
23 water closets, and septic tanks situated in the unincorporated
24 areas of Lowndes County to any available public sewerage
25 system, whether publicly or privately owned, within 90 days
26 after receiving official notice to do so.

1 (2) Where a public sewerage system is not available,
2 the county commission, through the county health department,
3 shall compel the connection of all existing positive outlets,
4 privies, water closets, and septic tanks situated in the
5 unincorporated areas of Lowndes County to private disposal
6 systems conforming to the rules of the State Board of Health.

7 (b) The notice required in subdivision (a)(1) shall
8 cite this subsection as the authority for the actions to be
9 taken, shall provide the name and telephone number of a person
10 employed by the county who may be contacted regarding the
11 notice, and shall be signed by an officer or employee of the
12 county as designated by the county commission.

13 (c) In the case of failure of the property owner to
14 connect after reasonable notice from the county, as provided
15 above, the county may connect the existing positive outlets,
16 privies, water closets, and septic tanks with the sewerage
17 system and the expense shall be assessed against the property,
18 and the cost thereof shall be a lien upon the property in
19 favor of the county, superior to all other liens, to be
20 collected as other debts are collected or liens are enforced.

21 (d) When connections are made by the county under
22 this section, the county shall prepare a statement in writing
23 setting forth the name of the owner and a description of the
24 property upon which the improvements have been made, together
25 with the cost of the sanitary sewer connection, and the
26 statement shall be signed by the presiding officer of the
27 county commission and filed with the judge of probate in the

1 county for recording in the mortgage records of the county.
2 The filling of the statement shall operate as notice of the
3 lien from the date of its filing.

4 (e) The provisions of this section may be enforced
5 by the Circuit Court of Lowndes County by an action brought by
6 the county health department or the county commission seeking
7 an injunction or other proper remedy.

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.