

HB409 INTRODUCED



1 HB409

2 3PWLBVV-1

3 By Representatives Bedsole, Paschal (N & P)

4 RFD: Shelby County Legislation

5 First Read: 10-Feb-26



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4 A BILL
5 TO BE ENTITLED
6 AN ACT

9 Relating to the City of Alabaster; to provide for the
0 abatement of plants which become a nuisance under certain
1 conditions; to provide for notice to property owners; to
2 provide for the assessment of costs for abatement; to provide
3 for the collection of costs; and to provide for liens in
4 certain circumstances.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) The Mayor of the City of Alabaster shall
17 designate a city official or employee to serve as the
18 enforcing official for public nuisances related to plants in
19 the city.

20 (b) The enforcing official may serve written notice
21 upon the owner of any property in the city informing the owner
22 that a nuisance is located on the property and ordering the
23 abatement of the nuisance.

24 (c) (1) The written notice shall require the owner to
25 complete the abatement of the nuisance within 14 days from
26 service of the notice. Upon finding that the difficulty of the
27 abatement or other unusual factors necessitate additional
28 time, the enforcing official may provide the owner up to 28



29 days from service of the notice to complete the abatement.

30 (2) The written notice shall notify the owner that, in
31 lieu of completing the abatement within the time stated in the
32 notice, the owner may appear at a hearing before the
33 administrative official to determine whether the conditions on
34 the property constitute a public nuisance that should be
35 abated. The owner shall notify the enforcing official of the
36 owner's intent to appear at the hearing within five days of
37 service of the written notice. The hearing shall take place at
38 least 10 days after service of the written notice.

39 (3) The written notice shall apprise the owner of the
40 facts of the alleged nuisance, including a description or
41 address of the property that provides reasonable notice of its
42 location; the address of the enforcing official; and the date,
43 time, and place of the hearing before the administrative
44 official.

45 (d) (1) The enforcing official, on or before the date of
46 service of the written notice on the owner, shall post the
47 written notice in a conspicuous place on the property on which
48 the nuisance is located.

49 (2) The enforcing official shall serve the owner with
50 the written notice in one of the following methods:

51 a. By hand delivering it to the owner.

52 b. By mailing it to the owner at the owner's last known
53 address by first class mail.

54 c. By leaving it at the owner's residence or place of
55 business with an individual of suitable age and discretion
56 residing or employed at that location.



57 d. If the owner is not an individual, by delivering it
58 to an agent of the owner.

59 (3) Service by first class mail is complete upon
60 mailing.

61 (e) (1) The enforcing official may rely upon information
62 appearing on record in the office of the county tax collector,
63 tax assessor, or revenue commissioner to establish the
64 identity of any owner of property and to establish the owner's
65 last known address. Use of this information shall be deemed
66 conclusive and sufficient proof of the information.

67 (2) The enforcing official may use any additional means
68 of providing notice that he or she deems appropriate,
69 including, but not limited to, posting notice in one or more
70 public places within the city or publishing notice in a
71 newspaper of general circulation in the city.

72 Section 2. (a) The city council shall designate an
73 individual other than the enforcing official to serve as the
74 administrative official for the purposes of this act.

75 (b) Upon receipt of an owner's intent to appear at a
76 hearing, the administrative official shall suspend the order
77 to abate.

78 (c) The administrative official, upon agreement with
79 the owner, may reschedule the hearing or continue the hearing
80 for good cause.

81 (d) A hearing held pursuant to this act shall be open
82 to the public. Any interested party may present evidence or
83 testimony. The city shall keep a record of the proceedings as
84 part of the city's public records.



85 (e) Within five days after the conclusion of a hearing,
86 the administrative official shall render a written decision on
87 the merits of the proposed abatement. The administrative
88 official shall deliver the written decision to the owner and
89 the enforcing official by personal service or by first class
90 mail.

91 (f) If the administrative official determines that a
92 nuisance does not exist, the notice to abate is void. The
93 determination does not bar any subsequent public nuisance
94 notice at the same property.

95 (g) If the administrative official determines that a
96 nuisance does exist, the written decision shall inform the
97 owner that the nuisance must be abated within 14 days from
98 service of the determination. Upon finding that the difficulty
99 of the abatement or other unusual factors necessitate
100 additional time, the administrative official may provide the
101 owner up to 28 days from service of the determination to
102 complete the abatement.

103 (h) An owner, within 10 days after receipt of a
104 determination, may appeal the determination to the circuit
105 court by filing with the circuit court clerk a notice of
106 appeal and bond for security of costs in the form and amount
107 approved by the circuit clerk. Upon receipt of an adequate
108 notice of appeal and bond, the circuit clerk shall serve a
109 copy of the notice of appeal on the city clerk and the appeal
110 shall be docketed in the circuit court and shall be a
111 preferred case. Upon receipt of the notice, the city clerk
112 shall file with the circuit clerk a copy of the finding and



113 determination of the administrative official. Any trial shall
114 be held without a jury.

115 Section 3. (a) If a nuisance is not abated within the
116 time permitted by the enforcing official's non-suspended
117 notice or, following a hearing attended by the owner, within
118 the time permitted by the administrative official's
119 determination, then the city may enter upon the property and
120 abate the nuisance or contract for the abatement of the
121 nuisance. However, if an appeal has been filed pursuant to
122 this act, then the city may not abate the nuisance until the
123 determination or judgment authorizing abatement becomes final
124 as provided by law.

125 (b) Upon completion of abatement work by or under
126 contract with the city, the enforcing official shall create an
127 itemized list of the city's expenses in abating the nuisance,
128 including, but not limited to, the cost of labor, value of the
129 use of equipment, advertising expenses, postage,
130 administrative expenses, legal expenses, or materials
131 purchased.

132 (c) The itemized statement and a notice of the time
133 fixed by the city council to consider the assessment of the
134 costs against the property shall be sent by first class mail
135 to the last known address of the owner of the property at
136 least five days before the fixed time.

137 (d) At the fixed time, the city council shall receive
138 and consider the itemized statement and any objections which
139 may be raised by the owner of the property. The council may
140 modify the statement as necessary. Following all due



141 consideration, the council may adopt a resolution assessing
142 the appropriate costs. The costs stated in the resolution
143 shall constitute a lien on the property and shall be referred
144 to as a weed lien on the property.

145 (e) The city council shall provide a copy of any
146 resolution adopted pursuant to this section to the county
147 revenue commissioner. The county revenue commissioner shall
148 add the costs of the weed lien to the next regular bill for
149 taxes levied against the property subject to the weed lien,
150 and the costs shall be collected and remitted to the city at
151 the same time and in the same manner as ordinary municipal ad
152 valorem taxes are collected and remitted. The weed lien shall
153 be subject to the same penalties and the same procedure under
154 foreclosure and sale in the case of delinquency as ordinary
155 municipal ad valorem taxes. However, in a foreclosure and sale
156 resulting solely due to a delinquency caused by a weed lien,
157 the city shall reimburse the county for all costs associated
158 with the foreclosure and sale unless the costs are collected
159 at the time of the sale as part of the sale.

160 Section 4. When a weed lien has been filed with the
161 revenue commissioner against a lot or parcel of land pursuant
162 to this act, a subsequent redemption of the lot or parcel by a
163 person authorized to redeem, or a sale of the lot or parcel by
164 the state, shall include payment of any outstanding weed lien.
165 Upon full payment of a weed lien as part of a redemption or
166 sale, the lien shall be extinguished. If a weed lien is not
167 paid as part of a redemption or sale, it shall remain a valid
168 and enforceable lien against the property until satisfied.



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169 Section 5. This act shall become effective on October
170 1, 2026.