

HB192 INTRODUCED



1 HB192

2 6JH231-1

3 By Representatives Givan, Sellers, Moore (M) (N & P)

4 RFD: Jefferson County Legislation

5 First Read: 20-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to provide that the Jefferson County Commission may adopt ordinances prohibiting noise disturbances and nuisance vehicles as public nuisances in unincorporated residential areas of the county; to provide definitions for "noise disturbance" and "nuisance vehicle"; and to further provide for collection of civil fines or nuisance abatement for violation of the ordinances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following words have the following meanings:

(1) BOUNDARY LINE. Any line that distinguishes ownership or possession of real property, including a survey line separating lots, or a common wall or ceiling or floor within a building with more than one dwelling such as a duplex, condominium, apartment, or townhouse, and extending outside to any feature such as a fence, hedge, path or walkway, or ditch that is shared by at least two dwellings.

(2) COMMERCIAL VEHICLE. Any of the following:

a. A bus, truck, or van with a gross vehicle weight rating of more than 10,000 pounds.



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29 b. A pole trailer, semitrailer, or trailer, as those
30 terms are defined in Section 32-1-1.1, Code of Alabama 1975.

31 (3) dBA. Sound level as measured by A-weighted decibel
32 units.

33 (4) NOISE DISTURBANCE. a. Any of the following
34 conditions:

35 1. When an individual plays any electronic device for
36 emitting sound in any of the following ways:

37 (i) The source of the sound is in a moving or
38 stationary vehicle and the volume is plainly audible at a
39 distance of 25 feet or more from the source of the sound.

40 (ii) The source of the sound is on any road, street,
41 sidewalk, parking lot, park, or common area, and the volume is
42 plainly audible at a distance of 25 feet or more from the
43 source of the sound.

44 (iii) The volume is plainly audible across at least one
45 boundary line from the source of the sound.

46 2. When an individual, having the right to control the
47 source of the sound, causes or permits the sound to continue
48 for one minute or more such that the sound measures at the
49 boundary line nearest its source at the following levels:

50 (i) At 85 dBA or more between the hours of 6 a.m. and 9
51 p.m.

52 (ii) At 60 dBA or more between the hours of 9 p.m. and
53 6 a.m.

54 3. When an individual in control of a vehicle causes or
55 permits the sound from the vehicle to continue for one minute
56 or more such that the sound measures at 85 dBA or more at the



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57 exterior of the vehicle.

58 4. When an individual, having the right to control the
59 source of the sound, causes or permits any sound between the
60 hours of 9 p.m. and 6 a.m., which is not continuous but
61 repeats at intervals within a period of at least one half hour
62 such that a reasonable individual located across at least one
63 boundary line from the source would be disturbed in the
64 enjoyment of his or her property.

65 b. The term does not include any of the following sound
66 sources:

67 1. Any equipment operated by any police, fire
68 department, rescue squad, ambulance, or other emergency
69 response service.

70 2. Any school-related activity, including sound
71 incidental to the start and end of a school day, recess, bells
72 and alarms, athletic training, band, orchestra, dance,
73 concert, or sporting event.

74 3. Any construction-related activity, including
75 demolition, excavation, filling, grading, delivery of
76 materials, operation of machinery and power equipment, and
77 building, assembly, and installation.

78 4. Any home or vehicle security system or alarm,
79 provided that the individual in control of the system or alarm
80 silences the system or alarm as soon as is reasonably
81 possible.

82 5. Any lawn mower or domestic power tool operated
83 between the hours of 6 a.m. and 9 p.m.

84 6. Any electric generator in the case of a power



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113 garage or behind a residence when it is not in use.

114 5. Any parked vehicle operated by a police, fire
115 department, rescue squad, or ambulance service, pursuant to an
116 emergency or incident response.

117 6. Any parked vehicle operated by a public utility
118 pursuant to providing utility services.

119 7. Any commercial vehicle that is temporarily parked to
120 load or unload, or is used in support of providing a repair,
121 delivery, installation, or maintenance service.

122 (6) PARKING. Leaving a vehicle stationary and
123 unoccupied for any length of time, regardless of all of the
124 following factors:

125 a. The individual who left the vehicle intends to move
126 the vehicle or abandon it.

127 b. The vehicle is capable of being moved without repair
128 or towing.

129 c. The vehicle's registration is current.

130 (7) RECREATIONAL VEHICLE. Any vehicle, regardless of
131 gross vehicle weight rating, used for non-commercial
132 recreational purposes such as a motor home, travel trailer,
133 fifth wheel trailer, camping trailer, or truck camper as those
134 terms are defined in Section 8-21C-2, Code of Alabama 1975.

135 (8) RESIDENTIAL AREA. Any real property within an area
136 that has a zoning classification beginning with 'R-'.

137 Section 2. (a) The Jefferson County Commission may
138 adopt for the residential area within Jefferson County and
139 outside of the corporate limits of any municipality both of
140 the following:



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141 (1) An ordinance prohibiting any individual from
142 causing or permitting any noise disturbance.

143 (2) An ordinance prohibiting any person from parking a
144 nuisance vehicle.

145 (b) The Jefferson County Commission may provide that a
146 violation of either ordinance shall be a public nuisance
147 subject to a civil fine, to be issued by citation by a law
148 enforcement officer or constable, of not more than two hundred
149 dollars (\$200) for the first violation, not more than six
150 hundred dollars (\$600) for the second violation, and not more
151 than one thousand eight hundred dollars (\$1,800) for the third
152 violation.

153 (c) The civil fine shall be considered a debt owed to
154 the Jefferson County Commission when it becomes final in one
155 of the following ways:

156 (1) Thirty days after issuance of the citation, unless
157 the person cited within that period requests a due process
158 hearing challenging the validity of the citation before the
159 Jefferson County Commission or a hearing officer designated by
160 the Jefferson County Commission.

161 (2) Thirty days after the due process hearing concludes
162 with an order upholding the validity of the citation, unless
163 the person cited within that period files an appeal in the
164 Circuit Court of Jefferson County for a hearing de novo on the
165 validity of the citation.

166 (3) Immediately upon the issuance of an order of the
167 Circuit Court of Jefferson County concluding that the citation
168 is valid.



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169 (d) (1) The Jefferson County Commission may enforce a
170 final civil fine by civil action in the same manner as any
171 other debt. The individual owing the fine shall be liable for
172 all costs, including court costs and attorney fees, if a civil
173 action is necessary to collect the fine.

174 (2) The Jefferson County Commission may commence a
175 civil action in the Circuit Court of Jefferson County to abate
176 or enjoin any ongoing or persistent violation of either
177 ordinance. The person cited shall be assessed all costs of
178 abatement, including court costs, attorney fees, and in the
179 case of a nuisance vehicle, the cost of removal and storage.

180 Section 3. This act shall become effective on the first
181 day of the third month following its passage and approval by
182 the Governor, or its otherwise becoming law.