

Extra! Extra! Read All About It!

Limited Home Rule THREATENS Your Property Rights

Limited Home Rule (The Alabama Self Governance Act), was passed by voters in the November 2006 general election. The following quote is the misleading ballot language:

"Shall the provisions of Act. No. 2005-200 which authorizes the county to abate certain health and safety nuisances be applicable in the unincorporated areas of Tuscaloosa County?"

It passed by a slim margin.

Under "Limited Home Rule" there are five areas that our Commissioners are limited to; therefore, they can only pass ordinances in these areas:

- (1) Abatement of Weeds.
- (2) Control of Animals and Animal Nuisances.
- (3) Control of Litter or Rubbish.
- (4) Junkyard Control of areas which create a public nuisance.
- (5) Abatement of Noise. Unsanitary Sewage, or Pollution

The citizens of Tuscaloosa County do not get to vote for or against any of these possible future ordinances. They may be passed at any time by the County Commission without a vote of the people. New ordinances carry the potential to expand an already bloated bureaucracy.

The Health Department, has the jurisdictional authority to attend to most, if not all associated violations. As demonstrated by counties (Marshall & Mobile) that have already enacted ordinances designed to enforce Self-Governance "code enforcement officers" must be hired and trained. Additionally all associated equipment must be purchased and maintained. This assures a growth in the bureaucracy and an increase in the tax burden. This of course will, without a doubt produce a future tax increase and a bloated bureaucracy for the residents of Tuscaloosa County.

As you can see from the definitions almost anything on your real property can be declared junk, rubbish, and or litter.

Definitions from the Code of Alabama 1975

Weeds -An abundance of overgrown grass or weeds within a municipality that is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness that constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding

debris, such as broken glass or metal, that could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, that exceeds 12 inches in height, may be declared to be a public nuisance..... Section 11-67-60

Litter - Rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description, and whether or not it is of value. Section 13A-7-29(b)

Rubbish - Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degrees Fahrenheit. Section 22-27-2(16)

Junk - Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. Section 11-80-10(1)

If, after a declaration by the "code enforcement" that your property is "junk" or a nuisance and you have not disposed of your property within a ten day period and in a manner approved by the "enforcement" officer you will be fined \$150 per day until you remove your unapproved property. The fines are capped at

\$5000, BUT you also have to pay administrative fees on top of fines and that can easily DOUBLE the amount that you will have to pay. The enforcement officer has the authority under the model "junk" ordinance adopted by Marshall and Mobile Counties to come onto your property without your permission or a warrant. One Tuscaloosa County Commissioner has proposed the adoption of a "junk" ordinance that restricts the "code enforcement officers" entry to private property unless the "officer" has secured a warrant. Passage of an ordinance containing this clause is "iffy" at best. And if the ordinance is passed with this clause the County Commission could remove the clause by a simple majority of the County Commission present at any future time.

An appeal of the "code enforcement officer's" declaration that your property is "junk" or a nuisance will not be heard by a court of law. All appeals will be heard by the County Commission-the same body that hired the "code enforcement officer".

This is a classic example of a "speed trap". All proceeds are deposited in the County's coffers!

It is time to take away the County Commission's ability to control your property!

**TUSCALOOSA COUNTY
PROPERTY
RIGHTS ALLIANCE**
www.tcpra.net

Visit our web-site or attend the next meeting to learn more.

Third Thursday of Each Month
7:00 P.M.
Tuscaloosa County Courthouse

Please **sign the petition** to get "Limited Home Rule" back on the ballot in Tuscaloosa County.

For more information please contact:

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or
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**John Adams
stated:**

***"Property must
be secured or
liberty cannot
exist."***