

1 HB441
2 166728-3
3 By Representative Rich
4 RFD: County and Municipal Government
5 First Read: 09-APR-15

1 and to the owner of the land on which said sign is located or
2 through court proceedings at the option of the director. No
3 notice shall be required to be given to the owner of the sign
4 or to a property owner whose name is not stated on the sign or
5 on the structure on which it is displayed or whose address is
6 not stated thereon and is not on file with the director.

7 "(b) The courts of this state shall have
8 jurisdiction, in accordance with the provisions of Sections
9 6-6-220 through 6-6-232, over actions for declaratory
10 judgment, initiated by the director, the owners of signs or
11 the owners of property on which signs are located, to
12 determine and adjudicate controversies arising under or out of
13 the enforcement of this division and to set forth the rights,
14 duties, and responsibilities of the various parties arising
15 under this division, including decrees of injunction and
16 ordering removal of signs. In addition the courts of this
17 state shall have such injunctive powers as may be necessary to
18 enforce or compel compliance with the provisions of this
19 division in cases filed by the director for injunction in the
20 enforcement of this division, including the power to enjoin
21 the continuing maintenance of any sign erected or maintained
22 in violation of the provisions of this division and the
23 removal of any such signs on complaint filed by the director.
24 Proceedings hereunder being largely equitable in nature, the
25 courts shall set forth the rights, duties, and
26 responsibilities of the parties under this division on the
27 facts presented without intervention of a jury except as may

1 be otherwise provided by statute or the Constitution of
2 Alabama. In the event a sign or signs involved in any
3 proceeding hereunder are found to be maintained, permitted to
4 exist, or erected in violation of any of the provisions of
5 this division, the court trying the cause, on being petitioned
6 by the director, shall order the removal of the sign or signs,
7 subject to Sections 23-1-280, 23-1-281, and 23-1-282, where
8 applicable, by the sign owner or jointly by the sign owner and
9 property owner if joined in the proceeding or separately by
10 the property owner; provided, that the director, acting
11 through personnel of the State Department of Transportation,
12 may remove such signs at the option of the director as
13 provided herein or as ordered by the court. Court costs shall
14 be taxed against a sign owner or property owner on which a
15 sign is located if a court determines that such parties have
16 erected or maintained a sign in violation of this division.
17 Jurisdiction and procedure of courts are not limited by this
18 division.

19 "(c) In any proceeding hereunder in the courts of
20 this state, an allegation or averment setting forth the owner
21 of the real property or the owner of a sign located thereon to
22 be a particular party or parties shall be deemed to establish
23 prima facie ownership of the real property or the sign to be
24 in such party or parties, respectively, unless within 30 days
25 from the service of process upon them, such party or parties
26 file in the proceeding a sworn denial of ownership and, in
27 addition thereto, set forth any interest in and to such real

1 property or sign to which they claim to be entitled. In any
2 proceeding hereunder in the courts, employees of the State
3 Department of Transportation may testify, from general
4 knowledge, that a particular highway is an interstate or
5 primary highway or as to the location of geographical
6 boundaries of urban areas, incorporated municipalities and
7 other zoned areas. In addition to other official maps, maps
8 prepared by the State Department of Transportation as to the
9 location of geographical boundaries of urban areas hereunder
10 shall be received in evidence in aid of establishment of such
11 boundaries when offered on the general knowledge of employees
12 of the State Department of Transportation that such map or
13 maps were prepared by the State Department of Transportation
14 for the purpose of establishing the geographical boundaries of
15 an urban area.

16 "(d) In the event a determination is made by the
17 director that a particular sign or signs have been erected or
18 are being maintained or allowed to exist in violation of any
19 of the provisions of this division, upon written notice to the
20 owner of such sign or signs, such owner of the sign or signs
21 shall have a duty to submit to the director all factual and
22 documentary evidence in his possession, under his control, or
23 reasonably obtainable by such sign owner relating to the date
24 or dates of the erection of the sign or signs, the names of
25 individuals erecting same and all information relating in any
26 manner to the erection of the sign or signs, the names of
27 individuals erecting same and all information relating in any

1 manner to the location thereof which would tend to have a
2 bearing on whether the sign or signs were erected in violation
3 of or are being maintained or allowed to exist in violation of
4 any of the provisions of this division.

5 "All officers and employees of the State Department
6 of Transportation are hereby authorized and empowered to enter
7 upon and go across any land located within the State of
8 Alabama for the purpose of inspection of any sign determined
9 by the director to be in existence in violation of this
10 division or any amendment thereto. Any officer and employee of
11 the State Department of Transportation who, acting lawfully
12 under this division, enters upon or crosses any lands located
13 within this state for the purpose of inspection or removal of
14 any such sign and in and about the activity of inspection or
15 removal of any such sign is hereby vested with full police
16 power to arrest or prefer charges against any person or
17 persons who interferes with the performance of his or her
18 duty.

19 ~~"(e) In addition to the enforcement otherwise
20 provided in this section, a municipality may enforce this
21 division within the corporate limits of the municipality in
22 the same manner as the Director of Transportation and the
23 department and shall have the same power and authority as
24 provided for the director and the department in this section."~~

25 "(e) In addition to the enforcement otherwise
26 provided in this section, a municipality by ordinance may
27 enforce this division within the corporate limits of the

1 municipality and shall have the same power and authority as
2 provided for in this section, excluding conforming and legal
3 non-conforming signage. At a minimum, the municipality shall
4 follow the rules and manuals of the department, as amended,
5 governing outdoor advertising."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on County and Municipal Government..... 09-APR-15

Read for the second time and placed on the calendar 1 amendment 23-APR-15

Read for the third time and passed as amended..... 12-MAY-15

Yeas 103, Nays 0, Abstains 0

Jeff Woodard
Clerk