

Examples of Problems Caused by Lack of County Home Rule

Democracy at the Local Level Denied

Lack of Local Land Use Control

St. Clair County, AL "Ray and Barbara Stevens had only \$76 when they married, but they vowed to own a farm some day. They worked, saved, and eventually bought and cleared 250 acres in St. Clair County, where they raise cattle and operate a wrecker service in Ashville. They built a brick home and added a swimming pool.

Then in 1991, the Stevens' dream collapsed. A neighbor moved about five thousand hogs next to their property. The family has lived with a nauseating odor ever since. "We can't even raise our windows," says Ray Stevens. "We can't hang clothes on the line." When their granddaughter, who is now thirteen, visits, she often won't go out and swim because of the stinky air.

St. Clair has four such hog farms now, and dozens more may be on the way as big corporations transform pig parlors into pork factories. Thousands of animals packed right together produce the equivalent of a small city's waste. But the stuff doesn't go into a sewage system. It flows into open pits, which belch odoriferous clouds that may drift for miles. Even worse, these waste pits can break under a heavy rain, fouling streams and lakes with pollution.

Such disasters have inspired tougher laws elsewhere, so now more corporate operators are moving quietly into Alabama. Our state doesn't control animal waste unless farms channel it into public waters. Regulators won't restrict a corporate farm just because neighbors such as the Stevens don't like it.

As a result, counties can't control nuisances, even when they may threaten citizens' health. Only three counties have even limited zoning power to guide development in rural areas, where about half of Alabama's growth is occurring. There's little to stop a hog farm, a junkyard, a racetrack, or some other objectionable business from elbowing into a residential area. (Excerpt from Bailey Thomson's book, **For the Love of Alabama**, edited by Sam Hodges, p.).

Argo, St. Clair County, AL Like the Stevens, the same thing happened to the people of the Argo community a few years ago. Local residents who lived in a development were alarmed when a large hog farm business decided to buy land and operate the farm adjacent to the development. But because the area was unincorporated, the people had no right of zoning. They appealed to their local St Clair county but the county also has no zoning rights so the people and democracy lost, and the hog farm won. (**Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011**)

Freemanville, Escambia County, AL The people of Freemanville lost out. A chemical company called C&S Chemical Inc, wants to build a factory that would manufacture aluminum sulfate. The produce has several industrial uses but it is considered a hazardous material. The people who live in Freemanville, the community where C&S Chemical wants to locate its plant, fear that the truck traffic and the chemical will be a problem. But the residents live in an unincorporated area of Escambia County and do not have home rule, which means they do not have zoning rights to prevent the plant from being established in their neighborhood. Residents are trying to pressure the company to decide against choosing their community for the plant. But they cannot legally prevent it. (**Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011**)

Limestone County, AL A New York city firm is giving free fertilizer to farmers in Alabama. Problem is, the product smells awful and residents of Goodsprings in northwest Limestone County claim the smell is much worse than ordinary fertilizer and want their county to stop using it. The fertilizer is a byproduct of sewer sludge that contains human waste from New York. It is treated by a Houston, Texas-based company called Synagro Technologies Inc. that treats the sewer sludge at a plant located in Leighton, Alabama. But the county does not have home rule and so cannot forbid the distribution of the product. So the people lose again. (**Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011**)

Limestone County, AL The Rogers Group, Inc. wants to move its 2,000 quarry from a present location in Crosskey to another location near Tanner. Problem is the citizens fear that the explosions necessary in quarry work will endanger the Brown's Ferry Nuclear Plant located nearby. Residents also fear that the dust, traffic and activity will lower the value of their homes in Tanner. But the residents lose because their county does not have home rule and cannot zone against the move. Citizens have taken their worries to the Tennessee Valley Authority and the Nuclear Regulatory Commission and are waiting for some help. **(Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011)**

Madison County, AL A quarry company, M&N Co. wanted to build a quarry in an unincorporated area of the County on the outskirts of the small town of Gurley. When residents objected but had no power because the County lacked home rule and did not have zoning authority, the residents arranged to have the area annexed to Gurley, which as a city, DID have zoning authority. And the town refused approval for the quarry to locate in Gurley. But L&M sued on the basis that their request was in an unregulated area of the County and the annexation happened after they requested to build. A \$4.9 million judgment now exists against the City and they are considering bankruptcy because they have an annual budget of \$850,000.00 and cannot afford the fine. **(Documented by the Huntsville Times, Dec. 23, 2011.)**

Lack of Local Home Rule Impacting Business & Economic Development

Pritchard, Mobile County, AL Citizens in Pritchard saw an economic opportunity to allow trade between Pritchard and foreign countries. They wanted to establish an Alabama Foreign Trade Investment Zone because it would allow duty free and quota free articles to be imported. The Zone would be a special tax district and the products to be imported would all be eligible under the federal Trade Laws. The Zone would also allow a tax deduction for land and corporations who settled in the Zone. But the county was powerless to help establish the Zone and so it went to the Legislature to approve a bill allowing the Zone. This bill, which was a constitutional amendment, then went to the voters statewide for approval. Pritchard voters thought it was great and passed it, but the rest of the state voted against it. So Pritchard did not get a Foreign Trade Investment Zone. **(Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011)**

Hayneville, Lowndes County, AL Lowndes County extends from Hayneville over to Interstate 65 and there are two Interstate 65 exits in Lowndes County. For a number of years the county commissioners have wanted to put together a county-wide land use and development plan, with particular focus on the land around these two interstate exits. Because they lack any land use or zoning power, they have not been able to draft a land use plan for such development and therefore the land surrounding these two exits is largely undeveloped. However, if you look at the exits north and south of these two Lowndes County interstate exits that sit in the incorporated areas of the City of Montgomery and the City of Greenville, both of which have such land use and zoning power, the areas around the interstate exits are much greater developed and generate substantial tax revenues (both property and sales tax) for these two municipalities. There is no reason that counties should not have the same powers as municipalities, especially when it comes to land use and zoning. **(Documented by representatives of the Alabama Appleseed Center for Law & Justice, Inc. 2011)**

Tuscaloosa County, AL The county now has its real estate deeds in a computer database. Title companies, lawyers, and others are willing to pay for online access to that information. The revenue could help pay the courthouse bills. But the county clerk cannot give them such access because the legislature hasn't authorized the service. **(Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011)**

Blount County, AL About three thousand people are moving to Blount County every year. Development is gobbling up farmland, swamping schools with new students and parking roads with traffic. It's only fair that this growth pay for the services it requires. But Alabama doesn't give county officials the tools they need to raise adequate revenue. **(Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011)**

Lack of Local Home Rule Impacting Education

Trussville, Jefferson County, AL Several years ago, the citizens of Trussville wanted to form a school district that would comprise homes within their county (Jefferson) as well as some homes in adjacent St. Clair County. The area extended outside the limits of incorporated Trussville, so when the citizens wanted a tax to cover school costs, they had to go to the Alabama Legislature to ask for a constitutional amendment to allow that. The Legislature actually granted their wish, but when the constitutional amendment came up for a vote, even though voters in Trussville approved it, the voters in the rest of the state turned it down. Local citizens in Trussville were denied local control. **(Documented by representatives of the Alabama Citizens for Constitutional Reform, Inc., 2011)**

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***The members of the Constitutional Collaborative are: Alabama Citizens for Constitutional Reform Foundation, Inc.; Alabama Citizens for Constitutional Reform, Inc., Alabama Appleseed Center for Law & Justice, Inc.; Alabama Citizens Policy Project/Alabama Arise; Alabama Poverty Project; and Greater Birmingham Ministries, Inc.**