

POLICY #18

FILLING IN OF ABANDONED WELL SITES

DATE ADOPTED: 9-25-95
MINUTE BOOK: 31 PAGE 32
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish guidelines for filling in abandoned well sites.

PROCEDURE: Houston County, through its employees, shall not perform any work to abate, remedy or fill in the nuisance created by an open well site unless the Houston County Health Officer shall first evaluate the well site, declare same to be a public nuisance or public health or safety hazard menacing public health and thereby unlawful, and specifically instruct the County Engineer or other county employee or officer to fill in said old, unused and/or abandoned well site.

Before any such work is done or performed by any employee of Houston County, Alabama, the landowner shall be required to sign an easement and indemnity agreement for Houston County to fill in old well sites with said easement and indemnity agreement to be recorded in the Office of the Judge of Probate of Houston County, Alabama.

Said easement and indemnity agreement shall be completed by the County Engineer and executed by the landowner before any work provided for herein shall begin.

Further, Section 94 of the Constitution of Alabama, 1901, as amended, prohibits a county from giving or granting money or anything of value in aid of a private person, association or corporation. However, Section 94, does not prohibit a county from abating a public nuisance on private property if the county is reimbursed for all costs of the work done on private property because Alabama Code Sections 22-10-2 and 22-3-2(3) permit the abatement of a public nuisance by the county board of health. Accordingly, the county shall assess, prior to beginning work if feasible, to the owner the expense and the costs of filling an abandoned well located on the owner's property, that is certified to be a public or safety hazard or nuisance.