

ORDINANCE NUMBER: 2014-15

WEED ABATEMENT

WHEREAS, the City of Alexander City, Alabama, is a municipal corporation under the laws of the State of Alabama, and

WHEREAS, the City of Alexander City, Alabama, finds it necessary and desirable to deal with the issue of weeds, underbrush and/or overgrown grass areas within the city limits to provide for the health and sanitation of its citizens by regulating public nuisances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEXANDER CITY, ALABAMA, AS FOLLOWS:

SECTION I: Authority to abate public nuisance.

Any abundance of weeds, underbrush and/or overgrown grass within the city limits of Alexander City 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, underbrush and/or overgrown grass 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 weeds, underbrush and/or overgrown grass, other than ornamental plant growth, that exceeds 12 inches in height, may be declared to be a public nuisance by the City Council and abated as provided in this Ordinance. The term "city limits" as defined in this Ordinance does not include the police jurisdiction of Alexander City.

SECTION II: Weeds, underbrush and/or overgrown grass may be declared public nuisance; resolution to abate.

Whenever any weeds, underbrush and/or overgrown grass are growing upon any street, sidewalk, or private property, the City Council may, by resolution, declare the weeds, underbrush and/or overgrown grass to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known or describe the property upon which or in front of which the nuisance exists by giving a legal description of the property and no other description of the property shall be required. Any number of streets, sidewalks, or parcels of private property may be included in one resolution. This Ordinance shall not apply to any property that has been zoned agricultural property.

SECTION III: Notice.

(a) After the passage of the resolution, notice of a public hearing on the matter shall be given by certified mail, return receipt requested, mailed 21 days prior to the date of the hearing and shall inform the owner of the time, date, and place of the hearing and the reason for the hearing. The notice shall be mailed to the owner of the property as the information appears on record in the office of the tax assessor.

(b) All notices shall carry a list of names of persons or private contractors, or both, who perform the work and are registered with the municipal clerk. The names shall not constitute a recommendation and the failure to include a list shall in no way affect the operation of this Ordinance.

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(c) Notice shall also be given by publication in a newspaper of general circulation published in the municipality once a week for two consecutive weeks, or if no newspaper is published in the municipality, notice shall be posted in three public places located in the municipality for at least 21 days prior to the hearing.

(d) In addition, two signs shall be conspicuously posted on the property. The wording of the signs shall not be less than one inch in height and shall be in substantially the following form:

NOTICE TO DESTROY WEEDS, UNDERBRUSH AND/OR OVERGROWN GRASS

Notice is hereby given that on the _____ day of _____, 2____ at _____ A.M./P.M. in the Council chamber, the City Council of the City of Alexander City will consider a resolution regarding the weeds, underbrush and/or overgrown grass growing upon or in front of the property _____ Street, in the City of Alexander City, and more particularly described in the resolution, a copy of which is on file in the office of the City Clerk; and at that time and place will determine whether the weeds, underbrush and/or overgrown grass constitute a public nuisance which shall be abated by removal of the noxious or dangerous weeds, underbrush and/or overgrown grass; and, if so, will order the abatement and removal of the nuisance. If abatement and removal are ordered, the cost of abatement and removal shall be assessed upon the lots and lands from which or in front of which the weeds, underbrush and/or overgrown grass are removed, and the cost shall be added to the next regular bills for taxes levied against the respective lots and lands for municipal purposes. The costs shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The costs shall be subject to the same commissions and fees and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

If no objections are filed with the City Clerk at least five days before the meeting of the Council and unless the person appears before the Council in person or through his or her representative to show cause, if any, why his or her objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he or she may have to contest the removal of the weeds, underbrush and/or overgrown grass and the action of the Council shall be final unless good and sufficient cause can be otherwise shown.

Reference is hereby made to the resolution, on file in the office of the City Clerk, for further particulars.

Dated this _____ day of _____, 2_____.

CITY OF ALEXANDER CITY

CITY CLERK

(e) The notice shall be posted at least seven days prior to the time for hearing objections by the City Council of the City of Alexander City.

SECTION IV: Hearing.

If objections are filed, at the time stated in the notice, the City Council of Alexander City shall hear and consider all evidence, objections, and protests regarding the proposed removal of weeds, underbrush and/or overgrown grass. The City Council may continue the hearing from time to time. Upon the conclusion of the hearing, the City Council, by resolution, shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The City Council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and either to perform or have performed the work of removal or abatement with respect to the property or part thereof. The decision of the City Council on the matter shall be deemed final and conclusive.

SECTION V: Abatement of nuisance.

(a) After the City Council passes the resolution finding the conditions of the property to be a nuisance and ordering its abatement, all employees and duly authorized agents of the City may enter upon the private property to abate the nuisance.

(b) The City Council may authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance. The City Council, by resolution, shall designate the contractors, companies, enterprises, or individuals who may perform the work. Those persons so designated may enter upon private property for purposes of abating or removing the nuisance. For purposes of this article compliance with the competitive bid law is not required.

(c) Any property owner shall have the right to have any weeds, underbrush and/or overgrown grass removed at his or her own expense providing the removal is done prior to the commencing of the work by the employees or agents of the City to do the removal.

SECTION VI: Report of costs.

The City shall keep an account of the cost of abating or removing the nuisance in front of or on each separate lot or parcel of land where the work is done by its employees, or by a duly authorized private contractor, company, enterprise, or individual, and shall render an itemized report in writing to the City Council showing the cost of removing the nuisance on each separate lot, or in front of the lot. Before the report is submitted to the City Council, a copy of the report shall be posted for at least five days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.

SECTION VII: Confirmation of report; weed liens.

At the time fixed for receiving and considering the report, the City Council shall hear the report, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating the nuisance and thereupon make modifications in the report as deemed necessary, after which by motion or resolution the report shall be confirmed. The amounts of the cost for abating the nuisance in front of or upon the various parcels of land mentioned in the report shall hereinafter be referred to as "weed liens," and shall constitute a weed

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lien on the property for the amount of the weed liens, respectively. After confirmation of the reports, a copy shall be given to the tax collector or revenue commissioner of the county who, under the "Optional Method of Taxation," is charged with the collection of the municipal taxes pursuant to Article 1, Division 2, Chapter 51, of Title 11. It shall be the duty of the county tax collector or revenue commissioner to add the costs of the respective weed liens to the next regular bills for taxes levied against the respective lots and parcels of land subject to a weed lien, and thereafter, the costs shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency; provided, however, that if the foreclosure and sale is the result of a delinquency caused by a weed lien, the City shall reimburse the county tax collector or revenue commissioner for all costs associated with the foreclosure and sale unless the costs are collected at the time of sale as part of the sale.

for taxes levied against the respective lots and parcels of land subject to a weed Lien, and thereafter, the costs shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency; provided, however, that if the foreclosure and sale is the result of a delinquency caused by a weed lien, the City shall reimburse the county tax collector or revenue commissioner for all costs associated with the foreclosure and sale unless the costs are collected at the time of sale as part of the sale.

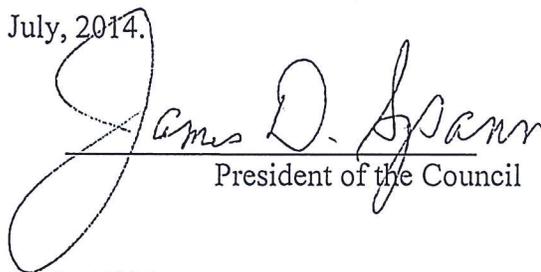
SECTION VIII: Effective Date.

This ordinance shall take effect immediately upon its adoption and publication as required by law.

SECTION IX: Supersedes prior Ordinance.

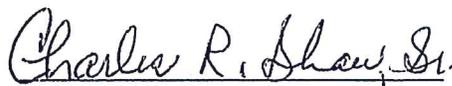
This ordinance shall supersede and repeal any prior ordinance regarding weed control and weed nuisance.

ADOPTED this 21ST day of July, 2014.



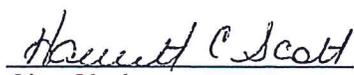
President of the Council

APPROVED this 21ST day of July, 2014.



Mayor

ATTEST:



City Clerk

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CERTIFICATION OF CITY CLERK

The Undersigned, as City Clerk of the City of Alexander City, Alabama, hereby certifies that the foregoing is a true, correct and complete copy of Ordinance No. 2014-15 which was duly adopted by the City Council on this 21ST day of July, 2014.

WITNESS MY SIGNATURE, as City Clerk of the City of Alexander City, Alabama, under the seal thereof, this 21ST day of July, 2014.

Hauntt C. Scott
As City Clerk of the City of
Alexander City, Alabama

SEAL