

## ORDINANCE NO. 2015-024

### AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF GARDENALE, ORDINANCE NO. 2013-13, AS AMENDED RELATING TO THE ABATEMENT OF CERTAIN NUISANCES

BE IT ORDAINED by the City Council of the City of Gardendale, Alabama, while in regular session on the 16th day of November, 2015, at 7:00 p.m., as follows:

#### SECTION 1. Legislative Intent.

(a) It is the intention of the City Council by the adoption of this ordinance to more efficiently declare and abate the public nuisance caused by overgrown grass or weeds.

(b) The City Council hereby finds and declares that an abundance of overgrown grass or weeds within a municipality may be 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; attaining heights and dryness that constitute a serious fire threat or hazard; 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; hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; and being unsightly and distasteful, may infer urban blight and decay, and may have a tendency to depress neighboring property values.

(c) The City Council hereby finds and declares that the existing process under Ordinance No. 2013-13 for declaring overgrown grass or weeds on certain lots to be a public nuisance and abating the same is not effective to combat the problems caused by these conditions in that such remedial action is too often untimely and occurs too infrequently to fulfill its intended purpose.

(d) The City Council hereby finds and declares that simplifying the process under Ordinance No. 2013-13 for declaring overgrown grass or weeds on certain lots to be a public nuisance and abating the same will benefit the public welfare and protect the property values of the citizens of Gardendale, Alabama by permitting more timely and frequent remedial action.

(e) This ordinance shall be liberally construed in conformity with the intentions and findings expressed in this section.

SECTION 2. Section 1 of Ordinance No. 2013-13, as amended is hereby further amended in its entirety to read as follows, to wit:

*“SECTION 1. ABATEMENT OF WEEDS, PLANTS AND VEGETATION*

*A. Weeds may be declared public nuisance; order to abate.*

*Whenever any weeds, plants or other vegetation are growing upon any street, sidewalk, or private property, other than property zoned agricultural, the Building Inspector, or his designee, may declare the same to be a public nuisance and order its abatement by the owner or suffer the same to be abated by the City at the owner’s cost. The declaration and order 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 street address of the property and no other description of the property shall be required.”*

*“B. Notice.*

*A copy of the declaration and order shall be conspicuously posted on the property not less than seven (7) business days before the time set by the Building Inspector, or his designee, to have the condition abated or suffer the same to be abated by the City at the owner’s cost. The sign shall be worded in substantially the following form:*

*NOTICE TO DESTROY WEEDS*

*Notice is hereby given that the City of Gardendale finds and declares the property commonly known as \_\_\_\_\_, Gardendale, Alabama 35071 to be a public nuisance because of the unregulated growth of noxious or dangerous weeds; and does hereby order the immediate abatement and removal of the nuisance. If abatement and removal is not undertaken and completed by the owner on or before the seventh (7<sup>th</sup>) business day following this notice, the City of Gardendale will cause the nuisance to be abated and removed without further notice and the cost of abatement and removal shall be assessed upon the lots and lands from which or in front of which the weeds are removed, and the cost shall be added to the next regular bills for taxes levied against the respective lots and lands for the City of Gardendale’s purposes. The costs shall be collected at the same time and in the same manner as municipal ad valorem 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 municipal ad valorem taxes.*

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Building Inspection Office  
City of Gardendale”

“C. Report of costs.

*The Building Inspector, or his designee, 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 from time to time showing the cost of removing the nuisance on each separate lot, or in front of the lot”.*

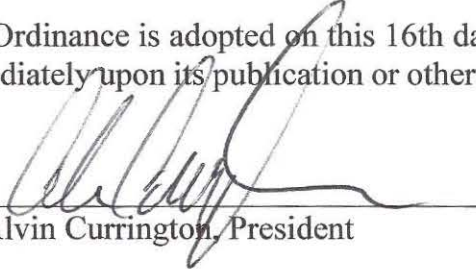
“D. Confirmation of report; weed liens.

*Upon receipt of the Building Inspector’s report the City Council shall set a public hearing. The property owner as reflected in the county tax assessor’s records shall be notified of the public hearing by certified mail and return receipt requested at least fifteen (15) days prior to the public hearing date; provided, however, that the failure of actual delivery of the notice shall not affect the validity of these proceedings. At the time fixed for hearing 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 lien on the property for the amount of the weed liens, respectively. After confirmation of the reports, a copy shall be given to the county tax assessor who shall 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 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 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 3.        Repealer. All ordinances or parts of ordinances that conflict with the provisions of this Ordinance are hereby expressly repealed.

SECTION 4.        Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION 5.        Effective Date. This Ordinance is adopted on this 16th day of November 2015, and shall become effective immediately upon its publication or otherwise becoming law.

  
Alvin Currington, President

Approved on this 16th day of November, 2015.

  
Stanley K. Hogeland, Mayor

CERTIFICATION

I, Melissa Honeycutt, City Clerk of the City of Gardendale, Alabama, do hereby certify that the foregoing is a true and correct copy of an Ordinance that was duly and legally adopted on the 16th day of November 2015, by the City Council of the City of Gardendale, Alabama, while in a regular session and was published in its entirety in the *North Jefferson News* on \_\_\_\_\_ 2015.

  
Melissa Honeycutt, City Clerk