

ORDINANCE NO. 170220 - 1

ABATEMENT OF GRASS AND WEEDS

WHEREAS, § 11-47-140, Ala. Code 1975, provides that all cities and towns in the State of Alabama have the power to require weeds to be cut or other things or conditions favorable to the harboring of mosquitoes or other insects of like kind to be abated, or to do such work at the expense of the owner, the same to be a lien on the property to be collected as any other debts are collected or liens enforced; and

WHEREAS, § 11-47-117, Ala. Code 1975, provides that all cities and towns in the State of Alabama have the power to prevent injury or annoyances from anything dangerous or offensive or unwholesome, and to cause all nuisances to be abated and assess the cost of abating the same against the person creating or maintaining the same;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wilsonville, Alabama, as follows:

Section 1. Any abundance of overgrown grass or weeds within the town which 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 so as to constitute a serious fire threat or hazard; or 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; or hiding debris, such as broken glass or metal, which could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height, is hereby declared to be a public nuisance and abated and punished as provided in this ordinance or as otherwise provided by law.

Section 2. (a) Whenever, in the opinion of three city employees designated by the mayor, one of whom shall serve as the enforcing official, a nuisance defined in Section 1 exists, the enforcing official shall order the owner of the property on which the nuisance is located to abate the condition.

(b) The enforcing official shall give the owner of the property on which the nuisance is located as listed on the property tax records written notice in person or by first class mail at the owner's address listed on the property tax records. The notice shall also be posted in a conspicuous place on the property. The notice shall apprise the owner of the facts of the alleged nuisance and shall require the owner to abate the nuisance within the time stated in the notice, which shall be no longer than 14 days from the delivery of the notice, or within five days of the delivery of the notice to request in writing a hearing before a hearing official of the town designated by the mayor or council to determine whether there is a nuisance. If the owner requests a hearing, the hearing official shall give the owner written notice in person or by first class mail at the owner's address listed on the property tax records of the particular date, time, and place for the hearing.

(c) The hearing official shall render a written decision as soon as possible after the hearing. The enforcing official shall notify the owner by personal service or by first class mail at the owner's address listed on the property tax records of the determination of the hearing official. If the hearing official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the enforcing official, with modifications as may be made by the hearing official.

Section 3. (a) If the owner fails, neglects, or refuses to abate the nuisance after notice to do so, the enforcing official shall cause the offending grass or weeds to be cut.

(b) Upon completion of the abatement work performed by the town, including work by contractors employed by the town, the enforcing official shall compute the actual expenses, including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, and materials purchased, which were incurred by the town as a result of the work. An itemized statement of the expenses shall be given by first class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the town council to consider the assessment of the cost against property.

(c) At the time fixed for receiving and considering the statement of expenses, the town council shall hear the same, together with any objections which may be raised by the owner whose property is liable to be assessed for the work, and thereupon make modifications in the statement as they deem necessary, after which a resolution may assess the cost. The cost stated in the resolution shall constitute a special assessment against the land and shall constitute a lien on the property. The town clerk shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter, the amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(d) The town clerk shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate.

Section 4. The failure to abate a nuisance in compliance with this ordinance is unlawful and is an offense against the Town of Wilsonville, Alabama, which may be prosecuted as are other offenses against the town. Such offense may be punished by a fine of not more than Five Hundred Dollars (\$500) for each offense. Each day the failure to abate continues shall be considered a separate and distinct offense.

Section 5. All ordinances or portions of ordinances in conflict with this ordinance, including those portions of Ordinance No. 050802 as are applicable to weed nuisances, are hereby repealed.

Section 6. This ordinance shall take effect immediately upon its passage and publication or posting as required by law.

ADOPTED this ____ day of _____, 2017.

ATTEST:

TOWN OF WILSONVILLE, ALABAMA

Town Clerk

Mayor