

ORDINANCE OF THE CITY COUNCIL  
OF THE

CITY OF CORDOVA, ALABAMA

Ordinance No. 2006- 002

CONCERNING THE ABATEMENT OF NUISANCES

BE IT HEREBY ORDAINED by the City of Cordova, Alabama, as follows:

**Section 1. Purpose**

That there is hereby established an abatement of nuisances ordinance within the City of Cordova, Alabama, to provide for the abatement of nuisances in the form of unsafe structures; inoperable motor vehicles; dilapidated and/or abandoned mobile homes/trailers, providing they have been vacant for at least three months; and weeds; to provide notices to the property owners, hearing procedures, abatement of nuisances, and assessment of costs against the property, and for the collection of the costs.

**Section 2. Weeds may be declared a public nuisance and abated.**

All weeds growing upon streets, sidewalks, or private property, including weeds or grasses growing over 12 inches in height, and kudzu and/or other growing vines, within the City of Cordova which bears seeds of a wingy or downy nature, which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous or a nuisance may be declared to be a public nuisance by the City of Cordova and may be abated as hereinafter provided.

**Section 3. Report of appropriate city official; resolution declaring a public nuisance**

The term "appropriate city official" as used in Sections 2 to 9, inclusive, shall mean any city official or employee designated by the mayor or other chief executive office of the City of Cordova as the person to exercise the authority and perform the duties delegated by Sections 2 to 9, inclusive, to the "appropriate city official."

The appropriate city official shall report to the city governing body whenever weeds are growing upon any street, sidewalk, or private property which constitutes a nuisance. Upon receiving a report, the city governing body may declare the same to be a public nuisance and order its abatement.

**Section 4. Notice to owner; contents; posting of signs**

After the passage of a resolution designating the nuisance, the appropriate city official shall send notice of the action to the person or persons, firm, association, or corporation

last assessed for state taxes on the property certified or registered mail to the address on file in the revenue commissioner's office. The notice shall specify that the recipient must remedy the growth of weeds within a reasonable time set out in the notice, not to exceed 14 days or suffer the weeds to be abated by the city and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The City of Cordova shall also place a sign conspicuously displayed on the property indicating that the city governing body has found the property to be a public nuisance because of the unlawful growth of weeds.

#### **Section 5. Hearing**

With the time specified in the notice, but not more than 14 days from the date the notice is given, any person, firm, or corporation may file a written request for a hearing before the governing body of the City of Cordova, together with objections to the finding by the city governing body that the weeds constitute a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five nor more than 30 days after the request is received. In the event that no hearing is timely requested, the mayor or chief executive officer of the city governing body shall order the weeds to be abated as hereinafter provided.

#### **Section 6. Entry of city employees and agents on property to abate nuisance; abatement by private contractor**

If the nuisance on the property has not been abated within 14 days after the city governing body's resolution, the mayor or chief executive officer of the city shall order the nuisance to be abated. The abatement may be accomplished, at the option of the city, by its own forces or by contract. For purposes of Sections 2 to 9, inclusive, compliance with the competitive bid law is not required. All city employees and duly authorized agents are expressly authorized to enter private property for the purpose of abating the nuisance.

#### **Section 7. Accounting of cost of abatement**

The appropriate city official shall give an itemized written report to the city governing body regarding the cost of abating the nuisance. The cost of abatement shall be the actual cost the city incurs in the abatement, including the administrative costs. Should the city contract for abatement, the cost shall be actual costs the contractor charges the city for the abatement, including administrative costs the city incurs. Upon report of the costs by the appropriate city official, the governing body shall adopt a resolution confirming the costs of the reports. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The city clerk of the city of Cordova shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

**Section 8. Cost to constitute weed liens; report to revenue commission; amounts to be included in bills; collections**

The confirmed cost of abatement shall hereafter be referred to a weed lien and thus made and confirmed shall constitute a weed lien on the property for the amount of the weed lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Walker County who, under the optional method of taxation, is charged with the collection of the city taxes of the City of Cordova pursuant to Sections 11-51-40 through 11-51-74, Code of Alabama 1975. Whereupon it shall be the duty of the county revenue commissioner to add the amounts of any weed lien to the next regular bills for taxes levied against the respective lot(s) and parcels of land, and thereafter any weed liens shall be collected at the same time and in the same manner as ordinary city 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. The county revenue commissioner shall retain 10 percent of the amount of each lien collected and remit the remainder to the City of Cordova. The amount retained by the revenue commissioner shall be used for operational purposes.

**Section 9. Sections 2 to 9, inclusive, cumulative in nature**

Sections 2 to 9, inclusive, shall be cumulative in its nature, and in addition to any and all power and authority which the City of Cordova may have under any law.

**Section 10. Demolition of unsafe structures**

The governing body of the City of Cordova in regard to property in the corporate limits of the City of Cordova, after notice provided herein, may move or demolish buildings or structures, or parts of buildings or structures, party walls, or foundations, when the same are found by the appropriate governing body to be unsafe to the extent of being a public nuisance from any cause. Sections 10 to 16, inclusive, shall not apply to any farm or agricultural buildings or structures.

**Section 11. Meaning of "appropriate official"; duties; notice of unsafe or dangerous condition**

The term "appropriate official" as used in Sections 10 to 16, inclusive, shall mean any building official or deputy and any other official or employees designated by the mayor or other chief executive officer of the City of Cordova as the person to exercise the authority and perform the duties delegated by Sections 10 to 16, inclusive, to the "appropriate official." Whenever the appropriate official shall find that any building, structure, part of a building or structure, party wall, or foundation is unsafe to the extent that it is a public nuisance, the official shall report the findings to the governing body. At that time the governing body shall determine whether the building, structure, part of a building or structure, party wall, or foundation constitutes a public nuisance. Should the governing body find by resolution that the building, structure, part of a building or structure, party wall, or foundation is a public nuisance, then the appropriate official shall give the person or persons, firm, association, or corporation last assessed for state taxes on the property, by certified or registered mail to the address on file in the revenue

commissioner's office, notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the same, within a reasonable time set out in the notice, which time shall not be less than 30 days unless an extension is granted by the appropriate official. The notice shall also state that if the public nuisance is not abated the building or structure shall be demolished by the City of Cordova and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The City of Cordova shall place a sign or placard within 15 feet of the entrance of the building or structure, indicating that the City of Cordova has declared the building or structure to be a public nuisance. If there is no entrance in which to place the sign or placard, the sign or placard may be posted at any location upon the building or structure.

#### **Section 13. Hearing procedure; order; appeal**

Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body together with the objections to the finding by the governing body that the building or structure is unsafe to the extent of being a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the governing body until a determination thereon is made by the governing body. The hearing shall be held not less than five nor less than 30 days after the request. In the event that no hearing is timely requested, the governing body shall order the building or structure to be demolished. The demolition may be accomplished, at the option of the City of Cordova, by the use of its own forces or it may provide by contract for the demolition. For purposes of Sections 10 to 16, inclusive, compliance with the competitive bid laws is not required. The City of Cordova may see or otherwise dispose of salvaged materials resulting from the demolition.

Any person aggrieved by the decisions of the governing body at the hearing may, within 10 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the clerk of the governing body and the appeal shall be docketed in the court, and shall be a preferred case therein. The clerk of the governing body shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination for the governing body that the building or structure is unsafe to the extent that it is a public nuisance.

#### **Section 14. Assessment of costs; sale and redemption of lots**

The governing body may assess the costs authorized herein against any lot or lots or parcel or parcels of land purchased by the State of Alabama at any sale for nonpayment of taxes, and where any assessment is made against the lot or lots or parcel or parcels of the land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state of any lot or lots or parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to sale to the state for the nonpayment of taxes, shall take the same subjects to the assessment. The assessment

shall then be added to the tax bill of the property, collected as a tax, and remitted to the governing body.

**Section 15. Payment of assessments**

Payment of any assessment, or if delinquent, the collection of the assessment, shall be made in the manner and as provided for the payment of city improvement assessments as provided for the payment of and delinquent collection of city improvement assessments pursuant to Article I (commencing with Section 11-48-1) of Chapter 48 of Title II, Code of Alabama, 1975. The governing body, in the latter notice, may elect to have the revenue commissioner collect the assessment using all methods available for collecting of ad valorem taxes. Ten percent of the amount of each assessment collected by the county revenue commissioner shall be retained by the county revenue commissioner and used for operational purposes.

**Section 16. Sections 10 to 16, inclusive, cumulative in nature**

Sections 10 to 16, inclusive, shall be cumulative in its nature, and in addition to any and all power and authority which the City of Cordova may have under any other law.

**Section 17. Inoperable motor vehicles and mobile homes/trailers (those that are dilapidated or abandoned, provided they have been vacant for at least three months, may be declared a public nuisance and abated.**

Inoperable motor vehicles and mobile homes/trailers (those that are dilapidated or abandoned), provided they have been vacant for at least three months, which are visible from a public road or street in the City of Cordova may be declared to be a public nuisance by the governing body of the city and may be abated as hereinafter provided. Sections 17 to 23, inclusive, shall not apply to a place of business that has a business license as a salvage yard or junkyard or as a mechanic shop, body shop, or other automobile shop.

**Section 18. Report of appropriate official; resolution declaring a public nuisance**

The term "appropriate official" as used in Sections 17-23, inclusive, shall mean any official or employee designated by the mayor or other chief executive officer of the City of Cordova as the person to exercise and perform the duties delegated in Sections 17-23, inclusive, to the "appropriate official."

The appropriate official shall report to the governing body whenever inoperable motor vehicles or mobile homes/trailers that are dilapidate or abandoned, provided they have been vacant for at least three months, constitute a nuisance are located upon any private property and are visible from a public highway, road, or street. Upon receiving a report, the governing body may declare the same to be a public nuisance and order its abatement.



**Section 19. Notice to owner; contents; posting of signs**

After the passage of a resolution, the appropriate official shall send notice of the action to the person or persons, firm, association, or corporation last assessed for state taxes on the property where the inoperable vehicle or dilapidated motor home/trailer is located and to the owner of the vehicle or mobile home/trailer if ascertainable by certified or registered mail to the address on file in the revenue commissioner's office to remove, screen from public view, or relocate the inoperable motor vehicle or dilapidated mobile home/trailer within a reasonable time set out in the notice, not to exceed 14 days or suffer the nuisance to be abated and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The City of Cordova shall also place a sign conspicuously on the property indicating that the governing body has found the inoperable motor vehicle or mobile home/trailer to be a public nuisance.

**Section 20. Hearing**

Within the time specified in the notice, but not more than 14 days from the date the notice is given, any persons, firm, or corporation, may file a written request for a hearing before the governing body, together with objections to the finding by the governing body that the inoperable motor vehicle or mobile home/trailer constitutes a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the governing body until a determination thereon is made by the governing body. The hearing shall be held not less than five nor more than sixty days after the request. In the event that no hearing is timely requested, the appropriate official shall order the inoperable motor vehicle or mobile home/trailer to be abated as hereinafter provided.

**Section 21. Entry of employees and agents on property to abate nuisance; abatement by private contractor**

The appropriate official shall give an itemized written report to the governing body regarding the cost of abating the nuisance. The cost of abatement shall be the actual cost incurred in the abatement, including administrative costs less any value obtained for the inoperable vehicle or dilapidate, abandoned mobile home/trailer. Should the City of Cordova contract for abatement, the cost shall be the actual costs the contractor charges for the abatement, including administrative costs the City of Cordova incurs. Upon report of the costs by the appropriate official, the governing body shall adopt a resolution confirming the costs of the reports. Any person, firm, association, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or amounts thereof. The clerk of the City of Cordova shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

**Section 23. Cost to constitute liens; report to the revenue commissioner; amounts to be included in tax bills; collection**

The confirmed cost of abatement shall hereinafter be referred to as an inoperable motor vehicle or dilapidated/abandoned mobile home/trailer lien and thus made and confirmed shall constitute a lien on the property for the amount of the lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Walker County. Whereupon it shall be the duty off the county revenue commissioner to add the amounts of the lien to the next regular bills for taxes levied against the respective lots and parcels of land. Thereafter any liens shall be collected at the same time and in the same manner as ordinary 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. The county revenue commissioner shall retain 10 percent of the amount of each lien collected and remit the remainder to the City of Cordova. The amount retained by the revenue commissioner shall be used for operational purposes.

**Section 24. Provisions**

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

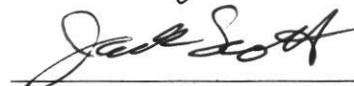
**Section 25. Laws**

All laws or parts of laws which conflict with this ordinance are repealed.

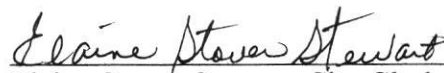
**Section 26. Time effective**

This ordinance shall become effective immediately upon its passage and approval by the city governing body, or upon its becoming a law.

ADOPTED THIS THE 14<sup>th</sup> DAY OF February, 2006

  
\_\_\_\_\_  
Jack Scott, Mayor

ATTESTED BY

  
\_\_\_\_\_  
Elaine Stover Stewart, City Clerk

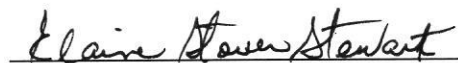
This Ordinance supersedes any and all other ordinances pertaining or relating to the subject of Abatement of Nuisances heretofore passed or enacted by the Governing body of Cordova, Alabama including Ordinance # 2005-001.

ADOPTED AND APPROVED THIS THE 14 DAY OF February 2006.

A handwritten signature in black ink, appearing to read "Jack Scott", written over a horizontal line.

Jack Scott  
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Elaine Stover Stewart", written over a horizontal line.

Elaine Stover Stewart  
City Clerk/Treasurer