

ORDINANCE NO.: 1817

ORDINANCE FOR WEED CONTROL

WHEREAS, the City of Northport wishes to amend Article VII, of the Northport City Code regarding weed control to prevent the delays in notification and the cutting of overgrown premises;

WHEREAS, the City of Northport believes it would be in the best interest of the City of Northport to implement these changes;

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

1. Article VII, Section 42-261 through Section 42-268 of the City of Northport City Code are hereby repealed.
2. Article VII, Sections 42-261 through 42-267 shall read as follows:

Sec. 42-261. – Unlawful growth of vegetation.

In order to keep premises and vacant lots within the city free of any growth of weeds or grass or downed trees and/or limbs favorable to the harboring of mosquitoes or other insects of like kind and/or rodents or reptiles, it shall be unlawful for any person owning, residing or having charge or control of any premises or vacant lot within the city to allow weeds, grass or kudzu to grow to the height in excess of twelve (12) inches or to allow any other vegetation, including, but not limited to, grasses or weeds, kudzu, vines, cane, bamboo or underbrush to become overgrown or to allow downed trees and/or limbs to remain to such an extent that the same may create favorable conditions to the harboring of mosquitoes or other insects of like kind and/or rodents or reptiles or otherwise constitutes a public nuisance or a danger to the public health, safety and welfare.

No notice shall be required to constitute a violation of this section.

Sec. 42-262. – Removal of litter, accumulated trash and accumulated unused items required.

It shall be unlawful for any person owning, residing on or having charge or control of any premises or vacant lot within the city to allow any litter or accumulation of trash (except for collection purposes on regularly scheduled collection days in a manner authorized), accumulation of unused items, or accumulation of storm debris or construction debris on said premises or vacant lot.

No notice shall be required to constitute a violation of this section.

Sec. 42-263. – Abatement.

(a) *Deadline for removal.* If after the expiration of fourteen (14) calendar days from any first notice, or seven (7) calendar days from any second or subsequent notice, to cut the weeds, grass or other vegetation or to remove downed trees and/or limbs or other items in violation of Section 42-261 or Section 42-262, the weeds, grass, or other vegetation are not cut, or the downed trees or limbs are not removed or the litter, trash, unused items, construction debris or storm debris is not removed the city may do such work at the expense of the owner or other person having charge or control thereof, which charge may be a lien on the lot or parcel of land to be collected as all debts are collected, or liens enforced.

(b) *Notice.* Notice shall include either a citation or summons, written notice mailed to the property owner, oral notice to the property owner or written notice posted on the property if the address of the property owner is not known.

(c) *Appeal.* Any person receiving a notice or citation as referenced in subsection (b) who disagrees that there is a violation of Section 42-261 or Section 42-262, may appeal the requirements to cut weeds, grass or other vegetation, or to remove downed trees or limbs or to remove litter, trash, unused items, construction debris or storm debris to the city administrator within five (5) business days after the date of service by filing written notice of appeal to the city administrator. Abatement of the property shall be stayed during the appeal pending final decision of the city administrator.

Sec. 42-264. – City may correct violation

Upon finding a violation of Section 42-261 or Section 42-262, and the owners failure to abate said condition, pursuant to notice given under Section 42-263, the City may perform one of the following:

(a) Abate the issues themselves and charge the owner of the property a reasonable cost of this work performed by the City;

(b) Obtain written or verbal quotes to perform the work, have the lowest responsible vendor to perform the work, and charge the owner the actual cost of this work; or

(c) Bid the work annually or periodically and charge the owner the per-unit cost of the annual bid for this work performed.

In addition, for each action taken by the city as specified in this Section, there may be a Twenty Five and No/100 (\$25.00) Dollar fee added to the cost, as computed above, for reimbursing the City administrative costs of enforcing this Ordinance.

Sec. 42-265 – Penalty for habitual offenders.

The cost for the property owner for the first three (3) notices for the same location shall be computed as set forth in Section 42-264 as the reasonable or actual cost to the city plus the \$25.00 administrative fee billed to the property owner.

However, on each subsequent notice after the first three (3) notices for the same location the property owner shall be charged double the reasonable or actual cost to the city as provided in Section 42-264 as a penalty for repeated violations of these provisions, plus the \$25.00 administrative fee.

Sec. 42-266 – Ownership of property.

The City shall presume that the owner of the property is the owner shown on the Tuscaloosa County tax records unless receiving actual notice that the ownership of the property has changed hands.

Sec. 42-267 – City authorized to file lien.

The City of Northport is authorized to file a lien against the property on charges related to work performed by the city pursuant to Section 42-261 through 42-264 after thirty (30) days written notice mailed to the property owner of the City’s intent to file a lien. This lien shall be a certified copy of a resolution passed by the city council and shall state the purpose and amount of the lien and shall be recorded in the Office of Probate for Tuscaloosa County. The amount of the lien shall include the legal cost to the City in conducting a title search to confirm the identity of the current owner of said property.

This Ordinance shall become effective upon passage by the Northport City Council and signed by the Mayor of the City of Northport.

ORDAINED this the 7th day of October, 2013.

**CITY COUNCIL OF THE
CITY OF NORTHPORT**

BY: _____

Its President

ATTEST:

City Administrator/Clerk

APPROVED this the 7th day of October, 2013.

Mayor Bobby Herndon

Reading: September 16, 2013
By: Logan
Reading: October 7, 2013
Motion: Acker
Second: Harper
Published: October 16, 2013