

ORDINANCE NO: 1919

**WEED ABATEMENT ORDINANCE
OF THE CITY OF PRICHARD, ALABAMA**

Sponsored by: Ossia Edwards, Councilwoman

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD,
ALABAMA, AS FOLLOWS:**

1. Authority and Name. This ordinance is adopted pursuant to Section 11-67-20 *Code of Alabama* 1975, as amended, and shall be known as the Weed Abatement Ordinance.
2. Definitions. The following words and phrases shall have the following meaning:
 - a) Weeds. All weeds growing upon the streets, sidewalks, or upon private property within the City of Prichard, Alabama, which bear seeds of a wingy or downy nature, which attain a large growth so as to become a fire menace when dry, or which are otherwise noxious or dangerous.
 - b) Governing body. The City Council of the City of Prichard, Alabama.
3. Weeds as Public Nuisance.
 - (a) Whenever any weeds are growing upon any street, sidewalk, or private property the governing body of any of the City of Prichard, Alabama, may, by resolution of the governing body, declare the weeds to be a public nuisance and order its abatement.
 - (b) The resolution shall refer to the street by the name under which it is commonly known, 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.

4. Notice of Public Hearing.

- (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 30 days prior to the date of the hearing and shall inform the owner of the property 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 city 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.
- (c) Notice shall also be given by publication in a newspaper normally read by all segments of the population published in Mobile County once a week for two consecutive weeks. The first notice shall be published at least 14 days prior to the date of the scheduled hearing.
- (d) In addition to the notice requirements contained in this section, two (2) signs shall be conspicuously posted on the property at least seven days prior to the time for hearing objections by the governing body of the City of Prichard.

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

Notice is hereby given that on the _____ day of _____, 20____, at _____ A.M./P.M. in the council chamber, the City Council of the City of Prichard will consider a resolution regarding the weeds growing upon or in front of _____ Street, in the City of Prichard, Alabama, 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 constitute a public nuisance which shall be

abated by the removal of the noxious or dangerous weeds; and, if so, will order the abatement and removal of the nuisance, in which case 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 municipal purposes. The amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The amounts 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 this notice as fact and waives any rights he or she may have to contest the removal of the weeds 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.
City of Prichard, Alabama

By: _____
City Clerk

Dated this day of _____, _____, 20__.

City of Prichard, Alabama

By: _____
City Clerk

2. Hearing -- Decision of governing body.

- (a) If objections are filed, at the time stated in said notice, the City Council of shall hear and consider all evidence, objections and protest regarding the proposed removal of weeds. The council may continue the hearing from time to time.
- (b) Upon the conclusion of said hearing, the 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.
- (c) The governing body, by passage of said 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 such property or part thereof. The decision of the governing body on the matter shall be deemed final and conclusive.

6. Right of entry -- Private contractors.

- (a) After the 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 of Prichard may enter upon private property for that purpose.
- (b) The council may at its option authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance.
- (c) The 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 subsection and pursuant to Section 11-67-25, *Code of Alabama* 1975, as amended, compliance with the competitive bid law is not required.
- (d) Any property owner shall have the right to have any weeds 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 of Prichard to do the same.

7. Account of cost.

- (a) The City of Prichard 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 it or its employees, or by a duly authorized private contractor, company, enterprise, or individual, and shall render an itemized report in writing to the governing body of the municipality showing the cost of removing the nuisance on each separate lot, or in front of the lot.
- (b) Before the itemized report is submitted to the governing body, a copy of the report shall be posted for at least five days prior thereto on or near the chamber door of the governing body, together with a notice of the time when the report shall be submitted to the governing body for confirmation.

8. Lien for costs.

- (a) At the time fixed for receiving and considering itemized report, the governing body shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they deem necessary, after which by motion or resolution said report shall be confirmed.
- (b) The amounts of the cost for abating such nuisance in front of or upon the various parcels of land mentioned in said report shall hereinafter be referred to as "weed liens," and as thus made and confirmed shall constitute a weed lien on said property for the amount of such weed liens, respectively.
- (c) After confirmation of said reports, a copy shall be turned over to the tax collector of Mobile County, Alabama, who, under the "Optional Method of Taxation," is charged with the collection of the city's municipal taxes pursuant to 11-51-40 through 11-51-74; whereupon said county tax collector, pursuant to Sections 11-67-27, for the tax collector to add the amounts of the respective weed liens to the next regular bills for taxes levied against the said respective lots and parcels of land, for said amounts to 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.

9. Prior proceedings.

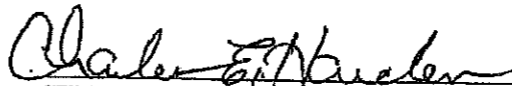
- (a) All resolutions authorizing abatement or removal of nuisances enacted prior to the passage of this ordinance and Section 11-67-28 or under the authority of any other act are hereby given full force and effect and the city may proceed to have said nuisances removed or abated by either the city or by a duly authorized private contractor, company, enterprise or individual. The procedure for confirming the account report shall be in accord with the provisions of this ordinance.
- (b) All account reports previously confirmed prior to the enactment of Section 11-67-28 are hereby given full force and effect and the city may proceed to collect these special assessments in the same manner as provided by prior law.

10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

11. This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED this the 6th day of November, 2003.

APPROVED:


CHARLES E. HARDEN, Mayor

ATTESTED:


DARLENE PALMER LEWIS, City Clerk