

**STATE OF ALABAMA**  
**COUNTY OF GENEVA**  
**CITY OF GENEVA**

**ORDINANCE NO. 02-2018-01A**

**AMENDMENT TO “PUBLIC NUISANCE ORDINANCE” NO. 02-2018-01 TO INCLUDE A MONETARY FINE FOR THE VIOLATION OF THE PUBLIC NUISANCE ORDINANCE AS WELL AS REQUIRE WATER AND SEWER FOR ALL INHABITED DWELLINGS USED AS A RESIDENCE.**

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**WHEREAS**, the City of Geneva, Alabama, did on February 20, 2018, enact a “Public Nuisance Ordinance” for the purpose of preventing and prohibiting safety and health hazards that create a menace to the health and welfare of the public and the residents of the City of Geneva, Alabama; and

**WHEREAS**, Ordinance Number 02-2018-01 failed to include a monetary fine for the violation of the Public Nuisance Ordinance as well as a section that would require water and sewer for all inhabited dwellings used as a residence; and

**WHEREAS**, the City Council, based on the recommendations of the Nuisance Officer, Ricky Morgan, and City Clerk, Lisa Johnson, is of the opinion that said ordinance should be amended.

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

Ordinance Number 02-2018-01 enacted by the City Council for the City of Geneva on February 20, 2018, is hereby amended to read as follows:

**ARTICLE I**

## SHORT TITLE

**Short Title.** This Ordinance shall be cited as the “Public Nuisance Ordinance”.

## ARTICLE II

### PURPOSE

**Purpose.** This Ordinance is enacted to prevent and prohibit safety and health hazards that create a menace to the health and welfare of the public and the residents of the City of Geneva, and to prevent and prohibit those conditions and activities which interfere with the enjoyment of public and private property.

## ARTICLE III

### PUBLIC NUISNANCE DEFINED; NUISANCES ENUMERATED.

**Section 1. *Public Nuisance Defined.*** The causing, creating or maintaining of a public nuisance, as prohibited under this Article, shall be interpreted and construed according to the definition of “Public Nuisance” as that term is defined or understood according to the common law and statutory law in force and effect in this state.

**Section 2. *Nuisances Named.*** Without effecting or limiting the generality of Section 1 above or the meaning of the term “nuisance” as used in this Article, it is hereby declared that all of the following are public nuisances within the meaning of this Ordinance:

- (a) An accumulation of overgrown vegetation, rubbish, trash, tires, junk vehicles, flammable or toxic materials, pooled water and other like public nuisances which create a hazardous condition or are favorable to the harboring of mosquitoes or other insects or vermin.
- (b) An abundance of overgrown grass or weeds growing upon the streets, sidewalks, or upon private property 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, or which exceeds twelve (12) inches in height.
- (c) Any dilapidated building, billboard, or other structure, and any old, abandoned or partially destroyed building or structure, any building or structure commenced and left unfinished, any building or structure which has been deemed to be unsuitable or unfit for human occupancy or habitation by any duly constituted official of the state department of health or the county department of health, any building which has been deemed by the building inspector of the city to fail to comply with the minimum building codes in force and effect in the city, or any

abandoned well or excavation not properly protected and which may attract children and endanger them in the course of play.

- (d) Any occupied and/or inhabited residence/dwelling without water and sewer.
- (e) Any partially dismantled, nonoperating, wrecked, junked or discarded vehicle remain on such property longer than 30 days, except that this section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; a vehicle positioned out of view of traffic traversing streets and highways; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. Such dismantled or wrecked vehicles which are stored or maintained in order to sell or salvage the parts from such vehicles must be obscured behind a permanent blinded fence.
- (f) An accumulation of garbage, trash, paper, or litter that can be scattered or blown on to any street, alley, avenue or other public place or onto the premises of others in the city.

#### **ARTICLE IV**

#### **DEFINITIONS, DUTIES, AND ABATEMENT PROCEDURES AS TO NUISANCE**

**Section 1. *Definitions.*** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Abandoned vehicles* shall be any unused, untagged, wrecked, demolished, disabled or partially dismantled vehicle or part of portion thereof which is left or permitted to remain upon any real property or street in the City, which is accessible to children or where weeds, grass and other vegetation is allowed to grow in or around such vehicle. Said definition does not include those persons or entities that are lawfully engaged in the business of storage, repair, sale or maintenance of vehicles. Businesses engaged in storage, repair, sale or maintenance of vehicles must provide a secure, fenced or otherwise enclosed area for such storage. Businesses engaged in the sale, service of storage of tires must store said tires in a shelter where they are not subject to the accumulation of rain water.
- (b) *Abatement* shall mean full and complete removal of any declared nuisance.

- (c) *Dilapidated Buildings and Structures* shall include (1) any building, shed, fence, or other manmade structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (2) any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; (3) any building, shed, fence or other manmade structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure; (4) any building, shed, fence or other manmade structure which, because of its condition or because of lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure; and (5) any building, shed, fence or other manmade structure which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment or accumulation of rubbish and debris.
- (d) *Dwelling* means a house or building, or portion thereof, which is occupied, in whole or in part, as the home, residence, or sleeping place of one or more human beings, either permanently or transiently.
- (e) *Enforcing Official* shall be any official of the city police department or any other city employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this article to the enforcing official.
- (f) *Junk* shall include any metal, glass, paper, rags, wood, tires, appliances, machinery parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or any scrap or salvage materials. Said definition does not include those persons or entities that are lawfully engaged in the business of storage and sale of scrap or salvage materials. Nothing herein is intended to abrogate, limit, decrease or reduce the requirements of such a business to comply with other ordinances, rules and regulations of the City.
- (g) *Junk vehicles* refers to vehicles left unused for a period exceeding 30 days, vehicles supported by any artificial means for a period exceeding 30 days and/or vehicles left on a premises in an inoperable condition for longer than 30 days; this definition is not intended to include vehicles of a recreational, antique or collectible nature that are in working condition and used by the person(s) owning or controlling the subject premises; this definition does not include abandoned vehicles as referenced in this section.
- (h) *Nuisance* shall be anything that unlawfully causes hurt, inconvenience or damage; that class of wrongs that arises from the unreasonable, unwarrantable or unlawful use by a person of such person's own property, either real or personal, or from such person's own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or

of the public and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another.

- (i) *Nuisance Buildings* shall be any nuisance condition involving a residential or nonresidential structure including remains from demolition, remains from fire, parts of buildings and parts of uninhabitable structures.
- (j) *Owner of Property* shall be any legal title holder, or lessee, or occupant of property, or agent of legal title holder or lessee, in charge, possession or control of such property, and any person who has the right of possession including, but not limited to, a holder of a tax certificate obtained pursuant to a tax sale. For a building nuisance only, includes any mortgage holder or mortgagee of record with respect to the property.
- (k) *Person* shall include and be applicable to firms, corporations and associations, as well as to individuals.
- (l) *Pooled water* shall be any small body of nonflowing standing water or standing water found in containers, tires or ornamental fixtures that is in a condition conducive to the harboring of mosquito larvae.
- (m) *Rubbish* shall be useless or rejected objects or junk.
- (n) *Trash* shall mean improperly disposed of waste material or garbage.

**Section 2. *Accumulation of Storage and Debris Prohibited.*** It shall be unlawful for any person in charge or control of any property, whether as owner, tenant, occupant, lessee, or otherwise, in the city or its police jurisdiction, to have an accumulation of rubbish, trash, tires, junk vehicles, abandoned vehicles, flammable or toxic materials, pooled water and other like public nuisances which create a hazardous condition or are favorable to the harboring of mosquitoes or other insects or vermin.

**Section 3. *Abandoned Vehicles on Private Property Prohibited.*** It shall be unlawful for any person in charge or control of any property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than 30 days, except that this section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; a vehicle positioned out of view of traffic traversing streets and highways; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. Such dismantled or wrecked vehicles which are stored or maintained in order to sell or salvage the parts from such vehicles must be obscured behind a permanent blinded fence.

**Section 4. *Keeping or Occupying Dilapidated Buildings and/or Structures Prohibited.***

It shall be unlawful to maintain or permit the existence of any dilapidated building and/or structure in the city; and it shall be unlawful for the owner, occupant or person in custody of any dilapidated building and/or structure to permit the same to remain in a dilapidated condition, or to occupy such building and/or structure or permit it to be occupied while it is or remains in a dilapidated condition.

**Section 5. *Occupied and/or Inhabited Residence/Dwelling must have Water and Sewer.***

It shall be unlawful for any person in charge or control of any property, whether as owner, tenant, occupant, lessee, or otherwise, in the city or its police jurisdiction, to occupy or inhabit a dwelling used as a residence without water and sewer.

**Section 6. *Declaration and Intent.*** The city declares that any violation of Sections 2-5 of this Article to be a public nuisance and subject to abatement as herein provided in order to protect the health, safety and welfare of the occupants and the public.

**Section 7. *Enforcement.***

- (a) Whenever, in the opinion of the enforcing official, a nuisance exist, such official shall order the owner, agent, occupant or lessee of the property on which the nuisance is located to abate the same
- (b) The enforcing official shall give written notice, in person or by first class mail, to the owner, agent, occupant or lessee of the existence of the nuisance. The notice shall require the owner to comply with this article within the time stated in the notice or to request an administrative hearing before the City Council or other person designated by the mayor to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time and place for such hearing, if requested. For a building nuisance the notice shall contain the names of all owners and lienholders of the property, a legal description of the property and the nature of the proceeding.
- (c) The notice shall be sent to that person shown by the records of the Geneva County Tax Collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of any change of ownership or interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest. The enforcing official shall cause a copy of each building nuisance notice to be recorded in the office of the probate judge.
- (d) Where service of said notice by certified mail has been attempted but the return receipt shows a failure of service, the notice shall be published once a week for four consecutive weeks in a newspaper of general circulation in the city.

- (e) The notice shall also be posted in a conspicuous place on the property, preferably within three (3) feet of an entrance to the building or structure. If there is no entrance or structure, the notice may be posted at any location on the property.
- (f) The notice shall require the owner, agent, occupant or leasee to complete abatement of the nuisance within the following periods, provided the enforcing official may stipulate additional time, but in no case more than a total of one hundred fifty (150) days:
  - (1) Sixty (60) days from the date of notice if it is a building nuisance;
  - (2) Thirty (30) days from the date of notice if it is any other type of nuisance including, but not limited to, burned structures and abandoned vehicles.
- (g) The notice may also require the vacation of a building or structure forthwith and prohibit its occupation until the required repairs and improvements have been completed, inspected and approved by the enforcing official. In such cases, the enforcing official shall post at each entrance to the building or structure a sign stating: "THIS STRUCTURE IS UNSAFE. ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF GENEVA," or words of similar import, which sign shall be signed and dated. Said sign shall remain until the required repairs and improvements have been made or the structure has been demolished and removed. Said sign shall not be removed without permission of the enforcing official whose name is affixed thereon. No person shall enter the structure except for the purpose of making the required repairs or demolishing the structure.
- (h) The notice shall state that if the nuisance is not abated within the stated time, the enforcing official may institute legal proceedings against the owner, agent, occupant or lessee for violation of this Code.

**NOTICE OF NUISANCE  
DILAPIDATED BUILDING AND/OR STRUCTURE**

To: \_\_\_\_\_  
of the premises known and described as \_\_\_\_\_.

You are hereby notified that \_\_\_\_\_ (describe building) located on the above premises has been declared to be a nuisance and a dilapidated building and/or structure after inspected by \_\_\_\_\_ (officer).

The causes for this decision are \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (insert the facts as to the dilapidated condition).

You must remedy this condition or demolish the building within sixty (60) days from the date of this notice, or the City of Geneva, a municipal corporation, will proceed to do so and the cost thereof will be assessed against the real estate upon which said building is situated and will constitute a lien thereon.

**Section 8. Appeals from Notice to Abate.** Any person receiving notice of a nuisance under this Article and an order to abate the same from the enforcing official may appeal said order to the Geneva City Council and such appeals must be written and filed with the City of Geneva, c/o Geneva City Clerk, within ten days of the date of such notice. No appeal filed later than ten days after the notice shall be considered unless the enforcing official consents.

**Section 9. Penalties.** Upon violation of this statute, a person will be subject to the following penalties:

- (a) In case the owner, agent, occupant or lessee shall fail, neglect or refuse to comply with the notice to abate the nuisance, the enforcing official may proceed to prosecute said person for a violation of the provisions of this Code or other applicable ordinance.
- (b) In case the owner, agent, occupant or lessee shall fail, neglect or refuse to comply with the notice to abate the nuisance, the enforcing official shall notify the city council of such fact. The city council shall hold a public hearing before authorizing the abatement of the nuisance by the enforcing official and also before levying an assessment on the property.
- (c) Notice of the public hearing to determine whether the city council should order the enforcing official to abate the nuisance shall be given by causing a notice of such hearing to be sent by certified mail to the owner, agent, occupant or lessee at least ten days before the date of such hearing. Such notice shall also be published once in a newspaper of general circulation in the city at least five days prior to the hearing.
- (d) After the public hearing, the city council may by resolution order the enforcing official to proceed with the work specified in such notice or may order such nuisance demolished or removed. If the owner, agent, occupant or lessee of the property shall appear at the public hearing, no further notice of the order of the city council shall be required. If the owner, agent, occupant or lessee fails to appear, notice of the order of the city council shall be mailed to such person's last known address and shall be published once in a newspaper of general circulation in the city.
- (e) Upon the expiration of ten days from the date of publication under subsection (d) of this section, or ten days from the date of the order if notice by publication is not required, the enforcing official or such official's designated representative or agent shall proceed to carry out the order of the city council.



**Section 10. *Assessment of Cost – Levy.*** Upon completion of the work ordered by the city council, the enforcing officer shall compute the actual expense, including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, and materials purchased, which was incurred by the city as a result of such work. An itemized statement of such expenses shall be mailed to the last known address of the owner, agent, occupant or lessee of the property, whereupon the said owner, agent, occupant or lessee shall pay to the city the amount of expenses stated on said statement. In the event the owner, agent, occupant or lessee shall fail or refuse for a period of 30 days to pay off and discharge the expenses, the enforcing official shall report such failure to the city council at the next regular meeting following the expiration of that period. The city council shall hold a public hearing before causing the actual expense of such work to be levied as a special assessment against the property. Notice of such public hearing shall be published in a newspaper of general circulation in the city at least five days prior to the hearing. After the public hearing, the city council may by resolution assess all or part of such expenses against the property. Any assessment against property under this section shall not be final until ten days after adoption by the city council. Once the assessment has become final, the city clerk shall have such resolution recorded in the office of the judge of probate of the county.

**Section 11. *Collection; Remedy of City.*** In the event the owner, agent, occupant or lessee shall fail or refuse to discharge the assessment after a period of 30 days from the date the assessment was made final, the city may commence an action in any court of competent jurisdiction to recover said expenses. In addition to remedies otherwise provided for herein, the enforcing official may cause an action to be instituted to enjoin or abate any nuisance.

## ARTICLE V

### DEFINITIONS, DUTIES, AND ABATEMENT PROCEDURES AS TO GRASS AND WEED NUISANCE

**Section 1. *Definitions.*** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Abatement* shall mean full and complete removal of any declared nuisance.
- (b) *Enforcing Official* shall be any official of the city police department or any other city employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this article to the enforcing official.
- (c) *Grass and Weeds Nuisance* means an abundance of overgrown grass or weeds within the city limits which are (1) are injurious to the general public health, safety, and welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; (2) are attaining heights and dryness that constitute a serious fire threat or hazard; (3) are 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; (4) are hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; (5) are being unsightly; or (6) other than ornamental plant growth, exceeds 12 inches in height.

- (d) *Nuisance* means anything that (1) unlawfully causes hurt, inconvenience or damage; that class of wrong that arises from the unreasonable, unwarrantable or unlawful use by a person of such person's own property, either real or personal, or from such person's own improper, indecent, or unlawful conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; and (2) is injurious to health or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another.
- (e) *Owner of Property* shall be any legal title holder, or lessee, or occupant of property, or agent of legal title holder or lessee, in charge, possession or control of such property, and any person who has the right of possession including, but not limited to, a holder of a tax certificate obtained pursuant to a tax sale. For a building nuisance only, includes any mortgage holder or mortgagee of record with respect to the property.
- (f) *Person* shall include and be applicable to firms, corporations and associations, as well as to individuals.

**Section 2. *Duties of Property Owner in Maintaining Grass and Weeds.*** It shall be the duty of all owners or occupants of residence or business houses or vacant lots fronting on any of the public streets to keep the grass, weeds or any other vegetation growing in the space between the sidewalk and property lines and sidewalks and the curbs or street boundary mown or cut down so as not to obstruct or inconvenience pedestrians using such sidewalks.

**Section 3. *Overgrowth of Grass and Weeds.*** It shall be unlawful for any person in charge or control of any property, whether as owner, tenant, occupant, lessee, or otherwise, in the city or its police jurisdiction, to have an abundance of overgrown grass or weeds within the city which is injurious to the general public health, safety and welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests; or attaining such 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 seeds 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 any person going upon the property; or being unsightly; or any growth of grass or weeds, other than ornamental plant growth, which exceeds twelve (12) inches in height. Every such person who shall allow such grass and weed nuisance shall be punished for a violation of this ordinance.

**Section 4. Declaration and Intent.** The city declares that any overgrown weeds and grass defined under this Article V to be a public nuisance and subject to abatement as herein provided in order to protect the health, safety and welfare of the occupants and the public.

**Section 5. Procedure for Abatement of Nuisance.**

(a) *Resolution to Abate.* Whenever any grass or weeds are growing upon any street, sidewalk, or private property, the city council may, by resolution, declare the same to be a grass and weeds nuisance and order its abatement. The resolution shall refer to the street by the name which it is commonly known or describe the property upon which and 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. More than one street, sidewalk or parcel of private property may be included in one resolution.

(b) *Notice.* After the passage of the resolution by the city council, a 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. 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 article.

Notice shall also be given by publication in a newspaper of general circulation published in the city 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.

In addition, two signs shall be conspicuously posted on the property. 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., the city council of the city of Geneva will consider a resolution regarding the grass and/or weeds growing upon or in front of the property at \_\_\_\_\_ Street, in the City of Geneva, 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 grass and/or weeds constitute a public nuisance which shall be abated by removal of the noxious or dangerous weeds; and, if so, will order the abatement and removal of the nuisance. If abatement and removal are ordered, 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 costs shall be collected at the same time and in the same manner as ordinary municipal 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 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 representative to show cause, if any, why his objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he 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.

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

CITY OF GENEVA

BY:

\_\_\_\_\_  
City Clerk

The notice in subsection (b) of this section shall be posted on the property at least seven days prior to the time for hearing objections by the council of the city.

(c) *Hearing.* If objections are filed, at the time stated in the notice, the Geneva City Council shall hear and consider all evidence, objections, and protests regarding the proposed removal of the grass or weeds. The council may continue the hearing from time to time. Upon conclusion of the hearing, the council, by resolution, shall decide whether a grass and weeds public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described in the notice. The city council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and either to perform or to have performed the work of removal or abatement with respect to the grass and weeds on the property or parts of the property described in said notice. The decision of the city council on the matter shall be deemed final and conclusive.

(d) *Abatement of Nuisance.* After the city 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 may enter upon the private property to abate the nuisance. The city council may authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance. The city council, by resolution, shall designate the contractors, companies, enterprises, or individuals who may perform the work. Those persons so designated may enter upon the property for purposes of abating or removing the nuisance. For purposes of this section, compliance with the competitive bid law is not required. Any

property owner shall have the right to have any grass and/or weeds removed at his or her own expense providing the removal is done prior to the commencement of work by the employees or agents of the city to do the removal.

(e) *Report of Costs.* The city 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 showing the cost of removing the nuisance on each separate lot, or in front of the lot. Before the report is submitted to the council, a copy of the report shall be posted for at least five days prior thereto on or near the chamber door of the council, together with a notice of the time when the report shall be submitted to the council for confirmation.

(f) *Confirmation of Report; Weed Liens.* At the time fixed for receiving and considering the report of costs, 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 tax collector or revenue commissioner of the county who, under the "Optional Method of Taxation" is charged with the collection of the municipal taxes pursuant to Sections 11-51-40 through 11-51-74, Code of Alabama, 1975. It shall be the duty of the revenue commissioner to 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 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.

**Section 6. Resolutions Prior to Enactment of Article.** All resolutions authorizing abatement or removal of nuisances enacted prior to the passage of this article 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 article.

**Section 7. Account Reports Prior to Enactment of Article.** All account reports previously confirmed prior to the enactment of this article 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.

**ARTICLE VI**  
**VIOLATIONS**

Any person violating any of the provisions of this Ordinance shall, for each such offense, be punished by a fine of not less than Fifty (\$50.00) and not more than Five Hundred Dollars (\$500.00). Each day that a violation continues, after due notice has been served, shall constitute a separate offense.

**ARTICLE VII**  
**REPEALER**

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

**ARTICLE VIII**  
**PUBLICATION**

This ordinance shall be published in the Geneva County Reaper, a newspaper published in Geneva County, Alabama as required by law.

**ADOPTED AND APPROVED** on this 5th day of November, 2018.

**The City of Geneva, Alabama**

By: Frankie Lindsey  
**Frankie Lindsey, Mayor**

**ATTEST:**

Lisa Johnson  
**Lisa Johnson, City Clerk**