

1 SB326  
2 157932-1  
3 By Senator Taylor  
4 RFD: Governmental Affairs  
5 First Read: 11-FEB-14

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8 SYNOPSIS: This bill would relate to any Class 6  
9 municipality and would provide an alternate  
10 procedure for the abatement of grass and weeds  
11 which become a nuisance.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 Relating to any Class 6 municipality; to provide for  
18 the abatement of grass and weeds which become a nuisance under  
19 certain conditions; to provide for notice to the property  
20 owners; to provide for the assessment of the costs for  
21 abatement when the work is required to be performed by the  
22 municipality; and to provide for liens on the property under  
23 certain conditions.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall apply only to Class 6  
26 municipalities.

1           Section 2. (a) An abundance of overgrown grass or  
2 weeds within the municipality which is injurious to the  
3 general public health, safety, and general welfare by  
4 providing breeding grounds and shelter for rats, mice, snakes,  
5 mosquitoes, and other vermin, insects, and pests; or attaining  
6 heights and dryness so as to constitute a serious fire threat  
7 and hazard; or bearing wingy or downy seeds, which when  
8 mature, cause the spread of weeds and, when breathed in, cause  
9 irritation of the throat, lungs, and eyes of the public; or  
10 hiding debris, such as broken glass or metal, which could  
11 inflict injury on a person going upon the property; or being  
12 unsightly; or growth of grass or weeds, other than ornamental  
13 plant growth, which exceeds 12 inches in height, may be  
14 declared to be a public nuisance and abated as provided in  
15 this act.

16           (b) This act shall not apply to any of the  
17 following:

18           (1) Heavily wooded areas in their natural state  
19 which are undeveloped.

20           (2) Farm properties.

21           (3) Properties under current construction.

22           Section 3. (a) Whenever, in the opinion of a city  
23 official designated by the chief executive officer, a nuisance  
24 exists, the city official shall order the owner of the  
25 property on which the nuisance is located to abate the  
26 condition.

1           (b) The city official shall give the owner written  
2 notice in person or by first class mail. The notice shall  
3 apprise the owner of the facts of the alleged nuisance and  
4 require the condition be abated within the time stated in the  
5 notice or to request a hearing before an administrative  
6 official of the city designated by the city council, to  
7 determine whether there has been a violation.

8           (c) The notice shall be sent to that person shown by  
9 the records of the county to have been the last person  
10 assessed for payment of ad valorem tax on the property where  
11 the nuisance is situated. It shall be the responsibility of  
12 that person to promptly advise the city official of a change  
13 of ownership or interest in the property.

14           (d) The notice shall also be posted in a conspicuous  
15 place on the property.

16           (e) The notice shall require the owner to complete  
17 abatement of the nuisance within 14 days from the date of  
18 notice, provided the city official may stipulate additional  
19 time, but in no case more than 28 days.

20           (f) A property owner shall have 10 days following  
21 issuance of notice to request a hearing before the  
22 administrative official to appeal the determination of the  
23 city official. The administrative official shall be appointed  
24 by the city council of the municipality. Requested hearings  
25 before the administrative official shall be held no more than  
26 14 days following receipt of the appeal by the administrative  
27 official. After the hearing, the administrative official shall

1 notify the owner by personal service or by first class mail of  
2 his or her determination. If the administrative official  
3 determines that a nuisance exists, the owner shall comply with  
4 the initial order to abate issued by the city official, with  
5 modifications as may be made by the administrative official.  
6 Any person aggrieved by the decision of the administrative  
7 official at the hearing, within 10 days, may appeal to the  
8 circuit court upon filing with the clerk of the court notice  
9 of the appeal and bond for security of costs in the form and  
10 amount to be approved by the circuit clerk. Upon filing of the  
11 notice of appeal and approval of the bond, the clerk of the  
12 court shall serve a copy of the notice of appeal on the clerk  
13 of the municipality and the appeal shall be docketed in the  
14 court and shall be a preferred case therein. The clerk of the  
15 municipality, upon receiving the notice, shall file with the  
16 clerk of the court a copy of the findings and determination of  
17 the administrative official in its proceedings. Any trials  
18 shall be held without jury upon the determination of the  
19 administrative official that the weeds are a public nuisance.

20 Section 4. (a) If the owner fails, neglects, or  
21 refuses to abate the condition after notice to do so, the city  
22 official shall cause the offending grass or weeds to be cut.

23 (b) Upon completion of the abatement work performed  
24 by the municipality, including work by contractors employed by  
25 the municipality, the city official shall compute the actual  
26 expenses, including, but not limited to, total wages paid,  
27 value of the use of equipment, advertising expenses, postage,

1 and materials purchased, which were incurred by the  
2 municipality as a result of the work. An itemized statement of  
3 the expenses shall be given by first class mail to the last  
4 known address of the owner of the property. This notice shall  
5 be sent at least five days in advance of the city council  
6 meeting in which the city council will consider the assessment  
7 of the cost against property.

8 (c) At the time fixed for receiving and considering  
9 the statement, the council shall hear the same, together with  
10 any objections which may be raised by the owner whose property  
11 is liable to be assessed for the work and thereupon make  
12 modifications in the statement as the city council deems  
13 necessary, after which a resolution may assess the cost. The  
14 cost stated in the resolution shall constitute a lien on the  
15 property. The city clerk shall charge the assessments against  
16 the respective lots and parcels of land for municipal  
17 purposes. Thereafter, the amounts shall be collected at the  
18 same time and in the same manner as ordinary municipal  
19 assessments are collected, and shall be subject to the same  
20 penalties and the same procedure under foreclosure and sale in  
21 case of delinquency as provided for ordinary municipal  
22 assessments.

23 (d) The city clerk shall cause a certified copy of  
24 the resolution assessing the cost of abatement to be filed for  
25 recording in the office of the judge of probate and shall  
26 forward a copy to the county tax collector or county revenue  
27 commissioner. Upon a filing, the tax collector or county

1 revenue commissioner shall add the amount of the lien to the  
2 ad valorem tax bill on the property and shall collect the  
3 amount as if it were a tax, using all methods available for  
4 collecting ad valorem tax, and remit the amount to the  
5 municipality.

6 Section 5. Where an assessment is made against a lot  
7 or lots or parcel or parcels of land, a subsequent redemption  
8 by a person authorized to redeem, or sale by the state, shall  
9 not operate to discharge, or in any manner affect the lien of  
10 the municipality for the assessment, but a redemptioner or  
11 purchaser at a sale by the state of any lot or lots, parcel or  
12 parcels of land upon which an assessment has been levied,  
13 whether prior to or subsequent to a sale to the state for the  
14 nonpayment of taxes, shall take the same subject to the  
15 assessment.

16 Section 6. This act is cumulative in its nature and  
17 in addition to any and all power and authority which a  
18 municipality may have under any other law.

19 Section 7. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.