

STATE OF ALABAMA
COUNTY OF BLOUNT
TOWN OF SNEAD

ORDINANCE NUMBER: 2025-125-020

**AN ORDINANCE TO PREVENT CERTAIN VEHICLES,
PROPERTY, WEEDS, OR OTHER RUBBISH WHICH IS UNSIGHTLY,
FROM BECOMING A PUBLIC NUISANCE,
A SAFETY OR PUBLIC HEALTH HAZARD, OR A FIRE HAZARD,
WITHIN THE TOWN LIMITS OF SNEAD**

WHEREAS, the presence of dismantled, junked or abandoned vehicles, other unsightly discarded items on public or private property, noxious or unsightly weeds or other rubbish constitutes an attractive nuisance for children and animals, constituting a menace to public health; creates a fire hazard, causes neighborhoods to become unsightly, resulting in the depreciation of property values; and if on town streets or public highways creates a traffic hazard and endangers the public safety.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF SNEAD:

SECTION 1: DEFINITIONS

The following definitions shall apply in the interpretation of this ordinance:

- A. "Person" shall mean any person, firm, partnership or corporation, association, company, or organization of any kind.
- B. "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- C. "Property" shall mean any real property within the Town Limits or police jurisdiction of the Town of Snead which is not a street or highway.
- D. "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and/or wagon.
- E. "Junk" shall mean any dismantled vehicles, appliances, or other unsightly, discarded items not located within an enclosed building.
- F. "Weeds" shall mean any injurious, noxious or unsightly weeds. Weeds 12" or higher are hereby deemed to be unsightly. As used herein, "weeds" shall include an economically useless plant, a plant of unsightly appearance, a tree or shrub of low economic value that tends to grow freely and a form of vegetable life of exuberant growth and injurious effect.

SECTION 2: VIOLATIONS

A. No person, firm or corporation shall deposit, store, keep or permit to be deposited, stored or kept in the open upon public or private property a dismantled, unserviceable, junked or abandoned vehicle, one legally or physically incapable of being operated or vehicle parts, unless a license for said storage has theretofore been obtained from the property authority.

B. No person shall abandon or leave any vehicle or partially dismantled, non-operating, wrecked or junked vehicle within the Town Limits or the police jurisdiction of Snead. It shall be presumed that any vehicle which has been left at any place on a street or highway within the town of a period of seventy-two (72) hours consecutively is an abandoned vehicle.

C. No person in charge or control of any property within the Town Limits of the Town of Snead, whether as an owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle or vehicle parts, disabled appliances, or other unsightly discarded items to remain on any property within the Town of Snead longer than seventy-two (72) hours, and no person shall leave any such vehicle or vehicle parts on any property within the Town of Snead for a longer time than seventy-two (72) hours, except that this ordinance shall not apply with regard to a vehicle in an enclosed building.

D. It shall be unlawful for any owner, proprietor, tenant or other person in charge or control of any lot, place or premises that lies within the Town of Snead, Alabama, when such lot, place or premises are not under cultivation for useful and productive purposes, to fail to keep and maintain the same free from injurious, noxious or unsightly weeds.

SECTION 3: NOTICE

Upon two written complaints being submitted at the Snead Town Hall, that any condition exists as defined in the previous Sections of this Ordinance in the Town of Snead, Alabama, or/and whenever it comes to the attention of the Mayor that any condition exists as defined in the previous Sections of this Ordinance in the Town, a notice in writing shall be served upon the occupant of the land where the said condition exists, or in case there is no such occupant, then upon the owner of such property or his agent, by certified mail, return receipt requested, or by personal service, notifying the occupant or owner of the existence of the condition and requesting its abatement within 21 days or failing this, a citation will be issued pursuant to Section 4 of this Ordinance. Upon a written request filed by the occupant or owner of such property, and upon extraordinary circumstances being shown, the Mayor may grant an extension for the abatement of the appropriate condition. In the event such an extension is granted by the Mayor, he/she shall report such extension to the Town Council at the next scheduled meeting of the said Town Council.

SECTION 4: PENALTIES

A. Any condition found to exist as described in Section 1 of this Ordinance is declared to be a public nuisance and further constitutes an offense under this Ordinance which is designated as a violation within the meaning of Title 12A Criminal Code, Code of Alabama, 1975, as amended. Upon the determination of the Chief of Police of the Town of Snead, Alabama, or his subordinate that any violation of this Ordinance exists after notice, such official shall issue a citation to the owner, proprietor, tenant or other person in charge or control of the property or all or any one or more of them. The citation shall

identify the violation and shall notify the Defendant to appear in the Snead Municipal Court, Alabama, at the time and place stated in the citation to answer the charge. The Defendant shall have all rights secured to persons charged in the town with violations generally. If the Defendant is found guilty by Snead Municipal Court, Alabama, the Court may impose a fine or imprisonment or both and court costs. Violations of this Ordinance are punishable by a term of imprisonment in the Blount County Jail not to exceed 30 days and a fine not to exceed \$500.00. In the event that Snead Municipal Court, Alabama determines that a violation of this Ordinance exists, in addition to the fine or imprisonment as set out herein, it shall declare that a violation exists and shall make an Order requiring the abatement and removal of same within five (5) days from the making of said Order.

B. Any time until the close of business on the last business day before the day set for trial, the Defendant may elect to enter a guilty plea to the offense and waive his right to trial before the Snead Municipal Court, Alabama, and pay a fine to the Town of Snead, Alabama with the following schedule provided that the violation has been abated.

- | | | |
|-----|-----------------|----------|
| (1) | First Offense | \$50.00 |
| (2) | Second Offense | \$75.00 |
| (3) | Third Offense | \$100.00 |
| (4) | Fourth Offense. | \$150.00 |

subject to Court costs

Multiple offenses for one lot, place or premises shall be cumulative within 12 months from the date of the first offence. Repeat citations for the same offense may be issued following ten (10) day intervals. The right to elect to enter a guilty plea and waive trial and pay the fine is terminated following the fourth offense within said 12- month period.

C. Any person convicted of any offense provided for herein shall have the right to appeal to the Blount County Circuit Court, Criminal Division, for a trial de novo by filing within the same time and in the same manner as prescribed by law for violations generally. Trial by jury may be obtained by proper demand in accordance with the law for violations generally.

SECTION 5: ABATEMENT

If the owner or person having charge of any premises whereon there exists a condition as described in Section 1 of this Ordinance shall fail to remove and abate same after having been ordered to do so by the Municipal Court of Snead, Alabama, the appropriate town department shall enter upon said premises and at the expense of such person, shall proceed to abate and remove the said violation. The officer in charge of the work is directed to keep an account of the expenses of the abatement of the said violation to certify the same to the Town Council. Said officer shall keep separate accounts showing the total expense of abatement and removal from each separate lot or premises and certify the same to the Town Council; he shall report separately as to each piece of property whereon he has abated and removed said violation together with the description of the premises and the name of the owner or person having same in charge thereof (if known) and the total expense incurred in abating each such nuisance.

At intervals to be determined by the Town Council, it shall cause to be made a list showing the names of the owners or persons who had in Charge the for which violations have been abated and removed at the expense of such persons as hereinabove provided, together with a description of the property from which said violations have been abated and removed, and a statement of the amount of the expense (as reported by the officer in charge thereof) of abating and removing the violation from each such piece of

property. In the name of the owners of said property are not known, same may be stated as unknown. The Council shall set a time and place when such persons may appear and show cause, if any, they can, why the expense should not be assessed against them and their respective premises, and shall cause said notice to be published one time in some newspaper published in the County, the publication to be made at ten (10) days in advance of the date fixed for said hearing. At the time and place fixed for aid hearing, the Town Council shall proceed to hear and determine any objections that may be interposed to such assessments, and unless good cause shall be shown against the right of the Town to assess the same, shall proceed to levy an assessment against the person and their respective premises, from which said violations have been abated and removed, for the expense of abating and removing said violation and the assessment so made shall be final and the town shall have a charge and claim against such persons and a lien on the property so assessed for the amount of the respective assessments, which lien and charge it shall proceed to enforce and collect as any other debts are collected or liens enforced.

SECTION 6: CONFLICTS

A. The provisions contained herein shall be in addition to any existing Town Ordinances dealing with weed and litter control and further shall not restrict or prohibit in any way the pursuit of any and all other remedies allowed by law, including, but not limited to, equitable and injunctive relief from the appropriate court of law.

B. Public Provisions – These regulations are not intended to interfere with, abrogate, or annul any other Ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other Ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

C. Private Provisions – These regulations are not intended to abrogate any easement covenant or any other private agreement or restriction, provided that where the provision of these regulations is more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

D. None of the provisions contained herein shall apply to land owned or lawfully occupied by the Town of Snead, Alabama, a political subdivision of the State of Alabama.

E. None of the provisions contained herein shall apply to land/equipment owned that is used for farming purposes.

SECTION 7: SEVERABILITY

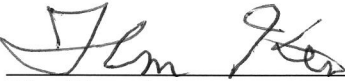
If any part or provision of these regulations or application thereof, to any person or circumstances, is adjudged invalid by any court of competent jurisdiction, said judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgement shall have rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof o other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations even without any part, provision or application.

SECTION 8: SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations or as discontinuing, abating, modifying or altering any penalty occurring or about to occur or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the town except as shall be expressly provided for in these regulations.

Upon passage of this Ordinance, the previous Ordinance and all amendments pertaining to Preventing Certain Vehicles, Property, Weeds, or other Rubbish which is unsightly, from becoming a Public Nuisance, a Safety or Public Health Hazard, or a Fire Hazard, within the Town of Snead, Alabama are here by rescinded.

ADOPTED AND APPROVED on this the 15th day of December, 2025.



Tim Kent, Mayor



~~Teresa Lindsay, Council~~
Chad Wright



Greg Ogles, Council

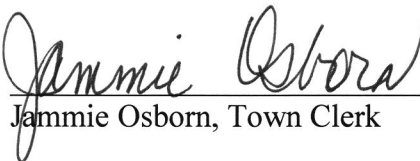
Phillip McHan, Council



Dwight P. Christian, Council

Josh Franklin, Council

ATTEST:



Jammie Osborn, Town Clerk