

STATE OF ALABAMA)
COUNTY BLOUNT)
TOWN OF SNEAD)

Ordinance 2006-03

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SNEAD,
ALABAMA, AS FOLLOWS:**

SECTION ONE: Purpose

The purpose of this ordinance is to promote and protect the general public health, safety and welfare of the residents of this municipality.

SECTION TWO: Keeping premises free of weeds and refuse accumulations

By providing that every person owning or having a charge of any premises in the municipality (or its police jurisdiction), shall keep the same:

a) free of any growth of weeds, or accumulations of weeds, bottles, tin cans, brush, trash, garbage, rubbish, or anything that will, or is likely to, constitute a fire hazard through accumulation of combustible materials or a health hazard or nuisance by providing a place for breeding or harboring of mosquitoes, flies, rats, fleas, snakes, or by the decaying of such accumulations so as to create obnoxious odor.

b) free of any open storage of any abandoned or disabled ice box, refrigerator, stove, glass, building rubbish, waste, or similar items.

SECTION THREE: Notice of Unsafe Condition

Whenever any police officer of the municipality shall observe that any premises situated in the municipality is in violation of sections two a or b; such officer shall give written notice to the owner or person having such premises in their charge; to appear before the Municipal court, at a time and place to be fixed in the notice, and then and there show cause why the growth or accumulation shall not be declared a nuisance, and an order issued requiring the same be removed. In the event no one is found on the premises or in the Town of Snead then the Town Clerk shall give the person or persons, last assessing the property for state taxes and all mortgagees of record, by certified or registered mail to the address on file in the tax collector's or revenue commissioner's office, notice to appear before the Municipal court, at a time and place fixed in the notice. Such notice shall be in substantially the following form:

NOTICE

To the owner or owner's _____ of _____
_____ here describe the premises in the Municipality of Snead:

"You are hereby notified that there exists on the above mentioned premises a violation of Ordinance 2006-03 Section Two (a) or Two (b) of the Town of Snead; and you

are further notified that a hearing will be conducted by the Municipal Judge in the Snead Municipal Court at the Town of Snead's Senior Citizen Building, Snead, Alabama at 4:30 p.m. on the _____ day of _____, 20____, at which time and place you are directed to appear and show cause, if you can, why the existence of such

_____ should not be declared a nuisance and an order issued requiring you to correct same."

"You are hereby further notified that if such _____ is not removed within five (5) days after same has been ordered removed, a police officer of the Town of Snead will enter upon such premises and will have the same removed at your cost and expense, and will certify the cost and expense, and will assess the cost against you and the above described property, and that the same expense will constitute a lien on such property."

This the _____ day of _____, 20_____.

By: _____

Police Officer for the Town of Snead

If the premises is in charge of a person other than the owner, the notice aforesaid shall be addressed to such person.

SECTION FOUR: Hearing; issuance of order to abate

At the time and place appointed in the notice provided for in Section three, the Municipal Judge shall conduct a hearing for the purpose of determining whether there has been a violation of this article, and if the judge finds that the same constitutes a nuisance and a violation of this ordinance, such judge shall so declare the same and shall make an order requiring the abating of the nuisance within five (5) days from the making of the order.

SECTION FIVE: Failure to comply; abatement by municipality

If the owner or person having charge of any such premises, having been personally served with the notice provided for in section three, shall fail to comply with the order of the municipal judge requiring the abating of such nuisance they shall be guilty of a violation of this code and on conviction shall be punished as ordered by the municipal judge. Within five days after being so ordered, the Chief of Police, personally or by his officers or laborers employed by the Town, or with prisoners, shall enter the premises and at the expense of such owner or person having charge of the premises, shall proceed to carry out such order; the officer in charge is hereby directed to keep an account of the expense of carrying out such an order, and to certify the same to the Town Council.

(State Law Reference-Authority to abate nuisances, Code of Alabama 1975, section 11-47-117)

SECTION SIX: Collection of cost

At intervals to be determined by the Town Council of Snead, it shall cause to be made a list showing the names of owners or persons in charge of premises found to be in violation of Section Two (a) or (b), the expense incurred by the municipality in abating the nuisance, together with a description of the premises, and a statement of expense incurred (as reported by the chief of police), (if the names of the owners or persons having charge of the property are not known, same may be stated as unknown) and the Snead Town 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 such notice to be published one (1) time in some newspaper published in the county, the publication to be made at least ten (10) days in advance of the date fixed for the hearing. At the time and place fixed for the hearing, the 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 municipality to assess the same, shall proceed to levy an assessment against the person and their respective premises for the expense of abating such nuisance.

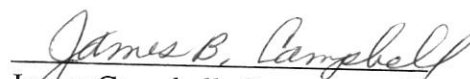
SECTION SEVEN:

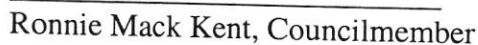
Upon the property owner's failure to pay the assessment the Mayor of the Town of Snead to collect the assessments shall proceed to collect the assessment as provided in Sections 11-48-49 to 11-48-60, inclusive. The Municipality may in the latter notice, elect to have the tax collector or the revenue commissioner collect the assessment by adding the assessment to the tax bill. Upon the election, the tax collector or revenue commissioner shall collect the assessment using all methods available for collecting ad valorem taxes.

IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SNEAD, ALABAMA, that this ordinance shall become effective immediately on its passage and publication as required by law. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

ADOPTED THIS THE 26th OF June, 2006.

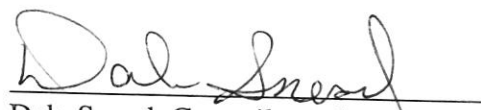

Curtis Painter, Mayor


James Campbell, Councilmember


Ronnie Mack Kent, Councilmember


Phillip McHan, Councilmember


Curtis Simoneaux, Councilmember


Dale Snead, Councilmember

I, the undersigned Town Clerk for the Town of Snead, Alabama, do hereby certify that the above and foregoing Ordinance was approved and adopted by the Town Council of the Town of Snead, Alabama on the 26 day June, 2006.

Attest: Rae Ware
Rae Ware, Town Clerk