



# CITY OF CLAY, ALABAMA ORDINANCE 2018-02

## AN ORDINANCE AMENDING ORDINANCE 2005-56

WHEREAS, Ordinance 2005-56, An Ordinance Regulating the Exterior Storage of Vehicles, Machinery, Implements, Equipment, and Other Personal Property; Setting Forth Penalties for Violations Thereof; and Repealing All City Ordinances Inconsistent Therewith Within the City of Clay, Alabama, was adopted by Clay City Council on June 20, 2005; and

WHEREAS, Section 3 and Section 4 of Ordinance 2005-56 do not produce results in a timely manner and do not address the current needs of the citizens of Clay.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Clay, Alabama, that Sections 3 and 4 of Ordinance 2005-56 are hereby stricken and replaced with the attached Section 3 through Section 8.

NOW THEREFORE BE IT FURTHER ORDAINED that Section 1 be amended as follows:  
Section 1.

No person in charge of or in control of premises located within the City of Clay, whether as owner, lessee, tenant, occupant, or otherwise shall allow any unused, partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle(s) and any other vehicle(s), machinery, implement(s), and/or equipment, and personal property for which it was manufactured to remain on such property longer than ten (10) days after being cited by a municipal official. Citation may include posting notice on property or by certified mail, return receipt requested.

NOW THEREFORE BE IT FURTHER ORDAINED upon adoption of Ordinance 2018-02 Sections 5, 6, and 7 of the original Ordinance 2005-56 shall now be known as Section 9, 10, and 11, respectively.

ADOPTED THIS THE 27<sup>th</sup> DAY OF FEBRUARY, 2018.

\_\_\_\_\_  
Charles Webster  
Mayor

ATTEST: \_\_\_\_\_  
Ronnie Dixon  
City Manager

Section 3.

In the event any person in charge of or in control of premises located within the City of Clay, whether as owner, lessee, tenant, occupant, or otherwise has failed or refused to repair or remove said violating vehicle(s) and any other vehicle(s), machinery, implement(s), and/or equipment, and personal property before the date set forth in the notice provided for in Section 2 above, the governing body of the City of Clay may, by resolution, declare a violation of Section 1 to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known or 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.

Section 4.

- (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 21 days prior to the date of the hearing and shall inform the owner 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) Notice shall also be given by publication in a newspaper of general circulation published in the municipality once a week for two consecutive weeks, or if no newspaper is published in the municipality, notice shall be posted in three public places located in the municipality for at least 21 days prior to the hearing.
- (c) 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 designate the time, date, and place of the hearing.
- (d) The notice shall be posted at least seven (7) days prior to the time for hearing objections by the governing body of the municipality.

Section 5.

The City Council shall hold a Public Hearing to hear and consider all evidence, objections, and protests regarding the proposed removal of the nuisance. The City Council may continue the hearing from time to time. Upon the conclusion of the hearing, the City Council, by resolution, may order the nuisance to be removed or abated with respect to any property or part thereof described. The governing body, by passage of the 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 the property or part thereof. The decision of the Clay City Council on the matter shall be deemed final and conclusive.

Section 6.

- (a) 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 of Clay may enter upon the private property to abate the nuisance.
- (b) 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 private property for purposes of

abating or removing the nuisance. For purposes of this article compliance with the competitive bid law is not required.

- (c) Any property owner shall have the right to have any nuisance 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 Clay hired or contracted to do the removal.

#### Section 7.

Each municipality 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 of the City of Clay showing the cost of removing the nuisance on each separate lot, or in front of the lot. Before the report is submitted to the City Council, a copy of the report shall be posted for at least five (5) days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the governing body for confirmation. *(Said report of cost shall be kept by the Public Works Superintendent with copies forwarded to City Hall).*

#### Section 8.

At the time fixed for receiving and considering the report, 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 “abatement liens,” and shall constitute an abatement lien on the property for the amount of the abatement liens, respectively. After confirmation of the reports, a copy shall be recorded at Jefferson County Probate Court and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency.



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### CERTIFICATION:

I, the undersigned City Manager of the City of Clay, Alabama, hereby Certify that the above and foregoing copy of (1) **Ordinance** is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Clay, Alabama, on the 27<sup>th</sup> Day of February, 2018, as same appears in the official records of said City.

Posted at City Hall, Clay Library, Seniors Centers, and the United States Post Office all being in the City of Clay this the 28<sup>th</sup> Day of February, 2018.

Ronnie Dixon  
City Manager