

SPECIAL NOTICE of PUBLIC HEARING

**CITY OF ARGO
100 Blackjack Rd
Trussville, AL 35173**

The City Council, in regular session on October 27, 2025, will hold a time for the reading of and public comment on Ordinance No. 2025-10-27 (309) before their vote.

**10/27/2025
5:00 PM
Work Session**

IMMEDIATELY FOLLOWING WORK SESSION
Regular Council Meeting

Ordinance No. 2025-10-27 (309) is attached to this notice.

ORDINANCE NO. 2025- 10-27 (309)

AN ORDINANCE TO ADOPT NUISANCE REGULATIONS PERTAINING TO DANGEROUS BUILDINGS, LITTER, WEEDS, AND ABANDONED, WRECKED, JUNKED, DISMANTLED, OR OTHERWISE INOPERATIVE MOTOR VEHICLES

WHEREAS, the City of Argo (“City”) seeks to protect its citizens and create an ordinance regulating dangerous buildings, litter, weeds, and abandoned, wrecked, junked, dismantled, or otherwise inoperative motor vehicles; and

WHEREAS, this Ordinance will provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the City;

NOW THEREFORE, be it ordained by the City Council of the City of Argo, Alabama, as follows:

1. This Ordinance shall become effective on _____, 2025, as follows:

ARTICLE I. – DANGEROUS BUILDINGS

Section 1-1. Owners to keep buildings in safe and tenable condition.

It shall be unlawful for any person owning any building or structure in the City to keep or maintain the same in an unsafe, untenable or dangerous condition. It shall be the duty of every person owning any building or structure in the city to keep the same in a safe and tenable condition or to cause the same to be removed.

Section 1-2. Unsafe, untenable or dangerous condition defined.

All buildings or structures which have any or all of the following defects shall be deemed in an unsafe, untenable or dangerous condition:

- (a) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (b) Those which have been damaged by fire, wind and/or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City;
- (c) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;

- (d) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live therein or may live therein;
- (e) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
- (f) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
- (g) Those which, because of their condition, are unsafe, insanitary or dangerous to the health, morals, safety or general welfare of the people of this city;
- (h) Those buildings existing in violation of any provision of the building code or any other relevant code of this city, or any provision of the fire prevention code, or other ordinances of this city.

Section 1-3. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building official or any other person designated by the City in ordering repair, vacation or demolition:

- (a) If the unsafe, untenable or dangerous condition can reasonably be repaired so that it will no longer exist in violation of the terms of this article it shall be ordered repaired;
- (b) If the unsafe, untenable or dangerous condition is such that it makes it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered to be vacated;
- (c) In any case where there exists an unsafe, untenable or dangerous condition such that 50 percent of the building or structure is damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation with the terms of this article, it shall be demolished. In all cases where a unsafe, untenable or dangerous condition exists such that it creates a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the State of Alabama, it shall be demolished.

Section 1-4. Buildings or structures in an unsafe, untenable or dangerous condition; nuisances.

All buildings or structures which are found to exist in an unsafe, untenable or dangerous condition within the terms of this article are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as herein before and hereinafter provided.

Section 1-5. Duties of the building and city officials.

The term "building official" or "city official," as used in this chapter, shall mean any building official or deputy and any other municipal official or city employee designated by the city council, mayor, or other chief executive officer of the City as the person, or persons, to exercise the authority and perform the duties delegated by this chapter. The building official shall have the authority to:

- (a) Inspect or cause to be inspected semiannually, all public buildings, schools, halls, churches, theatres, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places in an unsafe, untenable or dangerous condition within the terms of this article;
- (b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure may be existing in violation of this article;
- (c) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this city as probably existing in violation of the terms of this article;
- (d) Ensure notification of the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds of St. Clair or Jefferson County, as applicable, of any building found by him to be in an unsafe, untenable or dangerous condition within the standards set forth in this article, that:
 - (i) The owner must vacate, repair or demolish said building in accordance with the terms of the notice and this article;
 - (ii) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;
 - (iii) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the recorder of deeds of St. Clair or Jefferson County, as applicable, may, at his own risk, repair, vacate or demolish said building or have such work or act done; provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding days, as may be necessary to do, or have done, the work or act required by the notice provided for herein;
- (e) Set forth in the notice provided for in subdivision (d) of this section, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure in an unsafe, untenable or dangerous condition and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding days, as is reasonable;

- (f) Report to the city council any noncompliance with the notice provided for in this article;
- (g) Appear at all hearings conducted by the city council and testify as to the existence of the unsafe, untenable or dangerous condition of the subject building or structure;
- (h) Place a notice on all buildings and/or structures as provided in this article.

Section 1-6. Ordering vacating of building or structures.

The notice, order and hearing provisions herein shall also apply to orders to vacate a building or structure.

Section 1-7. Notice from appropriate city official; failure to comply.

- (a) Whenever the building official shall find that any building, structure, part of building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the building official shall give the person who is the record owner, notice to remedy the unsafe condition of the building or structure by certified or registered mail to the owner's last known address and to the owner at the address of the property. A copy of all notices, orders, and other communications required by this article to be given to the owner of the property, to the owner of an interest in the property, to the person last assessing the property for state taxes, and to all mortgagees of record by certified or registered mail to the address set forth in the mortgage, or if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the person responsible for the notice or other communication.
- (b) The notice shall set forth in detail the basis for the building official's finding and shall direct the owner to take either of the following actions:
 - (i) In the case where repair is required, accomplish the specified repairs or improvements within 45 days of the date of the notice or if the same cannot be repaired within that time to provide the appropriate city official with a work plan to accomplish the repairs, which plan shall be submitted within 45 days of the making of the notice and shall be subject to the city's approval.
 - (ii) In the case where demolition is required, demolish the structure within 45 days of the notice.

The notice shall also state that in the event the owner does not comply within the time specified therein, the repairs or demolition shall be accomplished by the city and the cost thereof assessed against the property.

- (c) The mailing of the notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of the order, or a copy thereof, shall, within three days of the date of mailing, also be posted at or within three feet of an entrance to the

building or structure, provided that if there is no entrance the notice may be posted at any location upon the building or structure.

- (d) If the owner of any property cited hereunder fails to comply with the notice prescribed, the city may take either of the following actions:
 - (i) In the case where repair is required, repair the building at the expense of the city and assess the expenses of the repair on the land on which the building stands or to which it is attached.
 - (ii) In the case where demolition is required, demolish the building at the expense of the city and assess the expenses of the demolition on the land on which the building stands or to which it is attached. The term "assessment," as used in this article, shall refer to the cost of repair or demolition as provided herein.

Section 1-8. Hearing; appeal.

- (a) Within 30 days from the date the notice is given, any person having an interest in the building or structure may file a written request for a hearing before the city council, together with that person's objections to the finding by the building official that the building or structure is unsafe to the extent of becoming a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the building official until determination thereon is made by the city council.
- (b) Upon holding the hearing, which shall be held not less than five nor more than 30 days after the request, or in the event no hearing is timely requested, after the expiration of 30 days from the date the notice is given, the city council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. In the event that it is determined by the city council that the building or structure, or a portion thereof, is unsafe to the extent that it is a public nuisance, the city council shall order the building or structure to be repaired or demolished, in whole or in part, as the case may be. The repairs or demolition may be accomplished by the city by using its own resources or by contract. The city shall have authority to sell or otherwise dispose of salvaged materials resulting from any demolition hereunder.
- (c) Any person aggrieved by the decision of the city council at the hearing may, within ten days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the city clerk and the appeal shall be docketed in the court, and shall be a preferred case therein.
- (d) The city clerk shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination of the city council in proceedings, and trials shall be

held without jury upon the determination of the city council that the building or structure is unsafe to the extent that it is a public nuisance.

Section 1-9. Repair or demolition.

- (a) Except for emergency repairs or demolition authorized by Section 16 of this Ordinance, repair or demolition may occur only after:
 - (i) the hearing has been held by the city council at which a determination was made that a building, structure, party wall, or foundation, in whole or in part, is unsafe to the extent that it is a public nuisance; and
 - (ii) 45 days have elapsed since notice of the condition was given pursuant to Section 1-7 of this Ordinance and either the time for an appeal by any person aggrieved by the decision has elapsed; or any person aggrieved by the decision has exhausted their opportunities for appeal and any appeal made was resolved in favor of the city.
- (b) When the conditions in subsection (a) of this section have occurred, the building official shall proceed to repair or demolish the building, structure, party wall, or foundation, as ordered by the city council under this Ordinance.

Section 1-10. Fixing of costs.

- (a) Upon demolition or repair of the building or structure, the appropriate city official shall make a report to the city council of the cost thereof, and the city council shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition or repair and assessing the same against the property; provided, however, the proceeds of any moneys received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition.
- (b) Any person having an interest in the property may be heard at the meeting as to any objection he may have to the fixing of such costs or the amounts thereof.
- (c) The city clerk shall give notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax assessor's records on the property or as otherwise known to the clerk.
- (d) The fixing of the costs by the city council shall constitute an assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and as made and confirmed shall constitute a lien on the property for the amount of the assessment (the final assessment). The lien shall be superior to all other liens on the property except liens for taxes, and except for mortgages recorded prior to the creation of the lien for the assessment, and shall continue in force until paid.

- (e) A copy of the resolution fixing costs shall be mailed shall be mailed to all owners and entities having an interest in the property who received notice of the hearing to fix costs pursuant to subsection (b) above. A certified copy of the resolution fixing the final assessment shall also be recorded in the office of the judge of probate of the county that has jurisdiction over the property.

Section 1-11. Assessment of costs.

The city shall assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the state at any sale for the nonpayment of taxes, and where such an assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate or discharge, or in any manner affect the lien of the city for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale by the state for the nonpayment of taxes, shall take the same subject to the assessment costs.

Section 1-12. Payment of costs.

- (a) The city, in ordering any repair or demolition, the cost of which or any part thereof is to be assessed against any property in accordance with this article, may provide that the same shall be paid in cash within 30 days after the final assessment; provided, however, that if the assessed amount is greater than \$10,000.00, the property owner may, at his election, to be expressed by notifying the city official charged with the duty of collecting the assessments in writing within 30 days after the final assessment is determined, pay the final assessment in ten equal annual installments, which shall bear interest at a rate not exceeding 12 percent per annum. Interest shall begin to accrue upon the expiration of 30 days from the date on which the final assessment is set by the city council and the interest shall be due and payable at the time and place the assessment is due and payable.
- (b) Any person who elects to make installment payments may pay the outstanding balance of the final assessment together with all accrued interest thereon at any time during the installment payment schedule. The first installment shall be payable within 30 days after the final assessment is determined, and all installments thereof shall be payable at the office of the city clerk. Upon full payment of the final assessments and accrued interest thereon, the city shall record a satisfaction of the lien in the office of the probate judge's office with jurisdiction over the property.
- (c) The city clerk is responsible for collecting all assessments or other payments due under this Ordinance, with the assistance of the city attorney.

Section 1-13. Failure to make payment.

- (a) If the property owner fails to pay the assessment lien within 30 days, or having elected to make installment payments, fails to make any installment payment when due, the

whole assessment lien shall immediately become due and payable, and the officer designated by the city to collect the assessment lien shall proceed to sell the property against which the assessment lien is made to the highest bidder for cash, but in no event less than the amount of the lien plus interest through the date of default.

- (b) Prior to the sale, the city official shall mail notice to the property owner by certified or registered mail of the default and of the city's intent to proceed to sell the property to the highest bidder at the date and time described in subsection (c) below, and that the property owner may avoid the sale of said property by paying the assessment lien with interest and all costs if such tender is made prior to the sale of the property.
- (c) The city official shall additionally give notice by publication once a week for three consecutive weeks in a newspaper published in the city or of general circulation therein, setting forth the date and time of the sale and the purpose for which the same is made, together with a description of the property to be sold.
- (d) If the officer fails to advertise and sell any property on which the payments are past due, any taxpayer of the issuing city shall have the right to apply for a writ of mandamus requiring the official to take such action to any court of competent jurisdiction, and the court shall, on proof, issue and enforce the writ.

Section 1-14. Sale of property upon default.

- (a) Any property owner, notwithstanding default, may pay the assessment lien with interest and all costs if tendered before a sale of the property.
- (b) The cost of any notice and sale resulting from a default on paying an assessment shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.
- (c) The officer making the sale shall execute a deed to the purchaser, which shall convey all the rights, title, and interest which the party against whose property the assessment was made had or held in the property at the date of making the assessment or on the date of making the sale. Any surplus arising from the sale shall be paid to the city or municipal treasurer to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The city may, by its agents, purchase real estate sold as provided under this article and, in the event of the purchase, the deed for the same shall be made to the city.
- (d) No mistake in the notice of sale in the description of the property or in the name of the owner shall vitiate the assessment or the lien and if for any reason, the sale made by the city is ineffectual to pass title, it shall operate as an assignment of the lien, and, upon the request of the purchaser, supplementary proceedings of the same general character as required in this article may be had to correct the errors in the proceedings for his benefit or the lien so assigned to him may be enforced by civil action.

Section 1-15. Redemption of property.

Any real property heretofore or hereafter sold for the satisfaction of an assessment lien imposed thereon by the city council of a city may be redeemed by the former owner, or his assigns, or other persons authorized to redeem property sold for taxes by the state, by complying with the redemption provisions set forth in Code of Ala. 1975, § 11-53B-10, *et seq.*

Section 1-16. Emergency action.

- (a) The building official is authorized to initiate immediate repair or demolition of a building or structure when, in the opinion of the building official or other official so designated, such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right-of-way or human life or health.
- (b) The actual costs incurred by the City to effectuate the emergency repair or demolition shall be assessed and collected as provided in this Ordinance.

Section 1-17. Duties of the city attorney.

The city attorney shall:

- (a) Prosecute all persons failing to comply with the terms of the notices provided for herein.
- (b) Bring suit to collect all municipal liens, assessments, or costs incurred by the city in repairing or causing to be vacated or demolished any building or structure, or any appurtenances thereto, which has been found to exist in an unsafe, untenable or dangerous condition.
- (c) Take such other legal action as is necessary to carry out the terms and provisions of this Ordinance.

Section 1-18. Administrative liability.

No officer, agent or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the city attorney until the final determination of the proceedings therein.

ARTICLE II. - WEEDS

Section 2-1. Weeds may be declared public nuisance; resolution to abate.

Whenever any weeds are growing upon any street, sidewalk, or private property, the city may, by resolution, declare the weeds to be a public nuisance and order its abatement. The resolution (the "first 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. This division shall not apply to any property that is actively being utilized in an agricultural manner.

Section 2-2. Notice.

- (a) After the passage of the first 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) 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.
- (c) 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.
- (d) 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 _____, 2___ at _____ A.M./P.M. in the council chamber, the council of the City of Argo will consider a resolution regarding the weeds growing upon or in front of the property _____ Street, in the Municipality of Argo and more particularly described in the resolution, a copy of which is on file in the office of the municipal clerk; and at that time and place will determine whether the 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 municipal clerk at least five days before the meeting of the council and unless the person appears before the council in person or through his or her representative to show cause, if any, why his or her objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he or she 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 municipal clerk, for further particulars.

Dated this _____ day of _____, 2____.

City of Argo

City Clerk

- (e) The notice shall be posted at least seven days prior to the time for hearing objections by the governing body of the municipality.

Section 2-3. Hearing.

If objections are filed, at the time stated in the notice, the city council shall hear and consider all evidence, objections, and protests regarding the proposed removal of weeds. The city council may continue the hearing from time to time. Upon the conclusion of the hearing, the city council shall, by resolution (the "second resolution"), shall decide whether a public nuisance exists and, if so, shall order it to be removed or abated with respect to any property or part thereof described. The city council, by passage of the second 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 governing body on the matter shall be deemed final and conclusive.

Section 2-4. Abatement of nuisance.

- (a) After the city council passes the second resolution finding the conditions of the property to be a nuisance and ordering its abatement, all employees and duly authorized agents of the municipality may enter upon the private property to abate the nuisance.
- (b) The governing body may authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance. The governing body of the municipality, by resolution, shall designate the contractors, companies, enterprises, or individuals who may perform the work. This may be done in the second resolution. 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 weeds 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 to do the removal.

Section 2-5. 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 of the municipality 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 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 city council for confirmation.

Section 2-6. Confirmation of report; weed liens.

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 "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 article 1, division 2, chapter 51, of Title 11 of the Code of Alabama. It shall be the duty of the county tax collector or 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; provided, however, that if the foreclosure and sale is the result of a delinquency caused by a weed lien, the municipality shall reimburse the county tax collector or revenue commissioner for all costs associated with the foreclosure and sale unless the costs are collected at the time of sale as part of the sale.

ARTICLE III. ABANDONED, WRECKED, JUNKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES

Section 3-1. 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:

Abandoned vehicle means any motor vehicle which has been left at any place on a street, highway, roadway, public right-of-way, or other public property within the city: (1) for a period of 48 hours consecutively; or (2) which creates a public safety hazard.

Enclosed means stored within a garage, privacy fence or otherwise not visible from a public street.

Junked motor vehicle means any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Motor vehicle means any vehicle or vessel which is self-propelled or propelled by power other than human power and designed to travel along the ground or upon the water and shall include, but not be limited to, automobiles, buses, motorcycles, golf carts, campers and trailers.

Private property means any real property within the city which is not public property as defined in this section.

Public property means any street or highway which shall include the entire width between the boundary lines of every way publicly used or maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Section 3-2. Storing, parking or leaving dismantled or other such motor vehicles prohibited and declared a nuisance; exceptions.

- (a) No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partial dismantled condition, unless such motor vehicle is enclosed or otherwise not visible from a public street, whether attended or not, upon private property within the city for a period of time in excess of 14 days.
- (b) No person shall abandon any motor vehicle within the city. It shall be presumed that any motor vehicle which has been left at any place on a street, highway, roadway, public right-of-way or other public property within the city:
 - (i) For a period of time in excess of 48 hours consecutively; or
 - (ii) Which creates a public safety hazard, is an abandoned vehicle.

- (c) No person shall park or leave or permit the parking or leaving of any wrecked, inoperative, dismantled, partially dismantled, abandoned or junked motor vehicle, or parts thereof, on any street, highway, roadway, public right-of-way or other public property within the city:
 - (i) For a period of time in excess of 48 hours consecutively; or
 - (ii) Which creates a public safety hazard.
- (d) The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled motor vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed or otherwise not visible from a public street on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city.

Section 3-3. Notice to remove nuisance motor vehicle.

Whenever it comes to the attention of the chief of police, or other employee of the police department designated by the chief of police to enforce this article, that any motor vehicle located within the City is in violation of this ordinance, a notice in writing shall be served upon the occupant of the land where the motor vehicle exists, or in case there is no such occupant then upon the owner of the property or his agent, notifying them of the existence of the violation of this ordinance and requesting the removal of the motor vehicle in the time specified in this article.

Section 3-4. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, junked or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them shall be responsible for its removal and disposition by the city; and the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

Section 3-5. Notice procedure.

The chief of police of the city, or other employee of the police department designated by the chief of police to enforce this article, shall give notice of removal to the owner or occupant of the private property where it is located at least 15 days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address.

Section 3-6. Content of notice.

The notice shall contain the request for removal within the time specified in this article and the notice shall advise that upon failure to comply with the notice to remove, the city, or its designee, shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 3-7. Request for hearing.

The persons to whom the notice are directed, or the duly authorized agents, may file a written request for hearing before the city council, or its designee, within the 15-day period of compliance prescribed in Section 3-5 for the purpose of defending the charges by the city.

Section 3-8. Procedure for hearing.

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five days in advance thereof. At any such hearing, the city and the persons to whom the notices have been directed may introduce witnesses and evidence as either party deems necessary.

Section 3-9. Removal of motor vehicle from property.

If the violation described in the notice has not been remedied within the 15-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is held and the existence of the violation is affirmed by the city council, or its designee, the chief of police, or other employee of the police department designated by the chief of police to enforce this article, shall have the right to take possession of the junked motor vehicle and remove from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this article.

Section 3-10. Notice of removal.

Within 48 hours of the removal of such vehicle, the chief of police, or other employee of the police department designated by the chief of police to enforce this article, shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this article. The notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the city for removal.

Section 3-11. Disposition of vehicles.

Upon removing a junked vehicle under the provisions of this ordinance, the city shall, after ten days, cause it to be appraised. If the vehicle is appraised at \$75.00 or less, the chief of police, or other employee of the police department designated by the chief of police to enforce this article, shall execute an affidavit so attesting and describing the vehicle, including the license plate if any,

and stating the location and appraised value of the vehicle. The chief of police, after complying with the above, may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75.00, the chief of police shall give notice of public sale not less than ten days before the proposed sale. The notice shall be posted on a bulletin board at a place convenient to the public in city hall, in the same manner as for public meetings of the City Council.

Section 3-12. Contents of public sale notice.

The notice of sale shall state:

- (1) The sale is of abandoned property in possession of the city.
- (2) Any description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- (3) The terms of the sale.
- (4) The date, time and place of the sale.

Section 3-13. Public sale.

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the chief of police, or other employee of the police department designated by the chief of police to enforce this article, shall execute a certificate of sale in duplicate, the original of which shall be given to the purchase, and the copy thereof to be filed with the city clerk of the city. Should the sale for any reason be invalid, the city's liability shall be limited to the return of the purchase price.

Section 3-14. Redemption of impounded vehicles.

The owner of any vehicle seized under the provisions of this article may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the city clerk of such removal, and any preliminary sale advertising expenses plus all costs incurred by the city for storage for each vehicle redeemed.

Section 3-15. Liability of owner or occupant.

Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expense.

Section 3-16. Penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor.

Section 3-17. Municipal court proceedings.

If the violation described in the notice has not been remedied within the 15-day period of compliance and if no request for hearing is filed as provided in Section 3-7, the chief of police, or other employee of the police department designated by the chief of police to enforce this article, may initiate proceedings to enforce the penalty provided for in Section 3-16. Enforcement of the penalty provided for in Section 3-16 is not the sole remedy and shall not limit or prohibit the City from pursuing other remedies provided for in this ordinance, including, but not limited to, the sale of the motor vehicle at public auction.

ARTICLE IV. - RUBBISH, GARBAGE, LITTER, JUNK, DEBRIS, AND OTHER NUISANCES

Section 4-1. Definitions.

The following terms, when used in this article, shall have the meaning given to them in this section:

Abate means to stop, halt, end, or terminate by any lawful means.

Authorized agent means any employee of the city designated by the mayor or chief of police to have enforcement authority under this article.

Debris means those things or conditions that exist on private property in the city that are hazardous or detrimental to the public health or safety or that constitute a fire hazard, including conditions which, by their unsightly appearance, can result in decreasing the value of other properties in the immediate area. Debris includes, but is not limited to, the following: accumulation of rubbish, trash, refuse, junk, and other abandoned materials, such as pallets and lumber; partially dismantled, nonoperating, wrecked, junked, or major recreation equipment, semi-trailers, trailers, or construction equipment; motor vehicle parts or other equipment parts, including, but not limited to, tires; and other equipment, garden tools, building supplies, household appliances, toys, or furniture.

Enclosed area means any area composed of at least three solid walls and a solid roof that is inaccessible to public view, except that for the purpose of this article the use of tarpaulins or tarpaulin-type materials in good repair to shield an area from the public view shall also be an enclosed area. An enclosed area shall also include an area enclosed by a privacy fence constructed at least six feet high of materials such as wood, vinyl, or comparable material that shields the materials and items housed behind said fence from public view of any street, highway, or right-of-way.

Junk means worn out, dismantled, inoperable, wrecked, or dilapidated mobile homes, manufactured homes, trailers, aircraft or appliances, scrap building materials, metals, rubber, paper, plastic, wood, clothes, machinery parts, or other discarded waste, scrap, or discarded materials of any kind or substance whatsoever, or any scrap or salvage materials.

Junkyard means any premises, establishment, or place of business that is appropriately licensed and operated in accordance with all applicable federal, state, and local laws and ordinances and that is maintained, operated, or used for the collection, storage or sale of wastepaper, rags, or scrap metal or discarded materials, or for the collection, dismantling, storage, or salvaging of machinery or inoperative vehicles or for the sale of parts thereof.

Major recreational equipment. For purposes of this article, major recreational equipment includes travel trailers, camper shells, pickup campers or coaches, motorized dwellings, tent trailers, converted buses or similar devices intended for use as portable recreational housing, boats and boat trailers, amphibious houseboats and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Nuisance. For the purpose of this article, the word “nuisance” is hereby defined as an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be, which act, omission, condition or thing either:

- (1) Injuries or endangers the comfort, repose, health or safety or others;
- (2) Is unsanitary or creates an unsanitary condition or is otherwise offensive to the senses;
- (3) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream ditch or drainage; or
- (4) Essentially interferes with the comfortable and quiet enjoyment of life and property, or tends to depreciate the value of the property of others.

Owner means a person, persons, or legal entity listed as current titleholder as recorded in the official property records of St. Clair or Jefferson County, Alabama, as applicable, including the person, persons or legal entity last addressed for payment of ad valorem taxes on the property at issue.

Occupant means a person, persons, or legal entity that, through rights of ownership, tenancy, or otherwise has possession or the use and enjoyment of the subject real property.

Person means any individual, owner, title holder, agent, firm, corporation, partnership, association, organization, or entity of any kind. The term “person” includes, but is not limited to, any tenant, lessee, manager, operator, occupant, executor, executrix, administrator, guardian, or other person in charge of, care of or control of any real personal property.

Scrap metal yard means any property that is duly licensed and operating in accordance with all applicable laws federal, state, and local laws, including ordinances of the city.

Semi-trailer means the non-motorized portion of a tractor-trailer rig used to transport goods and merchandise.

Solid wastes means all putrescible and non-putrescible discarded materials including, but not limited to, garbage, rubbish, ashes, street and highway cleanings, dead animals, including offal, abandoned motor vehicles, and such industrial wastes as are not controlled by other agencies, except household sewage and livestock and poultry wastes.

Street, highway or right-of-way means the entire width between the boundary lines of every publicly maintained way.

Trailer means a device generally having two or four axles and typically designed to be pulled by a motorized vehicle and generally used, designed, constructed, or intended for the purpose of transporting some thing or things, though not always used for that purpose. For the purpose of this article, trailer can also refer to a house trailer in transit.

Unauthorized dump means any collection of solid wastes either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used, and not under the control and supervision of any person or agency. Any abandoned motor vehicle, large appliance, or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of this article, but not the careless littering of smaller individual items such as tires, bottles, cans, and the like. The term "unauthorized dump" shall also mean any solid waste disposal site that does not meet the regulatory provisions of the Solid Wastes and Recyclable Materials Management Act (Code of Ala. 1975, § 22-27-1 *et seq.*, as amended) and other regulatory provisions enforced by the Alabama Department of Environmental Management, the United States Environment Protection Agency or other similar regulatory body.

Section 4-2. Construction.

This article shall be construed to contain all powers granted to municipalities under §§ 11-40-10, 11-45-9, 11-47-117, 11-47-131, and 11-47-140 of the Code of Ala. 1975, as amended, and all other applicable provisions of Alabama law providing for the control of nuisances, sanitation, and public health and safety conditions.

Section 4-3. Prohibitions; nuisance declared.

- (a) It shall be unlawful and it is hereby declared to be a nuisance for any person to store or keep or allow to remain for more than seven days outside of any enclosed area of property any debris or junk that allows for the accumulation of weeds, grass, or other vegetation in and around such debris or junk, or that allows for the collection and accumulation of stagnant water or other conditions where mosquitos, other insects of like kind, rats and other vermin, feral cats, feral dogs, and other potentially dangerous animals are apt to propagate creating, among other things, an unsanitary or potentially unsanitary condition.
- (b) The provisions of subsection (a) shall not apply to a duly licensed scrap metal yard or junkyard that is operating within a properly-zoned district, provided that any materials stored or located on the premises of an junkyard or scrap metal yard are contained within a privacy fence constructed at least six feet high of materials such as wood,

vinyl, or comparable material that shields the materials and items housed behind said fence from public view from any street, highway, or right-of-way.

- (c) The provisions of subsection (a) shall not apply to a duly-licensed automobile dealer, automobile repair or body shop or garage, or other major recreational equipment repair enterprise that is properly licensed and operated in compliance with all applicable federal, state, and local laws and ordinances, provided that the motor vehicles and/or equipment are so located or stored in a manner as to prevent any health, fire, or safety hazard.
- (d) No person shall be prevented from storing or keeping any inoperative antique or vintage vehicle on private property with the permission of the person have the right to possession of the property, except that a person having such permission shall be required to conceal said vehicle by means of buildings, fences, vegetation, terrain, material covering, or other suitable obstruction, and in a manner that prohibits the accumulation of weeds, grass, or other vegetation in and around said vehicle and prohibits the collection and accumulation of stagnant water or other conditions where mosquitos, other insects of like kind, rats and other vermin, feral cats, feral dogs, and other potentially dangerous animals are apt to propagate.
- (e) It shall be unlawful and is hereby declared to be a nuisance for any person to keep or store upon the premises of any residence, retail store, second hand store, thrift store, or similar commercial property or establishment any merchandise, goods, or wares, including, but not limited to, gas or electrical appliances, parts thereof; plumbing fixtures or parts thereof; law mowers or lawn mower parts; machinery, equipment, utensils or other items displayed for sale to the general public, in such a manner as to constitute a health, safety, or fire hazard, or in a manner that interferes with the comfortable enjoyment of life and property or tends to depreciate the property of others.
- (f) It shall be unlawful and it is hereby declared to be a nuisance for any owner, occupant or any person in charge of or otherwise having control over any residential or commercial property to fail to maintain the property free from debris and junk as defined herein, unless said debris and junk is contained and stored in such a manner as to prevent it being seen from any street, highway, or right-of-way and blown, deposited, or otherwise scattered by the elements, animals, birds, or any other means.
- (g) Except as provided herein, it shall be unlawful and it is hereby declared to be a nuisance for the owner, occupant or any person in charge of or otherwise having control over any residential or commercial property to dump, to have dumped, or to allow to be dumped any solid waste on any residential or commercial property or to allow or permit such property to be used as an unauthorized dump. The dumping of solid wastes or the existence of an unauthorized dump are hereby declared to be a per se public nuisance, a menace to public health, and a violation of this article. A person may dispose of their own yard trimmings, leaves, limbs, stumps, wood, and similar materials on their own property provided the materials originate on the property on which it is disposed.

- (h) It shall be unlawful and it is hereby declared to be a nuisance for any person to allow the accumulation of foul water on any property within the city, except when such occurs as a natural condition of the land and is not the result of human action.
- (i) It shall be unlawful and it is hereby declared to be a nuisance and injurious to public health, safety, and general welfare for the owner, occupant or any person in charge of or otherwise having control over any property within the city to knowingly allow or permit any dead animal, carrion, or any filthy or putrescent matter to be or remain on any property within the city or for any other person to leave or otherwise deposit any dead animal, carrion, or any filthy or putrescent matter upon any property within the city.
- (j) It shall be unlawful and it is hereby declared to be a nuisance for the owner, occupant, or other person in charge of or having control of any property within the city to allow more than ten motor vehicle tires to be stored, kept or allowed to remain in a manner visible from the public street, highway, or right-of-way. Any such person shall be required to conceal said tires from public view from any street, highway, or right-of-way by means of buildings, fences, vegetation, terrain, material covering, or other suitable obstruction. Any tires stored on any property within the city shall be stored or covered in such a way as to prevent the accumulation of stagnant water or other conditions where mosquitos, other insects of like kind, rats and other vermin, feral cats, feral dogs, and other potentially dangerous animals are apt to propagate and to prevent the accumulation of weeds, grass, or other vegetation around and in said tires. Failure to store or cover any tires in such a manner shall be unlawful and declared to be a nuisance.
- (k) It shall be the duty of the owner, occupant, or any person in control of or in charge of property located within the city to maintain said property in compliance with the provision of this article.
- (l) All violations of this article are hereby declared to be a public nuisance and may be abated as provided by applicable law and punished as provided herein.

Section 4-4. Outdoor storage of certain items.

- (a) No mud, dirt, sand, gravel, concrete or such materials shall be deposited in any manner that the material would flow in to a public storm drain or watercourse, and the material shall be removed as quickly as is feasible, but in no event less than 24 hours from the time it is deposited.
- (b) No debris or junk, including, but not limited to, trash, paper, wood, plant cuttings, and other vegetation, shall be spilled onto the street, highway, or right-of-way, or any sidewalk.
- (c) No motor vehicles or other materials associated with business activity shall be stored on or in any street, highway, or right-of-way.

- (d) No debris, junk, or items of business inventory, including, but not limited to, equipment, motor vehicles, furniture, or the like shall be placed in such a manner as to unlawfully obstruct the free passage or use in the customary manner of any street, highway, or right-of-way, navigable waterway, public park or space, lane or sidewalk unless specifically authorized under other ordinances of the city.

Section 4-5. Inspections.

Authorized agents of the city are hereby authorized to enter into or upon any premises where there is reasonable cause to suspect the existence of any nuisance as provided herein. It shall be unlawful for any person to interfere, hinder, or refuse to allow said agent to enter upon private property for inspection. Reasonable cause may be established by, but is not limited to, the filing of an oral or written complaint with the city and the municipal court, or other appropriate court, which may issue an order determining whether reasonable cause exists and providing for entry into and upon property for inspection and may compel compliance.

Section 4-6. Notice.

- (a) Whenever the city finds that any person has violated or is in violation of this article, or any prohibition, limitation, or requirement contained herein, the city shall give written notice to the owner, occupant, or such other appropriate person stating the nature of the violation and requiring the abatement of said nuisance as provided herein.
- (b) Any employee of the city who is designated by the mayor or chief of police as a code enforcement officer is hereby authorized to issue the notice required herein and to issue a citation or summons persons found by them to be in violation of this article.

Section 4-7. Contents of notice.

The notice issued under the provisions of this article shall contain:

- (1) An order to correct the violation within 21 days from the date of said notice.
- (2) The location of the violation, if the same is stationary.
- (3) A statement of the nature of violation.
- (4) A statement of the acts necessary to correct the violation.
- (5) A statement that the failure to abate the nuisance within 21 days from the date of the notice may result in criminal prosecution and the imposition of fines and costs.

Section 4-8. Service of notice.

The notice required under this article shall be given by certified mail, return receipt requested, personal service, or by any other method of service authorized by Rule 4 of the Alabama Rules of Civil Procedure. The notice shall be sent to the occupant of the property on which the violation is alleged to exist, and owner, if different, and the person shown by the records of the tax assessor or revenue commissioner to have been the last person assessed for said property for payment of ad valorem taxes, if different. In addition, said notice shall be posed in a conspicuous place upon the property on which the violation of this article is alleged to exist.

Section 4-9. Failure to correct violation; misdemeanor declared.

Upon failure of the person or persons upon whom notice was served pursuant to this article to correct the violation within the time prescribed by the notice or to submit a plan for the satisfactory correction thereof, the person shall be guilty of a misdemeanor and the designated agent of the city shall proceed to have issued to said person a non-traffic citation or misdemeanor warrant, if appropriate.

Section 4-10. Penalties.

Any person convicted of violating a provision of this article shall be punished by a fine in an amount not to exceed \$500.00, or imprisonment of no more than six months, or both, at the discretion of the court trying the case.

Section 4-11. Each violation a separate offense.

Each day during which a violation of this article is allowed to continue shall be a separate offense.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARGO,
ALABAMA** on this _____ day of _____, 2025.

Betty Bradley, Mayor

ATTEST:

City Clerk, _____

I, _____, City Clerk of the City of Argo, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Argo at a regular meeting held on the _____ day of _____, 2025.

City Clerk