

ORDINANCE NO. 528
ORDINANCE REVOKING ORDINANCE NO. 492

BE IT ORDAINED by the City Council (the "Council") of the City of Rainbow City (the "City") in the State of Alabama, that effective on the date of adoption hereof, Ordinance No. 492 is hereby revoked in its entirety and replaced by Ordinance No. 528 as follows:

ARTICLE 1. IN GENERAL

Sec. 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle.

(1) "Abandoned vehicle" means any motor vehicle which:

- a. Is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition; or
 - b. Does not have affixed thereto an unexpired license plate, and has been parked, stored or left, whether attended or not, upon any public or private property in the City for a period of time in excess of seven business days.
- (2) The term includes any boat which is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition.
- (3) The term does not include any motor vehicle:

- a. Enclosed within a building on private property;
- b. Held in connection with a business enterprise, lawfully licensed by the City, on property zoned for a junkyard, vehicle repair facility or vehicle storage yard;
- c. In operable condition specifically adapted or designed for operation on drag strips or raceways; or
- d. Retained primarily as an antique collector's item and registered under state law as an antique vehicle.

"Building nuisance" means any nuisance condition involving a residential or nonresidential structure, including remains from demolition, remains from a fire, parts of buildings, and parts of uninhabitable structures. The term includes any unsafe building.

"Enforcing official" means any official of the building office of the planning department or any other City employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this chapter to the enforcing official. For a grass and weed nuisance, the enforcing official may also be any organization (including its employees) or individual with which the City may contract to provide such service.

"Grass or weed nuisance" means any abundance of overgrown grass or weeds within the City which is injurious to the general public health, safety and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests; or attaining such heights and dryness so as to constitute serious fire threat or hazard; or bearing winged or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on any person going on the property; or being unsightly; or any growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height.

"Improved subdivision" means a division of a tract of land or acreage into tracts or parcels,

and the improvement thereof by construction of streets, water lines and, where applicable, sewer lines to serve the subdivided property.

“Natural condition” means uncultivated and unseeded land, still in a state of nature; but any growth on land, once it has been cleared or plowed, is not a natural condition, even though it has not been planted or cultivated by anyone.

“Nuisance” means anything that unlawfully causes hurt, inconvenience or damage; that class of wrongs that arises from the unreasonable, unwarranted or unlawful use by a person of such person's own property, either real or personal, or from such person's own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; or anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another. The term includes a building nuisance and a grass or weed nuisance, except where the context indicates otherwise.

“Owner of property” includes the legal title holder, or lessee, or occupant of property, or the agent of the legal title holder or lessee, in charge, possession or control of such property. For a building nuisance only, the term includes any mortgage holder of record.

“Unsafe building” means any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants or of the general public is endangered:

- (1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
- (2) Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
- (3) The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the stresses allowed in the Standard Building Code for new buildings.
- (4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
- (5) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
- (6) For any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
- (7) The building, structure or portion thereof, as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse.
- (8) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the construction codes or of a City, county or state law.
- (9) Any building, structure or portion thereof is in such a condition as to constitute a public nuisance.
- (10) Any building, structure or portion thereof:
 - a. Is unsafe, unsanitary or not provided with adequate egress;
 - b. Constitutes a fire hazard;

- c. Is otherwise dangerous to human life; or
- d. In relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

Sec. 2. Nuisances prohibited; penalty.

(a) It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under such person's ownership or control. Property under a person's ownership and control includes those areas referred to in section 5(a). A person with a duty to abate any nuisance is liable for separate and distinct offenses for each day the nuisance is allowed to remain after it has become such person's duty by notice of the enforcing official to abate it.

(b) All violations of the provisions of this chapter shall be punishable by:

- (1) A fine in the minimum sum of \$250.00 up to a maximum of \$500.00;
- (2) Imprisonment in the municipal jail for a term not to exceed six months;
- (3) Both such fine and imprisonment; and
- (4) An order to abate the nuisance.

Sec. 3. Dangerous buildings, structures and conditions.

(a) All buildings, structures or conditions which are unsafe, insanitary or unfit for human habitation; which are not provided with adequate egress; which constitute a fire hazard; which are otherwise dangerous to human life; or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment or accumulation of rubbish and debris are hereby declared to be dangerous buildings, structures and conditions.

(b) All such dangerous buildings, structures or conditions are hereby declared to be a nuisance. It shall be unlawful to permit any such dangerous building, structure or condition to remain or continue in existence in any place after receiving an order from the enforcing official to abate the same by repair, rehabilitation, demolition or removal. It shall be unlawful to occupy any building or structure or permit it to be occupied while it is or remains a nuisance. For purposes of this section, the term "abatement" shall mean either repair, rehabilitation, demolition or removal, as shall be determined by the enforcing official as the proper remedy for any nuisance declared under this section.

Sec. 4. Standing water.

It shall be unlawful for any person to permit any water to stand for more than 48 hours upon premises owned or controlled by such person, unless such water is in a manmade pool, a natural pond or a vessel.

Sec. 5. Weeds and tall grass.

(a) It shall be the duty of the owner of any real property located within the City to maintain any grass or weeds growing upon such property in such a manner as not to constitute a nuisance. The duties and obligations of the owner extend to and include any real property situated within a dedicated right-of-way or easement burdening the property, except to the extent that it may be impracticable to do so because of public facilities located thereon. Such rights-of-way and easements must be maintained by the owner in a manner consistent with the maintenance of the owner's remaining property and within the requirements in this chapter, except to the extent it may be impracticable to do so because of public facilities located thereon.

(b) The dedication and existence of a right-of-way for a public road or of an easement for drainage or for public utilities represents the grant of only a limited interest in property and

does not change the actual ownership of the property upon which the right-of-way or easement is located. The public authority maintains rights-of-way and easements only to the extent necessary to maintain the public facility and to maintain safety. The owner of the burdened property continues to control the property, except to the extent that such control interferes with the public use. The public authority does not cut grass, weeds and other growth upon rights-of-way or easements, except to the extent necessary for operations and safety purposes. All other maintenance is the responsibility of the owner of the property upon which the right-of-way or easement is located.

(c) It shall be unlawful and a nuisance for the owner of any real property situated within the corporate limits of the City to allow such real property to become overgrown with tall grass, or with any weed or plant such as jimson, burdock, ragweed, cocklebur or other weed of like kind, or any weed or plant bearing winged or downy seeds, or any weed or plant that is otherwise noxious, dangerous, harmful or poisonous. For purposes of this section, the term "overgrown" means a height of 12 inches or more.

(d) This section does not apply to:

- (1) Any property which is in its natural condition.
- (2) Any property which is located outside any improved subdivision and is located more than 100 feet from any boundary of any lot or parcel of real estate upon which any dwelling is located, and more than 100 feet from any commercial enterprise. For good cause, the enforcing official may reduce the area subject to this section to a lesser distance.
- (3) Cultivated row crops and garden plants in their respective growing seasons. This exception applies only to growing crops and garden plants, and shall not be construed to permit any crops or gardens to become overgrown with grass and weeds in violation of the remaining terms of this chapter.
- (4) Ornamental shrubbery and ground cover; provided that such uses are part of a landscaping theme and not associated with a general deterioration of the property.

ARTICLE II ABATEMENT

DIVISION 1. GENERALLY

Sec. 1. Request for hearing on notice to abate.

- (a) The provisions of this section do not apply in situations where division 2 or 3 of this article would apply.
- (b) A hearing before the director of planning must be requested within five days of the date of the notice by the enforcing official pursuant to this chapter. The enforcing official shall notify the owner by personal service or by first class mail of the determination of the hearing official. If the hearing official determines that a nuisance exists, the owner must comply with the initial order to abate issued by the enforcing official, with such modifications as may be made by the hearing official.

Sec. 2. Failure to comply with notice to abate.

- (a) If the owner fails, neglects or refuses to comply with the notice to abate the nuisance, the enforcing official may proceed to prosecute such person for a violation of the provisions of this Code. The enforcing official may issue a summons and complaint to the owner of the property, requiring the owner to appear in municipal court to answer charges for the violation of this chapter. The summons and complaint shall name the party charged, the address of the property where the alleged violation is located, and the nature of the offense or violation. It shall also apprise the owner of the date, time and place at which to appear for court. The summons and complaint, returnable to the municipal court, shall be served

on the owner by any enforcing official, who shall forthwith appear and make oath as to the alleged offense before a judge or magistrate of the municipal court. This provision for the issuance of summons or complaint to municipal court shall not prevent any enforcing official from appearing before a municipal court judge or magistrate and making oath as to the facts and applying for warrant with respect to any alleged offense, in lieu of issuing a summons and complaint.

(b) The enforcing official may institute the enforcement procedure set forth in subsection (a) of this section and those otherwise set out in this article. The institution of one procedure does not preclude the subsequent or simultaneous institution of the other procedure, provided the criminal procedure is not used to collect any outstanding civil assessments against the subject property.

(c) This subsection does not apply in situations where division 2 or 3 of this article would apply. If the owner fails, neglects or refuses to comply with the notice to abate any type of nuisance, there shall be a public hearing before the City Council. Notice of the hearing shall be given to the owner at least five days in advance by personal service or by first class mail.

Sec. 3. General procedure.

(a) *Scope.* The provisions of this section do not apply in situations where division 2 or 3 of this article would apply.

(b) *Notice required.* Whenever in the opinion of the enforcing official a nuisance exists, the official shall order the owner of the property on which the nuisance is located to abate the condition.

(c) *Method of giving notice; request for hearing.* The enforcing official shall give the owner written notice in person or by first class mail. The notice shall require the owner to comply with this chapter within the time stated in the notice or to request an administrative hearing before the director of planning or other person designated by the mayor to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time and place for such hearing if requested.

(d) *Person to whom sent; notification of change of ownership.* The notice shall be sent to that person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of any change of ownership or interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest.

(e) *Posting of notice.* The notice shall also be posted in a conspicuous place on the property, preferably within three feet of an entrance to the building or structure. If there is no entrance or no structure, notice may be posted at any location on the property.

(f) *Time for completion of abatement.* The notice shall require the owner to complete abatement of the nuisance within the following periods, provided the enforcing official may stipulate additional time, but in no case more than a total of 150 days:

- (1) Fourteen days from the date of notice if it is grass and weed nuisance, abandoned vehicles nuisance or a litter nuisance.
- (2) One hundred twenty days from the date of notice if it is a building or structure nuisance.
- (3) Thirty days from the date of notice if it is any other type of nuisance including, but not limited to, burned structures.

(g) *Decision by council; issuance of order.* This subsection does not apply in situations where division 2 or 3 of this article would apply. After the public hearing, the City Council may by resolution order the enforcing official to proceed with the work specified in such notice or may order such nuisance demolished or removed, or may find that no nuisance exists. If the owner appears at the public hearing, no further notice of the order of the City

Council shall be required. If the owner fails to appear, notice of the order of the City Council shall be mailed to such person's last known address and shall be published once in a newspaper of general circulation in the City.

(h) *Implementation of decision.* This subsection does not apply in situations where division 2 or 3 of this article would apply. Upon the expiration of seven days from the date of the resolution, the enforcing official shall proceed to carry out the decision of the council.

Assessment of cost.

Sec. 4.

(a) This section does not apply in situations where division 2 or 3 of this article would apply.

(b) Upon completion of the abatement work performed by the City (including work by contractors employed by the City), the enforcing official shall compute the actual expense (including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, materials purchased, legal expenses incurred by the City, and the costs of recording documents at the Etowah County Probate Office) which was incurred by the City as a result of such work. An itemized statement of such expenses shall be given by first class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the City Council to consider the assessment of the cost against the property.

(c) At the time fixed for receiving and considering the statement, the council shall hear the statement, together with any objections which may be raised by the owner whose property is liable to be assessed for the work, and thereupon make such modifications in the statement as the council deems necessary, after which a resolution may assess the cost. The cost stated in the resolution shall constitute a special assessment against the land and shall constitute a lien on such property. After adoption of the resolution, a copy shall be turned over to the City Clerk, who is charged with the collection of assessments. The City Clerk shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter such amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(d) The City Clerk shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the probate judge.

(e) If legislation is enacted to allow assessment as taxes and collection by the county revenue commissioner, the City Clerk shall forward appropriate documents to obtain collection in that manner.

(f) Upon payment of the itemized accounts arising under this section, any liens or assessments filed under this section may be marked "Satisfied" and "Paid in Full" by the City Clerk or by the City Attorney.

DIVISION 2. ABATEMENT OF DANGEROUS BUILDINGS BY MOVING OR DEMOLITION

Sec. 1. Generally.

The City, after notice as provided in this division, may move or demolish buildings and structures, or parts of buildings and structures, party walls, and foundations when any of them are found by the City Council to be unsafe to the extent of being a public nuisance from any cause.

Sec. 2. "Appropriate City official" defined; notice to remedy unsafe condition or to demolish structure.

(a) The term "appropriate City official" as used in this division shall mean any City employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this division to the "appropriate City official."

(b) Whenever the appropriate City official finds that a building, structure, part of a building or structure, party wall, or foundation situated in the City is unsafe to the extent that it is a public nuisance, the official shall give the person last assessed for state taxes and all mortgagees of record written notice to remedy the unsafe or dangerous condition of the building or structure or to demolish the building or structure within the time set out in this division, or that the building or structure may be demolished by the City and the cost thereof assessed against the property. A copy of the notice shall be served by first class mail or by personal service.

(c) Notice of the order, or a copy thereof, prior to the delivery or mailing of the order as required by this section shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure.

Sec. 3. Notice to require owner to abate nuisance or to request hearing.

(a) The notice shall require the owner to abate the nuisance within the time stated in the notice or to request a hearing before the administrative officer designated by the mayor or council to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for the hearing, if requested. The notice shall contain the names of all owners and lienholders of the property, a legal description of the property, and the nature of the proceeding.

(b) The notice shall be sent to the person shown by the records of the county revenue commissioner to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of the person to promptly advise the appropriate City official of any change of ownership or interest in the property. The appropriate City official shall cause a copy of each building nuisance notice to be recorded in the office of the judge of probate.

(c) The notice shall require the owner to complete abatement of the nuisance within 120 days from the date of the notice, provided the appropriate City official may stipulate additional time, but in no case more than a total of 150 days.

(d) The notice may also require the immediate vacation of a building or structure and prohibit its occupation until the required repairs and improvements have been completed, inspected, and approved by the appropriate City official. In these cases, the official shall post at each entrance to the building or structure a sign stating "THIS STRUCTURE IS UNSAFE. ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF RAINBOW CITY," or words of similar import, and shall be signed and dated. The sign shall remain until the required repairs and improvements have been made or the structure has been demolished and removed. The sign shall not be removed without permission of the official whose name is affixed thereon. No person shall enter the structure except for the purpose of making the required repairs, demolishing the structure or removing personal items. A permit from the building department is required to be posted on the structure in order to make repairs or demolish the structure. It shall be unlawful for anyone to be on the premises after dark without written permission from the building official.

(e) A hearing before the administrative official may be requested within five days of the date of the notice of the appropriate City official. The appropriate City official shall notify the owner by personal service or by first class mail of the determination of the administrative official. If the administrative official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the appropriate City official, with any modifications as may be made by the administrative official.

Sec. 4. Failure to comply with notice to abate.

(a) If the owner fails, neglects, or refuses to comply with the notice to abate the nuisance, there shall be a public hearing before the City Council. Notice of the hearing shall be given to the owner at least five days in advance by personal service or by first class mail.

(b) After the public hearing, the City Council may by resolution order the appropriate City

official to proceed with the work specified in the notice or may order that the nuisance be demolished or removed or may find that no nuisance exists. If the owner appears at the public hearing, no further notice of the order of the City Council shall be required. If the owner fails to appear, notice of the order of the City Council shall be mailed to the person's last known address and shall be published once in a newspaper of general circulation in the City. Upon the expiration of seven days from the date of the resolution, the appropriate City official shall proceed to carry out the decision of the council.

Sec. 5. Fixing costs of demolition; City to obtain lien.

Upon demolition of the building or structure, the appropriate City official shall make a report of the City Council of the costs thereof, and the City Council shall adopt a resolution fixing the costs (including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, materials purchased, legal expenses incurred by the City, and the costs of recording documents at the Etowah County Probate Office) which it finds were reasonably incurred in the demolition and assessing the costs against the property. The proceeds received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition. 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 the cost or the amounts thereof. The City Clerk shall give not less than five days' notice of the meeting at which the fixing of the costs is to be considered, by first class mail to the last known address of the owner. The fixing of the costs by the City Council shall constitute a special assessment against the lot or the parcel of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. The City Clerk shall mail a copy of the resolution to the person last assessing the property for taxes and all mortgagees of record, and a certified copy of the resolution shall also be filed in the office of the judge of probate of the county. The City Clerk shall forward a copy to the county revenue commissioner. Upon the filing, the tax collector shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

Sec. 6. Assessments against property sold to state for nonpayment of taxes; effect of subsequent redemption or sale by state on lien.

The City shall have the power to assess the costs authorized by this division against any lot or parcel of land purchased by the state at any sale for the nonpayment of taxes. When an assessment has been made against a lot or parcel of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge or in any manner affect the lien of the City for assessment, but any redemption or purchaser at any sale by the state of any lot or parcel of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment.

DIVISION 3. WEEDS AND TALL GRASS

Sec. 1. Nuisance declared; abatement.

An abundance of overgrown grass or weeds within the City which is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness so as to constitute a serious fire threat or hazard; or bearing winged or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height, may be declared to be a public nuisance and abated as provided in this division.

Sec. 2. Notice to abate.

(a) Whenever in the opinion of the City official or any other City employee designated by

the mayor, a nuisance exists, the official shall order the owner of the property on which the nuisance is located to abate the condition.

(b) The enforcing official shall give the owner written notice in person or by first class mail. The notice shall require the owner to abate the condition within the time stated in the notice or to request a hearing before an administrative official of the City designated by the mayor or council to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for the hearing if requested by the owner.

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

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

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

(f) A hearing before the administrative official shall be requested within five days of the date of the notice by the enforcing official. The enforcing official shall notify the owner by personal service or by first class mail of the determination of the administrative official. If the administrative official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the enforcing official, with modifications as may be made by the administrative official.

(g) Repeated, habitual offenses. If an owner has been notified within the preceding 12 months that the growth of grass or weeds violates this article, the enforcing official is authorized to give written notice to the owner to appear in court at a time and place to be fixed in the notice and then and there show cause why the growth of grass or weeds should not be declared a nuisance. The enforcing official is authorized to proceed to cut and remove the grass and weeds to the extent of the violation.

Sec. 3. Failure to abate; assessment of cost of abatement.

(a) If the owner fails, neglects, or refuses to abate the condition after notice to do so, the enforcing official shall cause the offending grass or weeds to be cut.

(b) Upon completion of the abatement work performed by the City, including work by contractors employed by the City, the enforcing official shall compute the actual expenses, (including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, materials purchased, legal expenses incurred by the City, and the costs of recording documents at the Etowah County Probate Office) which were incurred by the City as a result of the work. An itemized statement of the expenses shall be given by first class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the City Council to consider the assessment of the cost against the property.

(c) At the time fixed for receiving and considering the statement, the council shall hear the statement, together with any objections which may be raised by the owner whose property is liable to be assessed for the work, and thereupon make modifications in the statement as the council deems necessary, after which a resolution may assess the cost. The cost stated in the resolution shall constitute a special assessment against the land and shall constitute a lien on the property. The City Clerk shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter, the amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(d) The City Clerk shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the county revenue commissioner. Upon a filing, the tax collector shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

Sec. 4. Assessment against property sold to state for nonpayment of taxes; effect of subsequent redemption or sale by state on lien.

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


ARTICLE III.

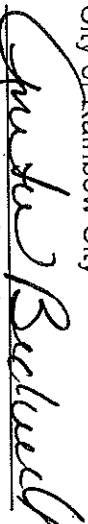
Sec. 1. Any ordinance or portion thereof which is inconsistent or conflicts with this ordinance is hereby repealed to the extent that said inconsistency or conflict.

Sec. 2. Should any section or provisions of this ordinance be held void or invalid, such determination shall not affect the validity of any other section or provision hereof which is not itself void or invalid, it being the purpose and intention of the City Council to enact each separate section or subsection separately.

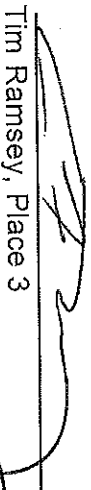
Sec. 3. This ordinance shall become effective upon adoption and approval.

PASSED AND ADOPTED this the 26th day of March, 2018.



TERRY/JOHN CALHOUN, Mayor
City of Rainbow City


Anita Bedwell, Place 1


Robert "Bobby" McCartney Jr., Page 2


Tim Ramsey, Place 3


Larry Keenum, Place 4


Rick Hill, Place 5

Attest:


Beth Lee, City Clerk

I, Beth Lee, City Clerk/Treasurer of the City of Rainbow City, Alabama, do hereby certify that the foregoing Ordinance No. 528 was duly posted at Rainbow City Municipal Building, Winn Dixie and www.rbcalabama.com. (Posted March 19, 2018)


~~Barbara T. Wester~~, City Clerk/Treasurer
Beth Lee