

STATE OF ALABAMA
GENEVA COUNTY
CITY OF SAMSON

ORDINANCE 2012-002

Whereas, the City of Samson, Alabama, is aware from regular statements and reports over the last several years from its Building Official, Police Chief, Fire Chief, City Attorney, and/or Mayor that numerous complaints from the public are regularly made concerning property owners whose properties contain public nuisance conditions such as abandoned vehicles, junk, regularly unkempt grounds and lawns, unsafe and dilapidated buildings/structures, and other conditions (sometimes referred to herein collectively as "public nuisance conditions" or "common nuisance conditions") that constitute threats to the health, safety, morals and welfare of the public; and

Whereas, the City of Samson, Alabama, is aware that such public nuisance conditions do threaten the health, safety, morals and welfare of the public and has enacted various ordinances over the last ten (10) years in an attempt to reduce, abate and remove such public nuisance conditions from the City; and

Whereas, the City of Samson, Alabama, is aware that the City has expended significant resources in time, labor, equipment and materials in attempting to reduce, abate and remove such public nuisance conditions but obstinate property owners or agents thereof continue to cause the unnecessary public expenditure of resources and time, and unnecessary delays in reducing, abating and removing the public nuisance conditions; and

Whereas, the City of Samson, Alabama, views the existence and proliferation of public nuisance conditions to be a serious problem in the City as such conditions can cause an increase in and spread of disease and crime and can be damaging and injurious to the inhabitants and general public, and, therefore, desires to enact additional measures to help prevent, reduce and remove such conditions in the interests of the public's health, safety, morals and welfare; and

Whereas, Alabama law authorizes a municipal corporation from time to time to adopt ordinances and resolutions to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, conform, and convenience of the inhabitants of the municipality, and may enforce obedience to such ordinance;

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAMSON, ALABAMA, AS FOLLOWS:

- a) The terms or phrases "public nuisance condition(s) or common nuisance condition(s)" as used above and below, shall mean as defined in (i.) thru (iv.) below as abandoned vehicles, regularly or habitually unkempt grounds and lawns, junk, and unsafe and/or dilapidated buildings, dwellings and structures. The City of Samson, Alabama, specifically finds that as to said categories and definitions, that such work to hurt, inconvenience or damage others and additionally damage all persons who come within the sphere of their operations, and/or that such injures or threatens to injure the health, morals, comfort or welfare of the community or any portion thereof. The fact that the matters below may otherwise be lawful does not keep them from being a public nuisance condition or common nuisance condition. The following shall constitute public nuisance conditions or common nuisance conditions:
 - i. Abandoned vehicles: Any wrecked, demolished, disabled or partially dismantled vehicle ("Vehicle" shall mean propelled by or designed to be propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides; or any device in, upon or by which any person or property is or may be transported, carried, or drawn from one place to another including but not limited to, automobiles, trucks, tractors, motorcycles and trailers), or part or portion thereof which is left or permitted to remain upon any real property or street in the City of Samson, Alabama, which is accessible to children or where weeds, grass and other vegetation is allowed to grow in or around such vehicle. Said definition does not include those persons or entities

around such vehicle. Said definition does not include those persons or entities that are lawfully engaged in the business of storage, repair, sale or maintenance of vehicles (but nothing herein is intended to abrogate, limit, decrease or reduce the requirements of such a business to comply with other ordinance, rules and regulations of the City of Samson, Alabama.).

- ii. Regularly or habitually unkempt grounds and lawns: Lawns and grounds on real property which regularly or habitually contain any growth of weeds more than one (1) foot in height shall be deemed favorable to the harboring of mosquitoes or other insects or rodents. Such real property which has never been developed is not included in said definition nor is property located in any agricultural district.
 - iii. Junk: Any metal, glass, paper, rags, wood, machinery parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or any scrap or salvage materials. Said definition does not include those persons or entities who are lawfully engaged in the correct zoning district, in the business of storage and sale of scrap or salvage materials (but nothing herein is intended to abrogate, limit, decrease or reduce the requirements of such a business to comply with other ordinances, rules and regulations of the City of Samson, Alabama.).
 - iv. Unsafe and/or dilapidated buildings, dwellings and structures: Any building, dwelling or structure which has become dilapidated, decayed, unsafe or unsanitary or which so utterly fails to provide the amenities essential for decent living that they are unfit for human habitation, or is likely due to its condition to cause illness, injury or disease, so as to work injury or threat of injury to the health, welfare, morals and/or safety of the public.
- b) Every person or entity that causes, creates or maintains a public or common nuisance condition(s), as defined above, within the City of Samson, Alabama, or its police jurisdiction shall be guilty of a misdemeanor. Each day the offense remains shall constitute a separate offense under this ordinance. A person or entity convicted under this ordinance shall be punished by a fine of not less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00) for each offense and/or may be imprisoned for a period not exceeding six (6) months for each offense at the discretion of the court trying the case, plus \$10.00 per day until each offense is corrected.
- c) Any complaining party shall appear before the City of Samson, Alabama Magistrate and swear under oath as to the facts that form the basis of any charge under this ordinance and present any supporting evidence in support of said facts. Upon finding probable cause, the Magistrate shall cause the issuance of a summons and complaint and thereafter, such shall be transmitted by the Samson, Alabama Municipal Court Clerk to a City of Samson, Alabama police officer who shall personally serve the same on the charged party. Alternatively, the summons and complaint may be served by certified mail, in which case said complaining party (unless said complaining party is a City of Samson, Alabama, official in his or her official capacity, and thence said costs shall be paid by court funds) shall remit sufficient funds to cover the cost of the mailing and processing the same (not to exceed \$20.00) to the Samson, Alabama Municipal Court Clerk. The Samson, Alabama Municipal Court Clerk shall process the certified mail, by putting the same in an envelope and addressing the envelope to the party charged with instructions to forward. Thereafter, said Clerk shall affix adequate postage and place the sealed envelope in the United States mail as certified mail with instructions to forward, return receipt requested, with instructions to the delivering postal employee to show to whom delivered, the date of delivery and address where delivered. Said Clerk shall enter the fact of mailing on the docket sheet of the action and make a similar entry when the return receipt is received.
- d) This ordinance is intended to be cumulative and does not expressly or impliedly revoke or repeal any existing ordinances or parts thereof as to the same subject matter.
- e) If any provision, paragraph, word, section or article of this Ordinance is invalidated by any Court of competent jurisdiction, the remaining provision, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

f) This ordinance shall take effect upon its approval by the City Council of the City of Samson, Alabama, and upon its being published in the Samson Ledger Newspaper, as required by law.

Done and adopted by the City Council of Samson, Alabama this 6th day of March, 2012.

Attest:

Hazel McGowan
City Clerk, Hazel McGowan

CITY OF SAMSON, AL

Mayor Clay King

SEAL

Queen E. Fitzpatrick
Queen E. Fitzpatrick, Council Member

Ronald E. Davis
Ronald Davis, Council Member

Absent
Lavonne Stromenger, Council Member

Hazel Odom
Hazel Odom, Council Member

Roger Baine
Roger Baine, Council Member

I, _____, City Clerk of the City of Samson, Alabama, do hereby certify that the above is a true, correct and exact copy of an Ordinance duly and legally adopted by the City Council of the City of Samson, Alabama, at a meeting thereof on the 6th day of March, 2012, as taken from the minutes of said meeting.

Witness my hand and official seal on this _____ day of _____, 2012.

City Clerk