

ORDINANCE NO. 148

WEED CONTROL ORDINANCE

BE IT ORDAINED by the Council of the City of Gardendale on this the 17<sup>th</sup> day of April 1969, as follows:

Section 1. The word "person" as used in this ordinance shall include and be applicable to firms, corporations and associations, as well as to individuals.

Section 2. Every person owning or having in charge any premises in the City of Gardendale, or its police jurisdiction, shall keep the same free of any growth of weeds favorable to the harboring of mosquitoes or other insects of like kind, and every such growth of weeds is hereby declared to be a nuisance, and every such person who shall allow any such growth of weeds to accumulate on the premises which such persons owns or of which he is in charge, shall be punished as for a violation of this Section.

Section 3. Any growth of weeds more than one foot in height shall be deemed favorable to the harboring of mosquitoes or insects of like kind, within the meaning of this ordinance.

Section 4. Whenever any police officer of the City of Gardendale shall discover on any premises in the City of Gardendale any growth of weeds in violation of Section 2 of this ordinance, he shall give written notice to the owner or person having said premises in charge, to appear before the Recorder of the City of Gardendale at a time and place to be fixed in said notice, and then and there show cause why the said growth of weeds should not be declared a nuisance, and an order issued requiring same to be cut and removed.

Said notice shall be in substantially the following form, viz:

"NOTICE"

To the owner or owners of (here describing the property) in the City of Gardendale:

You are hereby notified that there exists on the above mentioned property, a growth of weeds or grass, in violation of Section 2 of an ordinance adopted by the City Council of the City of Gardendale on \_\_\_\_\_, 196\_\_, entitled, "Ordinance No. \_\_\_\_" and you are further notified that a hearing will be conducted by the \_\_\_\_\_ of the City of Gardendale, at the \_\_\_\_\_, at \_\_\_\_\_ a.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, at which time and place you are directed to appear and show cause, if any you can, why the existence of said growth of weeds should not be declared a nuisance and an order issued requiring the same to be cut and removed.

You are hereby further notified that if said growth is not removed within five days after same has been ordered cut and removed, the Chief of Police will enter upon said premises and will have the same cut and removed at your cost and expense, and will certify the cost and expense, and will assess the said

cost against you and the above described property, and that the said expense will constitute a lien on said property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Chief of Police of the City of Gardendale

By \_\_\_\_\_  
Police Officer

(If said premises are in charge of a person other than the owner, then the notice aforesaid shall be addressed to such person.)

Section 5. The notice provided for in the foregoing section shall be served upon the owner of said property (or the person having same in charge, as the case may be), if he is known and can be found within the City of Gardendale, or its police jurisdiction, but if such person is not known or cannot be found within the City of Gardendale, or its police jurisdiction, service of said notice shall be effected by posting one copy thereof on the premises where said growth of weeds is found to exist, and the notice as herein provided for, shall be served or posted, as the case may be, at least five days before the date fixed for hearing before the Recorder.

Section 6. At the time and place appointed in the notice provided for in Section 4 hereof, the Recorder shall conduct a hearing for the purpose of determining whether the growth of weeds complained of exists in violation of this ordinance, and if he finds that same constitutes a violation of this ordinance, he shall so declare the same and shall make an order requiring the cutting and removal of said growth of weeds within five days from the making of said order.

Section 7. The owner or person having in charge any such premises, who having been personally served with the notice provided for in Section 4 hereof, who shall fail to comply with the order of the Recorder requiring the cutting and removal of such weeds, shall be guilty of violation of this section, and on conviction shall be punished as provided in this Ordinance.

Section 8. If the owner or person having in charge any premises whereon there exists any growth of weeds in violation of this ordinance, shall fail to cut and remove the same within five days after the cutting and removal thereof has been ordered by the Recorder, the Chief of Police, by himself or his deputies, or laborers employed by him, or with prisoners, shall enter upon said premises, and at the expense of such person shall proceed to cut and remove said weeds, and the said Chief of Police is hereby directed to keep an account of the expense of cutting and removing such weeds, and to certify the same monthly to the Council of the City of Gardendale. The Chief of Police shall keep separate accounts showing the total expense of cutting and removing the said weeds from each separate lot or premises, and in certifying the same to the Council of the City of Gardendale, he shall report separately as to each piece of property wherefrom he has cut and removed weeds, together with a description of said premises and the name of the owner or persons having same in charge thereof (if known)

and the total expense incurred in abating each such nuisance. If prisoners are employed in cutting and removing such weeds, a reasonable charge for their labor shall be included in the expense to be charged against the property owner or occupant of said premises.

Section 9. At intervals to be determined by the Council of the City of Gardendale, it shall cause to be made a list showing the names of the owners or persons who had in charge the premises from which weeds have been removed at the expense of such persons as hereinabove provided, together with a description of the property from which said weeds have been removed, and a statement of the amount of the expense (as reported by the Chief of Police) of cutting and removing the weeds from each such piece of property. (If the names of the owners of said property are not known, same may be stated as unknown), and said Council shall set a time and place when such persons may appear and show cause, if any they can, why the said expense should not be assessed against them and their respective premises, and shall cause said notice to be published one time in some newspaper published in the City of Gardendale, the said publication to be made at least ten days in advance of the date fixed for said hearing. At the time and place fixed for said hearing, the Council of the City of Gardendale, shall proceed to hear and determine any objections that may be interposed to such assessments, and unless good cause shall be shown against the right of the said City to assess the same, shall proceed to levy an assessment against the said persons and their respective premises (from which weeds have been cut and removed) for the expense of cutting and removing such weeds, and the assessment so made shall be final, and the City of Gardendale shall have a charge and claim against such persons and a lien on the property so assessed, for the amount of the respective assessments, which lien and charge it shall proceed to enforce and collect as any other debts are collected or liens enforced.

Section 10. For any violation of any section or provision of this ordinance, the Recorder shall impose a fine of not less than \$5.00 nor more than \$100.00.

Section 11. If any section or provision of this ordinance shall be held invalid, such holding shall not affect the validity of any other section or provision thereof which is not of itself invalid.

Section 12. This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 1<sup>st</sup> day of May, 1969.

APPROVED:

James C. Gastroy  
Mayor

ATTEST:

Letty D. Dickey  
City Clerk

AN ORDINANCE AMENDING ORDINANCE NO. 148 PERTAINING  
TO THE CONTROL OF WEEDS WITHIN THE CITY OF GARDENDALE

BE IT ORDAINED by the City Council of the City of Gardendale while in regular session on the 19th day of August, 1974, as follows:

SECTION 1. That the first paragraph of Section 4 of Ordinance No. 148, the Weed Control Ordinance, be and is hereby amended to read as follows:

Section 4. Whenever any police officer of the City of Gardendale shall discover on any premises in the City of Gardendale any growth of weeds in violation of Section 2 of this ordinance, he shall give written notice to the owner or person having said premises in charge, to appear before the City Council of the City of Gardendale at a time and place to be fixed in said notice, and then and there show cause why the said growth of weeds should not be declared a nuisance, and an order issued requiring same to be cut and removed.

SECTION 2. That Section 6 of Ordinance 148 be and is hereby amended to read as follows:

Section 6. At the time and place appointed in the notice provided for in Section 4 hereof, the City Council shall conduct a hearing for the purpose of determining whether the growth of weeds complained of exists in violation of this ordinance, and if they find that same constitutes a violation of this ordinance, they shall so declare the same and shall make an order requiring the cutting and removal of said growth of weeds within five days from the making of said order.

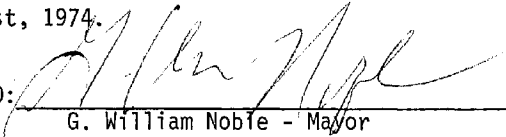
SECTION 3. That Section 8 of Ordinance 148 be and is hereby amended to read as follows:

Section 8. If the owner or person having in charge any premises whereon there exists any growth of weeds in violation of this ordinance, shall fail to cut and remove the same within five days after the cutting and removal thereof has been ordered by the City Council, the Chief of Police, by himself or his deputies, or laborers employed by him, or with prisoners, shall enter upon said premises, and at the expense of such person shall proceed to cut and remove said weeds, and the said Chief of Police is hereby directed to keep an account of the expense of cutting and removing such weeds, and to certify the same monthly to the Council of the City of Gardendale. The Chief of Police shall keep separate accounts showing the total expense of cutting and removing the said weeds from each separate lot or premises, and in certifying the same to the Council of the City of Gardendale, he shall report separately as to each piece of property wherefrom he has cut and removed weeds, together with a description of said premises and the name of the owner or persons having same in charge thereof (if known) and the total expense incurred in abating each such nuisance. If prisoners are employed in cutting and removing such weeds, a reasonable charge for their labor shall be included in the expense to be charged against the property owner or occupant of said premises.

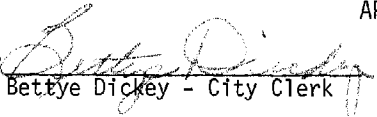
SECTION 4. This Ordinance shall become effective immediately upon its adoption or by its otherwise becoming a law.

DONE AND ADOPTED this 19th day of August, 1974.

APPROVED:

  
G. William Noble - Mayor

ATTEST:

  
Bettye Dickey - City Clerk

CERTIFICATION