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**ORDINANCE 2026-002
NUISANCE ORDINANCE**

AN ORDINANCE OF THE CITY OF ASHVILLE, ALABAMA

REGULATING NUISANCES ON PRIVATE PROPERTY; AND FOR OTHER PURPOSES RELATED THERETO.

WHEREAS, the City of Ashville, Alabama (the "City") is an incorporated municipality existing under the laws of the State of Alabama; and

WHEREAS, the City has authority to abate nuisances and assess costs pursuant to Sections 11-47-117 and 11-47-118; to abate overgrown weeds and grass and adopt alternate abatement procedures pursuant to Sections 11-67-60 through 11-67-68; to repair or demolish unsafe structures pursuant to Sections 11-53B-1 through 11-53B-16 and Sections 11-40-30 through 11-40-36; and to exercise general police powers to prevent and abate conditions dangerous to public health, safety, and welfare pursuant to Section 11-47-131, all of the Code of Alabama 1975, as now enacted or hereafter amended; and

WHEREAS, due process of law requires that persons entitled to notice receive meaningful opportunity to be heard before the City abates a nuisance or assesses costs against their property, and the Fourth Amendment to the Constitution of the United States protects against warrantless entry into dwellings and the curtilage of homes; and

WHEREAS, the City Council finds that a comprehensive nuisance ordinance with clearly defined prohibited conditions, specific enforcement timelines, tiered enforcement tracks, constitutional entry safeguards, and transparent cost recovery procedures will best promote the public health, safety, and welfare of the residents of Ashville;

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

ARTICLE I — GENERAL PROVISIONS

Section 1-1. Short Title. This Ordinance shall be known and may be cited as the "Ashville Nuisance Abatement Ordinance."

Section 1-2. Purpose. The City Council finds that conditions such as overgrown vegetation, accumulated junk and litter, inoperable vehicles, unsafe structures, and improper waste disposal on private property constitute public nuisances that endanger public health, safety, and welfare and diminish the quality of life and property values in the community. This Ordinance establishes a comprehensive framework to prohibit, abate, and assess the costs of abating such conditions.

Council Members

Adam Abernathy - Robin L. Bowlin - Edward Roscoe Lane - Shirley Smith - R. Denise Williams.

Section 1-3. Statutory Authority.

This Ordinance is adopted pursuant to the following authorities, each as now enacted or hereafter amended:

- (1) Section 6-5-120, Code of Alabama 1975 (definition of nuisance);
- (2) Section 6-5-122, Code of Alabama 1975 (municipal authority to abate or enjoin public nuisances);
- (3) Sections 11-47-117 and 11-47-118, Code of Alabama 1975 (authority to abate nuisances and assess costs; civil action authority);
- (4) Sections 11-47-131 through 11-47-140, Code of Alabama 1975 (authority to regulate and abate conditions injurious to public health, safety, and welfare);
- (5) Sections 11-67-60 through 11-67-68, Code of Alabama 1975 (abatement of weeds and grass; alternate abatement procedure);
- (6) Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, Code of Alabama 1975 (authority to repair or demolish unsafe structures);
- (7) Section 32-13-1 et seq., Code of Alabama 1975 (abandoned motor vehicles); and
- (8) The general police powers of the City under Title 11, Chapter 47, Code of Alabama 1975.

Section 1-4. Scope; Relation to Other Laws. This Ordinance applies to all private property within the corporate limits of the City of Ashville. Nothing in this Ordinance limits the City's authority under any applicable state statute, local ordinance, or other law. The remedies provided herein are cumulative. To the extent this Ordinance conflicts with any applicable state statute, the statute controls.

ARTICLE II — DEFINITIONS

Section 2-1. Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed below. Terms not defined herein shall be given their plain and ordinary meaning.

Abate / Abatement: To remove, repair, correct, demolish, or otherwise eliminate a nuisance condition. With respect to structures, abatement may include repair, rehabilitation, removal, or demolition of part or all of the structure.

Alternate Weed Procedure: The abatement procedure established in Section 4-4 of this Ordinance pursuant to Section 11-67-68, Code of Alabama 1975, applicable to properties on which overgrown weeds or grass have previously been abated or abatement has been attempted through the Statutory Weed Procedure.

Causes or Allows to Exist: A Person Responsible takes or fails to take actions that result in a nuisance condition on private property, or perpetuates a nuisance by failing to comply with an Order to Abate. A nuisance is also caused or allowed to exist if the condition results from the acts of any guest, tenant, contractor, or other person who occupies, uses, or performs operations on the property with the knowledge or acquiescence of the Person Responsible.

City: The City of Ashville, Alabama.

City Clerk: The duly appointed clerk of the City.

City Council: The City Council of the City of Ashville, Alabama.

Compliance Officer: Any city building official or other municipal official, employee, or representative designated by the Mayor to inspect properties, document nuisance conditions, issue Orders to Abate and Citations, and otherwise enforce this Ordinance. The Mayor may designate one or more Compliance Officers.

Curtilage: The area immediately surrounding and associated with a dwelling, to which the activity of home life extends, afforded heightened constitutional protection under the Fourth Amendment. Curtilage typically includes enclosed yards, driveways immediately adjacent to the home, and similar areas within the home's immediate surroundings.

Enclosed Area: A fully enclosed building or structure with a roof and walls, or an area enclosed by a solid, opaque privacy fence of at least five (5) feet in height constructed of wood, vinyl, masonry, or comparable material, that substantially screens the enclosed items from Public View at ground level. A chain-link, wire, or other open fence does not constitute an Enclosed Area.

Foul Water: Water that has an offensive odor, is visibly filled with algae, or is polluted with oil or other substances.

Imminent Danger: A condition that, based upon specific and articulable facts documented in writing by the Compliance Officer, presents an immediate and substantial threat of (a) death or serious bodily injury to any person, or (b) catastrophic structural failure, active fire hazard, or similar condition likely to cause immediate and substantial property damage or physical harm. A generalized concern for public welfare, aesthetic conditions, convenience, or code compliance does not constitute Imminent Danger. The determination must be supported by objective facts demonstrating that the delay necessary to provide pre-deprivation process would materially increase the risk of harm.

Inactive or Incomplete Construction Site Condition: A condition on property where construction operations were commenced but either: (i) have not been completed within thirty (30) days after expiration of the applicable city building permit; or (ii) no substantial exterior construction work has occurred for one hundred eighty (180) consecutive days.

Inoperable Motor Vehicle: A Motor Vehicle that has been on private property in Public View for thirty (30) or more consecutive days and is inoperable because: (i) one or more major mechanical components—including but not limited to the engine, transmission, drivetrain, or wheels—are missing or non-functional; or (ii) the vehicle cannot be moved under its own power. The term includes any immobile vehicle used for parts that is not on a properly zoned junkyard. A vehicle temporarily incapable of operation solely for ordinary service or repair is not inoperable under this Ordinance for the first thirty (30) days.

Junk: Discarded, unused, or abandoned vehicle parts, rubber tires, household appliances, dilapidated furniture, machinery, equipment, scrap metal, and similar items in a wholly or partially rotted, rusted, wrecked, dismantled, inoperative, or unusable condition.

Litter: Non-containerized man-made materials including paper, plastic, garbage, bottles, cans, glass, crockery, scrap materials, rubbish, and disposable packaging. The term does not include: (i) new or usable construction materials stored in an orderly manner and actively used for an ongoing improvement project not in an Inactive or Incomplete Construction Site Condition; or (ii) a trash, debris, or construction dumpster or moving container being actively utilized for its intended purpose, meaning it has been emptied from or relocated on the property at least once in any 90-consecutive-day period.

Motor Vehicle: Any vehicle, automobile, truck, motorcycle, machine, tractor, trailer, semi-trailer, boat, or recreational vehicle, regardless of age, propelled or drawn by mechanical power.

Mud: A slimy, sticky mixture of soft, wet earth, sand, or dirt deposited or accumulated as a result of construction activity, erosion, or other causes on property or extending onto Public Property.

Natural Area: A portion of private property where the surface has not been excavated, cultivated, reshaped, or contoured, and where the existing established indigenous vegetation has not been altered from its natural state.

Nuisance: Any condition declared unlawful in Article III of this Ordinance. The term has the meaning set forth in Section 6-5-120, Code of Alabama 1975: "anything that works hurt, inconvenience or damage to another," applied to conditions existing on private property within the City.

Order to Abate: A written order issued by the Compliance Officer directing a Person Responsible to correct or remove a nuisance condition within the period specified.

Organic Waste: Tree limbs, trunks, wood, bushes, and dead shrubbery detached from realty, as well as grass clippings and leaves, except when contained in an active compost bin or placed in a container the City regularly collects for disposal.

Persons Entitled to Notice: The record owner(s) of the property as shown in the ad valorem tax assessment records of St. Clair County, Alabama, and any mortgagee(s) of record as shown in the records of the Office of the Judge of Probate of St. Clair County. Notice to the persons shown in those records constitutes legally sufficient notice under this Ordinance.

Person Responsible: Any individual, corporation, limited liability company, partnership, trust, or other legal entity that owns, leases, occupies, controls, manages, or has charge of private property within the City, including the record owner, any occupant or tenant, any property manager or agent, and their respective heirs, successors, and assigns.

Planned Vegetative Area: A portion of private property where trees, bushes, shrubs, ornamental plantings, a vegetable or flower garden, or other lawful vegetation has been intentionally planted or cultivated for aesthetic, erosion control, screening, or similar purposes. Invasive grass, weeds, or other vegetation exceeding twelve (12) inches that was not intended to grow in the area is not part of a Planned Vegetative Area.

Private Property: Any improved or unimproved real property within the corporate limits of the City that is privately owned, including lots, driveways, grounds, parking areas, fences, walls, and privately maintained drainage structures. The term does not include Public Property.

Public Property: Any paved or unpaved public street, road, highway, alley, right-of-way (including the full width thereof maintained for vehicular travel), sidewalk, strip between a street and a sidewalk, or other property owned by the City or the State of Alabama.

Public View: Visible to pedestrians or vehicular traffic from Public Property. Covering a prohibited condition or object with a tarpaulin or other cover does not render the condition out of Public View for purposes of this Ordinance.

Solid Waste Container: Any cart, bin, barrel, can, dumpster, recycling container, or other receptacle used for the collection and disposal of household or commercial refuse, recyclables, yard waste, or similar materials, whether provided by the City, its solid waste contractor, or the property owner.

Stagnant Water: Water that is standing and not flowing, present for a sufficient period to present a risk of mosquito breeding or other public health concern.

Statutory Weed Procedure: The weed abatement procedure set forth in Sections 11-67-60 through 11-67-67, Code of Alabama 1975, applicable to the first abatement of overgrown weeds or grass on any given property.

Structure: Any building, dwelling, mobile or manufactured home, garage, shed, fence, wall, or other man-made construction, whether temporary or permanent, located on or affixed to Private Property.

Weeds: Any economically useless plant of low economic value that tends to grow freely, or any other form of exuberant vegetative growth. The term does not include vegetables or plants cultivated in a garden that is actively and regularly maintained.

ARTICLE III — NUISANCES DECLARED UNLAWFUL

Section 3-1. General Declaration. It is unlawful for any Person Responsible to cause or allow any nuisance identified in this Article to exist on private property within the City. Each day a nuisance condition continues after expiration of the applicable abatement period, and after any stay pending a hearing has been lifted, constitutes a separate and distinct violation.

Section 3-2. Exceptions.

The following conditions are not nuisances under this Ordinance:

- (1) Grass, weeds, or other vegetative growth in a Natural Area may exceed twelve (12) inches in height without constituting a nuisance.
- (2) Vegetative growth of any type or height in a Planned Vegetative Area is not a nuisance if the Person Responsible removes from that area, on not less than an annual basis, any grass, weeds, or invasive vegetation exceeding twelve (12) inches that was not intended to develop in the area, and no other nuisance condition exists in the area.

Section 3-3. Grass and Weeds Nuisance. A grass and weeds nuisance exists on private property in Public View if any of the following conditions are present:

- (1) The height of grass or weeds anywhere on the parcel exceeds twelve (12) inches, except in a Natural Area as provided in Section 3-2(1);
- (2) The grass or weeds have attained such height or dryness as to constitute a serious fire threat or hazard;
- (3) The weeds bear seeds that, when mature, cause the spread of weeds or, when breathed, irritate the throat, lungs, or eyes of the public; or
- (4) The grass or weeds have attained sufficient height to conceal litter, organic waste, junk, or other conditions that could inflict injury upon any person who enters the property.

Abatement period: 10–20 days. **Enforcement track:** Track B. **Statutory note:** *First abatement on any given property requires the Statutory Weed Procedure (§§ 11-67-60 to 11-67-67). Subsequent abatements proceed under the Alternate Weed Procedure (§ 11-67-68 and Section 4-4 of this Ordinance).*

Section 3-4. Junk, Litter, and Organic Waste Nuisance. A junk, litter, and organic waste nuisance exists if a Person Responsible:

- (1) Causes or allows the accumulation of Junk, Litter, or Organic Waste on private property in Public View for ten (10) or more consecutive days; or
- (2) Places, or allows the placement of, Junk, Litter, or Organic Waste on a sidewalk, strip between a street and sidewalk, or any Public Property adjacent to or in front of private property—other than materials placed in a Solid Waste Container in a lawful manner for scheduled collection.

Abatement period: 10–20 days. **Enforcement track:** Track A (citation) for first offense or minor violations; Track B (full abatement) for repeat violations or large-scale conditions.

Section 3-5. Inoperable and Unregistered Motor Vehicle Nuisance. An inoperable and unregistered motor vehicle nuisance exists if a Person Responsible causes or allows any of the following in Public View on private property:

- (1) An Inoperable Motor Vehicle; or
- (2) A Motor Vehicle that does not display a currently valid license plate lawfully issued for that vehicle, or that displays a license plate expired for more than thirty (30) days.

This nuisance does not apply to a Motor Vehicle that is:

- (1) Stored within an Enclosed Area so as to be out of Public View;
- (2) Specifically adapted or designed for operation on raceways and retained for that lawful purpose;
- (3) Lawfully registered as an antique or collector vehicle under applicable state law; or
- (4) Located on the premises of a business lawfully zoned to engage in motor vehicle repair, wrecking, junking, or storage of damaged or theft-recovered vehicles for insurers.

Abatement period: 30–60 days. **Enforcement track:** Track B.

Section 3-6. Building and Structure Nuisance. A building and structure nuisance exists with respect to any Structure on private property, whether occupied or unoccupied, if any of the following conditions exist:

- (1) The Structure is unsafe to the extent of becoming a danger to the public;
- (2) The Structure is, for any reason including inadequate maintenance, dilapidation, obsolescence, or abandonment, unsanitary, unfit for human habitation, or otherwise dangerous to human life;
- (3) The Structure has been damaged by fire, wind, flood, or other cause to the extent of becoming dangerous to life or safety;
- (4) The roof, floors, or structural components are of insufficient strength or condition to support distributed loads, or are attached in a manner creating a risk of failure or injury;
- (5) Inadequate means of egress exist within or from the Structure in case of fire or emergency;
- (6) The Structure constitutes a fire hazard;
- (7) An Inactive or Incomplete Construction Site Condition exists on the property; or
- (8) The exterior doors, windows, or other openings of any Structure are not secured or sealed against unauthorized entry—except during active construction or modification under a valid, current building permit issued by the City.

Abatement period: 30–90 days. **Enforcement track:** Track B. Unsafe structures shall ordinarily be addressed pursuant to Sections 11-53B-1 through 11-53B-16, Code of Alabama 1975, unless an alternative statutory enforcement procedure is lawfully invoked (see Section 5-3).

Section 3-7. Water and Drainage Nuisance. A water and drainage nuisance exists if a Person Responsible causes or allows any of the following conditions on private property:

- (1) Foul Water accumulates in any natural or man-made pond, lake, or man-made structure on the property;

- (2) Stagnant Water accumulates in any natural or man-made pond, lake, or other depression on the property;
- (3) Mud accumulates on the property, or extends from the property onto Public Property, as a result of construction activity, erosion, or other causes;
- (4) An outdoor swimming pool or hot tub affixed to realty contains water between April 15 and November 15 of any year without that water continuously circulating through an operational filtration system and without chlorine or equivalent chemical treatment; or
- (5) Access to an outdoor swimming pool or hot tub affixed to realty is not restricted by fencing or barriers as required by applicable City land development regulations.

Abatement period: 30–90 days. **Enforcement track:** Track B.

Section 3-8. Insect Harboring Nuisance. An insect harboring nuisance exists if a Person Responsible deposits, stores, maintains, or harbors any putrefactive material on private property, or causes or permits the soiling of the ground by such material, in a manner that causes, permits, or favors the propagation or reproduction of flies, mosquitoes, gnats, ants, or other insects. The presence of live insect larvae in such material is prima facie evidence of an insect harboring nuisance.

Abatement period: 10–20 days. **Enforcement track:** Track A or Track B depending on severity and scope.

Section 3-9. Vegetative Obstruction Nuisance. A vegetative obstruction nuisance exists if a Person Responsible causes or allows any of the following in Public View on private property:

- (1) Vegetation that obscures the property's street address on any Structure or its mailbox from Public Property;
- (2) Vegetation that inhibits, obstructs, or prevents fire, police, emergency medical, rescue, or other public safety personnel from accessing the property or entering a Structure thereon; or
- (3) Leaning, damaged, infected, or dead limbs, trunks, or other parts of any tree or like growth that exceed four (4) inches in diameter and present an objectively observable risk of imminent falling in a manner that could injure any person or damage property on neighboring private or Public Property.

Abatement period: 10–20 days. **Enforcement track:** Track B. Imminent falling hazard: emergency authority (Section 4-6).

Section 3-10. Discharge and Pollution Nuisance. A discharge and pollution nuisance exists if a Person Responsible discharges, dumps, deposits, or releases sewage, waste oil, hazardous substances, or other pollutants onto open ground or into any ditch, storm drain, creek, pond, or other waterway within the City in a manner that endangers public health, safety, or welfare. State and federal environmental laws may provide additional and concurrent remedies.

Abatement period: 10–30 days. **Enforcement track:** Track B. Imminent hazard: emergency authority (Section 4-6).

Section 3-11. Solid Waste Container Violations.

- (a) Solid Waste Containers may be placed in the public right-of-way adjacent to the property for scheduled collection no earlier than 6:00 p.m. on the day before scheduled pickup.
- (b) All Solid Waste Containers shall be removed from the public right-of-way no later than 8:00 p.m. on the day of scheduled pickup, or, if pickup did not occur due to a holiday, weather, or service

interruption, no later than 8:00 p.m. on the day following notification or reasonable discovery that pickup has been completed or rescheduled.

(c) No Solid Waste Container may be maintained or stored in the public right-of-way at any time other than as provided in subsection (a).

(d) When not placed for scheduled collection, all Solid Waste Containers shall be stored on private property, screened from Public View to the extent reasonably practicable.

(e) Violations of this Section are enforced under Track A (Section 4-2). No Order to Abate, Council authorization, or City abatement is available. After three (3) Citations for the same property within twelve (12) months, the Compliance Officer may designate the recurring violation as a junk, litter, and organic waste nuisance under Section 3-4 and proceed under Track B.

Enforcement track: Track A (citation only).

ARTICLE IV — ENFORCEMENT PROCEDURES

Section 4-1. Enforcement Tracks.

This Ordinance provides two enforcement tracks. The Compliance Officer selects the appropriate track based on the nature and severity of the violation, as indicated in Article III:

- (1) **Track A — Citation:** Used for minor, self-correcting violations (primarily Solid Waste Container violations and isolated first-offense junk or litter situations). Enforcement is by citation and fine only. City abatement and lien are not available on Track A.
- (2) **Track B — Full Abatement Procedure:** Used for significant nuisance conditions, chronic violations, and all conditions for which the City may abate at the owner's expense. Track B involves an Order to Abate, notice, an opportunity to be heard before the City Council, City abatement authorization if voluntary compliance fails, and cost recovery as provided in Article V.

Track escalation: The Compliance Officer may escalate any Track A violation to Track B upon issuance of a second or subsequent Citation for the same violation type at the same property within twelve (12) months, or upon a finding that the condition poses a meaningful threat to public health or safety.

Section 4-1A. Inspection and Documentation.

(a) The Compliance Officer may investigate suspected nuisances upon receipt of a complaint, upon the Compliance Officer's own observation from a public place, or by other lawful means.

(b) Before issuing any Citation or Order to Abate, the Compliance Officer shall document the observed conditions in writing, including: the property address; the nuisance type and specific conditions observed; photographs where practicable; the date of observation; and the proposed enforcement track and abatement period.

(c) The Compliance Officer shall furnish the City Clerk, on no less than a monthly basis, a report of all Citations issued and Orders to Abate initiated in the preceding month.

Section 4-1B. Lawful Entry; Curtilage Protections. This Section governs all entry onto private property under this Ordinance, including inspections, abatement, and emergency measures. Inspections of private property shall be conducted by: (i) observation from Public Property; (ii) consent of the owner or authorized occupant; (iii) a valid administrative search warrant; or (iv) response to an Imminent Danger as defined in Article II. Nothing in this Ordinance authorizes warrantless entry into a dwelling, structure interior, or the Curtilage of a home absent lawful authority. No motor vehicle located within the

Curtilage of a home shall be removed absent consent, a valid warrant or court order, or exigent circumstances presenting Imminent Danger.

Section 4-2. Track A — Citation Procedure.

(a) For Track A violations, the Compliance Officer may issue a written Citation to the Person Responsible or, if the responsible person is not present, may post the Citation in a conspicuous location on the property or on the offending item.

(b) A Citation shall include: (i) the property address; (ii) the violation and section of this Ordinance violated; (iii) the date and time of observation; (iv) the fine amount; (v) the deadline to pay the fine (not less than 14 days after issuance); and (vi) instructions for contesting the Citation in Municipal Court.

(c) A Person Responsible may contest a Citation by appearing in Municipal Court on or before the payment deadline.

(d) Track A Citations do not authorize City abatement or assessment of an abatement lien. Collection is by fine only.

Section 4-3. Track B — Full Abatement Procedure.

Track B consists of five sequential steps:

Step 1 — Order to Abate. When the Compliance Officer determines that a Track B nuisance exists, the Officer shall issue a written Order to Abate containing: (i) the property address or legal description; (ii) the nuisance type and a plain-language description of the conditions observed; (iii) the corrective actions required and the Abatement Deadline, within the range specified in Article III; (iv) a statement that the City Council may authorize abatement if the nuisance is not corrected, subject to the lawful entry requirements of Section 4-1B; (v) a statement that the Person Responsible may contest the Order by filing a written hearing request with the City Clerk within ten (10) days of the certified mailing; and (vi) the name and contact information of the Compliance Officer.

Step 2 — Notice. The City Clerk shall send a copy of the Order to Abate by certified mail, return receipt requested, to the Persons Entitled to Notice at the addresses shown in the St. Clair County ad valorem tax assessment records and probate court mortgage records. Within three (3) days of the certified mailing, the Compliance Officer shall post a copy of the Order on the property at or within three (3) feet of the main entrance to the primary Structure, or at a conspicuous location if no entrance exists.

First weed abatement: *Notwithstanding the foregoing, the first abatement of a grass or weeds nuisance on any given property shall follow the Statutory Weed Procedure (§§ 11-67-60 to 11-67-67), which requires: (i) certified mail notice at least 21 days before the public hearing; (ii) newspaper publication of the resolution once a week for two consecutive weeks, or posting at three public places for at least 21 days if no newspaper is published in the municipality; and (iii) two signs posted conspicuously on the property at least 7 days before the hearing.*

Step 3 — Abatement Period. The Person Responsible shall abate the nuisance by the Abatement Deadline. If the nuisance is abated before the deadline, the City shall take no further action under that Order absent a new or recurring violation.

Step 4 — Hearing.

(a) A Person Entitled to Notice may request a hearing before the Council by filing with the City Clerk within ten (10) days of the certified mailing. If a Person Entitled to Notice demonstrates that certified mailing was not delivered and that the person lacked actual notice, the Council may accept a late hearing request upon good cause shown.

(b) The City Council shall schedule the hearing not more than thirty (30) days after receipt of a timely request. The City Clerk shall give at least seven (7) days' prior written notice of the hearing by first-class mail to the Persons Entitled to Notice.

(c) A timely hearing request stays City abatement action pending the Council's decision, unless the Compliance Officer invokes emergency authority under Section 4-6 due to Imminent Danger.

(d) At the hearing, the Council shall receive evidence and determine whether a public nuisance exists. The Council may affirm, modify, or rescind the Order; extend the Abatement Deadline for good cause; or authorize City abatement pursuant to Step 5. The Council shall issue a written decision with brief findings of fact entered into the municipal record. The Council's decision is final, subject to the appeal procedure in Article VI.

Step 5 — City Abatement Authorization.

(a) If the Abatement Deadline passes without compliance and no hearing has been timely requested, the Compliance Officer shall report that fact to the City Clerk. The City Council shall schedule a public meeting—with at least seven (7) days' prior first-class mail notice to the Persons Entitled to Notice—at which the Council shall receive evidence and determine whether to authorize City abatement by resolution.

(b) If a hearing under Step 4 affirmed or modified the Order, the Council may include abatement authorization in its hearing decision; a separate public meeting is not required.

(c) City abatement shall be performed by City employees, contractors, or authorized agents, subject to the lawful entry requirements of Section 4-1B. Abatement of a structure nuisance may include repair, rehabilitation, removal, or demolition only as authorized by the Council and only after compliance with the applicable state-law unsafe-structure procedure invoked by the City. The City shall document all abatement activities for cost recovery under Article V.

Structures governed by state law. Notwithstanding any other provision of this Article, any abatement action that includes the repair, securing, removal, or demolition of a building or structure based on a finding that the structure is unsafe or constitutes an unsafe public nuisance shall be conducted only pursuant to the notice, hearing, appeal, and cost-recovery procedures of the specific state statute invoked by the City, including, as applicable, Sections 11-53B-1 through 11-53B-16 and Sections 11-40-30 through 11-40-36, Code of Alabama 1975. The timelines and procedures of this Article shall not be construed to modify, shorten, or replace those statutory procedures.

Section 4-4. Alternate Weed Procedure. Pursuant to Section 11-67-68, Code of Alabama 1975, after a grass or weeds nuisance has been abated or abatement has been attempted on a property through the Statutory Weed Procedure, all subsequent abatements of grass or weeds nuisances on that property shall follow the Track B procedure in Section 4-3, including the notice requirements of Step 2 (excluding the Statutory Weed Procedure requirements applicable only to first abatements).

Section 4-5. Compliance Officer Discretion. In exercising enforcement discretion, the Compliance Officer shall consider the severity of the nuisance, its impact on neighboring properties and the public, the history of the property, and the responsiveness of the Person Responsible.

Section 4-6. Emergency Measures.

(a) If the Compliance Officer determines that a nuisance condition constitutes Imminent Danger, the Officer shall document in writing the specific and articulable facts supporting that determination.

(b) Where Imminent Danger exists, the City may take the minimum action reasonably necessary to eliminate or mitigate the immediate threat, subject to the lawful entry requirements of Section 4-1B.

(c) When emergency abatement occurs prior to Council authorization, the City Clerk shall, within five (5) business days, mail notice to the Persons Entitled to Notice describing: (i) the condition constituting Imminent Danger; (ii) the emergency actions taken; (iii) the factual basis supporting the emergency determination; and (iv) the right to request a Council review hearing.

(d) Any Person Entitled to Notice may request a Council review hearing by submitting a written request to the City Clerk within ten (10) days after the date the notice described in subsection (c) is mailed. The request shall be heard by the Council at the next regularly scheduled meeting or at a specially called meeting. The burden of demonstrating that Imminent Danger existed rests with the City. The Council shall issue written findings confirming, modifying, or rejecting the emergency determination.

(e) Costs of emergency abatement shall be recovered only in accordance with Article V.

ARTICLE V — COST RECOVERY AND LIENS

Section 5-1. Statutory Cost Recovery Framework.

The City's authority to recover abatement costs derives from three distinct statutory sources:

(a) Vegetative Nuisances (Grass and Weeds). Pursuant to Sections 11-67-60 through 11-67-67, Code of Alabama 1975, when the City abates overgrown grass or weeds, the City may assess costs and impose a special assessment lien ("weed lien") on the affected property, collectible in the same manner as ad valorem taxes. The assessment, confirmation, and collection of weed liens shall follow the procedures prescribed in those statutes, including the posting, public meeting, and Council confirmation requirements of Sections 11-67-65 through 11-67-67. Upon confirmation by the City Council, the weed lien shall be superior to all other liens except liens for taxes.

(b) Unsafe Structures. When the City proceeds under Sections 11-53B-1 through 11-53B-16, Code of Alabama 1975, the notice, hearing, cost assessment, lien creation, and collection procedures shall be as prescribed in that statute. The lien authorized by Section 11-53B-6 shall attach and be collectible as provided therein. This Ordinance does not recreate or modify those statutory procedures; in the event of conflict, the statute governs.

(c) All Other Track B Nuisances. Pursuant to Section 11-47-117, Code of Alabama 1975, when the City abates any nuisance for which statutory lien authority is not available under subsections (a) or (b), the City may assess costs against the Person Responsible and pursue recovery by invoice, demand, and civil action as provided in Section 5-2. Costs recovered under this subsection constitute a personal obligation of the Person Responsible. No special assessment lien against the property is created by this Ordinance for nuisances addressed under this subsection.

Section 5-2. Civil Cost Recovery for Non-Lien Nuisances.

(a) After City abatement is completed, the Compliance Officer shall prepare an itemized written report of all costs incurred, including labor, equipment, materials, contractor charges, administrative costs directly attributable to the abatement, and disposal fees. Any salvage value actually received shall be credited against total costs.

(b) The City Clerk shall deliver an invoice to the Person Responsible by first-class mail. Payment is due within thirty (30) days. Failure to pay may result in civil collection action.

(c) If the amount invoiced is not paid within thirty (30) days, the City may file a civil action in a court of competent jurisdiction to recover abatement costs, interest at the statutory rate, court costs, and reasonable attorney's fees where authorized by law.

(d) Pursuant to Sections 11-47-118 and 6-5-122, Code of Alabama 1975, the City may also maintain a civil action to enjoin and abate any public nuisance and to seek a permanent injunction prohibiting recurrence.

Section 5-3. Alternative Statutory Authority Preserved. Nothing in this Article shall limit the City's authority to proceed under Sections 11-40-30 through 11-40-36, Code of Alabama 1975 (demolition of unsafe buildings), or Sections 11-53A-1 and 11-53A-6, Code of Alabama 1975 (unsafe building authority for Class 8 municipalities), when the City Attorney determines an alternative statutory framework is appropriate. A declaration of a building nuisance under Article III may be cited as evidence supporting a finding under Section 11-53B-2 or any alternative statute but does not substitute for the statutory findings and procedures required by the statute under which the City proceeds.

Section 5-4. No Lien for Track A Citations. No lien or special assessment is authorized for violations enforced under the Track A Citation procedure. Track A enforcement is by fine only, collectible through standard municipal court procedures.

Section 5-5. Cumulative Remedies. The remedies provided in this Article are cumulative and in addition to all other remedies available to the City under applicable law.

ARTICLE VI — APPEALS

Section 6-1. Right of Appeal. Any person aggrieved by a City Council decision: (a) affirming or modifying an Order to Abate following a contested hearing under Article IV; or (b) confirming an abatement cost assessment under Article V, may appeal that decision to the Circuit Court of St. Clair County, Alabama. Appeals from determinations made under a specific state-law unsafe-structure procedure shall be taken as provided in that statute.

Section 6-2. Procedure.

- (a) The appeal must be filed within ten (10) days of the City Council's action being appealed.
- (b) The appeal is commenced by filing a written notice of appeal with the Clerk of the Circuit Court of St. Clair County, together with a bond for security of costs in a form and amount approved by the Circuit Clerk.
- (c) The appellant shall simultaneously deliver a copy of the notice of appeal to the City Clerk.
- (d) Upon receipt of the notice of appeal, the City Clerk shall transmit to the Circuit Clerk a certified copy of the Council's findings, order, or resolution and the record of proceedings.
- (e) The appeal shall be docketed in the Circuit Court and treated as a preferred case.

ARTICLE VII — PENALTIES AND REMEDIES

Section 7-1. Violations Unlawful. It is unlawful for any Person Responsible to cause, create, maintain, or allow any nuisance declared in Article III to exist on private property within the City.

Section 7-2. Fines.

- (a) Track A — Citation fines. (i) First Citation (same property and violation type within 12 months): \$100.00; (ii) Second Citation: \$250; (iii) Third and each subsequent Citation: \$500.00.

(b) Track B — Criminal fine upon conviction. Any Person Responsible who fails to abate a Track B nuisance after the Abatement Deadline has passed and no hearing stay is in effect may be prosecuted in the Municipal Court of the City of Ashville. Upon conviction, the defendant may be fined not less than \$100.00 nor more than \$500.00 for each offense, or imprisoned or sentenced to hard labor, or any combination thereof, as authorized by law.

(c) Each day a violation continues after expiration of the applicable Abatement Deadline (and after any stay has been lifted) constitutes a separate and distinct offense.

Section 7-3. Hindering Abatement. Following the City Council’s authorization of abatement under Article IV, it is unlawful for any person to knowingly interfere with City personnel performing lawful abatement or with their lawful access to the subject property. Violation may be prosecuted in Municipal Court.

Section 7-4. Civil Remedies Preserved. All rights and remedies of the City under this Ordinance are cumulative and in addition to any other rights and remedies available under applicable law, including injunctive relief, civil actions to abate public nuisances, criminal prosecution, and any applicable state statute.

ARTICLE VIII — MISCELLANEOUS

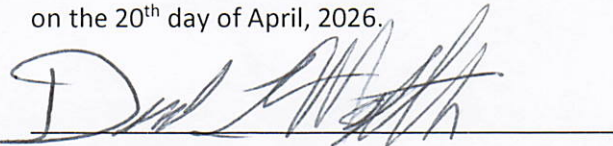
Section 8-1. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance and its application to other persons and circumstances shall not be affected. The City Council declares that it would have adopted each provision independently, regardless of the validity of any other provision.

Section 8-2. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict. Ordinance No. 2003-004 is hereby repealed in its entirety. This Ordinance supersedes and replaces all prior City ordinances specifically regulating nuisances on private property within the corporate limits.

Section 8-3. Codification. The City Clerk is authorized to codify this Ordinance and to make non-substantive formatting, numbering, and cross-reference corrections necessary to place it in the Code of Ordinances of the City of Ashville.

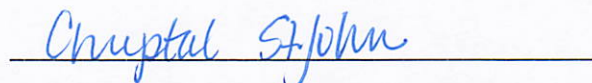
Section 8-4. Effective Date. This Ordinance shall take effect immediately upon adoption and publication as required by Alabama law.

ADOPTED by the City Council of the City of Ashville, Alabama, at a duly called and noticed meeting held on the 20th day of April, 2026.



Derrick Mostella, Mayor, City of Ashville, Alabama

ATTEST:



Chrystal St. John, City Clerk, City of Ashville, Alabama