ORDINANCE NO. 4-27-98-1

REGULATING GRASS AND WEED NUISANCES, BUILDING NUISANCES, AND OTHER NUISANCES: REVISING AND STREAMLINING THE ENFORCEMENT PROCEDURE FOR NUISANCE ABATEMENT INCLUDING ISSUANCE OF SUMMONS AND COMPLAINT;

WHEREAS, the City of East Brewton is empowered to enact ordinances to protect and promote the general public health and to improve the order, comfort and convenience of their inhabitants; and

WHEREAS, there exists in the town structures used for residential and non residential use which are, or may become in the future, substandard with respect t o structure, equipment, or maintenance, and

WHEREAS, conditions such as structure deterioration, lack of maintenance, or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, insanitary conditions, and overcrowding constitute a menace to the health, safety, morals, welfare, and reasonable comfort of the inhabitants of the city; and

WHEREAS, because of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums; and

WHEREAS, if these conditions are not curtailed and removed, they will grow and spread and necessitate the expenditure of large amounts of public funds to eliminate such conditions; and

WHEREAS, by timely regulations and restrictions as contained in this ordinance, the growth of slums and blight may be prevented, neighborhoods and property values may be maintained and the desirability and amenability of residential and nonresidential uses and neighborhoods will be enhanced and the public health, safety and welfare protected and fostered; and **WHEREAS**, an abundance of overgrown grass and weeds within the city could be injurious to the general public health, safety, and general welfare by:

- 1. providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests; and
- attaining such heights and dryness so as to constitute a serious fire threat or hazard; and
- 3. bearing wingy and downy seeds, when mature, they cause the spread of weeds and irritation to the throat, lungs, eyes of the public; and
- 4. hiding debris, such as broken glass or metal, which could inflict injury on

the person going upon the property; and

5. being unsightly and constituting usual blight; and

WHEREAS, the removal and clearance of overgrown grass and weeds must be accomplished for the overall good and protection of the public as a whole

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

SECTION 1. Definitions. For the purpose of this ordinance, certain terms as defined as follows:

(a) Building Nuisance: Any nuisance condition involving a residential or nonresidential structure, including remains from demolition, remains from fire, parts of buildings, part of uninhabitable structures.

(b) Enforcing Official: Any official of the City Police Department or any other City employee designated by the Mayor as the person to exercise the authority and perform the duties delegated by this ordinance to the enforcing official. For a grass and weed nuisance the enforcing officials may also be any organization (including its employees) or individual with which the City may contract to provide such service.

(c) Grass or Weed Nuisance: Any abundance of overgrown grass or weeds within the town which is injurious to the general 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 wingy or downy seeds, when mature, that cause the spread of seeds and, when breathed, irritation to the throat, lung and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on any person going upon the property; or being unsightly; or any growth of grass of seeds, other than ornamental growth, which exceeds 12 inches in height.

(d) Improved Subdivision: 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.

(e) Natural Condition: Uncultivated or 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 been planted or cultivated by anyone.

(f) Nuisance: anything that unlawfully causes hurt, inconvenience or damage; that class of wrongs that arises from the unreasonable, unwarrantable 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; 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.

(g) Owner of Property: Includes legal title holder, or lessee, or occupant of property, agent of legal title holder or lessee, in charge, possession or control of

said property. For a building nuisance only, includes any mortgage holder of record.

SECTION 2. Nuisance Unlawful.

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 3. 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.

SECTION 3. Duties of Owner.

It shall be the duty of the owner of any real property located within the town to maintain any grass or weeds growing upon said 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 with 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 thereof. Such right-of-ways and easement 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 ordinance, except to the extent it may be impracticable to do because of public facilities located thereon.

SECTION 4. Maintenance Practices of the City.

The dedication and existence of a right-of-way for 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 right-ofways and easements only to the extent necessary to maintain the public facility and maintain safety. The owner of the burdened property continues to control the property, except to extent that such control interferes with the public use. The public authority does not cut grass, weeds, and other growth upon right -of ways 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.

SECTION 5. Overgrowth.

It shall be unlawful and a nuisance, in violation of this ordinance, for the owner of any real property situated within the corporate limits of the town 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 or plant bearing wingy or downy seeds, or any weed or plant that is otherwise noxious, dangerous, harmful, or poisonous. Overgrown means a height of twelve (12) inches or more.

SECTION 6. Debris.

An accumulation or storage of debris, refuse, rubbish, brush, used building materials, parts of buildings, remains from building demolition, parts of untenantable or uninhabitable structures, used machinery, used tires, used vehicles, or any other materials which may provide a breeding place for mosquitoes, harmful insects, rodents, or snakes, or is so unsightly as to be offensive to the surrounding area is a nuisance in violation of this ordinance.

SECTION 7. Enforcement.

(a) Whenever in the opinion of the enforcing official nuisance exist, the official shall order the owner of the property of 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 comply with this ordinance within the time stated in the notice or to request an administrative hearing before the Code Enforcement Officer 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. For a building nuisance the notice shall

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contain the names of all owners and lien-holders of the property, a legal description of the property and the nature of the proceeding.

(c) 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 interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest. The enforcing official shall cause of copy of each building nuisance notice to be recorded in the Office of Probate Judge.

(d) The notice shall 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.

(e) 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 total of 150 days:

- (1) Fourteen (14) days from the date of the notice if it is a grass and weed nuisance.
- (2) One Hundred Twenty (120) days from the date of notice if it is a building nuisance.
- (3) Thirty (30) days from the date of the notice if it is any other type of nuisance including, but not limited to, burned structures and abandoned vehicles.

SECTION 8. HEARING.

A hearing before the Code Enforcement Officer must be requested within five (5) days of the date of the notice by t he enforcing official. 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.

SECTION 9. 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 said person for a violation of provisions of the 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 ordinance. 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 Municipal Court, shall be served on the owner by any enforcing official, who shall forthwith appear and take an oath as to the alleged offense before a judge or magistrate of the Municipal Court. This provision for the issuance of a 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 a warrant with respect to any alleged offense, in lieu of issuing a summons and complaint.

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

(1) A fine of the minimum sum of two-hundred-fifty dollars (\$250.00) to the maximum of five-hundred dollars (\$500.00);

(2) Imprisonment in the county jail for a term not to exceed six (6) months;

(3) Both such fine and imprisonment; and

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(4) An order to abate the nuisance.

(c) the enforcing official may institute the enforcement procedure set forth in paragraph (a) and those set out below. 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 property.

(d) If the owner fails, neglects, or refuses to comply with the notice to abate a grass or weeds nuisance, the enforcing official shall cause the cutting of the offending grass and weeds.

(e) If the owner fails, neglects or refuses to comply with the notice to abate any other 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 (5) days in advance by personal service or by first class mail.

(f) 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 or 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.

(g) Upon the expiration of seven (7) days from the date of the resolution, the enforcing official shall proceed to carry out the decision of the Council.

SECTION 10. ASSESSMENT OF COST.

(a) 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, 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 (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property.

(b) At the time fixed for receiving and considering the statement, the Council shall hear the same, 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 they deem 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 said property. After adoption of the resolution, a copy shall be turned over to the City Clerk-Treasurer shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter said 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 same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(c) 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.

(d) 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.

(e) Satisfaction of Liens. Upon payment of the itemized accounts arising under this ordinance, any liens or assessments filed hereunder may be marked "Satisfied" and "Paid In Full" by the City Clerk or by the City Attorney.

SECTION 11. CONSTRUCTION OF ARTICLE.

This article shall be construed to contain all power granted to municipalities under Sections; 11-40-10, 11-47-117, 11-47-140, and 11-48-1 through 11-48-106, Code of Alabama, as amended, providing for controlling nuisances, sanitation and

good public health and safety conditions, and for assessment of public improvement liens.

SECTION 12. If any part of this ordinance is held invalid in a court of competent jurisdiction, it shall not affect the validity of the remaining parts, which have been adopted separately and independently.

SECTION 13. This ordinance shall be effective on the first of the month that is at least 30 days following publication.

SECTION 14. The adoption of this ordinance shall not invalidate any preexisting nuisance abatement enforcement actions. The assessment procedure adopted herein may be utilized for all ongoing enforcement actions, the enforcing official may proceed under the prior law or may reinstitute proceedings under the provisions of this ordinance. If this ordinance will be followed, notice of the change must be given to the owner.

ADOPTED THE 27TH DAY OF APRIL, 1998.

AMENDMENT TO CITY OF EAST BREWTON ORDINANCE 4-27-98-1 BUILDING NUISANCE

Sec. 1-50.-Dangerous Buildings Defined

All buildings or Structures which have any or all of the following defects shall be deemed Dangerous Buildings:

(1) Those which have interior walls of other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing

or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roof or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or general welfare and health of the occupants or the people of the City of East Brewton.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that

they are unfit for human habitation, or are likely to cause sickness or disease,

so as to work injury to the health, safety or general welfare of those living

therein.

(6) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live within.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators fire escapes or other means of communication.

(8) Those which have parts which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the City of East Brewton.

Sec. 1-51.- Standards for Repair, Vacation or Demolition

The following standards shall be followed in substance by the Building Inspector in ordering repair, vacating or demolition:

(1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

All repairs will require a building permit. Contractors/Subcontractors doing repairs will need City of East Brewton Business License and State of Alabama Licensure may be warranted.

(2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a dangerous building is fifty(50)percent damaged or decayed, or deteriorated from its original value or structure, it shall be

demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance, it shall be demolished.

A demolition permit must be issued to owner or contractor. The Contractor must obtain a Business License from the City of East Brewton Clerks office.

Sec. 1-52.- Deemed Nuisance

All dangerous buildings within the terms of Section 1-50 are hereby declared to be Public Nuisances, and shall be repaired, vacated or demolished as herein provided.

Sec. 1-53- Duties of Building Inspector

The Building Inspector Shall:

Inspect or cause to be inspected annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, and manufacturing buildings for the purpose of determining whether any conditions exist which render such places dangerous buildings within the terms of section 1-50.

(2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance,

(3) Inspect any building, wall or structure reported (as hereinafter provided for)

by the fire department or police department of the City of East Brewton as probably existing in violation of the terms of this ordinance.

(4) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said property as shown in the office of the Judge of Probate of any building found by the inspector to be a dangerous building within the standards set forth in section 1-50 that:

(a) The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance;

(b) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;

(c) The mortgagee, agent or other persons having an interest in said building as shown in the office of the Judge of Probate may at their own risk, repair, vacate or demolish said building or have such work or act done;

Building permits and/or demolition permits issued by building inspector and if act is done by Contractor, a City Business License is required thru East Brewton Clerks Office;

provided, that any person notified under this subsection to repair, vacate or demolish any building,

provided, that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time not exceeding 45 days, as may be necessary to do, or have done, the work or required by the notice provided herein.

(5) Set forth in the notice provided for in subsection (4) hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not to exceed 45 days, as is reasonable.

(6) Report to the council any non-compliance with the notice provided for in subsection (4) and (5) hereof:

(7) Place a notice on all dangerous buildings reading as follows:

"This building has been found to be a dangerous building by the Building Inspector for the City of East Brewton. This Notice is to remain on this building until it is repaired, vacated or demolished in accordance with the which has been given to the owner, lessee, mortgagee, or agent of and all other persons having an interest in said building as of the Judge of Probate of Escambia County, unlawful to remove this Notice until such notice is "This building by the Building in accordance with the notice this building, shown in the office Alabama. It is complied with".

Sec. 1-54.- Duties of the City Council The City Council Shall:

(1) Upon receipt of a report of the building inspector as provided for in Sec. 1-53 subsection (6) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent and other persons having an interest in said building as shown by the Land Records in the office of the Judge of Probate to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building, should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspectors notice provided for herein Sec. 1-53 Subsection (7).

(2) Holding a hearing and such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by land records in the office of the Judge of Probate shall offer relative to the dangerous building.

(3) Determine from the testimony offered pursuant to subsection (2) as to whether or not the building in question is a dangerous building within the terms of section 1-50.

(4) Issue an order based on the determination made pursuant to subsection (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons

having interest in said building as shown by land records in the office of the Judge of Probate to repair, vacate or demolish any building found to be a dangerous building within the terms of the ordinance, and provided that any person so notified, except the owners shall have the privilege of either vacating or repairing said dangerous building, or any person not the owner of said dangerous building but having an interest in said building as shown on the land records in the office of the Judge of Probate may demolish said dangerous building at such persons own risk to prevent the acquiring of a lien by the City of East Brewton against the land upon which said dangerous building stands as provided in subsection (5)hereof.

(5) If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection (4) hereof within (30) days, the East Brewton City Council shall cause such building or structure to be repaired, vacated or demolished as facts may warrant, under the standards herein above provided for in section 1-51 and with the assistance of the City of East Brewton Attorney, shall cause the cost of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will be dangerous to the health, safety or general welfare of the people of the City of East Brewton, the City Council of the City of East Brewton shall notify the City of East Brewton Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the City of East Brewton's Attorney the names of all persons not complying with the order provided for in subsection (4) hereof.

Sec. 1-55.- Duties of Fire Department.

The employees of the City of East Brewton Fire Department shall make a report in writing to the building inspector of all buildings or structures which are, maybe or suspected to be dangerous buildings within twenty four (24) hours of discovery of such buildings by an employee of the Fire Department.

Sec. 1-56.- Duties of Police Department.

All employees of the City of East Brewton Police Department, shall make a report in writing to the building inspector, of any buildings or structures which are, maybe or are suspected to be dangerous buildings within the terms of this ordinance. Such reports must be delivered to the building inspector within twenty four (24) hours of discovery of such buildings by an employee of the Police Department.

Sec. 1-57.- Emergency Cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated or demolished, the building inspector shall report such facts to the East Brewton City Council and the Council shall cause the immediate repair, vacation or demolition of such dangerous building. The cost of such emergency repair, vacation or demolition of such dangerous buildings shall be collected in the same manner as provided in section 1-54 subsection (5).

Sec. 1-58.- Service of Notice where the owner absent from the City of East Brewton.

In cases, except in emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City of East Brewton, all notices or orders provided for herein shall be sent by certified mail to the owner, occupant, lessee, mortgagee and all other persons having interest in said building as shown by the land records in the office of the Judge of Probate, to the last know address of such notice shall be posted in a conspicuous place on the it relates. Such mailing and posting shall be deemed data and a copy of adequate service.

Sec. 1-59.- Administrative Liability

No officer, agent or employee of the City of East Brewton shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties under this ordinance. Any suit brought against any officer, agent or employee of the City of East Brewton as a result of any act required or permitted in the discharge of official duties under this ordinance shall be defended by the City of East Brewton's Attorney until the final determination of the proceedings thereon.

Sec. 1-60.- Violation; Penalties for Disregarding Notices or Orders.

(A) The owner of any dangerous building who shall fail to comply wit	h any
notice or order to repair, vacate or demolish said building given by any	person
authorized by this ordinance to give such notice or order, shall be	guilty of a
misdemeanor and upon conviction thereof shall be punished as	provided in
section1-8. Each days violation of the provisions of this	ordinance, shall
constitute a separate offense punishable as herein provided.	

(B) The occupant or lessee in possession, who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-8. Each days violation of the provisions of this ordinance shall constitute a separate offense, punishable as herein provided.

Sec. 1-61.- Duties of the Cities Attorney.

The City Attorney Shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for in Sections 1-53, subsections (4), (5) and the order provided Section 1-54 subsection (4).

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(2) Appear at all hearings before the City Council in regard to dangerous buildings.

(3) Bring suit to collect all municipal liens, expenditures or costs incurred by the City Council in repairing or causing to be vacated or demolished, dangerous buildings.

(4) Take such other legal action as is necessary to carry out the terms and provisions of this ordinance.

Sec. 1-62.- Fixing of Costs

Upon demolition or repair of the structure, the appropriate official shall make a report to the City Council of the total cost and the Council shall adopt a resolution fixing the reasonable cost and assessing the same against the property.

Ala. Code 11-53B-5. Any proceeds from the sale of salvaged material from the building or structure shall be applied against the cost of demolition.

The clerk of the municipality shall give notice of the meeting at which the fixing of costs is to be determined by first-class mail to any person or entity with interest in the property whose address and interest is determined from the tax assessor's records.

The fixing of the costs by the City Council after made and confirmed shall constitute a lien on the property for the amount of the assessment (the final assessment). The lien shall be superior to any liens, other than tax liens and prior recorded mortgages.

Sec. 1-63.- Payment of Costs

The municipality may require that the assessment be paid in cash within thirty (30) days after the final assessment determined by the City Council. However, if the assessed amount is greater than \$10,000, the property owner may pay the final assessment in 10 equal annual installments, which shall bear interest at a rate not exceeding 12% per annum. The property owner must notify the city official charged with the responsibility of collecting assessments in writing within thirty (30) days after the final assessment is determined if he decides to make installment payments.(See Ala. Code 11-53B-7 regarding specifics about installment payment plans.)

Sec. 1-64.- Failure to Make Payments

If the property owner fails to pay the final assessment within thirty (30) days or fails to make any installment payment, then the whole assessment lien shall immediately become due and payable and the city official designated to collect the assessment shall proceed to sell the property to the highest bidder for cash. Ala. Code 11-53B-8. Prior to the sale, notice shall be given by publication once a week for three consecutive weeks in a newspaper published in the municipality or circulated therein, setting forth the date and time of the sale along with the description of the property. Ala. Code 11-53B-8

Any property owner may pay the assessment lien, plus interest and all cost before the sale of the property. Ala. Code 11-53B-9. The costs of any notice and sale resulting from the property owner's default shall constitute a charge against the property and shall be retained out of the proceeds of the sale. Upon sale of the property, the city official charged with collection the assessment shall execute a deed to the purchaser. However, any real property sold for the satisfaction of an assessment lien imposed by the City Council may be redeemed within two (2) years from the date of the sale. Ala. Code 11-53B-10

Title 11, Vol. 9, Ch. 53, 53A, 53B 2008 Replacement Volume 1975 Code of Alabama