

Sec. 12-10. - Accumulations of refuse, etc.; growths of weeds; correction of unlawful conditions; charges therefore; enforcement.

It shall be unlawful for any person to permit on such person's premises whether or not a vacant lot, to accumulate bottles, tin cans, brush, garbage, trash, or rubbish, or growths of weeds or obnoxious vegetation, or anything that will, or is likely to, constitute a fire hazard through accumulation of combustible materials or a health hazard or nuisance by raising or harboring mosquitoes, flies, rats, fleas, snakes, or other vermin, or the decaying of such accumulations so as to create obnoxious odors.

(a)

Whenever the zoning enforcement officer of the City of Fairhope shall discover on any premises, within the City of Fairhope or the police jurisdiction thereof, any unlawful condition, described in [section 12-10](#) above, City of Fairhope Code of Ordinances, he shall give written notice to the owner or person having said premises in charge, by mail or personal service, or if the owner or person in charge cannot be found, by posting a copy thereof on the premises for one week, to correct the unlawful condition.

(b)

If the unlawful condition has not been corrected within one week after notice has been mailed, served or posted, the zoning enforcement officer by himself, with city laborers, with city prisoners or by private contractors, shall enter upon said premises and at the expense of the owner or person having said premises in charge, shall proceed to correct such unlawful condition. The zoning enforcement officer is directed to certify the total expense of correcting the unlawful condition to the city clerk together with a description of said premises and the name and address of the owner or person having same in charge thereof, if known. If prisoners are employed in correcting this unlawful condition, a reasonable charge for their labor shall be included in the expense certified.

(c)

At intervals to be determined by the city council of the City of Fairhope, it shall cause to be made a list showing the names of the owners or persons who had in charge the premises on which such unlawful condition has been corrected at the expense of such persons as hereinbefore provided, together with a description of the property, and a statement of the amount of the expense (as reported by the zoning enforcement officer) of correcting the unlawful condition

on each such parcel of property, (if the names of the owners of said property are not known, same may be stated as unknown), and said city 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 Fairhope, the said publication to be made at least ten (10) days in advance of the date fixed for said hearing. At the time and place fixed for said hearing, the city council of the City of Fairhope 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 for the expense of correcting such unlawful condition, and the assessments so made shall be final, and the City of Fairhope 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.

(d)

For the purpose of enforcing this section, the zoning enforcement officer is authorized and directed to secure such implements and employ such private contractors, city prisoners and laborers as may be necessary.

(e)

In the event the zoning enforcement officer shall elect to use a private contractor to correct such unlawful condition, he shall first receive at least two (2) bids in writing from such private contractor and they shall award the contract to the lowest, responsible bidder.

(Code 1962, § 10-10; Ord. No. 758, 9-9-85)

Cross reference— *Municipal offense tickets, § 10-26 et seq.*

State law reference— *Solid Waste Disposal Act, Code of Ala. 1975, Tit. 22, Ch. 27; authority of city, §§ 11-47-135, 11-47-140, 22-27-3, 22-27-5; Abandoned Motor Vehicle Act, § 32-13-1 et seq.*

Sec. 12-11. - Abandoned, junked or nonoperating vehicles.

(a)

Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

(1)

Public lands or public ways: All streets, walkways, alleys, highways, parks, lands and easements which are in the ownership or under the lawful control of the City of Fairhope.

(2)

Property: All real property within the city exclusive of public lands and public ways.

(3)

Vehicle: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

(4)

Abandoned vehicle: Any vehicle which has been left parked or unattended for longer than twenty-four (24) hours upon any public land or public way without written authorization; any vehicle which reasonably appears to be lost, stolen, or unclaimed; any vehicle left in an area clearly marked to designate such an area as a "no parking" zone; any vehicle left unattended in such manner and under such circumstances as to constitute a hazard to the safe and orderly movement of traffic upon any public street, alley or highway.

(5)

Junked or nonoperating vehicle: Any vehicle that does not bear a current license plate; any vehicle that is not capable of being driven under its own power; any vehicle which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition.

(b)

Abandonment: No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city at such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(c)

Dismantled, nonoperating, wrecked or junked vehicles: No person shall leave any partially or wholly dismantled, nonoperating wrecked or junked vehicle, or parts thereof, on any public land or public way within the city. No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially or wholly dismantled nonoperating, junked, wrecked, or discarded vehicle, or parts thereof, to remain on such property longer than seventy-two (72) hours; and no person shall place any such vehicle upon any property, or upon any public land or

public way within the city. Provided, however, that this section shall not apply to the following:

(1)

Any vehicle within an enclosed building.

(2)

Any vehicle within a lawfully established place of storage.

(3)

Any vehicle upon the premises of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to such operation.

(4)

Any vehicle in a storage place or depository maintained by or under authority of the City of Fairhope.

(d)

Impounding.

(1)

The chief of police or any police officer of the city is hereby authorized to remove or have removed any vehicle which reasonably appears to be abandoned, lost, stolen or unclaimed or which is otherwise in violation of this section. Such vehicle shall be impounded in the manner set forth in the Procedural General Order Manual of the Fairhope Police Department until lawfully claimed or disposed of.

(2)

The zoning enforcement officer of the city is hereby authorized to remove or have removed any vehicle which is in violation of subsection (c) of this section. The zoning officer shall notify the Fairhope Police Department of such removal and the police shall then immediately cause the same to be impounded as provided in the Procedural General Order Manual of the Fairhope Police Department, until lawfully claimed or disposed of.

(Code 1962, § 13-34; Ord. No. 677, 7-27-81; Ord. No. 854, 4-9-90)

Cross reference— *Junked or abandoned watercraft, § 6-12; impounding illegally parked vehicles, § 20-50 et seq.; junked vehicles prohibited near dwellings, zoning ordinance, § 60.314.*

State law reference— *Abandoned vehicles, Code of Alabama 1975, § 32-13-1 et seq.*

Sec. 12-12. - Penalty for violation of section 12-10 or 12-11.

(a)

Penalty for failure to comply with order of zoning officer of the city to abate violation of [section 12-10](#) If any person in charge or control of premises in the city shall fail or refuse, after seven (7) days' written notice by the zoning officer of the city to correct the violation as set out in such notice, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed six (6) months, or both.

(b)

Penalty for failure to comply with order of zoning official of the city to remove from property within the city any vehicle in violation of [section 12-11](#) If any person in charge or control of premises in the city shall fail or refuse to remove such vehicle after seven (7) days' notice by the zoning officer of the city, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed six (6) months, or both.

(c)

Penalty for placing or causing to be placed upon public lands or public ways any vehicle in violation of [section 12-11\(c\)](#): Any person who places or causes to be placed upon any public land or public way within the city any vehicle which is in violation of [section 12-11](#) shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the city jail for a period not to exceed six (6) months, or both. Provided, however, that nothing herein shall be construed to prevent or delay the removal of such vehicle from the public lands or public ways as hereinbefore authorized nor shall such removal in any way mitigate violation of [section 12-11](#)

(Ord. No. 854, 4-9-90)

Cross reference— Municipal offense tickets, § 10-26 et seq.

Sec. 12-13. - Reserved.

Editor's note—

Ord. No. 854, § 1, adopted Apr. 9, 1990, deleted [§ 12-13](#) pertaining to city abatement of violations of [section 12-11](#). Such section derived from the 1962 Code, [§ 10-12](#)