BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
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ORDINANCE NO. 998

AN ORDINANCE PROHIBITING OVERGROWN WEEDS, GRASS AND BRUSH AND/OR DEBRIS ON PRIVATE PROPERTY AND REQUIRING CORRECTION OF CONDITIONS FAVORABLE TO THE HARBORING OF MOSQUITOES OR OTHER INSECTS OF LIKE KIND OR RODENTS; PROVIDING FOR THE ABATEMENT OF SUCH CONDITIONS FAVORABLE TO THE HARBORING OF SUCH INSECTS OR RODENTS, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, AS FOLLOWS:

Section 1. The City of Bay Minette wishes to establish an ordinance to prohibit overgrown weeds, grass, and brushes and/or debris on private property.

Section 2. Any and/or every person owning or having control of any premises in the City of Bay Minette, or its police jurisdiction, shall keep the same free of any growth of weeds, tall grass, brush, nuisance trees or bushes, whether dead or living and/or clear of debris, refuse, rubbish or trash favorable to the harboring of mosquitoes, rats, mice, snakes or other insects of a like kind and or vermin and every such growth of vegetation is hereby declared to be a nuisance.

Section 3. The property owner(s) and/or person(s) having possession or control of the premises shall be responsible for maintaining upkeep of their premises to the curb or edge of the street.

Section 4. The owner(s) and/or person(s) having possession or control of any premises must maintain their property in such a way to keep any growth from spreading to any other properties.

Section 5. Any growth of weeds, tall grass or brush that is higher than 12 inches in height shall be deemed favorable for the harboring of mosquitoes or insects of a like kind and shall be deemed a nuisance property.

Section 6. A "nuisance" is defined as whatsoever is dangerous to human life or health, whatsoever renders the ground, the water or the air a hazard injurious to human life or health or that is offensive to the senses or that is detrimental to the public health is hereby declared to be a nuisance or any condition which provides harborage for mosquitoes, rats, mice, snakes, and other vermin.

Section 7. "Debris" is defined as the scattered remains of something broken or destroyed, and shall include waste building material, bricks, concrete blocks, and other matter. "Rubbish" is defined as all solid waste (except body wastes), including garbage, paper, cardboard, tin cans, yard clippings, leaves, wood, glass, also liquid petroleum waste such as motor oil, and other such similar items.

Section 8. Property that shall be exempt from this article shall be farm land, ranch land, timberland and any property in its natural state.

Section 9. Whenever the code enforcement officer of the City of Bay Minette, or his/her designee, shall discover on any premises, within the City of Bay Minette or the police jurisdiction thereof, any unlawful condition, described in Section 12-36, City of Bay Minette Code of Ordinances, he/she shall give written notice to the owner(s) or person(s) having possession or control of said premises, by mail or personal service, and by posting two (2) copies thereof on the premises for a period of seven (7) days from the date contained upon the notice, to correct the unlawful condition.

Section 10. The notice required herein shall be in substantially the following form:

"VIOLATION NOTICE"

To the Owner(s) and/or person(s) having possession or control of the premises located at _____ in the City of Bay Minette, Alabama:
You are hereby notified that there exists on the above mentioned-premises a violation of Ordinance No. 12-36.
You are hereby further notified that if said violation is not remedied within seven (7) days from this date that a notice will be issued requiring you to appear before the Municipal Judge of the City of Bay Minette, Alabama, the time and place to be fixed in said notice. Violations of Ordinance No. 12-36 shall be punishable by a fine up to a maximum of Five Hundred and No/100 Dollars ($500.00), imprisonment in the municipal jail for a term not to exceed six (6) months, or both.

Section 11. If the unlawful condition has not been corrected within seven (7) days after notice has been mailed and posted, the code enforcement officer by himself, with city laborers or by private contractors, may 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 code enforcement officer is directed to certify the total expense of correcting the unlawful condition to the city prosecutor together with a description of said premises and the name and address of the owner or person having same in charge thereof, if known.

Section 12. All violations of the provisions of this article shall be punishable by a fine in the minimum sum of Fifty and No/100 Dollars ($50.00) up to a maximum of Five Hundred and No/100 Dollars ($500.00), imprisonment in the municipal jail for a term not to exceed six (6) months, or both such fine and imprisonment. Each offense shall be a separate violation. In addition, all violations shall include appropriate court costs.

Section 13. The City of Bay Minette adopts this article to prohibit overgrown weeds, grass, brush and or debris on private property.

Section 14. All Ordinances or part of ordinances heretofore adopted by the City Council of the City of Bay Minette, Alabama that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 15. If any part, section or subdivision of this Ordinance shall be held unconstitutional, invalid or noncompliant with applicable federal or state laws, orders or resolutions, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect.

Section 16. This ordinance shall be codified as Section 12-36 in the City of Bay Minette Code of Ordinances.

Section 17. This Ordinance shall be posted in accordance with Alabama law, and the same shall become effective five (5) days thereafter.

DONE, ORDERED, APPROVED and ADOPTED this the 1st day of November, 2021.

Robert A. Wills, Mayor

ATTEST:

Rita Diedtrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above Ordinance was published by posting copies thereof in the Bay Minette City Hall, the Bay Minette Public Library and North Baldwin Utilities beginning on the 9th day of November, 2021, with Ordinance 998 becoming effective five (5) days thereafter.

Rita Diedtrich, City Clerk

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PREPARED BY:
THE OFFICE OF R. SCOTT LEWIS
ATTORNEY AT LAW