

**TOWN OF GOOD HOPE, ALABAMA**  
**ORDINANCE NUMBER 85**

WHEREAS, the Council has determined that the Town has an extensive and widely recognized history and reputation for well-kept properties and that the general welfare of the Town is founded, in part, upon the appearance and maintenance of properties, and

WHEREAS, the Council has determined that improper maintenance of properties will result in substantial diminution in the enjoyment, use, aesthetic, and property values of surrounding properties, and

WHEREAS, the Council has determined that it is desirous to enhance and promote the maintenance of property and the enhancement of the livability, community appearance, and the social and economic conditions of the community, and

WHEREAS, the Council has determined that unsanitary conditions create a real and substantial threat to the safety and wellbeing of the citizens of the Town of Good Hope, Alabama, and

WHEREAS, the Council has further determined that the maintenance of property as required by this Ordinance reasonably relates to the proper exercise of police powers to protect the health, safety, and general welfare of the public, and

WHEREAS, the Council has determined that the provisions of this Ordinance will enhance the appearance and value of such properties rather than be a burden on the owners thereof.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOOD HOPE, ALABAMA AS FOLLOWS:

**Section One. Defacing Pavements or Curbstones.**

It shall be unlawful for any person to write, paint, or print any letters, figures, signs, devices, pictures, or marks on any of the pavements or curbstones of the Town; provided, that this section shall not apply to traffic regulatory markings required or authorized by this code or other Town ordinance.

**Section Two. Placing Damaging Substances on Pavements.**

It shall be unlawful for any person to mix or place on the bare surface of the pavement of any street, sidewalk, or other public property, any substance which may permanently deface, stain, or damage the pavement.

**Section Three. Sidewalks To Be Kept Clean By Abutting Owner.**

It shall be unlawful for the person in charge or control of any lot or parcel of land, or for the occupant or person in charge or control of the ground floor or story of any store or other building in the Town, which abuts on any paved public sidewalk of the Town, to cause, permit, or allow any garbage, refuse, or filth from those premises to gather, collect, or remain upon that sidewalk, so that the sidewalk shall become unclean, offensive, obstructed or obscured, either in whole or in part.

**Section Four. Obstructing Gutters or Ditches.**

It shall be unlawful for any person to obstruct or cause to be obstructed the free flow of water in, over, along, upon, or through any gutter or drainage way or ditch in any street, public way, or easement in the Town, or to erect or maintain across any such gutter or drainage way or ditch any bridge, platform, or other structure which so obstructs or tends to so obstruct or which accumulates or tends to accumulate trash, leaves, dirt, or other substances to form such obstruction.

**Section Five. Prohibited Generally.**

No person shall cause, create, or being the owner or agent in control permit any nuisance or the existence of anything likely to be prejudicial to the health or comfort of or likely to be offensive to the senses of ordinary citizens on or about any lot, street, public way, place, or premises.

**Section Six. Vacant Buildings.**

It shall be the duty of the owner or person in charge or control of a vacant building, house, or other structure:

- (1) to keep all openings into it securely closed in such manner as to exclude animals, fowl, and the trespass of human beings; and
- (2) to maintain it in a sanitary condition.

**Section Seven. Open Wells or Excavations.**

It shall be the duty of the owner or other person in charge, possession, or control of any land upon which there exists any open well, cistern, cesspool, or other dangerous excavations:

- (1) to securely cover or otherwise equip or provide such with appropriate safeguards in such manner as to prevent human beings, animals, or fowl from falling in or otherwise having access to the same;

(2) if abandoned or not in use, to fill it to a level with the surface of the surrounding ground or securely cap, cover, or otherwise obliterate the same.

**Section Eight. Hazardous Containers.**

No person shall leave outside of any building or dwelling, in a place accessible to children, any unattended, abandoned or discarded icebox, refrigerator, or other similar container which has a door or lid that locks or fastens automatically when closed and cannot be easily opened from the inside without removing the door, lid or locking or fastening device.

**Section Nine. Premises to be Kept Free of Garbage, Inoperable Motor Vehicles, Tires.**

(a) *Garbage.* It shall be unlawful for the owner or other person in charge or control of a building, lot, or other premises within the Town or the police jurisdiction to fail to keep said lot or premises clean and free from garbage, refuse, litter, junk, debris, salvaged materials, household furniture, trash, used motor vehicle tires, inoperable motor vehicles, kitchen and other household appliances, rags, paper, cardboard and other non-decorative matter, including any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community and thereby cause a substantial diminution in the value of other property nearby. However, this subsection shall not apply to a licensed business if such activity is a reasonably necessary incident in the operation of the business and is done in a manner which does not allow the accumulation of water within which mosquito larvae may live or encourage the growth of insects and/or rodents. Each day such condition is maintained shall constitute a separate offense.

(b) *Inoperable Motor Vehicles.* It shall be unlawful for any person to park, leave, or store upon any place or premises within the Town or the police jurisdiction more than one motor vehicle which is not currently and validly registered and tagged as required by the Code of Alabama, 1975, as it may be amended; provided, that this subsection shall not apply to a licensed business if such parking, leaving, or storing of such motor vehicle is a reasonably necessary incident in the operation of said business. Each day such condition is maintained shall constitute a separate offense.

(c) *Tires.* It shall be unlawful for the owner or other person in charge or control of a lot or other premises within the Town or the police jurisdiction, on which lot or premises any number of motor vehicle tires more than 10 is stored, kept or allowed to remain, which tires are visible from an adjacent public way, or from adjacent property used as a residence or church, to fail to provide a screen, by natural objects, plantings, fences or other reasonable method, which screen does fully prevent the viewing of such stored tires from the adjacent public way, residence or church. Each day such condition is maintained shall constitute a separate offense.

**Section Ten. Notices of Violations.**

Notices of violations of this Ordinance or any section of this ordinance shall be sent either to owners or agents or tenants or occupants, whoever is responsible in accordance with the provisions of this Ordinance.

**Section Eleven. Storage, Disposition, Etc., of Rubbish, Garbage, Etc.**

Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, garbage, and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide the facilities for his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multiple dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where the facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place the containers out for collection.

**Section Twelve. Commercial or Industrial Property; Keeping in Sanitary, Condition; Duty of Owner and Occupant.**

Every owner of a commercial or industrial property containing two or more unit shall be responsible for maintaining in a clean and sanitary condition, the shared areas of the property and premises. Every occupant of a commercial or industrial unit shall keep in a clean and sanitary condition that part of the premises which he occupies and controls.

**Section Thirteen. Storage, Disposition of Rubbish, Garbage, Etc.**

Every occupant of a commercial or industrial unit shall dispose of all of his rubbish, garbage, and other waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide these facilities for his unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-unit property shall be responsible for the clean and sanitary maintenance of common storage and disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers, except where these facilities are for the sole use of an occupant. When this occurs it shall be the responsibility of the occupant to place these containers out for collection.

**Section Fourteen. Conditions Prohibited on Premises.**

The following conditions do not comport with a safe, clean, orderly, sanitary and aesthetic condition on premises and are prohibited by this Ordinance:

- (a) Buildings which are abandoned, boarded up, partially destroyed, or partially constructed or uncompleted buildings after building permits have expired;
- (b) Buildings with deteriorating or peeling paint which allows the exterior building coverings to deteriorate or allows the effects of sun or water penetration so as to cause decay, dry rot, warping, or cracking;
- (c) Broken windows or doors;
- (d) Lumber, junk, trash, debris, or salvage materials maintained upon any premises which are visible from a public street, alley, or adjoining property;
- (e) Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored so as to be visible at the ground level from a public alley, street, or adjoining premises;
- (f) Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems or potentially injurious to adjacent premises;
- (g) Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas;
- (h) The accumulation of dirt, litter, or debris in vestibules, doorways on the premises, or adjoining walkways;
- (i) Weeds, dead trees, tin cans, abandoned asphalt or concrete, rubbish, refuse, or waste or other unsanitary material of any kind;
- (j) Building exteriors, walls, fences, driveways, or walkways which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratch, or other marking commonly referred to as "graffiti";
- (k) Any unsightly, partly completed, or partly destroyed buildings, structures, or improvements in the Town which endanger or injure neighboring properties or the public health, safety, or general welfare;
- (l) Any tree which overhangs a street, alley, sidewalk in such a manner as to cause an obstruction to any person using such street, alley, or sidewalk;

- (m) Any other condition which adversely affects the public health, welfare, and safety.

**Section Fifteen. Violation a Public Nuisance.**

In addition to the other penalties provided by any other Ordinance or State or Federal Law, any violation of this Ordinance is expressly declared to be a public nuisance, and in addition to other remedies is subject to the abatement procedures of this Chapter and State law, and any person responsible for such nuisance shall constitute an offense punishable by a fine of up to \$100.00 per offense. In addition, any person responsible for causing or allowing such nuisance to remain on the premises owned or controlled by the person is also liable for any cost and attorney's fees incurred by the Town in abating such nuisance.

**Section Sixteen. Enforcement Responsibility**

Any employee of the Town designated by the Mayor shall be the person responsible for enforcing the provisions of the Ordinance. In addition to the other remedies available to compel compliance with the provisions of this Ordinance, the Town official responsible for enforcing the provisions of this Ordinance may proceed with the abatement procedure as set forth herein.

**Section Seventeen. Contents of Abatement Notice.**

When the Town official, as designated in Section Seventeen finds that any condition prohibited by this Ordinance exists on any premises or public right-of-way, the Town official may give, or cause to be given notice to abate the unlawful condition. Such notice shall be in writing and shall detail the existing condition which constitutes a violation of this Ordinance. Such notice shall be in substantially the following form:

NOTICE TO ABATE

TO THE OWNER, AGENT OF THE OWNER, LESSEE, OCCUPANT, OR PERSON IN POSSESSION OF THE PROPERTY HEREINAFTER DESCRIBED: YOUR ATTENTION IS DIRECTED to the provisions of \_\_\_\_\_ Ordinance Number \_\_\_\_\_, of the Municipal Code of the Town of \_\_\_\_\_, on file in the office of the Town Clerk in the Town Hall. Pursuant to the provisions of Sections, you are hereby notified that

(DESCRIPTION OF UNLAWFUL CONDITIONS)

You are therefore notified to abate the above specified conditions by taking the following actions(s):

(DESCRIPTION OF ACTIONS NECESSARY TO ABATE UNLAWFUL CONDITIONS)

Such action(s) must be completed within (insert time period) days from the date of this notice, and thereafter you must maintain the said premises free of any of the unlawful conditions described above. In the event you shall fail to complete such work within the time herein above mentioned, the undersigned shall cause the appropriate action to be taken and completed, and the charges therefor will be a lien upon the premises. The premises complained of is that certain real property situated in the Town of \_\_\_\_\_ Good Hope, Alabama, specifically described as (LOT, BLOCK, TRACT).

Dated

Designated Town Official

**Section Eighteen. Service and Posting of Abatement Notice.**

(a) At least fourteen (14) days prior to the time such abatement must occur, the abatement notice required by Section Seventeen shall either be personally served, upon the owner, agent of the owner, lessee, occupant, or person in possession of the premises described in the notice; or by depositing the notice in the United States mail, postage prepaid, addressed to the owner, agent of the owner, lessee, occupant, or person in possession of the premises therein described at such person's last known address. Provided further, if no address is known or made known to the Town Official, then by mailing such notice to the owner at the owner's last known address as the name appears on the latest tax assessment roll in the office of the Revenue Commissioner.

(b) In addition to the notice required by subsection (a) of this Section, a copy of the notice shall be posted in a conspicuous place upon the premises.

(c) In the absence of fraud, an error or mistake in the sending of the notices, or failure on the part of any property owner to receive the notice, shall not in any way affect the validity of the proceedings, but the person mailing or posting such notice shall file an affidavit of mailing or posting, and such affidavit shall be conclusive evidence that the notices have been mailed or posted as required.

**Section Nineteen. Appeal to Council.**

Any requirement or finding of the designated Town official regarding abatement may be appealed to Town Council by any interested party under the provisions of this Ordinance. Notice of appeal must be mailed by certified mail to the Town Clerk no later than fourteen days after the owner, lessee or occupant is given notice to abate as prescribed herein.

**Section Twenty. Town Abatement of Unlawful Conditions.**

If the owner, agent of the owner, lessee, occupant, or person in possession of the premises fails to take such action as required by the notice and within the time therein provided, or as extended by the Council, the designated Town Official shall take the action as specified in the notice to abate the unlawful condition. The Official shall then prepare a statement of the expense incurred in abating the unlawful condition and shall file such statement with the Town Clerk. Such statement shall refer to the particular premises, and shall describe such premises in such a way that it is easily identifiable. Such statement shall also show the cost of the action taken; provided, however, if the premises include more than one lot, each separate lot, or all of the lots may be set forth in the same statement.

**Section Twenty-one. Notices of Assessments.**

Within fourteen (14) days after the filing of the statement referred to in Section Twenty-one of this Ordinance, the Town Clerk shall cause to be served under the procedure set forth in subsection (a) of Section Nineteen, upon the owner, agent of the owner, lessee, occupant, or person in possession of the premises described in the statement a notice of a hearing on the assessment of costs before the Town Council.

**Section Twenty-two. Contents of Assessment Notice.**

The notice of assessment shall be substantially in the following form:

NOTICE RE: EQUALIZATION OF ASSESSMENT FOR:  
(DESCRIPTION OF ACTION TAKEN TO ABATE PROHIBITED CONDITION)

NOTICE IS HEREBY GIVEN that the Town Council of the Town of \_\_\_\_\_, will, on the \_\_\_\_ day of, \_\_\_\_\_ 20\_\_\_\_, in the Council Chamber of the Town Hall, beginning at the hour \_\_\_\_\_ of said day, hear any protest or objection to the cost of

(describe proposed action to be taken)

(describe the premises)

in the Town of Good Hope, Alabama, for the purpose of correcting, modifying, or confirming the said costs and assessing the same against the said premises. Failure to make any objection will be deemed to be a waiver of any objection or protest to any and all procedures concerning this matter. A statement showing all premises affected and charges against the premises and/or the cost and proposed assessment for such action is on file in the office of the Town Clerk at the Town Hall and is open to the public inspection.

Date

Town Clerk

**Section Twenty-three. Hearing on Assessment.**

Persons served with a notice of assessment, or any other person holding an interest in the property, may object to the proposed assessment by filing a written protest with the Town Clerk prior to the time set for the hearing. The Town Clerk shall present to the Council all protests so filed. The Council may modify or correct any assessment, and if no corrections or modifications are made, the assessment shall be deemed confirmed. The decision of the Council thereon shall be final and conclusive, and the assessment shall thereupon become a lien against the property and shall remain a lien thereon until the assessment is paid.

**Section Twenty-four. Filing of Assessment.**

The Town Clerk shall record the assessment in the office of the County Probate Judge. Any assessment which is delinquent shall be subject to the same penalties and interest as provided for ordinary municipal taxes and may be subject to foreclosure as provided by law.

**Section Twenty-five. Town Suit for Amount of Assessment.**

The Town may sue in any court of competent jurisdiction for the amount of the assessment, penalties, and costs, and the satisfaction of any judgment obtained shall cancel any lien for the assessment.

**Section Twenty-six. Right of Entry.**

It shall be unlawful for any person, owner, agent of the owner, lessee, or anyone in possession of any premises within the Town to refuse to allow the designated Town Official or any authorized Town employee to enter upon the premises at any time during the hours of daylight for the purpose of the abatement of the prohibited conditions, or to interfere in any way with any work undertaken by the Town under the provisions of this Chapter. Any person who is found guilty by a court of competent jurisdiction of intentional interference with the duties of the Town Official in carrying out his or her duties designated by this Ordinance shall be subject to a fine of up to five hundred dollars per violation.

**Section Twenty-seven. Severance provision**

In the event any section or a part of any section of this Ordinance shall be deemed to be unlawful, it is the intent of the Town Council that all other provisions of the Ordinance not specifically held unlawful shall continue to remain in full force and effect.

ADOPTED THIS THE 14<sup>th</sup> DAY OF July, 2003.

Gordon Dunagan  
Mayor

ATTEST:

Joanna Jones  
Town Clerk