

# ORDINANCE NO. 00-3602

BE IT ORDAINED by the City Council of the City of Decatur in the State of Alabama as follows:

Section 1. "That Section 16-14 of the Code of Decatur, Alabama, is hereby amended to read as follows:

## **Section 16-14**

(a) Definitions.

For the purpose of this section, the following terms are defined as hereinafter set forth, to wit:

**APPROVED, ENCLOSED, COVERED STRUCTURE:** Shall mean any building, garage, accessory structure, or other structure, having four enclosing walls and a roof, built according to and in compliance with all applicable building, zoning, fire, or other codes of the City of Decatur, Alabama.

**AUTOMOBILE GRAVEYARD:** Shall mean any establishment or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the City of Decatur, Alabama, and which is maintained, used, or operated for storing, keeping, buying, or selling of wrecked, ruined, damaged, or dismantled motor vehicles or parts thereof.

**COMMERCIAL PROPERTY:** Shall mean any lot, tract, parcel, land, or other property located within the City of Decatur, Alabama, that is zoned or designated for uses other than residential purposes.

**DISCARDED HOUSEHOLD FURNISHINGS :** Shall mean any furniture, appliance, carpeting, or similar item, intended for indoor residential use, placed outside of an approved, enclosed, covered structure.

**GARBAGE:** Shall mean the animal and/or vegetable waste resulting from the handling, preparation, cooking or consumption of food or food products.

**HAZARDOUS PLANT NUISANCE:** Trees, shrubs, ornamental or non-ornamental plant growth, growing or standing on private property that is dead, damaged, deteriorated, decayed or has otherwise become hazardous for any reason that could pose a danger to the property on which it is located, any adjacent property, whether public or private, or to the public in general, by danger of falling, splitting, uprooting, or shedding limbs, or any other reason determined to be a hazard.

**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.

**INOPERABLE:** Shall mean incapable of being used for the manufactured, designed or intended purpose.

**INOPERABLE VEHICLE:** Shall mean any vehicle in a state of disassembly, or in the process of being stripped, dismantled, or overhauled; or undergoing body work; or any other condition that renders the vehicle inoperable or incapable of being used for its designed or intended purpose. Any vehicle that is not currently licensed as required by law that is kept or stored in a manner as to constitute a health, safety, or fire hazard is also defined as an inoperable vehicle.

**JUNK:** Shall mean and include all metals, whether ferrous or nonferrous, including, but not limited to, any used or second hand parts of machinery; plumbing fixtures, or parts thereof; parts of an automobile, truck, bus, motorcycle, water craft, or other motor vehicle; gas or electrical appliances or fixtures, or parts thereof; household hardware or furnishings; wire; cable; bearings; valves; pipes and pipe fittings; building materials; wood; or any other used or secondhand metal articles, including any inoperable motor vehicle(s) that is kept or stored upon the premises in such a manner as to constitute a health, safety, or fire hazard. This definition shall not apply to building materials stored temporarily for use on the same real property within a period of twelve months, when said materials are neatly stored at least eighteen inches above the ground.

**JUNK OR SALVAGE YARD:** Shall mean any premises, establishment, or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the City of Decatur, Alabama, and which is maintained, operated, or used for storing, keeping, or dismantling of junk and salvage, but shall not include the place of business or premises of a scrap processor as herein defined.

**LITTER:** Shall mean all waste material which can be or is subject to being blown from place to place or

scattered by the elements, including, but not limited to, paper; cardboard; cartons; boxes; plastics; rags; cloth; fibers and fabrics; leather; polyethylene; and polystyrenes.

**NATURAL CONDITION:** Uncultivated and 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 not been planted or cultivated by anyone.

**OWNER OR OWNERS OF PROPERTY:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or person last assessed for payment of ad valorem taxes; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON:** Shall mean any individual, owner, title holder, agent, firm, corporation, partnership, association, or organization of any kind. It shall include, but not be limited to, any tenant, lessee, manager, operator, occupant, executor, executrix, administrator, guardian, trustee, bankruptcy trustee, or other person in charge of, care of, possession of, or control of any real or personal property.

**PREMISES:** Shall mean any lot, yard, plot, tract, parcel, or other piece of land or property located within the City of Decatur, Alabama.

**RESIDENTIAL PROPERTY:** Shall mean any lot, tract, parcel, land, or other property located within the City of Decatur, Alabama, on which single or multifamily structures used as a residence or for human habitation exist, or any property that is located within an area that is zoned for residential uses by the City of Decatur, Alabama.

**SCRAP:** Shall mean other materials or waste, including, but not limited to old cordage, ropes; rubber; bottles and other glass; tin or aluminum cans; buckets; tree branches, tree limbs, tree stumps; or other waste or refuse not otherwise classified herein as junk, litter, or garbage.

**SCRAP METAL YARD:** Shall mean any establishment or place of business which is duly licensed and operated in accordance with all applicable laws and/or ordinances of the City of Decatur, Alabama, and which is maintained, used, or operated solely for the processing or preparing of scrap metals for re melting by steel mills and foundries.

**SCRAP PROCESSOR:** Shall mean any person who is duly licensed and operating in accordance with all applicable laws and/or ordinances of the City of Decatur, Alabama, and is engaged primarily in the purchase and collection of scrap metallics (e.g. manufacturing by products, obsolescent machinery, and vehicles) for the specific purpose of processing into scrap materials for the metals recovery industry, such as steel mills, foundries, smelters, and refineries, and having machinery and facilities designed for such processing, and making regular shipments of such materials in the normal course of business.

**STAGNANT WATER NUISANCE:** Shall mean any accumulation of water, whether natural or man made, and shall also apply to water in any type of open pool, container, or vessel, that is not moving, not flowing, is motionless, or is in a foul state from standing.

**VEHICLE:** Shall mean any device in, upon or by which any person or property is or may be transported, carried, or drawn from one place to another, and shall include but not be limited to, motor vehicles, boat trailers, utility trailers, horse trailers, bicycles, carts, tractors, or other similar devices.

**WEED NUISANCE:** Any abundance of overgrown weeds or grass within the City of Decatur, Alabama, which could be injurious to the general public 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 a serious fire threat or hazard; or bearing wingy or downy seeds, that when mature, could cause the spread of weeds or, when breathed could cause irritation to the throat, lungs 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 weeds, other than ornamental plant growth, which exceeds 12" in height.

(b) It shall be unlawful and constitute a nuisance for the owner or owners, or any person in control of, or in charge of any real property located within the City of Decatur, Alabama, to maintain such real property in such a manner as to constitute a nuisance as herein defined by any section of this ordinance.

(c) It shall be the duty of the owner or owners, or any person in control of, or in charge of any real property located within the City of Decatur, Alabama, to maintain any weeds, grass, or non-ornamental plant growth growing upon said property in such a manner as not to constitute a nuisance as herein defined.

(d) It shall be the duty of the owner or owners, or any person in control of, or in charge of any real property located within the City of Decatur, Alabama, to maintain plant growth upon said property in such a manner as not to constitute a hazardous plant nuisance as defined herein.

(e) This section shall not apply to the following:

1. Any property which is in its "natural condition".

2. Any property which is located outside any improved subdivision and is located more than 100' from any boundary of any lot or parcel of real estate upon which any dwelling is located, and more than 100' from any commercial enterprise.

3. Cultivated row crops and garden plants in their respective

growing seasons. This exception applies only to growing crops and garden plants, and shall not be construed to permit any crops or gardens to become overgrown with weeds in violation of the remaining terms of this ordinance.

4. Ornamental shrubbery and ground cover, provided that such uses are part of a landscaping theme and are not associated with a general deterioration of the property, are not in an overgrown or unmanaged condition, or are planted, maintained or overgrown so as to encroach over or onto adjacent properties.

(f) All weed nuisances may be declared to be a public nuisance by the governing body of the City and thereafter abated at the cost of the person last assessed for Ad Valorem taxes as provided in Act No. 95-500 of the Alabama Legislature. The administrative official for the purposes of this section shall be the Community Preservation Board, as established by Section 7-291 of the Code of Decatur.

(g) It shall be unlawful and a violation of this section for the owner or owners, or any person in control of, or in charge of any residential or commercial property, within the City of Decatur, Alabama, to store or keep upon the premises of any residential or commercial property, any inoperable vehicle, discarded household furnishings, scrap, or junk, as defined herein, unless the same is housed in an approved, enclosed, covered structure so as not to be viewable from any street, alley, or other public right of way, or any other private premises, and in such a manner as to prevent a health, safety, or fire hazard. This paragraph shall not apply to the following:

(1) Materials stored or located on the premises of any junk or salvage yard, scrap metal yard, scrap processor, or automobile graveyard, as defined herein.

(2) Vehicles being repaired or awaiting repair that are located on the premises of any automobile dealer, automobile repair and body shop or garage, or other vehicle repair enterprise that is duly licensed and

operated in compliance with all applicable codes and ordinances of the City of Decatur, Alabama, provided said vehicles are so located or stored in a manner as to prevent any health, fire, or safety hazard.

(h) It shall be unlawful and a violation of this section for the owner or owners, or any person in control of or in charge of any real property located within the City of Decatur, Alabama, to keep or store upon the premises of any retail store or shop, secondhand store, thrift store, or similar commercial property or establishment, any merchandise, goods, or wares, including but not limited to, gas or electric appliances, parts thereof; plumbing fixtures, or parts thereof; lawn mowers or lawn mower parts; machinery, equipment, utensils, or other items displayed for sale to the general public, in such a manner as to constitute a health, safety, or fire hazard.

(i) It shall be unlawful and a violation of this section for any owner or owners, or any person in control of or in charge of any residential or commercial property to fail to maintain the property free from litter and garbage as herein defined, unless said litter and garbage is properly containerized and stored in such a manner as to prevent it from being blown, deposited, or otherwise scattered by the elements, animals, birds, or by any other means. Containers and storage practices shall conform to the requirements set forth in Section 19-1 through Section 19-22 of the Code of Decatur, Alabama.

(j) It shall be the duty of the owner or owners, or any person in control of or in charge of any real property located within the City of Decatur, Alabama to not allow any concentration of stagnant water to accumulate on any real property situated within the City of Decatur. This section shall include but not be limited to poor surface drainage, non-engineered ponds (whether man made or natural), swimming pools, wading pools, ornamental ponds, buckets, non-mounted tires, boats, vessels, or receptacles, etc., which could provide habitat or breeding areas for insects, or attract insects, vermin, or pests. This section is not intended to restrict the use of pools, spas, ornamental ponds etc., provided that they are equipped with the proper operable circulation and filtration systems, or childrens wading pools that are being properly maintained and are not creating a nuisance.

(k) The Community Development Director, or any other City of Decatur employee designated as such by the appointing authority, shall be the enforcing official for this ordinance.

(l) Whenever in the opinion of the enforcing official, a nuisance exists, the enforcing official shall order the owner, or owners, or any person in control of, or in charge of the property on which the nuisance is located to abate the condition.

(m) If any section, sentence, clause, phrase, or part of this ordinance is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentences, clauses, phrases, or parts of this ordinance."

Section 2. This Ordinance shall take effect immediately upon its adoption and publication as provided by law.

ADOPTED this the 1<sup>st</sup> day of May, 2000.