



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 8/24/2023

**File ID:** TMP-3253

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**Department:** Community Development

**Subject:**

**Type of Action:** Introduction

Introduction of an Ordinance to amend the City of Huntsville Code of Ordinances, Chapter 27, Article III entitled "Weeds and Overgrown Grass" Section 27-96 and Section 27-97

Ordinance No.

**Finance Information:**

**Account Number:** N/A

**City Cost Amount:** \$ N/A

**Total Cost:** \$ N/A

**Special Circumstances:**

**Grant Funded:** \$ N/A

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** N/A

**Location: (list below)**

**Address:** N/A

**District:** District 1 ☒ District 2 ☒ District 3 ☒ District 4 ☒ District 5 ☒

**Additional Comments:**



**ORDINANCE NO: 23- \_\_\_\_\_**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama as follows:

**Section 1.** Section 27-96 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

**Sec. 27-96. Enforcement.**

If the owner of real property located within the corporate limits of the city shall fail or refuse to comply with the provisions of this article, the manager of the community development division or other code enforcement officer of the community development division may cause to be served upon such owner, in person or by first class mail, notice requiring such owner to comply with this article within a time stated in the notice, or to appear for an administrative hearing before the manager or other code enforcement officer or officers of the community development division as designated by the manager to determine whether the owner is in violation of this article. The notice shall apprise the owner of the facts of the claims against him and shall name a particular date, time and place for such hearing. The manager and the owner shall have the right to compel attendance of witnesses on his own behalf at such hearing. If after the hearing the manager finds that this article has been violated and a nuisance exists, the owner shall have five days from the hearing date, or five days from the date of notice by personal service or by first class mail, of the manager's determination, whichever is the later date, to comply with this article; otherwise, the manager may thereafter institute the following enforcement procedures:

- (1)
  - a. The manager of the community development division may cause the cutting of the offending grass or weeds. The manager shall keep an account of the costs of the cutting of the grass or weeds and shall render an itemized report in writing to the city council, setting forth the costs of cutting the grass or weeds. The owner shall be notified by first class mail at least five days in advance of the time fixed by the manager for the council to receive the report; and the owner may appear at that time and present objections, if any there be, to the report.
  - b. At the time fixed for receiving and considering the report, the council shall hear the report, together with any objections which may be raised by any of the owners whose property is liable to be assessed for the work and thereupon make such modifications in the report as they deem necessary, after which by motion or resolution the report shall be confirmed. The amounts of the cost for cutting and removing the grass or weeds mentioned in the report shall constitute special assessments against the land and as thus made and confirmed shall constitute a lien on the property for the amount of such assessments, which is to be collected by the city treasurer, or his/her designee, as any other debts are collected or liens enforced.
- (2) The manager of the community development division or any enforcement officer working under his supervision may issue a citation to the owner of the property, requiring the owner to appear in the municipal court to answer charges for the violation of this article. Such citation 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. Upon a finding of guilty in the municipal court, the owner is subject to the same penalty as provided for violation of city ordinances in section 1-7. Such citation, returnable to the municipal court shall be served on the owner of the property by any enforcement officer for the community development division, who shall forthwith appear and make oath as to the alleged offense before a magistrate of the municipal court. This provision for the issuance of a citation to municipal court shall not prevent any such officer from appearing before a municipal court magistrate and making oath as to the facts and applying for a summons or warrant with respect to any alleged offense, in lieu of issuing a citation.

(3) The manager of the community development division may institute both enforcement procedures set forth in subsections (1) and (2) of this section. 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 subject property.

**Section 2.** Section 27-97 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

**Sec. 27-97. Satisfaction of liens.**

Upon payment of the itemized accounts arising under this article, any liens or assessments filed under this article may be marked "Satisfied" and "Paid in Full" by the city treasurer or his/her designee.

**Section 3.** The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

**Section 4.** This Ordinance shall become effective upon its adoption and publication.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor of the City of  
Huntsville, Alabama