

Having previously been introduced at the _____ council meeting, Council Member _____ moved the adoption of the following Ordinance, which was seconded by Council Member _____:



ORDINANCE NO. 25-240

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALABASTER TO IMPLEMENT AND ENFORCE ACT HB497 (2025) REGARDING THE ABATEMENT OF PLANT NUISANCES; ESTABLISHING PROCEDURES, ENFORCEMENT MECHANISMS, AND ASSIGNING THE MUNICIPAL JUDGE AS THE APPEALS HEARING OFFICER.

THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA, AS FOLLOWS:

SECTION 1. AUTHORITY AND PURPOSE

This ordinance is enacted pursuant to Act HB497 (2025) of the Alabama Legislature. Its purpose is to abate plant-related nuisances, promote public health and safety, and implement procedures for notice, enforcement, hearing, appeal, and cost recovery.

SECTION 2 Repeal and Replace 18-22 through 18-2.5 as follows:

Sec. 18-22 DEFINITIONS

"Nuisance" refers to any overgrown, noxious, or otherwise hazardous plant growth that poses a threat to public health, safety, or welfare as determined by the enforcing official. "Owner" means any individual, corporation, or entity holding legal title or ownership interest in the affected property.

Section 18-23 – DESIGNATED OFFICIAL

The Mayor shall designate a city official or employee as the enforcing official responsible for identifying plant nuisances and issuing notices under this ordinance.

Section 18-24 – NOTICE AND PROCEDURES TO ABATE WEEDS

Upon identifying a nuisance, the enforcing official shall serve written notice to the owner requiring abatement within 14 days, extendable to 28 days upon determination of difficulty or unusual factors. Notice shall include a factual basis for the nuisance finding, a legal description or address of the property, and procedures for contesting the notice.

Notice shall be posted on the property and delivered to the owner by hand, mail, or suitable alternative means. The enforcing official may rely on records from the county tax assessor or revenue commissioner for owner identification.

Section 18-25. HEARING BEFORE MUNICIPAL JUDGE

If the owner wishes to contest the notice, a written request for hearing must be submitted within five (5) days of notice service. The hearing shall be held during open municipal court by the Municipal Judge, who shall act as the administrative official under HB497.

Hearings shall be public and allow for the presentation of evidence and testimony. The Municipal Judge shall issue a written determination within five (5) days of the hearing's conclusion.

Section 18-26. APPEALS

An owner may appeal an adverse determination by filing a notice of appeal and bond with the Shelby County Circuit Court within ten (10) days of receiving the written decision. The appeal shall be docketed as a preferred case and tried without a jury.

Section 18-26. CITY ABATEMENT AND COST ASSESSMENT

If no timely appeal is filed and the nuisance remains uncorrected, the city may enter the property to abate it. The enforcing official shall prepare an itemized statement of costs. The City Council shall hold a hearing and may adopt a resolution to assess the costs as a weed lien against the property.

Section 18-27. COLLECTION AND ENFORCEMENT OF LIEN

The city council shall provide a copy of any resolution adopted pursuant to this section to the county revenue commissioner. The county revenue commissioner shall add the costs of the weed lien to the next regular bill for taxes levied against the property. The lien shall be added to the tax rolls and collected as ad valorem taxes, subject to foreclosure and sale under applicable laws. Redemption or sale of the property shall include satisfaction of the weed lien.

SECTION 9. EFFECTIVE DATE

This ordinance shall take effect on June 1, 2025, in accordance with Act HB497.

ADOPTED AND APPROVED THIS 22nd DAY OF MAY 2025.

ATTEST:

CITY OF ALABASTER

J. Mark Frey, City Clerk

By: Sophie Martin, Council President

APPROVED:

Scott Brakefield, Mayor