

ORDINANCE # 22-270

AN ORDINANCE DEFINING REAL PROPERTY AND OTHER PUBLIC NUISANCES AND PROVIDING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS INSIDE OF THE POLICE JURISDICTION OF THE TOWN OF COOSADA

REPLACEMENT OF ORDINANCES# 07-207 AND 02-180

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COOSADA, ALABAMA, AS FOLLOWS:

ARTICLE I. IN GENERAL

Sec. 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means any motor vehicle which:

- (1) Is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition, or
- (2) Does not have affixed thereto an unexpired license plate and has been parked, stored or left, whether attended or not, upon any public or private property in the Town for a period of time in excess of seven business days.

The term "abandoned vehicle" does not include any motor vehicle:

- (1) Enclosed within a building on private property;
- (2) Held in connection with a business enterprise, lawfully licensed by the Town on property zoned for junkyard, vehicle repair facility or vehicle storage yard;
- (3) In operable condition specifically adapted or designed for operation on drag strips or raceways; or
- (4) Retained primarily as an antique collector's item and registered under state law as an antique vehicle.

Building means any structure or part thereof, not a dwelling as defined in this section.

Dwelling means any building or structure or part thereof used and occupied for human habitation or intended to be so used, and including any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Enforcing official means any employee designated by the mayor or the chief of police as the person to exercise the authority and perform the duties delegated by this chapter to the enforcing official.

Grass or weed nuisance means any abundance of overgrown grass or weeds within the Town which is injurious to the general public health, safety and general welfare by:

- (1) Providing breeding grounds and shelter for rats, mice, snakes, mosquitoes and other vermin, insects and pests;
- (2) Attaining such heights and dryness so as to constitute serious fire threat or hazard;

- (3) Bearing winged or downy seeds, when mature, that cause the spread of weeds, and, when breathed, irritation to the throat, lungs, and eyes of the public;
- (4) Hiding debris, such as broken glass or metal, which could inflict injury on any person going upon the property; or
- (5) Being unsightly; or any growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height.

Improved subdivision means a division of a tract of land or acreage into tracts or parcels and the improvements thereof by construction of streets, water lines and, where applicable, sewer lines to serve the subdivided property.

Inspector means the building and health inspector of the Town.

Junk means worn out or discarded material having little or no value including, but not limited to, household appliances or parts thereof, tools, discarded building material or any other unsightly debris, the accumulation of which has an adverse affect upon a neighborhood's health, safety or general welfare.

Junk motor vehicle means any automobile, motorcycle or other motor operated transportation device which:

- (1) Has been discarded, dismantled, wrecked, scrapped, or ruined.
- (2) Does not have a valid registration.
- (3) Is not fully intact due to such missing parts or deflated tires.
- (4) Is for some other reason in an inoperable, nonrunning condition.

Junk motor vehicle parts means any discarded automobile parts not currently in use on an operable vehicle with a current tag and vehicle tag registration including, but not limited to, any motors or component parts, doors, hoods, trunk lids, windshields, tires, wheels, seats, and any and all other similar automobile parts.

Natural condition means uncultivated and unseeded land, still in a state of nature, but any growth on the land, once it has been cleared or plowed, is not a natural condition, even though it has not been planted or cultivated by anyone.

Nuisance means anything that unlawfully causes hurt, inconvenience or damage; that class of wrongs that arises from the unreasonable, unwarrantable or unlawful use by a person of such person's own property, either real or personal, or from such person's own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another.

Occupant means any person over eight years of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling.

Owner means the holder of a fee simple title to real or personal property and every trustee or mortgagee as shown by the public records.

Owner of property includes legal title holder, or lessee, or occupant of property, or agent of legal title holder or lessee, in charge, possession or control of said property.

Parties in interest means all individuals, associations and corporations who have an interest of record in a dwelling or building or who are in possession thereof.

Public records means deeds, deeds of trust, security deeds and other instruments of record in the clerk's office of the county and any and all other pertinent records used to determine what persons could have any interest in the real property in question.

Standard codes means the laws, regulations and minimum standards adopted by the Town as provided in this Code.

Structural alterations means any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

Undeveloped property means any property that has not been improved or maintained by the construction or installation of a building, residence, or any other structural improvements.

Vehicle means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, ATV, tractor, buggy and wagon. The term "vehicle" includes any boat or vehicle designed to be used on waterways, lakes, rivers, or any other large body of water. The term "vehicle" refers to a vehicle legally or physically incapable of being operated, which includes one that does not have an attached current tag.

Weeds means any brush, grass, vegetation, or any plant that is not regularly cut or cultivated. This definition shall not include plants maintained in a garden or for agricultural purposes. A plant shall be deemed to be "regularly cultivated" within the meaning of this chapter if it is routinely cared for by any person or to foster, encourage, or promote its growth.

ARTICLE II. LITTERING

Sec. 2-1. Throwing onto property of another.

It shall be unlawful for any person to sweep, throw or dispose trash, waste matter or garbage onto or into property not such person's own or under such person's control, except in the landfill in a lawful manner.

Sec. 2-2. Throwing or sweeping into streets, sidewalks or bodies of water.

It shall be unlawful for any person to throw or sweep trash, rubbish, garbage or filth of any kind on the streets, sidewalks or public grounds in the Town or into waterways, ponds, lakes or other bodies of water, or allow the same to be done.

Sec. 2-3. Vehicles transporting garbage and trash; requirements.

- (a) No person shall transport any solid waste unless the vehicle in which such matter is being transported shall be equipped with canvas or mesh wire covering with attachments for the purpose of securely covering such matter in order that same shall not fall or otherwise be removed during the period of such transportation.
- (b) It shall be unlawful for any person operating any such vehicle transporting solid waste to permit any part of same to fall from the vehicle and litter the streets or other public ways.

Sec. 2-4. Disposal of fecal matter, dead animals, tainted meat, waste, and similar matter.

It shall be unlawful to place or throw or cause another to place or throw, in or upon any street, or public or private property of another, any dead bird or animal, tainted meat, decayed fruits or vegetables, human or other excrement. Such conditions shall be considered nuisances as a matter of law. Nothing contained in this section shall prohibit the discharge of human excrement into the sewer system of the Town, or the placing of the above-named objects in suitable containers at curbside for garbage pickup.

Secs. 2-5. Reserved.

ARTICLE III. PROPERTY MAINTENANCE

Sec. 3-1. Grass and weed nuisances, abandoned and inoperable vehicles, abandoned/unoccupied dilapidated structures, and other nuisances.

(a) [In general.]

- (1) It shall be unlawful for the owner, occupant, or person in charge of a property within the Town of Coosada, Alabama, to allow the existence of any abandoned, unoccupied dilapidated structure that is a dangerous public menace that could work hurt, inconvenience, or damage to another, as well as an eyesore.
- (2) It shall be unlawful for the owner, occupant, or person in charge of a property within the Town of Coosada, Alabama, whether vacant or not, to use said property for open storage of any inoperable or abandoned vehicle, ice box, refrigerator, stove, or other appliance, glass, bottles, tin cans, brush, combustible materials, building materials, building rubbish, and similar items, or to allow the accumulation of weeds, grass, dead trees, brush, trash, garbage, tires, and similar items that create a nuisance and blight on the community, unlawful for an accumulation or storage of debris, refuse, brush, parts of buildings, remains from building demolition, parts of untenable or uninhabitable structures, used machinery, used tires, used vehicles, parts of vehicles, abandoned vehicles, or any other materials which may provide a breeding place for mosquitoes, harmful insects, rodents and snakes or is so unsightly as to be offensive to the surrounding area is a nuisance in violation of this section.
- (3) It shall be unlawful to allow garbage to remain exposed in any manner on such person's premises or on the adjacent street or alley.
- (4) It shall be unlawful for any person to sweep, throw or dispose of trash, waste matter or garbage onto or into property not owned by such person or under such person's control, except in the landfill as designated by the Town in a lawful manner.
- (5) It shall be unlawful for any person to throw or sweep trash, rubbish, garbage, or filth of any kind onto the streets, sidewalks, or public grounds in the Town or into waterways, ponds, lakes, or other bodies of water within the Town limits of the Town of Coosada or direct others to do so.
- (6) It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under such person's ownership or control. Property under a person's ownership and control includes those areas referred to below in "duties of owner." A person with a duty to abate any nuisance is liable for separate and distinct offenses for each day the nuisance is allowed to remain after it has become such person's duty by notice of the enforcing official to abate it.
- (7) It shall be unlawful and a nuisance, in violation of this section for the owner of any real property situated within the corporate limits of the Town to allow such real property to become overgrown with tall grass or with any weed or plant such as jimson, burdock, ragweed, cocklebur or other weed of like kind or any weed or plant bearing wingy or downy seeds or any weed or plant that is otherwise noxious, dangerous, harmful, or poisonous. Overgrown means a height of 12 inches or more. Excepted from such grass and weed nuisance requirements are:
 - a. Any property which is in its natural condition as defined herein.
 - b. Any property which is located outside any improved subdivision and is located more than 100 feet from any boundary or any lot or parcel of real estate upon which any dwelling is located and

more than 100 feet from any commercial enterprise. For good cause the enforcing official may reduce the area subject to this section to a lesser distance.

- c. Cultivated row crops and garden plants in their respective growing seasons. But this exception applies only to growing crops and garden plants and shall not be construed to permit any corps or gardens to become overgrown with grass and weeds in violation of the remaining terms of this section.

(b) [Definitions.] For the purpose of this section, certain terms are defined as follows:

Abandoned vehicle means a motor vehicle as defined in that has been unclaimed as provided in Code of Ala. 1975, § 32-8-84 for not less than 30 calendar days from the date the notice was sent to the owner and lienholder of record, or if no owner or lienholder of record could be determined, has been unclaimed for not less than 30 calendar days. The term "abandoned motor vehicle" also includes any attached aftermarket equipment installed on the motor vehicle that replaced factory installed equipment. Code of Ala. 1975, § 32-8-84, defines an unclaimed motor vehicle as:

- (1) A motor vehicle left unattended on a public road or highway for more than 48 hours.
- (2) A motor vehicle, not left on private property for repairs that has remained on private or other public property for a period of more than 48 hours without the consent of the owner or lessee of the property.
- (3) A motor vehicle, left on private property for repairs, that has not been reclaimed within 48 hours from the latter of either the date the repairs were completed or the agreed upon redemption date.
- (4) Also, any motor vehicle which is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition, or does not have affixed thereto an unexpired license plate and has been parked, stored or left, whether attended or not, upon any public or private property in the Town for a period of time in excess of seven business days.

The term includes any boat, golf-cart, motor bike, or ATV which is in a wrecked, dismantled, partially dismantled, discarded or otherwise inoperable condition. The term does not include any motor vehicle:

- (1) Enclosed within a building on private property;
- (2) Held in connection with a business enterprise, lawfully licensed by the Town on property zoned for junkyard, vehicle repair facility or vehicle storage yard;
- (3) In operable condition specifically adapted or designed for operation on drag strips or raceways.

Building means any structure or part thereof, not a dwelling as defined in this section.

Dwelling means any building or structure or part thereof used and occupied for human habitation or intended to be so used, and including any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Enforcing official means any employee designated by the mayor or the chief of police as the person to exercise the authority and perform the duties delegated by this section to the enforcing official.

Grass or weed nuisance means any abundance of overgrown grass or weeds within the Town which is 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 serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds, and, when breathed, 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 grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height.

Improved subdivision means a division of a tract of land or acreage into tracts or parcels and the improvements thereof by construction of streets, water lines and, where applicable, sewer lines to serve the subdivided property.

Natural condition means 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.

Nuisance, defined under Code of Ala. 1975, § 6-5-120 as, "anything that works hurt, inconvenience or damage to another. The fact that the act done may otherwise be lawful does not keep it from being a nuisance. The inconvenience complained of must not be fanciful or such as would affect only one of a fastidious taste, but it should be such as would affect an ordinary reasonable man." A nuisance arises from the unreasonable, unwarrantable or unlawful use by a person of such person's own property, either real or personal, or from such persons own improper, indecent, unsightly or unlawful personal conduct, working an obstruction of or injury to the right of another or of the public, and producing material annoyance, inconvenience, discomfort or hurt to another person or to the general public; anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of another.

Owner of property includes legal title holder, or lessee, or occupant of property, or agent of legal title holder or lessee, in charge, possession or control of said property.

(c) *[Duties of owner—Maintenance practices of Town.]*

- (1) *Duties of owner.* It shall be the duty of the owner of any real property located within the Town to maintain any grass or weeds growing upon said property in such a manner as not to constitute a nuisance. The duties and obligations of the owner extend to and include any real property situated within a dedicated right-of-way or easement burdening the property, except to the extent that it may be impracticable to do so because of public facilities located thereon. Such right-of-way and easements must be maintained by the owner in a manner consistent with the maintenance of the owner's remaining property and within the requirements in this section, except to the extent it may be impracticable to do because of public facilities located thereon.
- (2) *Maintenance practices of Town.* The dedication of and existence of a right-of-way for a public road or of an easement for drainage or for public utilities represents the grant of only a limited interest in property and does not change the actual ownership of the property upon which the right-of-way or easement is located. The public authority maintains rights-of-way and easements only to the extent necessary to maintain the public facility and to maintain safety. The owners of the burdened property continues to control the property, except to the extent that such control interferes with the public use. The public authority does not cut grass, weeds, and other growth upon rights-of-way or easements, except to the extent necessary for operations and safety purposes. All other maintenance is the responsibility of the owner of the property upon which the right-of-way or easement is located.

(d) *[Existing violation.]*

- (1) Whenever in the opinion of the enforcing official, a violation of the section exists, the enforcing official shall order the owner of the property where the nuisance is located to abate the condition. The enforcing official shall give the owner written notice either in person or by first class mail requiring the owner to comply with this section and apprise the owner of the facts of the alleged nuisance and state the date by which the nuisance is to be abated. The notice shall require the owner to complete the abatement of the nuisance within the following period provided that the enforcing official shall stipulate additional time but in no case no more than a total of 30 days for any type of nuisance set out in the section, the enforcing official shall give not less than 14 nor more than 30 days for any type of nuisance set out in the section. Notice shall be sent to that person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of any change in ownership or interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest.

- (2) Any employee of the Town of Coosada who is designated by the mayor or chief of police as a code enforcement officer is hereby authorized to issue a citation or summons to persons found by him to be in violation of this section of the Town of Coosada.
- (3) The citation or summons shall order the person in violation to appear in municipal court at a date and time certain to answer to the charge against him/her. Each citation or summons shall:
 - a. Be in writing and state the facts;
 - b. State the name of the accused;
 - c. State the address of the accused, if known;
 - d. State the offense charged;
 - e. Set forth the date and time the accused is to appear in municipal court;
 - f. Set forth the address of the municipal court;
 - g. Be signed by the officer issuing or serving the citation or summons; and
 - h. Set forth a warning in bold type that willful failure to appear as directed is a misdemeanor and that a warrant for failure to appear will be issued.

The complaint may read as follows for any abandoned, unoccupied and dilapidated or untenable structures: "That located on the said described lot is a frame building and this complaint alleges that said building is unoccupied and not tenantable; that said building is in a dilapidated condition, open to the public and to animals; that in its present condition and state of repair it constitutes a fire hazard and a dangerous menace to the TOWN OF COOSADA and is a nuisance under the laws of the State of Alabama, and that the existing conditions, herein described, constitute a flagrant and persistent continuing nuisance in the TOWN OF COOSADA which is dangerous, offensive, unwholesome and injurious to the health, safety and welfare of the TOWN OF COOSADA."

- (4) A citation or summons delivered to or served upon a person accused of committing a violation or offense in violation of a Town ordinance or code shall place a duty upon such person to appear in municipal court at the time and date indicated thereon and it shall be unlawful for any such person to fail to appear as directed in said citation or summons.
 - (5) Failure to appear at the time and date directed shall be prima facie evidence of a willful failure to appear and the court may cause a warrant to be issued for the accused on a failure to appear charge.
 - (6) The provisions of this section are cumulative with previously granted authority in other ordinances and does not restrict any previously granted authorization to issue citations or summons.
 - (7) If the owner or tenant is absent, the enforcing official shall give the owner written notice in person or by first class certified mail with return receipt requested. The notice shall require the owner to comply with this section and appear before the court in such manner as set out in subsection (d)(3). The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for such hearing. The notice shall be sent to that person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of any change in ownership or interest in the property. It shall be unlawful to knowingly fail to notify the enforcing official of any such change of ownership or interest.
- (e) *Penalties for violating this section.* All violation of the provisions of this section shall be punishable by:
- (1) A fine in the minimum sum of \$50.00 up to a maximum of \$500.00.
 - (2) Imprisonment in the municipal jail for a term not to exceed six months.
 - (3) Both such fine and imprisonment.

Each offense shall be a specific violation. If the owner fails, neglects or refuses to comply with the notice to abate, enjoin, demolish remove and clear of such abandoned and unoccupied dilapidated structures, building materials, building rubbish, and similar items, abandoned or inoperable vehicles, overgrown grass and weeds, or any act or omission mentioned in subsection (a)(2), then the enforcing official shall cause the abatement, injunction, demolition, removal and clearance of such abandoned and unoccupied dilapidated structures, abandoned or inoperable vehicles, overgrown grass and weeds by any means permitted by law at the expense of the owner of such property owner. The amount of the cost of abatement of a nuisance by the Town, including all court costs, appraisal fees, administrative costs, attorneys' fees, and all other costs necessarily associated with the abatement action, shall constitute a lien against the real property upon which such costs were incurred. The lien provided for in this section shall be perfected and foreclosed as provided by state law.

- (f) *Municipal court authority and summary abatement.* Any judge of the municipal court of the Town shall have the power to order the removal, abatement, demolition, fine or other appropriate judicial remedy of those things which are declared either by this article, state law or federal law to be nuisances, or which are nuisances per se, and from their nature indisputably are so. Summary abatement, without notice to the owner thereof, shall only occur where the nuisance is of imminent and serious danger to the health, safety or general welfare of the citizens of the Town and the owner or occupant cannot be notified.

Sec. 3-2. Weeds and accumulations of waste matter prohibited.

It shall be unlawful for the owner, occupant, or person in charge of a property within the Town whether vacant or not, to use said property for the open storage of any inoperable or abandoned motor vehicle, ice box, refrigerator, stove, or other appliance, glass, bottles, tin cans, brush, combustible materials, building material, building rubbish, and similar items, or to allow the accumulation of weeds, grass, dead trees, brush, trash, garbage, tires, and similar items that create a nuisance and blight on the community.

Sec. 3-3. Exposure of garbage.

It shall be unlawful to allow garbage to remain exposed in any manner on such person's premises or on the adjacent street or alley.

Sec. 3-4. Disposing of trash, etc., on another's property.

It shall be unlawful for any person to sweep, throw or dispose of trash, waste matter or garbage onto or into property not owned by such person or under such person's control, except in the landfill as designated by the Town in a lawful manner.

Sec. 3-5. Sweeping trash, etc., onto streets, sidewalks or public areas.

It shall be unlawful for any person to throw or sweep trash, rubbish, garbage, or filth of any kind onto the streets, sidewalks, or public grounds in the Town or into waterways, ponds, lakes, or other bodies of water within the Town limits or direct others to do so.

Sec. 3-6. Permitting or maintaining any nuisance.

It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under such person's ownership or control. Property under a person's ownership and control includes those areas referred to in section 58-24. A person with a duty to abate any nuisance is liable for separate and distinct offenses for each day the nuisance is allowed to remain after it has become such person's duty by notice of the enforcing official to abate it.

Sec. 3-7. Creating danger; failure to abate after notice.

It shall be unlawful for any person to neglect or refuse for 12 hours to remove any chimney, wall or other part of any building which may be dangerous to passersby, or to neglect or refuse to close up any excavation or hole in the sidewalk contiguous to property in a manner approved by the council, or to neglect or refuse to abate any other thing which may be dangerous to the public or passersby, after notice from the chief of police or other Town authority.

Secs. 3-8. Reserved.

ARTICLE IV. NOISE

Sec. 4-1. Noise-making devices; hours; animals; instruments; nighttime and Sunday work.

- (a) It shall be unlawful for any person to operate, on his premises, or in any public place, any noise-making or reproducing device, either electrical or mechanical, at any time, whether operated for entertainment, amusement, advertisement or other purpose, the use or operation of which creates excessive and objectionable noise, and becomes a public nuisance. For application of this section, it shall be considered a public nuisance to play a reproducing music or noise device in a public place from 11:30 p.m. until 8:00 a.m. and on Sunday.
- (b) It shall be unlawful for any person to keep or permit on such person's premises or in any public place, any animal or fowl, which by its actions causes objectionable noise and disturbs public peace and rest.
- (c) It shall be unlawful for any person to create in any way any unnecessary noise by making use of any instrument or thing to create noise in such manner that the same disturbs the peace and rest of the public and becomes a nuisance; or to engage in any work or occupation during the nighttime or on Sundays, if such work or occupation creates objectionable noise, thereby becoming a nuisance, unless it is shown that such work is urgent and necessary, and a permit to do the same has been secured from the Town.

Sec. 4-2. Permit—Required for loudspeakers, sound truck, etc.

It shall be unlawful to use any device known as a sound truck, loudspeaker or sound amplifier, or radio, television or phonograph with a loudspeaker or sound amplifier, or calliope, or any other instrument which emits therefrom loud and raucous noises, on the streets and sidewalks of the Town or in any public place within the Town, until a permit for the use thereof is issued by the Town council or its designee.

Sec. 4-3. Same—Conditions to issuance.

The Town council or its designee shall issue a permit to use such a sound device to any person, provided:

- (1) Each application for a permit is filed in writing, together with a permit fee in the amount provided in the Town fee schedule, with the Town council or its designee before the use thereof; and
- (2) Each applicant for a permit signs a written agreement with the Town council or its designee that the applicant will not operate such sound device on the streets and sidewalks of the Town or in any public place when the sound of such sound device can be heard audibly beyond 300 feet from the point of use.

Sec. 4-4. Same—To be in writing and specify hours.

Every such permit shall be in writing and shall specify the day and hour for the use of such sound device.

Sec. 4-5. Noise-making devices prohibited at certain hours; maximum distance of audibility.

- (a) It shall be unlawful to use any device known as a sound truck, loudspeaker or sound amplifier, or radio, television or phonograph with a loudspeaker or sound amplifier, or calliope, or music vending machine, or any other instrument which emits therefrom loud and raucous noises on the streets and sidewalks of the Town, or in any public place or enclosure within the Town from the hour of 11:30 p.m. until 8:00 a.m. and on Sunday.
- (b) It shall be unlawful to use any device known as a sound truck, loudspeaker or sound amplifier, or radio, television or phonograph with a loudspeaker or sound amplifier, or calliope, or music vending machine, or any other instrument which emits therefrom loud and raucous noises on the streets and sidewalks of the Town, or in any public place or enclosure within the Town at any time when the sound of such device can be heard audibly beyond 300 feet from the point of use.

Secs. 4-6. Reserved.

ARTICLE V. ABATEMENT OF NUISANCES

Sec. 5-1. Penalty.

Each of the unlawful acts defined in this article is hereby declared to be a public nuisance and in the event the owner or person in charge of any premises upon which conditions or such other unsanitary conditions exist, fails to make such premises completely safe and sanitary or to remove the cause of such nuisances within ten days after written notice by the building inspector, fire marshal or their designee, or the health officer to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-19.

Sec. 5-2. Continuing offense.

Each day the owner or person in charge of any premises shall allow such unsanitary condition or nuisance to continue, after having received ten days' written notice to abate same, shall constitute a separate offense and, upon conviction thereof, such owner or person in charge shall be punished as herein provided.

Sec. 5-3. Abatement—Authority of Town.

Should the owner or such person in charge of premises subject to conditions described in this article fail or refuse to abate such nuisance or to remove such weeds, brush, garbage and rubbish upon being notified to do so, then the Town is authorized to do such work at the expense of the owner of such property, the cost thereof to be a lien upon the property and to be collected as any other debts are collected or liens enforced.

Sec. 5-4. Same—Lien.

The amount of the cost of abatement of a nuisance by the Town, including all court costs, appraisal fees, administrative costs, attorneys' fees, and all other costs necessarily associated with the abatement action, shall constitute a lien against the real property upon which such costs were incurred. The lien provided for in this section shall be perfected and foreclosed as provided by state law.

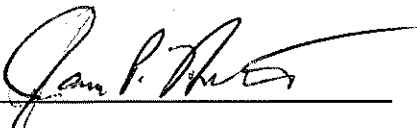
Sec. 5-5. Same—Municipal court authority; summary abatement.

- (a) Any judge of the municipal court of the Town shall have the power to order the removal, abatement, demolition, fine or other appropriate judicial remedy of those things which are declared either by this article,

state law or federal law to be nuisances, or which are nuisances per se, and from their nature indisputably are so.

- (b) Summary abatement, without notice to the owner thereof, shall only occur where the nuisance is of imminent and serious danger to the health, safety or general welfare of the citizens of the Town and the owner or occupant cannot be notified.

ADOPTED AND APPROVED by the Town Council of the Town of Coosada, Alabama this 11th day of October 2022.


James P. Houston, Mayor

Attest: 
Breyona McCall, Town Clerk