

CITY OF MOLENA

(15) 1/3

ORDINANCE NO. 15

AN ORDINANCE OF THE CITY OF MOLENA RELATING TO NUISANCES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOLENA:

SECTION 1:

Definitions:

The following conditions may be declared to be nuisances:

- (1) stagnant water on premises;
- (2) any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
- (3) the generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;
- (4) the pollution of public water or the injection of matter into the sewage system which would be damaging thereto;
- (5) maintaining a dangerous or diseased animal or fowl;
- (6) obstruction of a public street, highway or sidewalk without a permit;
- (7) loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (8) all walls, trees, and buildings that may endanger persons or property;
- (9) any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
- (10) unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;
- (11) any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city; and

(12) any other condition constituting a nuisance under state law.

SECTION 2:

Jurisdiction to try and abate.

The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in the charter of the city.

SECTION 3:

Complaint of nuisance; hearing:

Any official or inhabitant of the city may direct a complaint of nuisance to the city police department, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court after a 14 day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

SECTION 4:

Abatement by City.

(a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the judge that it must be immediately abated, the judge may issue an order to the chief of police directing the nuisance to be abated. The chief of police in such case, shall keep record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues.

(b) Other city departments shall assist the chief of police as is necessary in abating nuisances hereunder.

SECTION 5:

Nuisance per se, exception; summary abatement.

Nothing contained in this chapter shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

SECTION 6:

Offense; penalty,

It is hereby declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.

SECTION 7: All ordinances in conflict with this ordinance are hereby repealed.

/s/ _____
MAYOR, CITY OF MOLENA

/s/ _____
CLERK, CITY OF MOLENA

First reading: June 7, 1994

Adopted at
second reading: July 5, 1994