

# CITY OF MARGARET, ALABAMA

## ORDINANCE NO. 2026-\_\_\_\_\_

**AN ORDINANCE DECLARING CERTAIN CONDITIONS TO BE PUBLIC NUISANCES; PROVIDING FOR NOTICE, HEARING, ABATEMENT, COST RECOVERY; AND ESTABLISHING A VARIANCE / EXTENSION PROCESS**

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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARGARET, ALABAMA, AS FOLLOWS:**

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### **SECTION 1. TITLE; AUTHORITY; PURPOSE**

#### **1.1 Title**

This ordinance shall be known as the “**City of Margaret Nuisance Abatement Ordinance.**”

#### **1.2 Authority**

This ordinance is adopted under the City’s police powers to protect health, safety, and welfare, including authority to abate nuisances and regulate conditions impacting the community. Municipalities also have authority to pursue abatement and injunction of public nuisances.

#### **1.3 Purpose**

The purpose of this ordinance is to:

1. Define conditions that constitute public nuisances;
  2. Establish **uniform enforcement procedures** with due process safeguards;
  3. Provide **reasonable compliance timeframes** by nuisance type;
  4. Authorize abatement and **cost recovery**; and
  5. Create a formal **variance/extension** process for limited circumstances.
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## SECTION 2. DEFINITIONS

For purposes of this ordinance:

**2.1 Abatement** means the correction, removal, repair, demolition, containment, or other action sufficient to eliminate a nuisance condition.

**2.2 Building Nuisance** means an unsafe, unsanitary, dilapidated, abandoned, or dangerous building or structure that constitutes a hazard to human life, health, or safety, including conditions similar to those described in the City's unsafe building ordinance.

**2.3 Debris / Refuse / Rubbish** includes accumulated debris, refuse, rubbish, brush, used building materials, demolition remains, used machinery, used tires, used vehicles or parts, abandoned vehicles, or similar materials that create harborage for pests or are unsightly or offensive to the area.

**2.4 Enforcing Official** means the City official designated by the Mayor to administer and enforce this ordinance (often Code Enforcement, Building Official, or another designee). The enforcement structure in Margaret's existing nuisance framework already contemplates mayoral designation.

**2.5 Nuisance** means any condition declared by this ordinance to be unlawful and injurious to the health, morals, comfort, or welfare of the community.

**2.6 Overgrowth** means grass, weeds, or noxious plant growth reaching **twelve (12) inches or more** in height, including ragweed, cocklebur and other noxious plants, consistent with the City's existing definition.

**2.7 Owner** includes record owner, co-owner, life tenant, contract purchaser in possession, and any person or entity responsible for maintaining the property, including an agent with control.

**2.8 Public Right-of-Way / Easement** includes dedicated rights-of-way and easements burdening private property. The City's prior nuisance ordinance explicitly clarifies that underlying ownership remains private and the owner retains maintenance responsibility except where impracticable due to public facilities.

**2.9 Variance / Extension** means a limited, written allowance granting additional time or limited alternative compliance, issued under Section 10.

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## **SECTION 3. GENERAL DUTIES OF PROPERTY OWNERS**

### **3.1 Duty to Maintain Property**

Owners shall maintain property in a condition that does not constitute a nuisance, including areas within dedicated rights-of-way or easements burdening the property, consistent with the City's established approach.

### **3.2 Rights-of-Way and Easements**

The City maintains rights-of-way/easements only as necessary for operations and safety, and other maintenance remains the owner's responsibility, consistent with existing Margaret ordinance language.

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## **SECTION 4. NUISANCES DECLARED UNLAWFUL**

The following are hereby declared public nuisances and are unlawful:

### **4.1 Overgrowth / Weeds**

Allowing property to become overgrown as defined herein (12 inches or more) is a nuisance.

### **4.2 Debris, Trash, and Similar Accumulations**

Accumulation or storage of debris/refuse/rubbish as defined is a nuisance.

### **4.3 Junked, Inoperative, or Abandoned Vehicles Visible from Public Areas**

A vehicle or parts that are abandoned, inoperative, junked, wrecked, or used as storage and visible from a public right-of-way may constitute a nuisance condition, particularly where it creates harborage, safety issues, or obstruction. (This aligns conceptually with the City's prior "vehicle nuisance" approach, but it is placed here in the nuisance ordinance where it belongs.)

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### **4.4 Unsafe Buildings and Structures**

Unsafe, unsanitary, dilapidated, fire-hazard, or dangerous buildings/structures constitute a public nuisance and shall be abated by repair/rehabilitation or demolition, consistent with the City's unsafe building ordinance concept.

### **4.5 Obstruction of Drainage or Public Facilities**

Any condition on private property that blocks or materially interferes with drainage structures (ditches, culverts) or creates flooding hazards may be declared a nuisance.

#### **4.6 Rodent/Vector Harborage**

Any condition that reasonably provides breeding/harborage for mosquitoes, harmful insects, rodents, or snakes may be declared a nuisance (also consistent with the debris definition rationale).

#### **4.7 Any Other Condition Declared a Nuisance by the City Council After Findings**

Any other condition **specifically declared by the City Council, by resolution and based on written findings**, to constitute a public nuisance under Alabama law.

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## **SECTION 5. ENFORCEMENT AUTHORITY; DESIGNATION**

### **5.1 Enforcing Official**

The Mayor shall designate the Enforcing Official(s) responsible for administering this ordinance.

### **5.2 Inspection**

Upon complaint or reasonable cause, the Enforcing Official may conduct reasonable inspections consistent with law. (This ordinance is drafted to avoid warrantless curtilage seizures and to preserve due process safeguards.)

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## **SECTION 6. NOTICE OF VIOLATION; SERVICE; POSTING; RECORDING**

### **6.1 Written Notice Required**

When the Enforcing Official determines a nuisance exists, the Official shall order abatement and provide **written notice** to the owner in person or by first-class mail, consistent with the City's existing nuisance ordinance structure.

### **6.2 Contents of Notice**

The notice shall:

1. Describe the nuisance condition and location;
2. Identify the required abatement action;
3. State the deadline for compliance under Section 7;
4. Provide the right to request an administrative hearing under Section 8; and
5. Provide the right to request a variance/extension under Section 10.

### **6.3 Posting**

Notice shall also be posted in a conspicuous place on the property consistent with existing Margaret procedure.

### **6.4 Building Nuisance Recording**

For a building nuisance, the City may record notice consistent with the existing model approach for building nuisance notices.

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## **SECTION 7. COMPLIANCE DEADLINES BY TYPE OF NUISANCE**

Unless modified by approved variance/extension, the abatement deadlines shall be:

1. **Overgrowth (grass/weeds):** fourteen (14) days
2. **Building nuisance:** one hundred twenty (120) days
3. **Other nuisances (including debris, abandoned vehicles, burned structures):** thirty (30) days

These categories track the existing Margaret nuisance enforcement framework and include its maximum extension concept.

### **7.1 Maximum Extension Cap**

The Enforcing Official may allow additional time based on circumstances, but in no case shall the total time exceed **one hundred fifty (150) days**, consistent with the City's existing ordinance cap.

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## **SECTION 8. ADMINISTRATIVE HEARING**

### **8.1 Request for Hearing**

The owner may request a hearing within **five (5) days** of the date of notice, consistent with the City's existing process.

### **8.2 Hearing Officer**

The hearing shall be before the Building Official or another person designated by the Mayor, consistent with existing language.

### **8.3 Hearing Outcome**

If a nuisance is found, the owner must abate as ordered, subject to modifications by the hearing officer.

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## **SECTION 9. FAILURE TO COMPLY; ABATEMENT BY CITY; COST RECOVERY**

### **9.1 Criminal / Municipal Enforcement**

Failure to comply may be prosecuted as a violation of this ordinance (the City's existing ordinance contemplates prosecution after failure to comply).

### **9.2 City Abatement After Due Process**

If the owner fails to comply after notice and any timely requested hearing/variance process, the City may abate the nuisance through City forces or contractors.

### **9.3 Emergency Hazards**

Emergency abatement under this section shall be limited to the minimum action necessary to remove the immediate hazard and shall not be used for routine enforcement.

### **9.4 Cost Recovery**

The City may recover abatement-related costs (including labor, equipment, contractor, disposal, administrative costs) where authorized by law, consistent with the nuisance cost-recovery concept used in the City's existing nuisance-vehicle ordinance.

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## **SECTION 10. VARIANCE / EXTENSION PROCESS**

This section is the "variance request" system you asked for. It is drafted to be **strict enough to prevent abuse** but **flexible enough** to address hardship, contractor delays, disability/health issues, probate/estate problems, and similar realities.

### **10.1 Eligibility**

An owner may request a variance/extension when:

1. Strict compliance by the deadline would cause **undue hardship**; and
2. The variance will not create an imminent threat to safety or health; and
3. The owner presents a **good-faith compliance plan**.

### **10.2 Types of Variances Allowed**

The Hearing Officer (or designee) may grant one or more of the following:

**(a) Time Extension:** Additional time to complete abatement (subject to the 150-day total cap unless City Council grants further relief by resolution).

**(b) Phased Compliance Plan:** Milestones (e.g., debris removal first, then structural stabilization).

**(c) Alternative Screening:** For vehicle or materials nuisance, allow temporary screening (fence/tarp) while repairs occur.

**(d) Contractor Delay Relief:** Where documented contractor scheduling delays exist.

**(e) Medical/Disability Relief:** Where the owner demonstrates inability to comply promptly but can arrange compliance.

### **10.3 Application Requirements**

A variance request must be submitted in writing to the City Clerk or Enforcing Official within the compliance period and must include:

1. Property address and owner contact information;
2. Description of the nuisance notice being appealed/modified;
3. Specific relief requested (type and duration);
4. Evidence supporting hardship (optional but strongly encouraged); and
5. A compliance plan with dates/milestones.

### **10.4 Review and Decision**

Within ten (10) business days of receipt, the Hearing Officer shall:

1. Approve, approve with conditions, or deny; and
2. Issue a written decision stating reasons and conditions.

### **10.5 Conditions and Revocation**

Any variance may include conditions such as:

- Maintaining the area free of pests,
- Temporary screening,
- Keeping sidewalks/drainage clear,
- Milestone dates.

Failure to meet conditions or milestones revokes the variance automatically and restores the original enforcement timeline.

### **10.6 Appeal to City Council**

If denied (or if conditions are disputed), the owner may appeal in writing to the City Clerk within five (5) business days. The City Council shall schedule the appeal for the next practicable

meeting. (Enforcement may be paused during appeal unless an emergency hazard exists-mirrors the structure in the City’s prior vehicle nuisance ordinance.)

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## **SECTION 11. SEVERABILITY; REPEALER; EFFECTIVE DATE**

### **11.1 Severability**

If any provision is held invalid, the remainder shall remain in effect.

### **11.2 Repealer**

All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of conflict.

### **11.3 Effective Date**

Effective upon adoption and publication as required by law.

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## **ADOPTION BLOCK**

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026.

CITY OF MARGARET, ALABAMA

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Matt Tortorice, Mayor

ATTEST:

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City Clerk

