

**CITY OF MARGARET, ALABAMA  
ORDINANCE NO. 2026-002**

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

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

**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.

**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).

**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 the 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. 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.

## **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.

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

The City maintains rights-of-way and easements only as necessary for operations and safety. Other maintenance remains the owner's responsibility.

## **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 is a nuisance.

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

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

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

Vehicles or vehicle parts that are abandoned, inoperative, junked, wrecked, or used as storage and visible from a public right-of-way may constitute a nuisance condition.

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

Unsafe, unsanitary, dilapidated, fire-hazard, or dangerous buildings or structures constitute a public nuisance and shall be abated by repair, rehabilitation, or demolition.

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

Any condition that blocks or materially interferes with drainage structures or creates flooding hazards may be declared a nuisance.

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

Any condition providing breeding or harborage for mosquitoes, harmful insects, rodents, or snakes may be declared a nuisance.

### **4.7 Other Conditions Declared by City Council**

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

## **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.

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

### **6.1 Written Notice Required**

When a nuisance is determined to exist, the Enforcing Official shall order abatement and provide written notice to the owner in person or by first-class mail.

### **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.

### **6.4 Building Nuisance Recording**

For building nuisances, the City may record notice as authorized by law.

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

Unless modified by approved variance or extension, 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**

#### **7.1 Maximum Extension Cap**

In no event shall total compliance time exceed **one hundred fifty (150) days** unless further relief is granted by City Council resolution.

### **SECTION 8. ADMINISTRATIVE HEARING**

#### **8.1 Request for Hearing**

The owner may request a hearing within **five (5) days** of the notice date.

#### **8.2 Hearing Officer**

The hearing shall be conducted by the Building Official or another person designated by the Mayor.

#### **8.3 Hearing Outcome**

If a nuisance is found, the owner shall abate as ordered, subject to any modifications issued.

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

#### **9.1 Municipal Enforcement**

Failure to comply may be prosecuted as a violation of this ordinance.

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

After notice and any timely hearing or variance process, the City may abate the nuisance.

#### **9.3 Emergency Hazards**

Emergency abatement shall be limited to the minimum action necessary to remove an immediate hazard.

#### **9.4 Cost Recovery**

The City may recover authorized abatement costs, including labor, equipment, contractor disposal, and administrative expenses.

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

### **10.1 Eligibility**

An owner may request a variance or extension when:

1. Strict compliance would cause undue hardship;
2. No imminent threat to health or safety exists; and
3. A good-faith compliance plan is provided.

### **10.2 Types of Relief**

Relief may include:

- Time extensions (subject to the 150-day cap);
- Phased compliance plans;
- Temporary screening;
- Contractor delay relief;
- Medical or disability-based relief.

### **10.3 Application Requirements**

Written requests shall include:

1. Property address and owner contact information;
2. Description of the notice;
3. Relief requested;
4. Supporting documentation (if available); and
5. A compliance plan.

### **10.4 Review and Decision**

A written decision shall be issued within **ten (10) business days**.

### **10.5 Conditions and Revocation**

Failure to meet imposed conditions automatically revokes the variance.

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

Appeals must be filed within **five (5) business days**. Enforcement may be paused during appeal unless an emergency exists.

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

**11.1 Severability**

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

**11.2 Repealer**

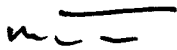
All ordinances or parts thereof in conflict are repealed to the extent of conflict.

**11.3 Effective Date**

This ordinance shall take effect upon adoption and publication as required by law.

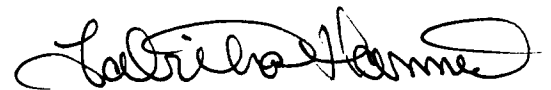
PASSED AND ADOPTED this 26 day of January, 2026.

APPROVED:



Matt Tortorice, Mayor

ATTEST:



Tabitha Hanner, City Clerk

**CERTIFICATION OF CITY CLERK**

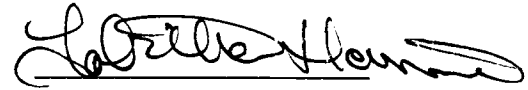
STATE OF ALABAMA

ST. CLAIR COUNTY

I, Tabitha Hanner, City Clerk of the City of Margaret, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an ordinance duly and

legally adopted by the City Council of the City of Margaret, Alabama, on the 26 day of January, 2026, while in regular session.

Witness my hand and seal of office this the 26 day of January, 2026.



CITY CLERK