

STATE OF ALABAMA )  
CITY OF WINFIELD )

ORDINANCE NO. 971

CITY OF WINFIELD

AN ORDINANCE ENTITLED "ABATEMENT OF NUISANCES" WHICH SHALL PROVIDE FOR THE ABATEMENT OF NUISANCES IN THE FORM OF UNSAFE STRUCTURES, INOPERABLE MOTOR VEHICLES AND WEEDS AND WHICH SHALL AMEND AND/OR REPEAL ORDINANCE NO.831 ENTITLED "LITTER, WEED AND JUNK CONTROL ORDINANCE OF THE CITY OF WINFIELD, ALABAMA"

BE IT HEREBY ORDAINED by the City Council of the City of Winfield, Alabama as follows:

**Section 1. Purpose.**

That there is hereby established an abatement of nuisances ordinance within the City of Winfield, Alabama, to provide for the abatement of nuisances in the form of unsafe structures, inoperable motor vehicles, and weeds; to provide notices to the property owners, hearing procedures, abatement of nuisances, and assessment of costs against the property, and for the collection of the costs.

**Section 2. Weeds may be declared a public nuisance and abated.**

All weeds growing upon streets, sidewalks, or private property, including weeds or grasses growing over 12 inches in height and kudzu, within the City of Winfield which bear seeds of a wingy or downy nature, which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous or a nuisance may be declared to be a public nuisance by the City of Winfield and may be abated as hereinafter provided.

**Section 3. Report of appropriate city official; resolution declaring a public nuisance.**

The term "appropriate city official" as used in Sections 2 to 9, inclusive, shall mean any city official or employee designated by the mayor or other chief executive officer of the City of Winfield as the person to exercise the authority and perform the duties delegated by Sections 2 to 9, inclusive, to the "appropriate city official." The appropriate city official shall report to the city governing body whenever weeds are growing upon any street, sidewalk, or private property which constitute a nuisance. Upon

receiving a report, the city governing body may declare the same to be a public nuisance and order its abatement.

**Section 4. Notice to owner; contents; posting of signs.**

After the passage of a resolution designating the nuisance, the appropriate city official shall send notice of the action to the person or persons, firm, association, or corporation last assessed for state taxes on the property by certified or registered mail to the address on file in the revenue commissioner's office. The notice shall specify that the recipient must remedy the growth of weeds within a reasonable time set out in the notice, not to exceed 14 days or suffer the weeds to be abated by the city and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The City of Winfield shall also place a sign conspicuously on the property indicating that the city governing body has found the property to be a public nuisance because of the unlawful growth of weeds.

**Section 5. Hearing.**

Within the time specified in the notice, but not more than 14 days from the date the notice is given, any person, firm, or corporation, may file a written request for a hearing before the governing body of the City of Winfield, together with objections to the finding by the city governing body that the weeds constitute a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five nor more than 30 days after the request is received. In the event that no hearing is timely requested, the mayor or chief executive officer of the city governing body shall order the weeds to be abated as hereinafter provided.

**Section 6. Entry of city employees and agents on property to abate nuisance; abatement by private contractor.**

If the nuisance on the property has not been abated within 14 days after the city governing body's resolution, the mayor or chief executive officer of the city shall order the nuisance to be abated. The abatement may be accomplished, at the option of the city, by its own forces or by contract. For purposes of Sections 2 to 9, inclusive, compliance with the competitive bid laws is not required. All city employees and duly authorized agents are expressly authorized to enter private property for the purpose of abating the nuisance.

**Section 7. Accounting of cost of abatement.**

The appropriate city official shall give an itemized written report to the city governing body regarding the cost of abating the nuisance. The cost of abatement shall be the actual cost the city incurs in the abatement, including administrative costs. Should the city contract for abatement, the cost shall be the actual costs the contractor charges the city for the abatement, including administrative costs the city incurs. Upon report of the costs by the appropriate city official, the governing body shall adopt a resolution confirming the costs of the reports. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The city clerk of the City of Winfield shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

**Section 8. Cost to constitute weed liens; report to revenue commissioner; amounts to be included in tax bills; collection.**

The confirmed cost of abatement shall hereinafter be referred to as a weed lien and thus made and confirmed shall constitute a weed lien on the property for the amount of the weed lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Marion or Fayette, as determined by physical location of the property, who, under the optional method of taxation, is charged with the collection of the city taxes of the City of Winfield pursuant to Sections 1151-40 through 11-51-74, Code of Alabama 1975. Whereupon it shall be the duty of the county revenue commissioner to add the amounts of any weed lien to the next regular bills for taxes levied against the respective lots and parcels of land, and thereafter any weed liens shall be collected at the same time and in the same manner as ordinary city ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency. The county revenue commissioner shall retain 10 percent of the amount of each weed lien collected and remit the remainder to the City of Winfield. The amount retained by the revenue commissioner shall be used for operational purposes.

**Section 9. Sections 2 to 9, inclusive, cumulative in nature.**

Sections 2 to 9, inclusive, shall be cumulative in its nature, and in addition to any and all power and authority which the City of Winfield may have under any other law.

**Section 10. Demolition of unsafe structures.**

The governing body of the City of Winfield in regard to property in the corporate limits of the City of Winfield, after notice provided herein, may move or demolish buildings or structures, or parts of buildings or structures, party walls, or foundations, when the same are found by the appropriate governing body to be unsafe to the extent of being a public nuisance from any cause. Sections 10 to 16, inclusive, shall not apply to any farm or agricultural building or structure.

**Section 11. Meaning of "appropriate official"; duties; notice of unsafe or dangerous condition.**

The term "appropriate official" as used in Sections 10 to 16, inclusive, shall mean any building official or deputy and any other official or employee designated by the mayor or other chief executive officer of the City of Winfield as the person to exercise the authority and perform the duties delegated by Sections 10 to 16, inclusive, to the "appropriate official." Whenever the appropriate official shall find that any building, structure, part of a building or structure, party wall, or foundation is unsafe to the extent that it is a public nuisance, the official shall report the findings to the governing body. At that time the governing body shall determine whether the building, structure, part of a building or structure, party wall, or foundation constitutes a public nuisance. Should the governing body find by resolution that the building, structure, part of a building or structure, party wall, or foundation is a public nuisance, then the appropriate official shall give the person or persons, firm, association, or corporation last assessed for state taxes on the property, by certified or registered mail to the address on file in the revenue commissioner's office, notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the same, within a reasonable time set out in the notice, which time shall not be less than 30 days unless an extension is granted by the appropriate official. The notice shall also state that if the public nuisance is not abated the building or structure shall be demolished by the City of Winfield and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The City of Winfield shall place a sign or placard within 15 feet of the entrance of the building or structure, indicating that the City of Winfield has declared the building or structure to be a public nuisance. If there is no entrance in which to place the sign or placard, the sign or placard may be posted at any location upon the building or structure.

**Section 12. Hearing procedure; order; appeal.**

Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body together with the objections to the finding by the governing body that the building or structure is unsafe to the extent of being a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the governing body until a determination thereon is made by the governing body. The hearing shall be held not less than five nor more than 30 days after the request. In the event that no hearing is timely requested, the governing body shall order the building or structure to be demolished. The demolition may be accomplished, at the option of the City of Winfield, by the use of its own forces or it may provide by contract for the demolition. For purposes of this Sections 10 to 16, inclusive, compliance with the competitive bid laws is not required. The City of Winfield may sell or otherwise dispose of salvaged materials resulting from the demolition.

Any person aggrieved by the decision of the governing body at the hearing may, within 10 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the clerk of the governing body and the appeal shall be docketed in the court, and shall be a preferred case therein. The clerk of the governing body shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination for the governing body in proceedings, and trials shall be held without jury upon the determination of the governing body that the building or structure is unsafe to the extent that it is a public nuisance.

**Section 13. Report of cost of demolition; adoption of resolution fixing costs; proceeds of sale of salvaged materials; objections to findings of cost; notice.**

Upon demolition of the building or structure, the appropriate official shall make an itemized written report to the governing body of the cost thereof. The cost of the demolition shall be the actual cost the City of Winfield incurs in the demolition should the City of Winfield use its own forces, including administrative costs incurred in abating the nuisance. Should the governing body contract for demolition, the cost shall be the actual cost the contractor charges for the demolition, including administrative

costs incurred in abating the nuisance. Upon report of the costs by the appropriate official, the governing body shall adopt a resolution fixing the costs which it finds were incurred in the demolition and assessing the same against the property. The proceeds of any moneys received from the use of salvaged materials from the building or structure shall be used or applied against the cost of the demolition. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof.

The clerk of the governing body shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk. The fixing of costs by the governing body shall constitute a special assessment against the lot or lots or parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. A certified copy of the resolution shall be filed in the office of the Judge of Probate of Marion or Fayette, as determined by physical location of the property. Upon filing, the revenue commissioner of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the governing body. The county revenue commissioner shall retain 10 percent of the amount of each lien collected to be used for operational purposes.

#### **Section 14. Assessment of costs; sale and redemption of lots.**

The governing body may assess the costs authorized herein against any lot or lots or parcel or parcels of land purchased by the State of Alabama at any sale for nonpayment of taxes, and where any assessment is made against the lot or lots or parcel or parcels of the land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the City of Winfield for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots or parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the governing body.

**Section 15. Payment of assessments.**

Payment of any assessment, or if delinquent, the collection of the assessment, shall be made in the manner and as provided for the payment of city improvement assessments as provided for the payment of and delinquent collection of city improvement assessments pursuant to Article 1 (commencing with Section 11-48-1) of Chapter 48 of Title 11, Code of Alabama 1975. The governing body in the latter notice, may elect to have the revenue commissioner collect the assessment by adding the same to the tax bill. Upon the election, the revenue commissioner shall collect the assessment using all methods available for collecting ad valorem taxes. Ten percent of the amount of each assessment collected by the county revenue commissioner shall be retained by the county revenue commissioner and used for operational purposes.

**Section 16. Sections 10 to 16, inclusive, cumulative in nature.**

Sections 10 to 16, inclusive, shall be cumulative in its nature, and in addition to any and all power and authority which the City of Winfield may have under any other law.

**Section 17. Inoperable motor vehicles may be declared a public nuisance and abated.**

Inoperable motor vehicles which are visible from a public road or street in the City of Winfield may be declared to be a public nuisance by the governing body of the city and may be abated as hereinafter provided. Sections 17 to 23, inclusive, shall not apply to a place of business that has a business license as a salvage yard or junkyard or as a mechanic shop, body shop, or other automobile shop.

**Section 18. Report of appropriate official; resolution declaring a public nuisance.**

The term "appropriate official" as used in Sections 17 to 23, inclusive, shall mean any official or employee designated by the mayor or other chief executive officer of the City of Winfield as the person to exercise and perform the duties delegated in Sections 17 to 23, inclusive, to the "appropriate official." The appropriate official shall report to the governing body whenever inoperable motor vehicles which constitute a nuisance are located upon any private property and are visible from a public highway, road, or street. Upon receiving a report, the governing body may declare the same to be a public nuisance and order its abatement.

**Section 19. Notice to owner; contents; posting of signs.**

After the passage of a resolution, the appropriate official shall send notice of the action to the person or persons, firm, association, or corporation last assessed for state taxes on the property where the inoperable motor vehicle is located and to the owner of the vehicle if ascertainable, by certified or registered mail to the address on file in the revenue commissioner's office to remove, screen from public view, or relocate the inoperable motor vehicle within a reasonable time set out in the notice, not to exceed 14 days or suffer the nuisance to be abated and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The City of Winfield shall also place a sign conspicuously on the property indicating that the governing body has found the inoperable motor vehicle to be a public nuisance.

**Section 20. Hearing.**

Within the time specified in the notice, but not more than 14 days from the date the notice is given, any persons, firm, or corporation, may file a written request for a hearing before the governing body, together with objections to the finding by the governing body that the inoperable motor vehicle constitutes a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the governing body until a determination thereon is made by the governing body. The hearing shall be held not less than five nor more than 60 days after the request. In the event that no hearing is timely requested, the appropriate official shall order the inoperable motor vehicle to be abated as hereinafter provided.

**Section 21. Entry of employees and agents on property to abate nuisance; abatement by private contractor.**

If the nuisance on the property has not been abated within 14 days after the governing body's resolution or final order, the appropriate official shall order the nuisance to be abated. The abatement may be accomplished, at the option of the City of Winfield, by its own forces or by contract. For purposes of Sections 17 to 23, inclusive, compliance with the competitive bid laws is not required. All city employees and duly authorized agents are expressly authorized to enter private property for the purpose of abating the nuisance thereon.



## **Section 22. Accounting of cost of abatement.**

The appropriate official shall give an itemized written report to the governing body regarding the cost of abating the nuisance. The cost of abatement shall be the actual cost incurred in the abatement, including administrative costs less any value obtained for the inoperable vehicle. Should the City of Winfield contract for abatement, the cost shall be the actual costs the contractor charges for the abatement, including administrative costs the City of Winfield incurs. Upon report of the costs by the appropriate official, the governing body shall adopt a resolution confirming the costs of the reports. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The clerk of the City of Winfield shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

## **Section 23. Cost to constitute liens; report to revenue commissioner; amounts to be included in tax bills; collection.**

The confirmed cost of abatement shall hereinafter be referred to as an inoperable motor vehicle lien and thus made and confirmed shall constitute a lien on the property for the amount of the lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Marion or Fayette, as determined by physical location of the property. Whereupon it shall be the duty of the county revenue commissioner to add the amounts of the lien to the next regular bills for taxes levied against the respective lots and parcels of land. Thereafter any liens shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency. The county revenue commissioner shall retain 10 percent of the amount of each lien collected and remit the remainder to the City of Winfield. The amount retained by the revenue commissioner shall be used for operational purposes.

## **Section 24. Severability**

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

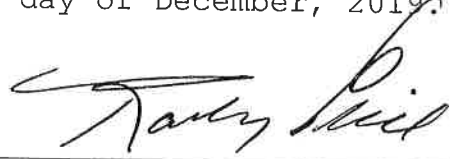
**Section 25. Repealer**

All laws or parts of laws which conflict with this ordinance are repealed.

**Section 26. Effective Date**

This ordinance shall become effective immediately upon its passage and approval by the city governing body, or upon its becoming a law.

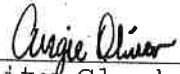
**ADOPTED** and **ORDAINED** this the 2<sup>nd</sup> day of December, 2019.



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Mayor


Attest:

  
\_\_\_\_\_  
City Clerk

I, Angie Oliver, City Clerk of the City of Winfield, certify that the foregoing Ordinance No. 971 is a true and correct copy of that certain Ordinance adopted by the City of Winfield, on this the 2<sup>nd</sup> day of December, 2019.

WITNESS, my hand this 2 day of December, 2019.

(SEAL)

  
\_\_\_\_\_  
(CITY CLERK)

**Nuisance Abatement Ordinance**  
**Procedures**

*"appropriate city official" that city official or employee designated by the mayor to exercise the authority and perform the duties addressed in ordinance.*

**Weeds**

1. Official shall report (in writing with visual evidence) to the city governing body whenever weeds are growing which constitute a nuisance.
2. Upon receiving report, council to determine if it constitutes a public nuisance and by a resolution of the council shall order its abatement.
3. After passing the resolution designating the nuisance, official shall send notice of the resolution (by certified or registered mail) to the owner last assessed for ad valorem taxes on the property to the address in tax office.
4. The notice will advise owner to remedy the issue within a 14 days or the weeds will be abated by the city and the cost assessed against the property
5. City shall also place a sign on the property stating that city has found the property to be a public nuisance because of the unlawful growth of weeds
6. Within the time in the notice, but not more than 14 days from the date the notice is given, owner can file a written request for a hearing before the council. If filed, this request shall hold in abeyance any action by city until a determination is made by the council at said hearing.
7. If requested, this hearing shall be not less than five nor more than 30 days after the written request is received by the City.
8. If no hearing is timely requested, the mayor shall order the weeds to be abated upon the expiration of said 14 day period.
9. If a hearing is held, the mayor shall order the weeds abated upon finding by the council.
10. The abatement may be by city employees or by contract with private company.

11. Compliance with the competitive bid laws is not required.
12. All city employees and duly authorized agents are authorized to enter private property for the purpose of abating the nuisance.
13. After the abatement, city official shall give an itemized written report to the city governing body regarding the cost of abating the nuisance.
14. The cost shall be the actual cost the city incurs, including administrative costs.
15. If the city contracts the abatement, the cost shall be the actual costs the contractor charges, including administrative costs the city incurs.
16. Upon report of the costs, the governing body shall adopt a resolution confirming the costs of the reports.
17. The city clerk shall give at least 10 days' notice of the meeting at which the council will be setting the cost by first-class mail to all entities having an interest in the property whose address is determined from the revenue commissioner's records.
18. The confirmed cost of abatement shall be turned over to the Revenue Commissioner of Marion or Fayette, as determined by physical location of the property.
19. The county revenue commissioner shall retain 10 percent of the amount of each weed lien collected and remit the remainder to the City of Winfield.

Nuisance Abatement Ordinance  
Procedures

"appropriate city official" that city official or employee designated by the mayor to exercise the authority and perform the duties addressed in ordinance.

Demolition of Unsafe Structures

*(shall not apply to any farm or agricultural building or structure)*

1. If official shall find that any building, structure, part of a building or structure, party wall, or foundation is unsafe to the extent that it is a public nuisance, the official shall report (in writing with visual evidence) the findings to the council.
2. Upon receiving report, Council will determine if the building, structure, part of a building or structure, party wall, or foundation constitutes a public nuisance and adopt resolution so finding.
3. After passage of resolution, official shall give the owner as last assessed for state taxes on the property (by certified or registered mail) to the address on file in the tax office.
4. The notice will advise owner to remedy the unsafe or dangerous condition of the building or structure, or to demolish the building within a reasonable time set out in the notice, which time shall not be less than 30 days (official may grant an extension of time is necessary).
5. The notice shall also state that if the public nuisance is not abated the building or structure shall be demolished by the City of Winfield and the cost thereof assessed against the property.
6. The City of Winfield shall place a sign within 15 feet of the entrance of the building or structure, stating that the City has declared the building or structure to be a public nuisance (If there is no entrance in which to place the sign or placard, the sign or placard may be posted at any location upon the building or structure).
7. Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body

8. The filing of the request shall hold in abeyance any action on the finding of the governing body until a determination thereon is made by the governing body.
9. The hearing shall be held not less than five nor more than 30 days after the request. In the event that no hearing is timely requested, the governing body shall order the building or structure to be demolished.
10. Any person aggrieved by the decision of the governing body at the hearing may, within 10 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of appeal and bond for security of costs in the form and amount to be approved by the circuit clerk.
11. Upon receiving the notice of an appeal, the City Clerk shall file with the clerk of the court a copy of the findings and determination of the City in the hearing proceedings.
12. Any appeal shall be a trial held without jury and based solely upon the determination of the governing body that the building or structure is unsafe to the extent that it is a public nuisance.
13. If no hearing is timely requested, the governing body shall order the building or structure to be demolished.
14. The demolition may be by city employees or by contract with a private company.
15. All city employees and duly authorized agents are authorized to enter private property for the purpose of abating the nuisance.
16. Compliance with the competitive bid laws is not required.
17. The City may sell or otherwise dispose of salvaged materials resulting from the demolition. If sold, such amounts will be deducted from the actual cost of said demolition.
18. Upon demolition the official shall make an itemized written report to the city council of the cost thereof. The cost of the demolition shall be the actual cost the City incurs.
19. Upon report of the costs, the council shall adopt a resolution fixing the costs incurred said demolition and assessing the same against the property.
20. The proceeds of any moneys received from the use of salvaged materials from the building or structure shall be used or

applied against the cost of the demolition.

21. The owner or anyone having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof.
22. The City Clerk shall give at least 10 days notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax office records on the property.
23. The finding of costs by the council shall constitute a special assessment against the lot or lots or parcel or parcels of land upon which the building or structure was located.
24. A certified copy of the resolution shall be filed in the office of the Judge of Probate of Marion or Fayette, as determined by physical location of the property.
25. Upon filing, the revenue commissioner of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the governing body.
26. The county revenue commissioner shall retain 10 percent of the amount of each lien collected to be used for operational purposes.

**Nuisance Abatement Ordinance**  
**Procedures**

*"appropriate city official" that city official or employee designated by the mayor to exercise the authority and perform the duties addressed in ordinance.*

**Inoperable Vehicles**

**(shall not apply to a place of business that has a business license as a salvage yard or junkyard or as a mechanic shop, body shop, or other automobile shop)**

1. Official shall report (in writing with visual evidence) to the council whenever inoperable motor vehicles which constitute a nuisance are located upon any private property and are visible from a public highway, road, or street.
2. Upon receiving a report, council to determine if such constitutes a public nuisance and by resolution declare the same to be a public nuisance and order its abatement.
3. After passing the resolution, official shall send notice of the action to the person or entity last assessed for state taxes on the property where the inoperable motor vehicle is located (and to the owner of the vehicle if ascertainable) by certified or registered mail to the address in the tax office.
4. Notice will advise owner to remove, screen from public view, or relocate the inoperable motor vehicle within 14 days said will be removed by the City and the cost assessed against the property.
5. The City shall also place a sign on the property indicating that the governing body has found the inoperable motor vehicle to be a public nuisance.
6. If not abated by owner within 14 days after the resolution, the official shall order the nuisance to be abated.
7. The abatement may be by city employees or private contractor.
8. Compliance with the competitive bid laws is not required.
9. All city employees and duly authorized agents are authorized to enter private property for the purpose of abating the nuisance.
10. After abatement, the official shall give an itemized written report to the council regarding the cost of abating the



nuisance.

11. The cost of abatement will be the actual cost incurred by the City.
12. Upon report of the costs, the council shall adopt a resolution confirming the costs.
13. Any person, or entity having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof.
14. The City Clerk shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by the council.
15. Notice shall be first-class mail to all entities having an interest in the property whose address and interest is determined from the tax office records on the property.
16. The confirmed cost of abatement shall hereinafter be referred to as an inoperable motor vehicle lien and thus made and confirmed shall constitute a lien on the property for the amount of the lien.
17. After confirmation of the cost, a copy of the City's action shall be turned over to the Revenue Commissioner of Marion or Fayette, as determined by physical location of the property